

IMPORTANT

1. The Guidelines come into operation in October 2018. Subject to any subsequent revisions, they apply to all ordinary elections and by-elections of the Rural Representative conducted under the Rural Representative Election Ordinance (Cap. 576) to be held after publication.
2. The law stated in the Guidelines is that prevailing as at the date of publication.
3. All specified forms referred to in the Guidelines are obtainable from the Home Affairs Department, 30/F, Southorn Centre, 130 Hennessy Road, Wan Chai, Hong Kong (tel: 2152 1521; fax: 2591 6392; e-mail: rre@had.gov.hk) and its website at <http://www.had.gov.hk/rre>.
4. Electioneering, campaigning and canvassing activities referred to in the 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.
5. In the event that future amendments to the Guidelines are necessary, the updated Guidelines will be made available at the website of the Electoral Affairs Commission at <http://www.eac.gov.hk>.

ABBREVIATIONS

ARO, AROs	Assistant Returning Officer, Assistant Returning Officers
BO	Buildings Ordinance (Cap. 123)
Cap	Chapter of the Laws of Hong Kong
CAS	Civil Aid Service
CE	Chief Executive
CEEEO	Chief Executive Election Ordinance (Cap. 569)
CEO	Chief Electoral Officer
CFA	Court of Final Appeal
CFI	Court of First Instance
CIV, CIVs	Composite Indigenous Village, Composite Indigenous Villages
CSD	Correctional Services Department
CCS	Commissioner of Correctional Services
DC	District Council
DCO	District Councils Ordinance (Cap. 547)
DHA	Director of Home Affairs
DLO	District Lands Office
DO, DOs	District Office
EA, EAs	Election Advertisement, Election Advertisements
EAC	Electoral Affairs Commission

EAC (ROE) (RRE) Reg	Electoral Affairs Commission (Registration of Electors) (Rural Representative Election) Regulation (Cap. 541K)
EACO	Electoral Affairs Commission Ordinance (Cap. 541)
EC	Election Committee
ECICO	Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554)
election	ordinary election or by-election as appropriate
EP (RRE) Reg	Electoral Procedure (Rural Representative Election) Regulation (Cap. 541L)
ERO	Electoral Registration Officer
EV, EVs	Existing Village, Existing Villages
FR	final register
HAD	Home Affairs Department
HKID	Hong Kong Permanent Identity card
HKSAR	Hong Kong Special Administrative Region
ICAC	Independent Commission Against Corruption
IIR, IIRs	Indigenous Inhabitant Representative, Indigenous Inhabitant Representatives
IV, IVs	Indigenous Village, Indigenous Villages
KFR, KFRs	Kaifong Representative, Kaifong Representatives
LCO	Legislative Council Ordinance (Cap. 542)
LegCo	Legislative Council
MAC, MACs	Mutual Aid Committee, Mutual Aid Committees

MT, MTs	Market Town, Market Towns
NCO	Noise Control Ordinance (Cap. 400)
NCZ, NCZs	No Canvassing Zone, No Canvassing Zones
NSZ	No Staying Zone
OMR	Optical Mark Recognition
para., paras.	paragraph, paragraphs
PCPD	Office of the Privacy Commissioner for Personal Data, Hong Kong
PD(P)O	Personal Data (Privacy) Ordinance (Cap. 486)
PHMSO	Public Health and Municipal Services Ordinance (Cap. 132)
PICS	Personal Information Collection Statement
POBO	Prevention of Bribery Ordinance (Cap. 201)
POO	Public Order Ordinance (Cap. 245)
PR	provisional register
PRO, PROs	Presiding Officer, Presiding Officers
ReR, ReRs	Resident Representative, Resident Representatives
REO	Registration and Electoral Office
RO, ROs	Returning Officer, Returning Officers
RR, RRs	Rural Representative, Rural Representatives
RREO	Rural Representative Election Ordinance (Cap. 576)
RTO	Road Traffic Ordinance (Cap. 374)

S, s, Ss, ss	Section, sections
SHA	Secretary for Home Affairs
SMS	Short Message Service
SOO	Summary Offences Ordinance (Cap. 228)
TD	Transport Department

CONTENTS

	<u>Page</u>
PROLOGUE	1
CHAPTER 1 INTRODUCTION	3
Part I : The Rural Representative Election	3
Part II : The Guidelines	8
Part III : Sanction	10
CHAPTER 2 REGISTRATION OF ELECTORS AND VOTING SYSTEM	11
Part I : Registration of Electors	11
Part II : The Voting System	25
CHAPTER 3 NOMINATION OF CANDIDATES	30
Part I : Eligibility and Disqualification for Nomination	30
Part II : When and How to Nominate	34
Part III : Validity of Nomination Papers	39
Part IV : Withdrawal of Candidature	41
Part V : Notice of Valid Nominations	42
Part VI : Candidates' Briefing and Introduction to Candidates	42
CHAPTER 4 POLLING AND COUNTING ARRANGEMENTS	45
Part I : Before the Poll	45
Part II : Outside the Polling Station	47
Part III : Polling Hours	49
Part IV : Admission to the Polling Station	50
Part V : Conduct inside the Polling Station	54
Part VI : Close of Poll	66
Part VII : Sorting of Ballot Papers	67
Part VIII : The Count	71
Part IX : Declaration of Result	78

Part X	:	Disposal of Documents	78
CHAPTER 5		ELECTION PETITIONS	79
Part I	:	Grounds for Lodging an Election Petition	79
Part II	:	Who could, and When to, Lodge Election Petitions	80
CHAPTER 6		APPOINTMENT AND ROLES OF ELECTION AGENT, ELECTION EXPENSE AGENTS, POLLING AGENTS AND COUNTING AGENTS	82
Part I	:	General	82
Part II	:	Types and Numbers of Agents	82
Part III	:	Qualifications of Agents	83
Part IV	:	Civil Servants Acting as Agents	83
Part V	:	Election Agent	84
Part VI	:	Election Expense Agents	89
Part VII	:	Polling Agents	92
Part VIII	:	Counting Agents	105
CHAPTER 7		ELECTION ADVERTISEMENTS	110
Part I	:	What Constitutes an Election Advertisement	110
Part II	:	Period and Area of Display	117
Part III	:	Allocation of Designated Spots	122
Part IV	:	Conditions and Limitations on Display	126
Part V	:	Application for Temporary Occupation of Government Land at Public Place for Holding Electioneering Activities	129
Part VI	:	Requirements Relating to Publication of Election Advertisements	130
Part VII	:	Requirements Relating to Printed Election Materials	134
Part VIII	:	Non-Compliance and Consequences	135
Part IX	:	Advertisements of Political, Professional/Trade Bodies or other Organisations	137

Part X	:	Posting Election Advertisements	139
Part XI	:	Election Advertisements for Registered Electors in the Custody of CSD and Other Law Enforcement Agencies	139
CHAPTER 8		ELECTIONEERING ACTIVITIES AT PREMISES OR BUILDINGS WHERE ELECTORS RESIDE, WORK OR FREQUENT	141
Part I	:	General	141
Part II	:	Rights of Tenants and Owners	142
Part III	:	Guidelines to be Observed by Candidates in the Conduct of Electioneering Activities	144
Part IV	:	Guidelines to be Observed by Owners, Management and Organisations for Handling Applications for Conduct of Electioneering Activities on the Premises Within their Jurisdiction	150
Part V	:	Conduct of Electioneering Activities in Premises Under the Management of Housing Department and Hong Kong Housing Society	156
Part VI	:	Sanction	157
CHAPTER 9		ELECTION MEETINGS	158
Part I	:	General	158
Part II	:	Election Meetings in Public Places	160
Part III	:	Election Meetings at Private Premises	166
Part IV	:	Electioneering Exhibitions	166
Part V	:	Fund raising Activities at Election Meetings	167
CHAPTER 10		ELECTION BROADCASTING, MEDIA REPORTING AND ELECTION FORUMS	168
Part I	:	General	168
Part II	:	Electioneering on Television and Radio	168
Part III	:	Advertising Through the Print Media	174
Part IV	:	Election Forums	176
Part V	:	Sanction	177

CHAPTER 11	USE OF SOUND AMPLIFYING DEVICE AND VEHICLES	179
Part I	: General	179
Part II	: Use of Loudspeakers and Vehicles	179
Part III	: Sanction	183
CHAPTER 12	ELECTIONEERING ACTIVITIES CONDUCTED IN SCHOOLS OR PARTICIPATED BY SCHOOL PUPILS	184
Part I	: General	184
Part II	: Schools Pupils	184
Part III	: Electioneering Activities in Schools	186
Part IV	: Sanction	187
CHAPTER 13	PROHIBITION AGAINST CANVASSING ACTIVITIES OUTSIDE POLLING STATIONS	188
Part I	: General	188
Part II	: Determination of No Canvassing Zone and No Staying Zone	188
Part III	: Conduct inside the No Canvassing Zone and No Staying Zone	190
Part IV	: Penalty	193
CHAPTER 14	EXIT POLL	194
Part I	: General	194
Part II	: Secrecy of the Vote	194
Part III	: Conduct of Exit Polls	195
Part IV	: Identification of Interviewers	198
Part V	: Sanction	198
CHAPTER 15	ELECTION EXPENSES AND ELECTION DONATIONS	199
Part I	: What Constitutes Election Expenses	199
Part II	: Who may Incur Election Expenses and Their	202

	Limit	
Part III	: Election Donations	204
Part IV	: Return and Declaration of Election Expenses and Election Donations	207
Part V	: Advance Return of Election Donations	212
Part VI	: Enforcement and Penalty	213
CHAPTER 16	CORRUPT AND ILLEGAL CONDUCT	216
Part I	: General	216
Part II	: Corrupt Conduct relating to Nomination and Withdrawal of Candidature	217
Part III	: Illegal Conduct relating to Electioneering	218
Part IV	: Corrupt Conduct relating to Electioneering and Voting	221
Part V	: Corrupt and Illegal Conduct relating to Election Expenses and Election Donations	224
Part VI	: Power of Court to Excuse Innocent Acts	224
Part VII	: Non-Compliance with the Law and Sanction	225
CHAPTER 17	NAMEDROPPING	228
CHAPTER 18	PARTICIPATION IN ELECTION-RELATED ACTIVITIES BY CIVIL SERVANTS AND OFFICIALS UNDER THE POLITICAL APPOINTMENT SYSTEM AND ATTENDANCE OF PUBLIC FUNCTIONS BY BOTH CIVIL SERVANTS AND CANDIDATES	235
Part I	: General	235
Part II	: Participation in the Rural Representative Election by Civil Servants	235
Part III	: Attendance of Public Functions by Civil Servants	237
Part IV	: Attendance of Public Functions by Candidates	238
Part V	: Officials under the Political Appointment System	239

CHAPTER 19	COMPLAINTS PROCEDURE	240
Part I	: General	240
Part II	: To Whom a Complaint may be Made	240
Part III	: Time and Procedure for Making Complaint	241
Part IV	: Complaints inside a Polling Station	242
Part V	: The Processing of Complaints	243
Part VI	: Electoral Affairs Commission's Report on Complaints	245
Part VII	: Obligations of the Director of Home Affairs, the Returning Officers, the Presiding Officers and the Chief Electoral Officer	246
Part VIII	: Sanction for False Complaint	246

APPENDICES

Appendix A	:	Rural Representative Election Action Checklist for Candidates	249
Appendix B	:	A List of Existing Village, Indigenous Village, Composite Indigenous Village and Market Town	265
Appendix C	:	Submission Method, Formats and Standard on Posting Electronic Copy of Election Advertisement and Relevant Information/ Documents onto an Open Platform for Public Inspection (with Annexes I and II on the Guidelines and Basic Layout Design Requirements for Candidate's Platform)	324
Appendix D	:	Canvassing Activities which are Forbidden within a No Canvassing Zone	332
Appendix E	:	Conduct of Electioneering Activities and Election Meetings in Premises under the Management of the Housing Department and the Hong Kong Housing Society	334
Appendix F	:	Guidance on Election Activities for Candidates, Government Departments, Public Opinion Research Organisations and Members of the Public	335
Appendix G	:	Complaint Cases provided by Office of the Privacy Commissioner for Personal Data ("PCPD")	358
Appendix H	:	Guidance Note on Safe Conduct of Election-related Activities	360
Appendix I	:	Application for a Permit under S4(17) of Summary Offences Ordinance, Cap. 228 for Non-Charitable Purposes	362

Appendix J	:	Observations made by the Court in an Election Petition relating to a Television Programme on 2010 Legislative Council By-election	371
Appendix K	:	Fair and Equal Treatment of Candidates by the Print Media	372
Appendix L	:	Application Procedure for the Approval of Float Design	373
Appendix M	:	Observations made by the Court of Final Appeal in a case touching upon Election Expenses (FACV No. 2 of 2012)	375
Appendix N	:	Items of Expenses which may be counted towards Election Expenses	376
Appendix O	:	Collection of Election Donations	380
Appendix P	:	Guidelines for Mutual Aid Committees Participating in Electioneering Activities	381
Appendix Q	:	Guidelines for Candidates on Sending Election Advertisements to Registered Electors in the Custody of the Correctional Services Department	382
INDEX			385

PROLOGUE

1. Under the Rural Representative Election Ordinance (Cap. 576) (“RREO”), election of Rural Representative (“RR”) is provided for designated Rural Areas. There are 4 types of Rural Areas, namely, the (1) Existing Village (“EV”); (2) Indigenous Village (“IV”); (3) Composite Indigenous Village (“CIV”) (i.e. composed of two or more IVs); and (4) Market Town (“MT”) in Cheung Chau and Peng Chau. RR can be a Resident Representative (“ReR”) for EV, an Indigenous Inhabitant Representative (“IIR”) for IV/CIV and a Kaifong Representative (“KFR”) for MT. *[Added in October 2018]*

2. Eligibility for registration as an elector for various types of Rural Area is different. For an IV and CIV, an eligible person should be an indigenous inhabitant of the IV/CIV (i.e. male line descendant (male or female) of a person who was a resident of an IV existed in 1898 or a branched off IV existed in 1898) or a spouse or surviving spouse of the indigenous inhabitant, an adult of 18 years old or above and a holder of an identity document. Whether the person is a permanent resident in Hong Kong or a resident of the IV/CIV does not affect his/her eligibility to be registered as an elector for the IV/CIV. *[Added in October 2018]*

3. As for an EV, an eligible person must be a resident of the EV and has been a resident therein for the 3 years immediately before the date of application for registration, being an adult and a permanent resident in Hong Kong. In the case of a MT, the eligibility of an elector is similar to that of the EV. To be a resident of the EV/MT means that the person’s principal residential address (i.e. the address of the dwelling place constituting the person’s sole or main home) must be within the boundary of the concerned EV/MT. *[Added in October 2018]*

4. If a registered elector for EV/MT no longer resides in the Village/MT for which he/she is registered, or his/her residential address in the Village/MT is no longer his/her sole or main home, he/she is no longer eligible to remain registered as an elector. Even though his/her name is still on the Final Register (“FR”), the person concerned will commit an offence if he/she votes at the election. In order to maintain the accuracy of the FRs, the electors should report to the Home Affairs Department (“HAD”) any change of their principal residential address as soon as practicable, especially for moving out of the registered EV/MT in pursuance of their civic responsibilities. *[Added in October 2018]*

5. As for eligibility for nomination, it also varies according to different types of Rural Area. For an IV and CIV, an eligible person should be an indigenous inhabitant of the IV/CIV and a registered elector for that Village. Besides, the person must be a permanent resident in Hong Kong who is 21 years old or above and ordinarily residing in Hong Kong in order to be qualified for nomination. *[Added in October 2018]*

6. As for an EV, a person who is qualified for nomination must be a resident of the EV, a registered elector of that Village and has been a resident therein for the 6 years immediately preceding the nomination. Besides, the person must be a permanent resident in Hong Kong who is 21 years old or above. In the case of a MT, the eligibility for nomination as a candidate is similar to that of the EV, including being a resident in that MT for the 6 years immediately preceding the nomination. *[Added in October 2018]*

CHAPTER 1

INTRODUCTION

PART I : THE RURAL REPRESENTATIVE ELECTION

1.1 The RREO brings the conduct of RR elections under statutory control, the scope of which covers the IIR elections for IVs or CIVs, the ReR elections for EVs and the KFR elections for MTs. *[Added in October 2018]*

1.2 The IIR's primary functions are to deal with all affairs relating to the lawful traditional rights and interests, and the traditional way of life, of the indigenous inhabitants of the Village; and to reflect views on the affairs of the Village on behalf of the indigenous inhabitants of the Village. As for the ReR and KFR, their function is to reflect views on the affairs of the EV/MT on behalf of the residents of the EV/MT. *[Added in October 2018]*

1.3 The term of office of an elected RR is 4 years beginning on 1 April following each ordinary election in which the RR was elected [s 7 of the RREO]. A rural ordinary election for a Rural Area shall be held in each subsequent fourth year after the first election held to elect a person as a RR for the Rural Area in the year in which the office of RR is established¹, and on a date specified by the Secretary for Home Affairs ("SHA") [s 20 of the RREO]. A rural by-election shall be held to fill any vacancy in the office of a RR. However, no by-election is to be held within the 4 months preceding the end of the current term of office of the RR [s 21(3) of the RREO]. *[Added in October 2018]*

¹ The first ordinary election for the EVs, IVs and CIVs was held in 2003 while for the MTs, it was held in 2015.

1.4 For a rural ordinary election, a notice of election will be published in the Gazette by the Director of Home Affairs (“DHA”) as soon as practicable after the publication in the Gazette of the date of election specified by the SHA. The Gazette notice of the date of a rural by-election will be published by the DHA. *[Amended in October 2010 and October 2014]*

Types and Numbers of Rural Areas and Rural Representatives

1.5 There are altogether 4 types of Rural Areas:

- (a) **EV** - EVs are identified in Schedule 1 to the RREO and can be identified by boundary maps. Their boundaries are shown in the maps corresponding to their names in that Schedule. There are 695 of them and are different from IVs (see below). Out of these 695 EVs, 106 are not IVs or CIVs.
- (b) **IV** - IVs are identified in Schedule 2 to the RREO. IVs (i.e. an IV existed in 1898 or a branched off IV existed in 1898) are not identified by boundaries. There are 588 of them and among these, 574 are also EVs whereas the other 14 are not EVs.
- (c) **CIV** - CIVs are identified in Schedule 3 to the RREO and there are 15 of them. They are called CIVs because each is composed of more than 1 Village. The 15 CIVs are composed of altogether 32 IVs. Incidentally, the existing 15 CIVs are also EVs.
- (d) **MT** - MTs are identified in Schedule 3A to the RREO and their boundaries are shown in the maps corresponding to their names in that Schedule. There are 2 MTs, namely Cheung Chau and Peng Chau. *[Added in October 2014]*

Many IVs have the same names as those of the EVs, but they belong to different types of Villages under the law.

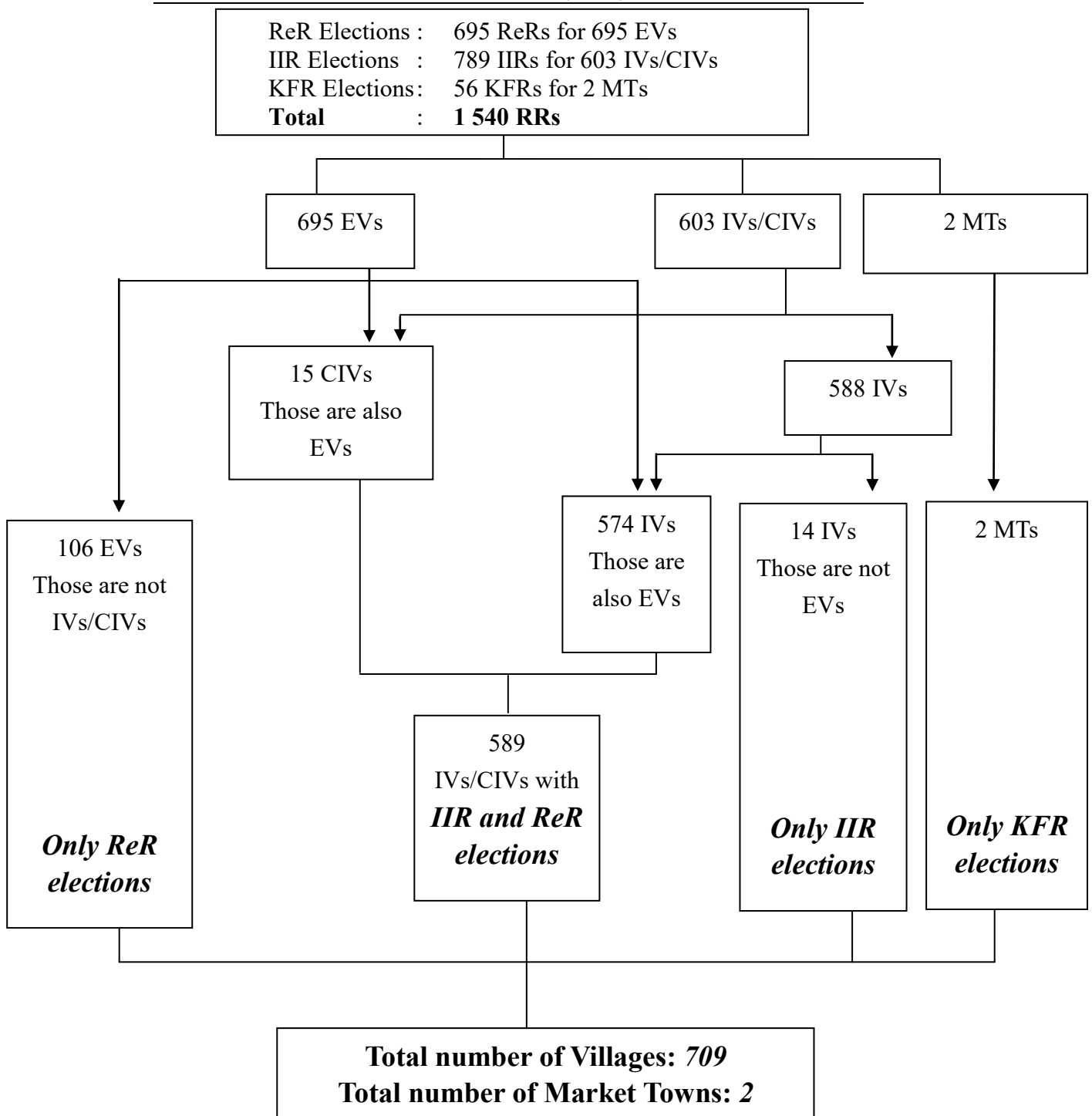
(The Rural Areas in (a), (b) and (c) are also called “Villages”) *[Amended in October 2014 and October 2018]*

1.6 Altogether, there are 709 Villages, comprising 589 EVs that are also IVs/CIVs, 106 EVs that are not IVs/CIVs, 14 IVs that are not EVs as well as 2 MTs. A total of 1 540 RRs will be returned in a rural ordinary election (695 ReRs in respect of EVs, 789 IIRs in respect of IVs/CIVs and 56 KFRs in respect of MTs). *[Amended in October 2014 and October 2018]*

1.7 According to the RREO, most IVs or CIVs elect 1 IIR but a number of IVs elect more than 1 IIR or up to 5 IIRs for an IV depending on the number of IIRs of the respective Villages. On the other hand, only 1 ReR is to be returned for each EV. For Cheung Chau and Peng Chau MTs, each elector may elect up to 39 and 17 KFRs respectively. *[Amended in October 2014 and October 2018]*

1.8 Apart from being entitled to elect the IIR of his/her IV or CIV, if he/she also satisfies the residence requirement of a ReR elector in an EV or a KFR elector in a MT, each indigenous inhabitant is also entitled to elect 1 ReR or KFR of his/her respective EV or MT. In such a case, he/she can vote in 2 elections. A resident of a Village who is not an indigenous inhabitant but who satisfies the residence requirement of a ReR elector is entitled to elect 1 ReR, but he/she has no right to elect the IIR. The following diagram shows the numbers and types of Rural Areas and RRs as defined in the RREO. *[Amended in October 2014]*

**Existing Villages (EVs), Indigenous Villages (IVs),
Composite Indigenous Villages (CIVs) and
Market Towns (MTs)**



*This chart is prepared for illustrative purposes only. For definition of the terms, please refer to the RREO. A list of EVs, IVs, CIVs and MTs is at **Appendix B**.*

[Amended in October 2006, December 2009 and October 2014]

Governing Legislation

1.9 The RR elections are governed by the provisions in 3 different pieces of legislation, namely the RREO, the Electoral Affairs Commission Ordinance (Cap. 541) (“EACO”) and the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) (“ECICO”). *[Added in October 2018]*

1.10 The RREO provides the legal basis for the conduct of the election such as the classification of Rural Areas, composition and functions of RRs, the procedures for election of persons to be RRs and other related matters. *[Added in October 2018]*

1.11 The EACO empowers the Electoral Affairs Commission (“EAC”) to perform its various functions in supervising the conduct of the RR elections, and matters incidental thereto. *[Added in October 2018]*

1.12 The ECICO prohibits election-related corrupt and illegal conduct and is administered by the Independent Commission Against Corruption (“ICAC”). *[Added in October 2018]*

1.13 These ordinances are complemented by 5 pieces of subsidiary legislation, which provide the detailed procedures for the conduct of the RR elections. *[Added in October 2018]*

1.14 The Electoral Affairs Commission (Registration of Electors) (Rural Representative Election) Regulation (Cap. 541K) (“EAC (ROE) (RRE) Reg”) sets out the procedures for registration of eligible persons as electors for the elections held under the RREO. *[Added in October 2018]*

1.15 The Electoral Procedure (Rural Representative Election) Regulation (Cap. 541L) (“EP (RRE) Reg”) provides detailed procedures governing the conduct of the RR elections. *[Added in October 2018]*

1.16 The Maximum Amount of Election Expenses (Rural Representative Election) Regulation (Cap. 554B) sets out the maximum amount of election expenses that can be incurred by or on behalf of a candidate at a RR election. *[Added in October 2018]*

1.17 The Rural Representative Election (Registration of Electors) (Appeals) Regulation (Cap. 576A) sets out the procedures for hearing and ruling by Revising Officers² concerning the registration of electors for the RR elections. *[Added in October 2018]*

1.18 The Rural Representative (Election Petition) Rules (Cap. 576B) sets out the procedures for lodgement of election petitions against the result of a RR election to the High Court. *[Added in October 2018]*

PART II : THE GUIDELINES

1.19 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) the 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 (“EAs”) or other publicity material; and

² The Revising Officer is a magistrate appointed by the Chief Justice [s 53(1) of the RREO].

- (e) the procedure for making a complaint.

1.20 The aim of this set of Guidelines is twofold: with regard to matters governed by relevant electoral legislation, the Guidelines provide candidates and their electioneering teams with guidance in layman's terms on compliance with the electoral legislation; they also lay down a code of conduct based on the principle of fairness and equality, and provide standard good practices regarding election-related activities not covered by electoral legislation, such as media report and conduct of electioneering activities in buildings, etc. The Guidelines are also issued for reference by members of the public, to enable them to give play to the role of monitoring the elections and ensure that the elections are conducted in an open, fair and honest manner. *[Amended in October 2012 and October 2018]*

1.21 This set of Guidelines applies to the rural ordinary election and by-election. It explains the various electoral arrangements made for the RR 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 is set out in **Appendix A**. *[Amended in October 2014]*

1.22 In the context of this set of Guidelines, the term "election" means ordinary election or by-election, as appropriate.

PART III : SANCTION

1.23 Electors, candidates and their agents, government officials engaged in election-related duties, and other persons involved in election-related activities should read, familiarise themselves with and strictly observe the Guidelines. *[Amended in October 2018]*

1.24 The EAC is committed to ensuring that all elections are conducted openly, fairly and honestly. 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) to allow full disclosure of the relevant facts to the public. If the candidate, the person or person concerned committed any offences under the electoral legislation, he/she will also bear criminal liability responsibility. *[Amended in October 2018]*

CHAPTER 2

REGISTRATION OF ELECTORS AND VOTING SYSTEM

PART I : REGISTRATION OF ELECTORS

Eligibility to Vote

2.1 For the RR election, only a registered elector is eligible to vote. A registered elector is a person whose name appears on the existing FR that is in effect for the Rural Area as compiled and published by the Electoral Registration Officer (“ERO”) appointed by the SHA under the RREO. An elector may only vote at an election for the Rural Area for which he/she is registered. [S 13(1) of the RREO] *[Amended in October 2014]*

Qualifications for Registration as an Elector

2.2 To qualify for registration as an elector for a Rural Area under the RREO, a person has to satisfy the following requirements:

- (a) he/she has already registered as an elector for the Rural Area in the existing FR for the Rural Area that is in effect; or
- (b) he/she applies in accordance with the RREO or the EAC (ROE) (RRE) Reg to be registered as an elector for the Rural Area and is entitled to be so registered.

Qualifications for registration as an elector for various types of Rural Area are different. [S 15(1) of the RREO] *[Amended in October 2014 and October 2018]*

Existing Village

2.3 A resident of an EV is eligible to be registered as an elector for an EV if he/she is:

- (a) a resident³ of the Village and has been a resident therein for the 3 years immediately before the date of application for registration. In the case of a prisoner, for the purpose of this residence requirement, a term of imprisonment does not normally break the period of residence provided the person has met the above residence requirement immediately before serving the sentence and has been maintaining his/her principal residential address in that Village throughout the period of imprisonment;
- (b) aged 18 years or above as at 20 October in the year of publication of the FR; and
- (c) a Hong Kong permanent resident.

[S 15(4) of the RREO] *[Amended in December 2009, March 2013, October 2014 and October 2018]*

2.4 Electors for EVs are required to observe the residence requirement for registration. In addition to the 3-year residence requirement, the electors must keep residing in the EV so registered. If a registered elector for EVs (ReR elections) no longer resides in the Village for which he/she is registered, or his/her residential address in the Village is no longer his/her sole or main home, he/she is no longer eligible to remain registered as an elector. Even though his/her name is still on the FRs, the person concerned will commit an offence if he/she votes at the election. Voting right in an election is restricted to eligible elector having continued residence within the same

³ To be a resident of the EV/MT means that the person's principal residential address (i.e. the address of the dwelling place constituting the person's sole or main home) must be within the boundary of the concerned EV/MT.

registered Village. If the elector has moved to another residential address in the same EV, his/her eligibility to vote will still be valid. If the elector has moved to reside in another EV, his/her eligibility to vote for the original EV will be invalid. In order to be eligible to vote, he/she has to apply for change of principal residential address timely and should submit address proof to confirm that he/she has been a resident of that EV for at least 3 years immediately before making the application. *[Added in October 2018]*

2.5 As the qualifications for registration as an elector and the voting right for the EVs (ReR elections) and IVs/CIVs (IIR elections) are different, a registered elector of an IV must meet the residence requirement for an EV in order to be eligible to vote at an election for the EV. *[Added in October 2018]*

2.6 The ERO will from time to time conduct random checking to verify the eligibility of a registered elector for an EV. Electors may be requested to provide documentary evidence to prove that he/she still meets the residence requirement. *[Added in October 2018]*

Indigenous Village / Composite Indigenous Village

2.7 A person is eligible to be registered as an elector for an IV or a CIV if he/she:

- (a) is an indigenous inhabitant⁴ of the Village, or a spouse or a surviving spouse of an indigenous inhabitant of the Village;
- (b) is aged 18 years or above as at 20 October in the year of publication of the FR;
- (c) at the time of applying to be registered, satisfies the ERO that he/she:
 - (i) holds an identity document; or
 - (ii) has:
 - (A) applied for a new identity card; or
 - (B) requested the alteration of the identity card or the issue of a new identity card,
 in replacement of the identity card previously issued to him/her; and
- (d) at the time of applying to be registered:
 - (i) if the identity document held by, or previously issued to, him/her is an identity card, informs the ERO of the identifying number of the identity card; or
 - (ii) if the identity document held by him/her is not an identity card, provides the ERO a copy of the identity document.

⁴ According to s 2 of the RREO (Cap. 576), "indigenous inhabitant" means-

- (a) in relation to an Indigenous Village that existed in 1898 (whether or not the name the Village now has is the same name it had in 1898), means-
 - (i) a person who was in 1898 a resident of the Village; or
 - (ii) a person who is descended through the male line from a person mentioned in subparagraph (i);
- (b) in relation to an Indigenous Village that branched off from an Indigenous Village that existed in 1898 (whether or not the name the Village now has is the same name it had in 1898), means-
 - (i) a person-
 - (A) who was at the time of the branching off a resident of the first-mentioned Indigenous Village; and
 - (B) who was an indigenous inhabitant of the second-mentioned Indigenous Village; or
 - (ii) a person who is descended through the male line from a person mentioned in subparagraph (i);
- (c) in relation to a Composite Indigenous Village, means-
 - (i) a person who was in 1898 a resident of any of the villages of which the Village is composed; or
 - (ii) a person who is descended through the male line from a person mentioned in subparagraph (i).

Whether the person is a permanent resident in Hong Kong or a resident of an EV with the same name as that of the IV does not affect his/her eligibility to be registered as an elector for an IV.

[S 15(5) of the RREO] [*Amended in October 2010, October 2014 and October 2018*]

Market Town

2.8 A resident of a MT is eligible to be registered as an elector for a MT if he/she is:

- (a) a resident of the MT and has been a resident therein for the 3 years immediately before the date of application for registration. In the case of a prisoner, for the purpose of this residence requirement, a term of imprisonment does not normally break the period of residence provided the person has met the above residence requirement immediately before serving the sentence and has been maintaining his/her principal residential address in that MT throughout the period of imprisonment;
- (b) aged 18 years or above as at 20 October in the year of publication of the FR; and
- (c) a Hong Kong permanent resident.

[S 15(5A) of the RREO] [*Added in October 2014*]

2.9 Electors for MTs are also bound by the residence requirement. As in the case of electors for EVs, if a registered elector for MTs (KFR election) no longer resides in the MT for which he/she is registered, or his/her residential address in the MT is no longer his/her sole or main home, he/she is no longer eligible to remain registered as an elector. Even though his/her

name is still on the FR, the person concerned will commit an offence if he/she votes at the election. Voting right in an election is restricted to eligible elector having continued residence within the same registered MT. If the elector has moved to another residential address in the same MT, his/her eligibility to vote will still be valid. If the elector has moved to reside in another MT, his/her eligibility to vote for the original MT will be invalid. In order to be eligible to vote, he/she has to apply for change of principal residential address timely and should submit address proof to confirm that he/she has been a resident of that MT for at least 3 years immediately before making the application. *[Added in October 2018]*

2.10 The ERO will from time to time conduct random checking to verify the eligibility of a registered elector for a MT. Electors may be requested to provide documentary evidence to prove that he/she still meets the residence requirement. *[Added in October 2018]*

2.11 A person who would be eligible to be registered as an elector for 2 or more EVs may be registered for only one of those Villages of that person's choice. [S 15(6)(a) of the RREO]

2.12 A person who would be eligible to be registered as an elector for 2 MTs may be registered for only one of those MTs of that person's choice. [S 15(6)(b) of the RREO] *[Added in October 2014]*

2.13 A person who would be eligible to be registered as an elector for one or more EVs and one or more MTs may be registered for only one of those EVs or one of those MTs of that person's choice. [S 15(6)(c) of the RREO] *[Added in October 2014]*

2.14 A person who would be eligible to be registered as an elector for 2 or more IVs (including CIVs) may be registered for only one of those Villages of that person's choice. [S 15(7) of the RREO]

2.15 A person may register as an elector for both an IV (or a CIV) and an EV (or a MT), if he/she is so eligible. *[Amended in October 2014]*

2.16 A person is not, by virtue of being registered as an elector in the existing FR for an EV or a MT that is in effect, entitled to have the person's name included as an elector for the Village or the MT in any subsequent provisional register ("PR") for the Village or the MT if the ERO is satisfied on reasonable grounds that the person has not been a resident of the Village or the MT for the 3 years immediately before the compilation of the register. The ERO may omit the person's name from the FR for the Village or the MT. [S 15(3) and (3A) of the RREO] *[Amended in October 2014]*

Disqualifications from Voting

2.17 A person registered as an elector for a Rural Area is disqualified from voting at an election for the Rural Area if he/she:

- (a) has ceased to be eligible to be so registered [see paras. 2.3, 2.7 and 2.8 above] [s 14(a) of the RREO];
- (b) is found to be incapable, by reason of mental incapacity, of managing and administering his/her property and affairs under the Mental Health Ordinance (Cap. 136) [ss 14(e) and 16(d) of the RREO]; or
- (c) is a member of any armed forces [ss 14(f) and 16(e) of the RREO].

[Amended in December 2009 and October 2014]

Application for Registration and Deregistration

2.18 The registration of electors is undertaken in accordance with the provisions of the EAC (ROE) (RRE) Reg. *[Amended in October 2014]*

2.19 A person may send in his/her application for registration as an elector on the specified form to the HAD any time in the year. For application for deregistration, no specified form is required but the written notice must be signed by the elector. However, for inclusion/exclusion of his/her name in the FR to be published not later than 20 October in each year, his/her application form must have been received by the HAD on or before the deadline (i.e. 16 July of the same year) as specified under the EAC (ROE) (RRE) Reg. *[Amended in October 2014 and October 2018]*

2.20 The HAD will process the application forms for registration and notification of deregistration after they have been received. The HAD will send written enquiries to applicants to seek information or proof if the information on their applications/notification is incomplete or incorrect. An applicant who qualifies for registration will be allocated to the relevant Rural Area. Applicants who are not qualified for registration will also be informed of the result by surface mail [s 15(3) of the EAC (ROE) (RRE) Reg]. *[Amended in December 2009, October 2012, October 2014 and October 2018]*

2.21 The particulars of all applicants who are eligible for registration as electors for an IV or a CIV, including their names and addresses (if known), will be entered in the separate division for the IV or the CIV in the IVs and CIVs register. [S 5(1) of the EAC (ROE) (RRE) Reg] *[Amended in October 2018]*

2.22 The particulars of all applicants who are eligible for registration as electors for an EV, including their names and principal residential addresses, will be entered in the separate division for the EV in the EVs register. [S 4(1) of

the EAC (ROE) (RRE) Reg] *[Amended in October 2018]*

2.23 The particulars of all applicants who are eligible for registration as electors for a MT, including their names and principal residential addresses, will be entered in the separate division for the MT in the MTs register. [S 4(1) of the EAC (ROE) (RRE) Reg] *[Amended in October 2014 and October 2018]*

Change of Residential Address and Other Registered Particulars

2.24 It will not be necessary for a registered elector to re-apply for registration every year. However, if a registered elector has changed his/her principal particulars in the FR (i.e. name and principal residential address for electors of EVs and MTs; name for electors of IVs and CIVs), he/she **should notify** the HAD using the specified form as soon as possible. Apart from the above, any registered elector for EV/MT who has ceased to be a permanent resident of Hong Kong or ceased to be ordinarily resided in Hong Kong, should also report to the HAD. An elector who has reported change of particulars will be sent a notice by the HAD showing his/her updated electoral record. *[Amended in December 2009, October 2012, October 2014 and October 2018]*

Existing Village / Market Town

2.25 For inclusion in the FR to be published not later than 20 October in each year, the statutory deadline for registered electors for an EV or a MT to report on change of principal particulars (including name or principal residential address) is 16 June of the same year [s 19A(12) and (13) of the EAC (ROE) (RRE) Reg]. For application for change of principal residential address recorded in the FR for EVs and MTs, **relevant documentary evidence should be provided to prove that the address stated in the application is his/her principal residential address** [s 19A(3) of the EAC (ROE) (RRE) Reg]. The relevant proof required is as follows:

- (i) If the new principal residential address is still within the boundary of the registered EV/MT, the elector should submit address proof issued within the last 3 months or any other period as specified by the HAD/ERO; or
- (ii) If the new principal residential address is in another EV/MT, the elector should submit address proof to confirm that he/she has been a resident of that EV/MT for at least 3 years immediately before making this application.

[Amended in December 2009, October 2012, October 2014 and October 2018]

2.26 **If a registered elector for an EV or a MT** has ceased to be residing in the Village or the MT concerned, has ceased to be a permanent resident of Hong Kong or ceased to be ordinarily resident in Hong Kong, he/she will no longer meet the requirements for registration and his/her name may also be removed from the register of electors for the EV or the MT.

[Amended in October 2014]

Indigenous Village / Composite Indigenous Village

2.27 For inclusion in the FR to be published not later than 20 October in each year, the statutory deadline for application for change of principal particulars (i.e. name) by a registered elector for an IV or a CIV is 16 June of the same year. *[Added in October 2018]*

2.28 For inclusion in the FR to be published not later than 20 October in each year, the statutory deadline for request for change of other particulars (including principal residential address, correspondence address or the IV or CIV to be registered) by a registered elector for an IV or a CIV is 16 July of the same year. *[Added in October 2018]*

2.29 For an indigenous inhabitant who has registered as an elector for his/her IV/CIV, if he/she wishes to apply for change of his/her registration from the Village he/she originates to the IV/CIV of his/her spouse, he/she will be eligible to vote but not eligible to stand for the election in his/her spouse's IV/CIV. Moreover, he/she will also not be eligible to vote or to stand for the election in the IV/CIV he/she originates. *[Added in October 2018]*

The Provisional Register and Omissions List

2.30 The PR for each Rural Area is published under the RREO and is available for public inspection at the HAD headquarters and other places, such as New Territories District Offices ("DOs"), not later than 27 August in each year [s 17(1)(a) of the RREO]. It includes:

- (a) the particulars of those electors whose names appear in the existing register, updated and corrected by the ERO based on reported or available information; and
- (b) the particulars of the eligible new applicants who have applied for registration on or before the registration deadline.

[Amended in December 2009 and October 2014]

2.31 When the PR for each Rural Area is published, the ERO also publishes an omissions list, containing the names and other relevant particulars⁵ of persons who were formerly registered as electors, which were removed from the PR and proposed to be omitted from the next FR, based on the information received by the ERO who was satisfied on reasonable grounds that the concerned persons did not wish to remain registered in the register of electors;

⁵ "Other relevant particulars", according to section s18(8) of the EAC (ROE) (RRE) Reg, means, in relation to compilation of:

- (a) the EVs PR or the MTs PR, the principal residential address; and
- (b) the IVs and CIVs PR, the principal residential address, if it has been furnished to the ERO.

or were no longer eligible to be registered; or were disqualified. [S 17(4) and (5) of the RREO] *[Amended in October 2010 and October 2014]*

2.32 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 omissions list for his/her inspection if the ERO considers it appropriate to do so. The ERO may require persons who want to inspect the PR and omissions list to produce an identity document and complete a form furnished by him/her. [Ss 19(1), (3) and (4), 22(1), (3), (5) and (6) of the EAC (ROE) (RRE) Reg] *[Added in December 2009 and amended in October 2018]*

Appeals - Objections and Claims

2.33 On or before the deadline for lodging objections and claims, members of the public may lodge in person with the ERO a notice of an objection in the specified form as regards any entry in the PR. On or before the same date, an applicant who claims that he/she is entitled to be registered as an elector but his/her name has not been recorded in the PR or has been included in an omissions list or an elector whose particulars have not been correctly recorded in the PR may lodge in person with the ERO a notice of claim in the specified form in respect of the entry or any omission concerning himself/herself. If the principal residential address of the claimant:

- (a) is in Hong Kong, he/she must deliver the notice of claim in person at the ERO's office; or
- (b) is not in Hong Kong, he/she may:
 - (i) deliver the notice of claim in person at the ERO's office;

- (ii) send the notice of claim to the ERO's office by post or by facsimile transmission;
- (iii) send the notice of claim to the ERO's office as an electronic record authenticated by a digital signature; or
- (iv) have the notice of claim delivered at the ERO's office by a person authorised in writing by the claimant.

To facilitate a person imprisoned or held in custody by a law enforcement agency to make such an objection or claim, he/she is allowed to deliver a notice of objection or claim to the ERO by post. [Ss 23(2A) and 25(3) and (3A) of the EAC (ROE) (RRE) Reg] *[Amended in October 2006, December 2009 and October 2018]*

2.34 Cases of objections and claims will be referred to the Revising Officer for consideration. The Revising Officer, who is a judicial officer, will rule on each objection or claim and decide on the inclusion, exclusion or correction of the entry concerned in the relevant FR. [Ss 26 and 28(2) of the EAC (ROE) (RRE) Reg] *[Amended in October 2006, December 2009 and October 2018]*

The Final Register

2.35 The FR for each Rural Area will be published not later than 20 October in each year [s 17(1)(b) of the RREO]. It will include the entries in the relevant PR with the updated particulars of electors who have applied to alter their particulars before the registration deadline, and the particulars of those who were subject to a notice of objection or claim as updated and corrected to reflect the decisions of the Revising Officer. The ERO will also take the opportunity to delete those entries of electors who are known to have died and to correct any mistakes in the PR. This FR shall remain valid until the publication of the FR in the following year. The FR in force is available

for public inspection at the HAD headquarters and New Territories DOs. 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/her 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/her. [S 30(5) and (6) of the EAC (ROE) (RRE) Reg] *[Amended in December 2009, October 2014 and October 2018]*

IMPORTANT:

Information relating to a person contained in any register of electors or in any extract of any register of electors **can only be used for election-related purposes** under the electoral legislation. Any **abuse** or **misuse** of such information is an **offence** and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months. [S 32(3) of the EAC (ROE) (RRE) Reg]. *[Amended in October 2018]*

To further safeguard privacy of electors on the register, only the name and address of the elector will be entered in the register for the relevant Rural Area mentioned in paras. 2.30 and 2.35 above for public inspection. The number of his/her identity card or identification document and his/her sex will not be subject to public inspection. *[Amended in October 2014]*

PART II : THE VOTING SYSTEM

2.36 The voting system adopted for the RR election, depending on the number of RR(s) to be returned, is the simple majority or relative majority system, commonly known as the “first past the post” system [s 31(3) of the RREO]. A registered elector:

- (a) for an EV may vote for 1 candidate as the ReR for that EV;
- (b) for a CIV may vote for 1 candidate as the IIR for that CIV;
- (c) for an IV may vote for 1 to 5 candidates as the number of IIRs to be returned at the election for that IV, and no more; and
- (d) for a MT may vote for 1 to 39 candidates as the number of KFRs to be returned at the election for that MT, depending on the MT in question, and no more. *[Added in October 2014]*

[Amended in October 2014]

2.37 Where there is only 1 validly nominated candidate for an EV or a CIV, the Returning Officer (“RO”) will declare him/her elected. In the case of an IV or a MT, the number of IIRs to be returned may range from 1 to 5 or the number of KFRs to be returned may range from 1 to 39 depending on the respective numbers of IIRs for the IV and KFRs for the MT in question. Where no more candidates have been validly nominated for election for the IV than the number of IIRs to be returned for that Village at the election or no more candidates have been validly nominated for election for the MT than the number of KFRs to be returned for that MT, the RO will declare the validly nominated candidates elected. [S 29(1) of the RREO] In such cases, polling in respect of the Rural Area will not be necessary. Where there are more validly nominated candidates than the number of candidates to be returned, a poll will be held [s 31 of the RREO]. *[Amended in October 2011 and October 2014]*

2.38 In announcing the results of the elections, the RO should comply with the following principles:

- (a) In the case of a single vacancy, the RO shall declare the candidate with the highest number of votes elected. In the event that more than 1 candidate has the equal highest number of votes, the RO shall determine the result by drawing lots. He/She shall declare the candidate on whom the lot falls as elected. [S 31(5)(a) and (6) of the RREO]
- (b) 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. In the event that there is/are still 1 or more vacancy/vacancies to fill and the remaining successful candidates have the same number of votes, the RO will have to draw lots to determine which one of these candidates should be elected to fill the last vacancy. He/She shall declare the candidate on whom the lot falls as elected. [S 31(5)(b) and (6) of the RREO]
- (c) When the drawing of lots has to be used to determine the result, 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 RO. 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 RO would draw the lot on behalf of the candidate if the candidate is absent at the time of drawing lots. The candidate or candidates on whom the lot falls is or are to be returned at the election:
 - (i) 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.

- (ii) 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.
- (iii) 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 drawn respectively the largest, the larger and the smallest numbers, the 2 candidates who have drawn 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 drawn respectively 2 larger equal and 1 smaller numbers, then again the 2 candidates who have drawn the larger equal numbers will be the winners to fill the 2 vacancies. If the 3 candidates have drawn respectively a larger and 2 equal smaller numbers, the candidate who has drawn the larger number will be successful and the remaining 2 candidates will participate in a second draw. The basis is again to give effect to the “first past the post” voting system. 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 October 2018]

2.39 As soon as practicable after the result of the elections has been obtained, the RO should publicly declare the successful candidate(s) as elected.
[Added in October 2018]

Death or Disqualification of a Candidate

2.40 After the RO has decided that the candidate is validly nominated but before the election day, if the death or disqualification of a candidate from being nominated is proved to the satisfaction of the RO, the RO must, as soon as practicable, publicly declare that the candidate has died or that the RO's earlier decision is varied to the effect that the candidate is not validly nominated. The RO must further declare which candidates are validly nominated for election for the relevant Rural Area. [Ss 27 and 28 of the RREO] *[Added in October 2018]*

2.41 On the polling day but before the close of poll for the election, if proof is given to the satisfaction of the RO that a validly nominated candidate has died or has been disqualified from being elected, the RO should publicly declare that the proceedings for the election for the Rural Area are terminated. The declaration is to be made by a notice displayed in a prominent place outside each polling station of the relevant Rural Area and published in the Gazette as soon as practicable. [S 30(1) of the RREO and s 20(1) and (2) of the EP (RRE) Reg] *[Added in October 2018]*

2.42 After the close of poll, if proof is given to the RO's satisfaction that a candidate for a Rural Area has died or has been disqualified from being elected, the RO should complete the counting of votes. After the counting of votes is finished, if the candidate concerned is successful at the election, the RO should not declare that candidate as elected and should publicly declare that the election for that Rural Area has failed or has failed to the extent that the number of candidates returned for the Rural Area at the election was less than

the number of RRs to be returned for that Rural Area. [Ss 30(2), (3) and 31(8) of the RREO and s 21(3) of the EP (RRE) Reg] *[Added in October 2018]*

CHAPTER 3

NOMINATION OF CANDIDATES

PART I : ELIGIBILITY AND DISQUALIFICATION FOR NOMINATION

3.1 The law governing the eligibility for and disqualification from the nomination of candidates for the RR election is contained in the RREO. The procedure for nomination of candidates for the RR election is provided in the EP (RRE) Reg made by the EAC. *[Amended in October 2014]*

Eligibility

3.2 To be eligible for nomination as a candidate at an election for an EV or a MT, a person must:

- (a) be 21 years of age or over;
- (b) be a Hong Kong permanent resident;
- (c) be registered, and eligible to be registered, as an elector for the EV or the MT;
- (d) be a resident of the EV or the MT, and has been such a resident of the Village or the MT for the 6 years immediately preceding the nomination;
- (e) not be disqualified from voting at the election by virtue of s 14 of the RREO [see para. 2.17 above]; and
- (f) not be disqualified from being nominated as a candidate at the election, or from being elected as a ReR for the Village or a KFR for the MT by virtue of s 23 of the RREO or any other law [see

para. 3.6 below].

[S 22(1) and (2A) of the RREO] *[Amended in October 2014]*

3.3 To be eligible for nomination as a candidate at an election for an IV or a CIV, a person must:

- (a) be an indigenous inhabitant of the IV/CIV;
- (b) be 21 years of age or over;
- (c) be a Hong Kong permanent resident;
- (d) ordinarily reside in Hong Kong;
- (e) be registered, and eligible to be registered, as an elector for the IV/CIV;
- (f) not be disqualified from voting at the election by virtue of s 14 of the RREO [see para. 2.17 above]; and
- (g) not be disqualified from being nominated as a candidate at the election, or from being elected as an IIR for the Village by virtue of s 23 of the RREO or any other law [see para. 3.6 below].

[S 22(2) of the RREO] *[Amended in October 2014]*

3.4 As mentioned in para. 2.29 above, for an indigenous inhabitant who has registered as an elector for his/her IV or a CIV, if he/she wishes to apply for change of his/her registration from the Village he/she originates to the IV/CIV of his/her spouse, he/she will neither be eligible to stand for the election in his/her spouse's IV/CIV nor eligible to stand for the election in the IV/CIV he/she originates. *[Added in October 2018]*

3.5 A person is considered to **ordinarily reside in Hong Kong** when he/she habitually and normally lives there lawfully for a settled purpose, apart from occasional or temporary absences such as holidays and absence abroad for

studying purposes. Each case has to be examined upon its own facts. Matters like the length of the person's absence, the reason for his/her absence, the location of the home of him/her, his/her spouse, children and parents and his/her maintenance of connections with Hong Kong are all relevant factors. In case of doubt, a prospective candidate should consult his/her independent legal adviser. *[Amended in October 2004]*

Disqualification

3.6 A person is disqualified from being nominated as a candidate at a RR election, and from being elected as a RR for a Rural Area, if he/she:

- (a) is a judicial officer;
- (b) has, in Hong Kong or 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 pardon⁶;
- (c) has been convicted of treason;
- (d) on the date of nomination, or of the election, is serving a sentence of imprisonment;
- (e) is or has been convicted, within 5 years before the polling day,
 - (i) of any offence in Hong Kong or in any other place, the sentence for which is imprisonment (suspended or not) for a term exceeding 3 months without the option of a fine;
 - (ii) of having engaged in corrupt or illegal conduct in contravention of the ECICO;

⁶ The Court of First Instance ("CFI") delivered written judgment on 21 June 2012 on *Wong Hin Wai & another v Secretary for Justice* (HCAL 51 & 54/2012) and declared the similar provision under section 39(1)(b) of the Legislative Council Ordinance (Cap. 542) ("LCO") to be unconstitutional. On 12 July 2012, the Government announced its decision not to appeal against the judgment. The future RR Election will be organised in accordance with the prevailing electoral laws. Any person who would like to be nominated as a candidate for RR Election and is doubtful about his/her eligibility for nomination may seek independent legal advice where appropriate.

- (iii) of any offence against Part II of the Prevention of Bribery Ordinance (Cap. 201) (“POBO”); or
- (iv) of any offence⁷ prescribed by the regulations made by the EAC;
- (f) is ineligible because of the operation of the RREO or any other law;
- (g) is a representative or a salaried functionary of the government of a place outside Hong Kong;
- (h) is a member of any national, regional or municipal legislature, assembly or council of any place outside Hong Kong, other than a people’s congress or people’s consultative body of the People’s Republic of China, whether established at the national level or local level;
- (i) is an undischarged bankrupt or, within the previous 5 years, has either obtained a discharge in bankruptcy or has entered into a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap. 6) with the person’s creditors, in either case without paying the creditors in full;
- (j) is found to be incapable, by reason of mental incapacity, of managing and administering his/her property and affairs under the Mental Health Ordinance (Cap. 136); or
- (k) in the case of ReR or KFR, ceases to be a resident of the EV or the MT.

[S 23 of the RREO] *[Amended in October 2011, October 2014 and October 2018]*

⁷ Prescribed offence refers to a person who knowingly makes a false statement in a material particular or recklessly makes an incorrect statement in a material particular or omits a material particular in an election-related document under s 90 of EP (RRE) Reg; and any abuse or misuse of information relating to a person contained in any register of electors or in any extract of any register of electors under s 32 of EAC (ROE) (RRE) Reg.

PART II : WHEN AND HOW TO NOMINATE

When to Nominate

3.7 Nominations may be made during the **nomination period** specified in the Notice of Election published in the Gazette [ss 4 and 5 of the EP (RRE) Reg]. A Candidate's folder with information on election timetable will be provided to each candidate by the RO for the relevant Rural Area. The ROs shall receive nominations during the ordinary business hours on each working day (i.e. any day other than a general holiday) in the nomination period from 9 am to 5 pm on Monday to Friday, and from 9 am to 12 noon on a Saturday. **Candidates are well advised to submit their nominations in good time before the end of the nomination period to allow time for any errors in their nomination forms to be corrected.** *[Amended in October 2014 and October 2018]*

How to Nominate

3.8 Nomination forms specified by the EAC are available from any DO or from the HAD headquarters, or can be downloaded from the website of the RR Election (www.had.gov.hk/rre). *[Amended in October 2014]*

3.9 The nomination form comprises:

(a) The Nomination

It must be subscribed by at least 5 electors registered for the Rural Area concerned (other than the candidate himself/herself), and each elector may only subscribe **as many nominations** regarding a particular Rural Area **as there are vacancies** to be filled. Once the number of nomination papers subscribed by an elector, which have been delivered to the RO, has reached the

above statutory limit (i.e. the number of vacancies to be filled for a particular Rural Area), the elector's signature on any other nomination papers will be inoperative. [S 25 (1), (2) and (3) of the RREO] *[Amended in October 2014 and October 2018]*

If, however, the nomination subscribed by an elector has been held to be invalid, or the candidate has withdrawn his/her nomination or has died, the elector may make another nomination instead before the end of the relevant nomination period, and his/her signature shall be operative on the latter nomination form. [S 25 (4) of the RREO] *[Added in October 2018]*

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/her nomination to avoid the risk of invalidation of the nomination should any of the subscribers be subsequently found not to be qualified as subscribers. A candidate should ensure that the electors subscribing his/her nomination form are eligible and that the electors have not subscribed more nomination forms than the vacancies of the Rural Area. Each elector subscribing a nomination shall sign the nomination form **personally**. *[Amended in October 2004, October 2014 and October 2018]*

No unlawful acts shall be used to procure an elector to subscribe or not to subscribe a nomination. Intimidation is an offence under s 24 of the Crimes Ordinance (Cap. 200), liable to a fine and an imprisonment for 2 years on summary conviction or imprisonment for 5 years on conviction upon indictment. Bribery is also a corrupt conduct liable to a fine and an

imprisonment. *[Added in September 2005 and amended in October 2012 and October 2018]*

Candidates are also required to observe Data Protection Principle 4 of Schedule 1 to the Personal Data (Privacy) Ordinance (Cap. 486) (“PD(P)O”) in safeguarding the personal data of subscribers held for the nomination form. They should take all practicable steps to ensure that the aforesaid personal data are protected against access, processing, erasure, loss or use accidentally or without authorisation. *[Added in October 2012 and amended in October 2018]*

(b) Consent and Declarations on Nomination Form

According to the RREO, a candidate must complete the nomination form and declarations, and have it attested by a witness⁸. The candidate must declare that he/she will uphold the Basic Law and pledge allegiance to the Hong Kong Special Administrative Region. [S 24 of the RREO] *[Amended in October 2014 and October 2018]*

Any person who makes a statement which he/she knows to be false in a material particular in an election-related document, including the nomination form, or recklessly makes a statement which is incorrect in a material particular in such document, or omits a material particular in such document, commits an offence and shall be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months. [S 90 of the EP (RRE) Reg] *[Added in October 2018]*

⁸ A witness can be any person in possession of an identity document and aged 18 years or over. According to s 2(1) of the RREO, identity document means an identity card or any other document issued to a person that is acceptable to the ERO as proof of the person’s identity.

To ensure that all candidates clearly understand the relevant provisions of the Basic Law and the legal requirements and responsibilities involved and, on such basis, are bona fide in signing the relevant declaration in the nomination form, the EAC has prepared a Confirmation Form for signing by the candidate with a view to assisting the RO in the exercise of his/her statutory power to discharge his/her duties to ensure that the nomination procedure is completed in accordance with the law. The Confirmation Form also enables the candidate to confirm that he/she understands the above requirements and responsibilities. Candidates are reminded to note that to uphold all provisions of the Basic Law means to uphold the Basic Law including Article 1⁹, Article 12¹⁰ and Article 159(4)¹¹. *[Added in October 2018]*

IMPORTANT:

No person shall be nominated for more than 1 Rural Area at a RR election [s 22(4) of the RREO]. When a person submits his/her nomination form, he/she must have withdrawn all his/her other prior nominations, if any. He/She is required to make a declaration (contained in the specified form) that either he/she has not been nominated before for any other Rural Area in the election, or if he/she has been so, he/she has withdrawn all those prior nominations. Where a candidate stands nominated [see para. 3.13 below], any subsequent nominations of his/hers will be rejected as invalid [s 10(3)(d) of the EP (RRE) Reg]. *[Amended in October 2011 and October 2014]*

⁹ Article 1 of the Basic Law provides that “The Hong Kong Special Administrative Region is an inalienable part of the People’s Republic of China.”

¹⁰ Article 12 of the Basic Law provides that “The Hong Kong Special Administrative Region shall be a local administrative region of the People’s Republic of China, which shall enjoy a high degree of autonomy and come directly under the Central People’s Government.”

¹¹ Article 159(4) of the Basic Law provides that “No amendment to this Law shall contravene the established basic policies of the People’s Republic of China regarding Hong Kong.”

Candidates should make sure that their nomination forms are properly completed before submission. *[Amended in October 2014]*

3.10 The completed nomination form must be delivered to the RO for the Rural Area concerned by the candidate **in person** during ordinary business hours (i.e. 9 am to 5 pm from Monday to Friday, and from 9 am to 12 noon on a Saturday) on a working day (i.e. any other day other than a general holiday) in the nomination period. The RO may, in exceptional circumstances, e.g. 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 7(1)(f) of the EP (RRE) Reg] The RO may refuse to accept any nomination form where there is a material alteration of its content. *[Amended in October 2014 and October 2018]*

3.11 The RO will also make available copies of the nomination forms for public inspection free of charge at his/her office during ordinary business hours until the relevant notice of the election result is published [s 13 of the EP (RRE) Reg]. Should the RO decide that a nomination is invalid (see Part III below), he/she is required to endorse on the nomination form his/her decision and the reasons for it [s 11 of the EP (RRE) Reg]. *[Added in October 2018]*

False Declarations

3.12 A candidate who knowingly and willfully 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) and shall be liable to a fine and to imprisonment for 2 years. Under s 90(1) and (3) of the EP (RRE) Reg, a person who makes a statement which he/she knows to be false in a material particular in an election-related document, or recklessly makes a statement which is incorrect in a material particular in such document, or omits a material particular in such document, commits an offence and shall

be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months, which is a prescribed offence with the same disqualifying effect as conviction of a corrupt or illegal conduct under the ECICO (as described in paras. 15.46 and 16.31 of the Guidelines). If elected, he/she will also be disqualified from holding office as a RR in accordance with s 9(1)(d)(iv) of the RREO. *[Amended in September 2005, October 2010, October 2011, October 2012, October 2014 and October 2018]*

PART III : VALIDITY OF NOMINATION PAPERS

3.13 Whether the nomination is valid or not is decided by the RO. 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 within 14 days after the end of the nomination period for an election for the Rural Area. [S 27 of the RREO and ss 10 and 15 of the EP (RRE) Reg] *[Amended in October 2012 and October 2014]*

3.14 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/her nomination form as practicable. However, no substitution for any subscriber or re-submission of a nomination form will be accepted after the end of the nomination period. [S 9 of the EP (RRE) Reg]

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

3.16 The RO may require such additional information from a candidate as he/she considers necessary to satisfy himself/herself as to the validity of the nomination. [S 7(3) of the EP (RRE) Reg]

3.17 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 declarations referred to in para. 3.9(b) above. *[Amended in October 2011]*

3.18 The RO may decide that a nomination is invalid only where:

- (a) the number or qualifications of the subscribers fall short of the requirements under s 25 of the RREO;
- (b) the nomination form, including the nomination and declarations, has not been completed or signed as required by s 7 of the EP (RRE) Reg ;
- (c) he/she is satisfied that the candidate is not eligible to be, or is disqualified from being, nominated as a candidate;
- (d) the candidate has been nominated for another Rural Area in the same election and the RO is not satisfied that he/she has withdrawn that candidature;
- (e) he/she is satisfied that the candidate has died; or
- (f) the nomination form is not duly delivered within the nomination period [see paras. 3.7 and 3.10 above].

[S 10(3) of the EP (RRE) Reg]

[Amended in October 2014]

3.19 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 died, he/she must publicly declare that the candidate has died and further declare which candidate is or candidates are validly nominated for that Rural Area. The RO does not have to make any such declarations if the candidate who has died is uncontested in the election for the relevant Rural Area and the RO has publicly declared that the candidate was duly elected. [S 28(1), (2) and (3) of the RREO and s 17 of the EP (RRE) Reg] *[Amended in October 2012, October 2014 and October 2018]*

3.20 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/She must then publicly declare his/her varied decision and which candidate is or candidates are validly nominated for that Rural Area. The RO does not have to vary his/her decision if the candidate who has been disqualified is uncontested in the election for the relevant Rural Area and the RO has publicly declared that the candidate was duly elected. [S 28 (4), (5) and (6) of the RREO and s 18 of the EP (RRE) Reg] *[Amended in October 2014]*

PART IV : WITHDRAWAL OF CANDIDATURE

3.21 A candidate may withdraw his/her candidature only before the end of the nomination period. He/She should complete and sign a specified form entitled “Withdrawal of Candidature” and lodge it with the RO concerned. [S 26 of the RREO and s 14 of the EP (RRE) Reg] *[Amended in October 2018]*

IMPORTANT:

It is an offence under ss 7 and 8 of the ECICO for a person to bribe, or to use or threaten to use force or duress against, a

candidate to induce him/her to withdraw his/her candidature; and for a candidate to solicit or accept a bribe to withdraw his/her candidature. *[Amended in October 2014]*

PART V : NOTICE OF VALID NOMINATIONS

3.22 The RO concerned will publish a notice in the Gazette within 14 days after the end of the nomination period, stating the name and the principal residential address of each of all the validly nominated candidates for the Rural Area, together with the number (which will be shown on the ballot paper) allocated by the drawing of lots to each candidate [s 15 of the EP (RRE) Reg]. Each validly nominated candidate will be separately informed of the validity of all nominations of the same Rural Area. *[Amended in October 2012 and October 2014]*

PART VI : CANDIDATES' BRIEFING AND INTRODUCTION TO CANDIDATES

3.23 The EAC will conduct a briefing, as and when necessary, for all validly nominated candidates on important matters related to the election. After the end of the nomination period, the RO will inform each validly nominated candidate the date and time of the Candidates' Briefing. The RO will conduct a lots drawing session immediately before the briefing to allocate to each candidate a candidate number to be shown on the ballot paper; and a set of designated spots for displaying EAs (please refer to para. 7.23). *[Amended in October 2018]*

3.24 The HAD will publish an **Introduction to Candidates**. The number of each candidate on the ballot paper allocated to him/her by the

drawing of lots will also be shown on the Introduction to Candidates, which will be mailed to the electors together with the polling notices before 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 electors imprisoned or held in custody. *[Amended in February 2005, December 2009, October 2014 and October 2018]*

3.25 Candidates are free to make use of the Introduction to Candidates to promote their election platforms. Any candidate who so wishes should submit the following to the relevant RO **before the end of the nomination period:**

- (a) a duly completed grid paper affixing a colour photograph of the candidate which must be in a specified size and should be taken within the last 6 months; and
- (b) 2 additional copies of his/her photograph identical to the one affixed to the grid paper with his/her name, name of Rural Committee and rural area concerned written on the back.

If a candidate does not submit the grid paper, the Introduction to Candidates will only show the name and the candidate number in respect of him/her, and “Relevant information has not been provided by the candidate” will be printed in the space provided for the election platform. *[Amended in February 2005, October 2010, October 2014 and October 2018]*

3.26 The contents, nature and presentation of a candidate’s message in the Introduction to Candidates are exclusively the idea and work of the candidate himself/herself. They will not be subject to alteration or editing by the HAD unless they are considered to be indecent, defamatory, unlawful or contain information not relating to the promotion of the candidature of the candidate concerned. *[Added in February 2005 and amended in October 2011]*

and October 2014]

3.27 To assist persons with visual impairment to read the contents of the election platform in the Introduction to Candidates, candidates may provide the HAD with typed texts of their messages to enable persons with visual impairment to read the contents of the document with the aid of computer software. With these typed texts, the HAD would prepare a text version of the Introduction to Candidates for uploading onto its website. If the candidate does not provide the typed text for preparing the text version of the Introduction to Candidates, the website will only show his/her name and the number allocated with the remark that the candidate has not provided a text version of his/her election platform. The EAC appeals to all candidates to support this initiative and make use of this text version to convey their electoral messages to persons with visual impairment. As a general principle, candidates should be sensitive to the needs of electors and, in the course of their electioneering campaign, make their utmost efforts to ensure that persons with different needs can have fair access to their electoral messages. *[Added in October 2012 and amended in October 2018]*

CHAPTER 4

POLLING AND COUNTING ARRANGEMENTS

PART I : BEFORE THE POLL

4.1 One or more polling stations to be used for polling in respect of each Rural Area are designated by the DHA. *[Amended in October 2014]*

4.2 The DHA may set up a cluster of polling stations for various Rural Areas in the same premises. Where circumstances require, temporary structures may be designated as polling stations. The polling stations set up for the Rural Areas are in the vicinity in the sense that an elector of a particular Rural Area will be assigned to a polling station close to his/her Rural Area as far as practicable. The HAD may also set up dedicated polling stations inside penal institutions or other suitable places. Registered electors who are imprisoned or held in custody by the law enforcement agencies other than the CSD on the polling day will be assigned to vote at dedicated polling stations [s 28A(1) of the EP (RRE) Reg]. *[Amended in December 2009 and October 2014]*

4.3 At least 10 days before the polling day, electors of contested Rural Areas will receive polling notices, notifying them of the date, time and place of the poll to their registered address or correspondence address (if applicable). To allow electors who will be serving a sentence of imprisonment on the polling day to receive the polling notices as early as possible, the HAD will send the polling notices to their prison address as far as practicable. [S 29(2) and (2A) of the EP (RRE) Reg] *[Amended in December 2009 and October 2014]*

4.4 In the case where the number of validly nominated candidate(s) is not more than the number of RRs returned for a Rural Area at the election, the candidate(s) will be declared elected [s 29(1) of the RREO]. Electors in respect of such a Rural Area do not need to vote, and no polling notice will be sent to them. *[Amended in October 2011 and October 2014]*

4.5 An elector **may vote only at the polling station allocated to him/her by the DHA** [s 30 of the EP (RRE) Reg]. HAD will as far as practicable provide access for people with mobility difficulty at the polling stations. Electors with mobility difficulty or other difficulties who will find it difficult for them to access the polling station allocated to them may **at least 5 days** before the polling day apply to the HAD for re-allocation to another polling station with barrier-free access. Whether the polling station allocated to an elector is accessible to persons with mobility difficulty will be specified clearly in the location map attached to the polling notices sent to each elector, together with a note indicating that if any elector allocated to this polling station has any difficulty of access, he/she may apply to the HAD for re-allocation to vote at an alternative polling station with barrier-free access. If such an alternative polling station is re-allocated to him/her, then he/she can vote only at that polling station. If circumstances permit, free Rehabus service will also be arranged to take those electors to the special polling station. Electors concerned can make enquiries with the HAD on this subject by telephone or in writing. *[Amended in October 2006, December 2009 and October 2014]*

4.6 Due to security reasons, the Commissioner of Correctional Services is required to separate persons imprisoned or held in custody from others inside the penal institutions. The Commissioner of Correctional Services will assign a time slot during the polling hours of a dedicated polling station situated in a penal institution to an elector allocated to that polling station to vote, and inform the elector of the time slot assigned. The

Commissioner of Correctional Services must assign time slots so as to give the electors a reasonable opportunity to vote. An elector to whom a time slot is assigned may only cast his/her vote during that time slot (see para. 4.23(c)). [S 27(1B), (1C), (1D) and (2A) of the EP (RRE) Reg]. *[Added in December 2009]*

PART II: OUTSIDE THE POLLING STATION

4.7 The DHA 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 28(7) of the EP (RRE) Reg]. A No Canvassing Zone (“NCZ”) will be designated outside each polling station to ensure the undisturbed passage of electors into 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. Canvassing activities within a NCZ will not be allowed (except for static display of EAs mounted at designated spots approved by the RO). 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 [s 34(6) of the EP (RRE) Reg]. [See Chapter 13] *[Amended in October 2006, October 2011, October 2012, October 2014 and October 2018]*

4.8 On the polling day, a person must not:

- (a) engage in canvassing votes (including suggesting not to vote for any candidate) within the NCZ other than the door-to-door canvassing activities stated in para. 4.9 below; *[Amended in September 2005]*
- (b) use a sound amplifying system or device for any purpose within the NCZ, without lawful authority or the express permission of the RO or Presiding Officer (“PRO”);

- (c) use a sound amplifying system or device, or conduct any activity (e.g. lion dance) for canvassing votes, so that the sound emitted by it can be heard in the NCZ;
- (d) display in the NCZ any propaganda material relating to any candidate or his/her candidate number, a body any member of which is standing as a candidate in the election concerned or a political body, or the election itself; or
- (e) stay or loiter in the NSZ without the express permission of the RO or the PRO;

otherwise he/she commits an offence with a maximum penalty of a fine at level 2 (\$5,000) and to imprisonment for 3 months. [Ss 35(2) and 89(1) of the EP (RRE) Reg] *[Amended in October 2011 and October 2018]*

4.9 Door-to-door canvassing 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 no sound amplifying device is used, and that obstruction is not posed to electors and the public, and for the purpose of such canvassing, the display or wearing of any propaganda material, e.g. badge, emblem, clothing or head-dress, which may promote or prejudice the election of a candidate or candidates at the election, will also be allowed. [S 35(3) of the EP (RRE) Reg] *[Amended in October 2018]*

4.10 For dedicated polling stations situated in penal institutions, officers of the CSD can use sound amplifying system or device for the performance of duties within a NCZ of the dedicated polling stations situated in prisons on the polling day. [S 35(2A) of the EP (RRE) Reg] *[Amended in October 2018]*

PART III: POLLING HOURS

4.11 The poll for Villages starts at 12 noon and ends at 7:00 pm and the poll for MTs starts at 8:30 am and ends at 9:30 pm. For security reasons, dedicated polling stations situated in prisons open from 1:00 pm to 4:00 pm. Before the commencement of polling, the PRO at a polling station will notify the candidates, their election agents or polling agents, if they are present, the exact time when the ballot boxes will be locked and sealed. He/She will show such persons the ballot boxes which are empty before proceeding to lock and seal them. Candidates concerned or their agents may observe the locking and the sealing of the ballot boxes, if they are present. For each candidate, only 1 such person may be present to observe the locking and the sealing of the ballot boxes: a candidate, the election agent or a polling agent. *[Amended in December 2009, October 2014 and October 2018]*

- 4.12 For dedicated polling station, due to security reasons,
- (a) only a maximum of 2 candidates may be present to observe the locking and the sealing of the ballot boxes at dedicated polling stations situated inside maximum security prisons; 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**. Where no candidates or any of their agents are present at the polling station, the above process of locking and sealing of ballot boxes will be conducted in the presence of any 2 of the following persons: police officer, member of the Civil Aid Service (“CAS”),

officer of the CSD or polling staff, as the case may be, present at the polling station. [See also Chapter 6 on the procedures for applying for the presence of election agents or polling agents in dedicated polling stations situated in prisons] *[Amended in December 2009, October 2014 and October 2018]*

4.13 The PRO will display a notice providing information on voting procedure, the counting station and the ballot paper sorting station (if any) outside the polling station, or if it is a dedicated polling station inside the polling station to facilitate easy reference by electors. The PRO will also inform and show the candidates, their election agents or polling agents, if they are present, the number of unissued ballot papers relating to the Rural Area, which are in his/her possession. *[Amended in December 2009, October 2011 and October 2014]*

PART IV: ADMISSION TO THE POLLING STATION

4.14 Other than electors, only the following persons may be admitted to a polling station:

- (a) the PRO and other polling staff;
- (b) members of the EAC;
- (c) the DHA;
- (d) the Chief Electoral Officer (“CEO”);
- (e) the RO and Assistant Returning Officers (“AROs”) for the relevant Rural Area;
- (f) public officers on duty at the polling station, including police officers and members of the CAS;
- (g) officers of the CSD and other law enforcement agencies on duty at dedicated polling stations;
- (h) candidates and election agents of the relevant Rural Area

according to para. 4.15;

- (i) polling agents appointed for the polling station (this does not apply to dedicated polling stations situated in maximum security prisons) according to para. 4.15;
- (j) public officers authorised in writing by the RO;
- (k) any person authorised in writing by any member of the EAC or the RO, subject to the conditions as imposed in the authorisation; and
- (l) a child who accompanies an elector who enters the polling station for the purpose of voting.

[S 37(1) of the EP (RRE) Reg]

A notice will be displayed at the entrance of the polling stations (other than dedicated polling stations) to show that only electors and the above persons may be allowed to enter. *[Amended in October 2014]*

4.15 For the purpose of maintaining order in the polling station, the PRO may regulate the number of electors, candidates, election agents and polling agents to be admitted to the polling station at any one time: [S 37(2) of the EP (RRE) Reg]

- (a) for each candidate, only 1 of the following persons may enter and be present in the polling station at any one time: the candidate, his/her election agent or polling agent [S 37(3), (4), (5) and (6) of the EP (RRE) Reg];
- (b) a notice will be displayed outside each polling station showing the capacity of the designated area inside the polling station for candidates, their election agents 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 may 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 may only stay for 1 hour. He/She must then leave the polling station unless there is no other candidate, election agent or polling agent waiting for admission. He/She may apply for re-admission into the polling station again on a first-come-first-served basis;
- (d) as stated in (c) above, to ensure fairness, waiting slots for entering a polling station are all allocated on a first-come-first-served basis. If a candidate or his/her agent seeks admission to a polling station but all the waiting slots are full until the close of poll, no vacant slot can be allocated to the candidate or his/her agent. However, if none of this candidate or his/her agent has earlier entered the polling station to observe the poll on the polling day, the PRO concerned will endeavor to give the candidate/agent an opportunity to enter the polling station to observe the poll before the close of poll under a special arrangement. Under this special arrangement, the person concerned will replace the candidate or his/her agent who has been allocated the last waiting slot for admission to the polling station if this last candidate or any of his/her agents has already been given an earlier slot to observe the poll at that polling station; *[Added in October 2018]*
- (e) anyone on admission into a polling station has to sign and enter his/her time of entry on a log sheet. A candidate, an election agent or a polling agent who has to queue outside the polling station for his/her 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/her place will be taken over by the person next in line. He/She who has lost his/her place due to his/her absence will have to obtain a new number chit when he/she returns; and

- (f) for security reasons, only a maximum of 2 candidates may be present at any one time to observe the poll at dedicated polling stations situated inside the maximum security prisons, 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 2 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 6]

4.16 Except for an elector, a child accompanying an elector, a police officer, an officer of the CSD, an officer of any law enforcement agency or a member of the CAS on duty, all other persons permitted to enter a polling station are required to sign a **Declaration of Secrecy** on a specified attested¹² form and observe the provisions governing the secrecy of voting. [S 81 of the EP (RRE) Reg] *[Amended in December 2009, October 2011 and October 2018]*

¹² Declaration can be attested before Commissioner for Oaths/member of the EAC/RO/Justice of the Peace/solicitor with a practicing certificate.

PART V: CONDUCT INSIDE THE POLLING STATION

4.17 On arrival at a polling station, an elector should show to the polling staff at the ballot paper issuing desk the original of any of the following documents, to the satisfaction of the PRO or polling staff, before a ballot paper can be issued to him/her:

- (a) the elector's identity document, typically a Hong Kong Permanent Identity Card ("HKID")¹³ ;
- (b) a document issued by the Commissioner of Registration acknowledging that the elector has applied:
 - (i) to be registered under the Registration of Persons Ordinance (Cap. 177); or
 - (ii) for a new HKID issued under regulation 13 or 14 of the Registration of Persons Regulations (Cap. 177A) but is awaiting its issuance;
- (c) a valid Hong Kong Special Administrative Region ("HKSAR") Passport issued to the elector under the Hong Kong Special Administrative Region Passports Ordinance (Cap. 539);
- (d) a valid HKSAR seamen's identity book issued to the elector under regulation 3 of the Immigration Regulations (Cap. 115A);
- (e) a valid document of identity issued to the elector under regulation 3 of the Immigration Regulations; or
- (f) a document evidencing the elector's report to a police officer of the loss or destruction of his/her identity document, together with the original of a valid passport or similar travel document (not being one referred to in (a)–(e) above) issued to him/her showing his/her name and photograph, and a copy of his/her HKID in paper form showing his/her name, photograph and HKID number.

[S 45(1), (2) and (2A) of the EP (RRE) Reg] *[Amended in October 2018]*

¹³ For ReR and KFR electors, the elector's identity document is typically a HKID; whereas for IIR electors, the elector's identity document also refers to any other document issued to the elector that is acceptable to the ERO apart from a HKID according to s 2(1) of the RREO.

4.18 For an elector applying for a ballot paper at a dedicated polling station set up in a penal institution of the CSD, the document to be shown is a document issued by the Commissioner of Correctional Services showing the elector's name, photograph and prisoner registration number allocated by the Commissioner to the elector for identification purposes. [S 45(2B) of the EP (RRE) Reg] *[Added in October 2018]*

4.19 The polling staff will check the elector's identity document against the entries on the copy of register of electors to ascertain if the elector is registered in respect of the Rural Area concerned. The polling staff will call out the name of the elector as stated in the entry in the copy of the register of electors and cross out the name and, where applicable, the principal residential address of that entry, before giving him/her 1 or 2 ballot papers, depending on his/her entitlement. An elector may be asked to verify his/her own entry on the register to ensure that he/she has been given the correct ballot paper(s). No record will be made as to which particular ballot paper(s) is(are) given to an elector. [S 45(4), (5), (6), (8) and (9) of the EP (RRE) Reg] *[Amended in October 2012, October 2014 and October 2018]*

4.20 For control purpose regarding the total number of ballot papers issued, the counterfoil of each ballot paper bears a serial number on its front. However, the counterfoil number will not be printed/ shown on the ballot paper and the polling staff will not record the counterfoil number of the ballot paper issued to the elector. [Ss 41(5) and 45(9) of EP (RRE) Reg]

4.21 If there is reasonable ground for questioning the *bona fides* of an elector, the PRO shall ask him/her the following questions at the time of his/her application for a ballot paper (but not afterwards): *[Amended in October 2010]*

- (a) Are you the person registered in the FR for this Rural Area (name and type of the Rural Area) as follows (reads the whole of the relevant entry as it is recorded in the FR)?
- (b) Have you already voted in this election to elect a RR (type of the RR) for this Rural Area (name and type of the Rural Area)?

A person will not be issued with any ballot paper unless he/she has answered the questions to the satisfaction of the PRO. [S 43 of the EP (RRE) Reg] *[Amended in October 2014]*

4.22 Where there is reasonable cause to believe that a person has engaged in corrupt conduct of impersonation of an elector, 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 the law enforcement agency to remove the person concerned from the polling station and report the case to the police. [S 44(1), (2), (3) and (3A) of the EP (RRE) Reg] *[Amended in December 2009 and October 2018]*

4.23 If an elector has been issued with 1 or 2 ballot paper(s), depending on his/her entitlement, but leaves the polling station without casting vote or any of the votes, he/she cannot return to the polling station later to cast the vote(s) not yet cast, except under the following circumstances:

- (a) if, after having been issued with 1 or 2 ballot paper(s), for a reason considered justified by the PRO, an elector who has not marked the ballot paper(s) issued to him/her may, with the permission of the PRO, hand back the ballot paper(s) to the PRO and return later to cast his/her vote(s) [s 46(1) of the EP (RRE) Reg];

- (b) if, after having been issued with ballot paper(s), an elector has become incapacitated from voting or completing the voting by physical illness and has left the polling station without marking his/her ballot paper or any or all of the ballot papers, he/she may return to the polling station to cast his/her vote(s) before the close of the poll, provided that before he/she leaves the polling station, his/her ballot paper(s) has/have been handed back to the PRO [s 46(5) of the EP (RRE) Reg]; or
- (c) for a dedicated polling station situated in a prison, the elector has to return to cast his/her vote(s) within the existing or any newly assigned time slot [s 46(2A) of the EP (RRE) Reg].

[Amended in October 2018]

4.24 Under the above circumstances, for a polling station other than a dedicated polling station, the following procedures must be taken by the PRO:

- (a) the PRO must keep that ballot paper(s) in his/her custody and return such ballot paper(s), in the presence of a police officer, to the elector in question when the latter returns before the close of poll to cast his/her vote(s) [s 46(3) and (6) of the EP (RRE) Reg]; and
- (b) if at the close of poll, the elector has not returned, the PRO shall endorse the ballot paper(s) with the words “**UNUSED**” and “**未用**” ; such ballot paper(s) shall not be counted [ss 51 and 62 of the EP (RRE) Reg].

[Added in December 2009 and amended in October 2014 and October 2018]

4.25 For a dedicated polling station in a penal institution, the following procedures must be taken by the PRO and/or the Commissioner of Correctional Services or his/her officer:

- (a) the PRO must keep that ballot paper(s) in his/her custody and return such ballot paper(s), in the presence of an officer of the CSD or any law enforcement agency, to the elector in question when the latter returns before the close of poll to cast his/her vote(s) [s 46(3) and (6) of the EP (RRE) Reg];
- (b) the Commissioner of Correctional Services or his/her officer must, as far as practicable, assign to an elector of a dedicated polling station situated in a prison a new time slot during the polling hours appointed for the polling station and notify the elector of the time slot [s 46(2B) and (5A) of the EP (RRE) Reg]; and
- (c) if at the close of poll, the elector has not returned, the PRO shall endorse the ballot paper(s) with the words “**UNUSED**” and “**未用**” ; such ballot paper(s) shall not be counted [ss 51 and 62 of the EP (RRE) Reg].

[Amended in October 2018]

4.26 The PRO would only need to keep a ballot paper left in the polling station in his/her custody in the circumstances described in para. 4.23 above when he/she knows which elector had left the ballot paper behind. Otherwise, a ballot paper found to be left in the polling station should be endorsed as “**UNUSED**” and “**未用**” and shall not be counted. *[Added in October 2018]*

4.27 When issued with the ballot paper(s), an elector will also be provided with a cardboard of different colours to which a chop with a tick “✓” is attached:

- (a) those who are issued with 1 ballot paper for the ReR elections will be required to carry a **white** cardboard;
- (b) those who are issued with 1 ballot paper for the IIR elections will be required to carry a **red** cardboard;
- (c) those who are issued with 1 ballot paper for KFR elections will be required to carry an **orange** cardboard; and
- (d) those who are issued with 1 ballot paper for the IIR elections and 1 ballot paper for the ReR/KFR elections will be required to carry a cardboard with **red and white stripes**.

This arrangement is to facilitate the polling staff manning the ballot boxes to ensure that an elector has cast all his/her vote(s) (1 or 2) before leaving the polling station and that no person can take away any ballot paper from the polling station. The cardboard will be collected by the polling staff after the elector has inserted his/her ballot paper(s) into the ballot box(es) before leaving the polling station. *[Amended in October 2010, October 2012, October 2014 and October 2018]*

4.28 Envelope(s) on which the name and the code of the relevant Rural Area as well as the name of the district) will be provided to an elector of a dedicated polling station in which the poll for 2 or more Rural Areas is conducted to facilitate sorting of ballot papers. 1 envelope will be provided if 1 ballot paper is issued to the elector; 2 envelopes will be provided if 2 ballot papers are issued to the elector. *[Amended in October 2014 and October 2018]*

4.29 After collecting the ballot paper(s), the elector should immediately proceed to the voting compartments to cast his/her vote(s). The number of candidates an elector may vote for depends on the number of RRs to be returned for the Rural Area concerned. If only 1 RR is to be returned for the Rural Area, the elector should affix the chop to give a single “✓” in the circle opposite the name of the candidate of his/her choice on the ballot paper. If more than 1 RR are to be returned for that Rural Area, he/she should affix the chop to give a single “✓” in each of the circles opposite the names of the candidates of his/her choice on the ballot paper but the number of candidate(s) chosen should not be more than the total number of RRs to be returned for that Rural Area. The ballot paper should only be marked with the “✓” chop issued and no other mode of marking is allowed. The elector should then **fold the ballot paper to conceal the choice thereon after voting.** [Ss 47 and 48 of the EP (RRE) Reg] *[Amended in October 2014 and October 2018]*

4.30 An elector of a dedicated polling station for the poll of 2 or more Rural Areas should fold the ballot paper so that the marked side is faced inside and put it into the envelope issued to him/her together with the ballot paper. If issued with 2 ballot papers, the elector should put each of the folded ballot papers separately into the envelopes issued to him/her in relation to the relevant Rural Areas. [S 47(4)(c) of the EP (RRE) Reg] *[Amended in December 2009 and October 2014]*

4.31 If a computer counting method¹⁴ is used, after marking the ballot paper, the elector should cast his/her vote in the manner as directed by the DHA. There are 2 types of computer counting method in general, namely the Optical Mark Recognition (“OMR”) technology and the “Manual Key Entry”

¹⁴ Computer counting method refers to the use of a computerised system for efficient vote counting and consolidation of election results by means of the Optical Mark Recognition technology to read the votes on the ballot papers and/or the “Manual Key Entry” method, i.e. double entry of the votes on ballot papers into the computer system by counting staff in pairs.

method. The various ways of casting the vote as the DHA thinks fit are as follows:

- (a) for the use of OMR technology, the elector should put the ballot paper, unfolded, into an envelope provided at the polling station, and put the ballot paper contained in the envelope into the correct ballot box as directed by the DHA;
- (b) for the use of the “Manual Key Entry” method, the elector should fold the ballot paper so that the marked side is inside and put the folded ballot paper into the correct ballot box **or** fold the ballot paper so that the marked side is inside, put the folded ballot paper into an envelope provided at the polling station, and put the ballot paper contained in the envelope into the correct ballot box as directed by the DHA.

[S 47(4) of the EP (RRE) Reg] *[Added in October 2018]*

4.32 Immediately after an elector comes out of the voting compartment, he/she should put his/her marked ballot paper(s) whether folded and/or put into envelope(s) containing his/her marked ballot paper(s), as the case may be, into the ballot box(es) as directed by the polling staff and return the cardboard and the chop to the polling staff, after which the elector should leave the polling station without undue delay. [S 47(4) and (6) of the EP (RRE) Reg] *[Amended in December 2009]*

NOTE:

Concerning offence in relation to ballot papers, it is an offence under s 47(8) of the EP (RRE) Reg for a person to bring out a ballot paper from a polling station. According to s 17(1)(c) of the ECICO, any person who removes a ballot paper from a polling station with intent to deceive also commits an offence.

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. *[Amended in October 2018]*

4.33 A person with visual impairment who so requests will be provided with a **braille template** to facilitate his/her marking of the ballot paper by himself/herself [s 49(2) and (3) of the EP (RRE) Reg]. The template should be returned to the polling staff after use. [For details about the template, see para. 6.39.] *[Added in December 2009 and amended in October 2014]*

4.34 An elector who is unable to mark a ballot paper by himself/herself to indicate the choice of candidate(s) (e.g. being unable to read 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/her behalf. The marking of the ballot paper will be made to show the elector's choice in the presence of one of the polling officers as a witness. [S 49(1) of the EP (RRE) Reg]

4.35 **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/she has voted for or is going to vote for.** A person who, without lawful authority, requires or purports to require an elector to disclose the name of, or any particular relating to, the candidate for whom the elector has voted commits an offence and will be liable to a fine at level 2 (\$5,000) [s 38 of the RREO].

4.36 For the protection of the secrecy of voting, no one shall, at any time, disclose whether an elector has or has not applied for a ballot paper or voted; or disclose the identity of an elector at a dedicated polling station. Anyone who makes such disclosure commits an offence and will be liable to a

fine at level 2 (\$5,000) and to imprisonment for 6 months. [Ss 82(1) and 89(2) of the EP (RRE) Reg] *[Added in December 2009]*

4.37 Any elector who has inadvertently torn or damaged any ballot paper or has made an error in marking any ballot paper issued to him/her may ask the PRO to exchange it for another unmarked ballot paper. If the PRO considers the request reasonable, he/she will issue a new ballot paper to the elector in exchange for the spoilt ballot paper. Such spoilt ballot paper will be endorsed on the front of it with the words “**SPOILT**” and “損壞” and will be kept by the PRO. The spoilt ballot papers shall not be counted at the counting of the votes. [Ss 52 and 62 of the EP (RRE) Reg] *[Amended in October 2018]*

4.38 Where a person, claiming to be a particular elector entered on the register, applies for a ballot paper after a person has already been issued with a ballot paper as such an elector, the PRO may issue a tendered ballot paper to the elector **only if** he/she is not certain that the latter person is the former person who had been issued with a ballot paper earlier, and the latter person has answered the appropriate questions in accordance with the law as set out in para. 4.21 to the satisfaction of the PRO. The PRO may in such circumstances issue a ballot paper with the words “**TENDERED**” and “重複” endorsed on the front of it. Such a ballot paper shall not be counted at the counting of the votes. [Ss 50 and 62 of the EP (RRE) Reg] *[Amended in October 2014]*

4.39 Any person who discovers ballot papers which have been issued (whether marked or unmarked) and may be abandoned or found left behind in the voting compartments or the polling station is required to hand it to the PRO. Such a ballot paper will be endorsed on the front with the words “**UNUSED**” and “未用” and will be kept by the PRO. In no circumstances shall such ballot paper be put into a ballot box. Such a ballot paper shall not be counted at the counting of the votes. [Ss 51 and 62 of the EP (RRE) Reg]

4.40 Subject to para. 4.41, no person, including an elector, should interfere with or attempt to influence any other elector, specifically no one shall:

- (a) speak to or communicate with any other elector contrary to a direction of the RO or the PRO not to do so;
- (b) attempt to obtain information, or disclose any knowledge acquired, concerning the vote of an elector;
- (c) engage in canvassing for votes or without reasonable excuse, display propaganda material, e.g. any badge, emblem, clothing or headwear, which makes direct reference to the election, a body with any member standing as a candidate in the election, a political body, a candidate or the number allocated to a candidate; or
- (d) 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 or the PRO not to do so.

If a person contravenes any of the above prohibitions, he/she commits an offence and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 3 months. [Ss 38(2), (3) and (5) and 89(1) of the EP (RRE) Reg] *[Amended in October 2006, December 2009, October 2010, October 2011 and October 2014]*

4.41 Only the following persons may speak to or communicate with electors, and use a mobile telephone, paging machine or any other form of electronic communication device within a polling station:

- (a) members of the EAC;
- (b) the DHA;
- (c) the RO and AROs;

- (d) the CEO;
- (e) the PRO and other polling staff;
- (f) public officers on duty at the polling station;
- (g) members of the CAS on duty at the polling station; and
- (h) any person authorised in writing by the RO or a member of the EAC.

[S 38(2) and (3) of the EP (RRE) Reg] *[Amended in December 2009 and October 2018]*

4.42 A person who misconducts himself/herself at a polling station or its vicinity or fails to obey any lawful order of the RO or the PRO commits an offence and will be liable to a fine and to imprisonment and may be ordered by such officer to leave the polling station or the vicinity of the polling station. A person misconducts himself/herself if he/she disrupts the poll or disturbs or causes inconvenience to any person in the polling station. An elector must cast his/her vote without undue delay. If an elector who is allocated to vote at a dedicated polling station fails to cast his/her vote without undue delay, the RO or the PRO may order him/her to leave the polling station immediately. Any person who fails to leave immediately as ordered by the RO or the PRO 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) a person authorised in writing by the RO or the PRO to be responsible for removing him/her.

The person so removed may not re-enter the polling station or its vicinity on that day except with the permission of the RO or the PRO. [S 38(7), (8), (9A),

(10) and (11) of the EP (RRE) Reg] *[Amended in December 2009, October 2011 and October 2014]*

4.43 Any person who undertakes photographing, filming and video or audio recording within a polling station without the express permission of a member of the EAC, the RO or the PRO, commits an offence and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months. [Ss 38(4) and 89(2) of the EP (RRE) Reg] Normally such permission is only granted to government photographers for publicity purposes. *[Amended in December 2009 and October 2014]*

PART VI: CLOSE OF POLL

4.44 Electors who intend to vote but are not already at the door of their designated polling station by the close of poll will not be allowed in afterwards. After the close of poll, the ballot box(es) will be locked and sealed by the PRO in the presence of the 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/her possession. All such ballot papers, the counterfoils of ballot papers which have been issued and the marked copies of the register(s) will then be made up into separate sealed packets. [S 53(1) of the EP (RRE) Reg] *[Amended in December 2009 and October 2014]*

4.45 After the close of poll, the sealed ballot box(es), sealed packet(s) and the ballot paper account(s), etc. (see para. 4.44 above) for a polling station other than a dedicated polling station will be delivered to the counting station by the PRO or DPRO and escorted by a police officer. [S 53(2) of the EP (RRE) Reg] *[Amended in December 2009 and October 2014]*

4.46 For a dedicated polling station, the PRO will deliver the sealed ballot box(es), the sealed packet(s) and the ballot paper account(s), etc. (see para. 4.44 above) to the respective ballot paper sorting station or to the relevant counting station directly, as the case may be, under police escort. [S 53(3) and (4) of the EP (RRE) Reg] *[Added in December 2009 and amended in October 2014]*

4.47 Candidates and/or their agents of the Rural Area (not more than a total of 2 persons), if they so wish, will be allowed to accompany in the delivery as mentioned in paras. 4.45 and 4.46 above. Where there are more than 2 of them wishing to accompany in the delivery, the PRO will draw lots to determine which 2 persons will be allowed. 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, and thereafter, all of them except those 2 persons who are to accompany in the delivery, must leave the polling station. *[Amended in December 2009, October 2014 and October 2018]*

PART VII : SORTING OF BALLOT PAPERS

Conduct at the Ballot Paper Sorting Station

4.48 Ballot paper sorting station(s) will be set up for sorting ballot papers received from dedicated polling station(s) according to each Rural Area in a rural ordinary election or, where the DHA considers it necessary, a rural by-election, before the ballot papers are delivered to the respective counting stations for counting of votes. The EAC may appoint an ARO to preside at a ballot paper sorting station. The ARO of a ballot paper sorting station may determine the time at which the sorting of ballot papers is to begin after the poll for the Rural Area concerned has closed at the dedicated polling stations situated in prisons and a time before the poll has closed at all the other polling

station(s). Before the polling day, candidates will be informed of the expected time of commencement of the sorting of ballot papers at the ballot paper sorting station(s). [Ss 28(1)(c), 55(1) and (2) and 57(1A) of the EP (RRE) Reg] *[Added in December 2009 and amended in October 2014 and October 2018]*

4.49 Only the following persons may be present at the sorting of ballot papers:

- (a) members of the EAC;
- (b) the DHA;
- (c) the RO;
- (d) the AROs and counting staff;
- (e) the CEO;
- (f) candidates and their election agents;
- (g) counting agents;
- (h) public officers (including police officers) and members of the CAS on duty at the ballot paper sorting station; and
- (i) any person authorised in writing by the RO or a member of the EAC.

[S 58(3) of the EP (RRE) Reg] *[Added in December 2009 and amended in October 2010]*

4.50 Before entry, every person authorised to be present at a ballot paper sorting station, other than the police officers and members of the CAS on duty, must sign a **Declaration of Secrecy** on a specified attested¹⁵ form and observe the provisions governing the secrecy of voting [s 81 of the EP (RRE) Reg]. Members of the public present within the public area will not be

¹⁵ Declaration can be attested before Commissioner for Oaths/member of the EAC/RO/Justice of the Peace/solicitor with a practicing certificate.

required to sign a Declaration of Secrecy. *[Added in December 2009 and amended in October 2014]*

4.51 The ARO may designate an area at the ballot paper sorting station for the public to observe the count at a distance. Persons present within that designated area will not be required to sign a Declaration of Secrecy. Except with the authorisation of a member of the EAC, the DHA or the RO for the Rural Areas for which the ballot paper sorting station is used, no photographing, filming and video or audio recording shall be undertaken in the counting zone during the sorting process. [Ss 58(1) and 59(2) of the EP (RRE) Reg] *[Added in December 2009 and amended in October 2014]*

4.52 A person who misconducts himself/herself in or in the vicinity of a ballot paper sorting station or fails to obey any lawful order of the ARO commits an offence and will be liable to a fine and to imprisonment and may be ordered by the ARO to leave the area. A person misconducts himself/herself if he/she disrupts the sorting of ballot paper or disturbs or causes inconvenience to any person in the sorting station. The ARO may also order a person to leave the ballot paper sorting station if the person behaves himself/herself in such way that the purpose of his/her presence is not that for which he/she was authorised or permitted to enter or remain in the ballot paper sorting station. If he/she fails to leave immediately, he/she may be removed by a police officer or by any other person authorised in writing by the ARO to remove him/her. The person so removed may not re-enter the ballot paper sorting station on that day except with the express permission of the ARO. [S 59 of the EP (RRE) Reg] *[Added in December 2009]*

Sorting of Ballot Papers

4.53 The ARO will check whether ballot boxes and sealed packets are properly sealed. The seal on the ballot box will be broken by the ARO in the

presence of the candidates, their election or counting agents, if they are present at the time. The ARO will then open the ballot boxes and empty the contents onto the sorting table(s). After the ARO has opened the ballot boxes, the candidates, their election or counting agents may request to inspect any papers, other than the envelopes which contain the marked ballot papers, taken out from the ballot boxes before they are disposed of. **At no time should a candidate, his/her election agent or counting agent touch any envelopes or ballot papers.** *[Amended in October 2014]*

4.54 The ARO of a ballot paper sorting station will:

- (a) open the ballot boxes received from the dedicated polling stations;
- (b) sort the envelopes in each ballot box according to each Rural Area;
- (c) count and record the number of envelopes for each Rural Area;
- (d) verify the ballot paper account by comparing it with the number of envelopes recorded under para. 4.54(c) above;
- (e) prepare a statement in writing as to the result of the verification;
- (f) prepare a statement in writing as to the number of envelopes recorded for each Rural Area under para. 4.54(c) above;
- (g) make into separate bundles the sorted envelopes together with the relevant statement prepared under para. 4.54(f) above;
- (h) place each bundle in a separate receptacle and seal it in the presence of those present at the counting zone;
- (i) arrange the receptacles to be delivered to the ROs of the respective counting stations of relevant Rural Areas¹⁶; and

¹⁶ After opening the ballot boxes delivered from each dedicated polling station and sorting the envelope(s) therein according to each Rural Area, if the ARO of the ballot paper sorting station ascertains that no elector of a certain Rural Area has cast vote in the dedicated polling station(s), he/she will arrange to inform the relevant RO that no ballot paper of the Rural Area concerned will be delivered to the relevant counting station.

- (j) send to the DHA the ballot paper accounts, verification of the ballot paper accounts and the sealed packets made up under para. 4.44.

[S 60A of the EP (RRE) Reg] *[Added in December 2009 and amended in October 2011 and October 2014]*

PART VIII : THE COUNT

Conduct at the Counting Station

4.55 Only the following persons may be admitted to a counting zone:

- (a) members of the EAC;
- (b) the DHA;
- (c) the RO;
- (d) the AROs and counting staff;
- (e) the CEO;
- (f) candidates and their election agents;
- (g) counting agents;
- (h) public officers (including police officers) and members of the CAS on duty at the counting stations; and
- (i) any person authorised in writing by the RO or a member of the EAC.

[S 58(3) of the EP (RRE) Reg] *[Amended in October 2010]*

4.56 Before entry, every person authorised to be present at a counting zone, other than the police officers and members of the CAS on duty, must sign

a **Declaration of Secrecy** on a specified attested¹⁷ form and observe the provisions governing the secrecy of voting. [S 81 of the EP (RRE) Reg] *[Amended in October 2018]*

4.57 The RO may designate an area at the counting station for the public to observe the count at a distance [s 58(5) of the EP (RRE) Reg]. Persons present within that designated area will not be required to sign a Declaration of Secrecy. Except with the express permission of a member of the EAC, the DHA or the RO, no photographing, filming and video or audio recording shall be undertaken in a counting zone during the counting process [s 59(2) of the EP (RRE) Reg]. *[Amended in October 2014]*

4.58 A person who misconducts himself/herself at or in the vicinity of a counting station or fails to obey any lawful order of the RO commits an offence and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 3 months and may be ordered by the RO to leave the area immediately. A person misconducts himself/herself if he/she 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/herself in such way that the purpose of his/her presence is not that for which he/she was authorised or permitted to enter or remain in the counting station. If he/she fails to leave immediately, he/she may be removed by a police officer or by any other person authorised in writing by the RO. The person so removed may not re-enter the counting station or its vicinity, before the counting of the votes at the counting station is finished, without the express permission of the RO who ordered him to leave. [S 59 and 89(1) of the EP (RRE) Reg] *[Amended in October 2018]*

¹⁷ Declaration can be attested before Commissioner for Oaths/member of the EAC/RO/Justice of the Peace/solicitor with a practicing certificate.

Counting of Votes

4.59 The RO or ARO will conduct the count in the presence of the candidates, their election agents or counting agents, if they are present. The RO or ARO will check whether ballot boxes and sealed packets are properly sealed. The seal on the ballot box will be broken by the RO or ARO. The ballot boxes will be opened by either the RO or the ARO and the contents will be emptied onto a counting table. *[Amended in October 2014]*

4.60 The candidates and their agents may request to inspect any papers other than ballot papers taken out from the ballot boxes before they are disposed of. **At no time should a candidate, his/her election agent or counting agent touch any ballot papers.** [S 60(2) of the EP (RRE) Reg] *[Amended in October 2014]*

4.61 The RO of a counting station will open the ballot box(es) of the respective Rural Area and:

- (a) count and record the number of ballot papers in the ballot box or boxes from a dedicated polling station, after opening the ballot box or boxes, and verify the ballot paper account of the station by comparing it with the number;
- (b) count and record the number of ballot papers in the receptacle or receptacles from a ballot paper sorting station, after opening the envelopes in the receptacle or receptacles, and verify the statement prepared by the ARO(Ballot Paper Sorting Station) by comparing it with the number;
- (c) prepare a statement in writing as to the respective result of the verification under paras. 4.61(a) and (b) above;

- (d) arrange to mix the ballot papers in paras. 4.61(a) and (b) above with the ballot papers in at least one of the ballot boxes from a polling station other than a dedicated polling station;
- (e) decide which of the following methods is to be used for the counting of votes:
 - (i) Method I: ballot papers will be separated with reference to the candidate for whom the vote has been recorded and placed into the relevant box, and then the valid ballot papers will be counted.
 - (ii) Method II: all valid ballot papers will firstly be separated from other ballot papers, then the name of the candidate for whom the vote has been recorded will be called out, and a mark indicating the vote for the candidate will be recorded on a board displayed at the counting station.
 - (iii) Method III: all valid ballot papers will firstly be separated from other ballot papers and then be counted with the use of a computer.
 - (iv) Method IV: the choice(s) marked on each valid ballot paper will be recorded in form(s).
- (f) in the course of counting of votes under para. 4.61(e), the invalid ballot papers and questionable ballot papers will be handled in accordance with paras. 4.62 to 4.65; and the valid votes on the questionable ballot papers as determined by the RO will count towards the final counting results; and
- (g) after counting the votes in accordance with the method(s) mentioned at para. 4.61(e), verify the number of ballot papers cast at the polling station other than a dedicated polling station by comparing it with the ballot paper account for that station; and prepare a statement in writing as to the verification result.

[Ss 60 and 61 of the EP (RRE) Reg] *[Amended in December 2009 and October 2014]*

Invalid Ballot Papers

4.62 A ballot paper is invalid if:

- (a) no vote has been marked on it;
- (b) it is not marked with the chop provided;
- (c) it is endorsed on the front with the words “ **TENDERED** ” and “重複”;
- (d) it is endorsed on the front with the words “ **UNUSED** ” and “未用”;
- (e) it is endorsed on the front with the words “ **SPOILT** ” and “損壞”; or
- (f) it contains votes for a number of candidates exceeding the number of RR or RRs to be returned for the Rural Area at the election concerned.

[S 62 of the EP (RRE) Reg] [*Amended in October 2010 and October 2014*]

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.

Questionable Ballot Papers

4.63 Ballot papers with doubtful validity in the following categories 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 is void for uncertainty;
- (b) it has any writing or mark by which the elector can possibly be identified;
- (c) it is not marked in accordance with s 48(1)(b), (2)(b), (3)(b) or

(4)(b) of the EP (RRE) Reg (as the case may be), i.e. not marked by giving a single “✓” in the circle/each of the circles opposite the name(s) of the candidate(s) of his/her choice on the ballot paper. However, the RO may count that ballot paper if he/she is satisfied that the elector’s intention is clear, notwithstanding the “✓” mark is not placed inside the circle(s) [s 63(3) of the EP (RRE) Reg]; or

- (d) it is substantially mutilated.

When deciding on the validity of the ballot papers in (b) above, 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 elector could possibly be identified. The validity of ballot papers with any other writing or mark will remain to be determined by the RO on a case-by-case basis. [Ss 48, 61(2)(a), 62, 63(1), (2) and (3) of the EP (RRE) Reg] *[Amended in February 2005, October 2010, October 2014 and October 2018]*

4.64 The RO will invite the candidates, their election agents or counting agents present to participate in the determination process of questionable ballot paper. *[Added in October 2018]*

4.65 The determination process will be conducted in the following manner:

- (a) the RO will inform the candidate(s) and the election/counting agent(s) of his/her initial decision on the validity of each questionable ballot paper. A candidate or an election agent, may inspect and make representations concerning any questionable ballot paper [s 63(1) of the EP (RRE) Reg];

- (b) the RO will then consider their representations and make his/her final decision on the validity of the questionable ballot paper (see para. 4.65(c) and (d) below) [s 63(2) of the EP (RRE) Reg];
- (c) if the RO decides that a questionable ballot paper is invalid and, therefore, not to be counted, he/she must endorse the words “rejected” and “不予接納” on the front of the ballot paper. In that case, if a candidate or an election agent objects to the determination, the RO must also endorse the words “rejection objected to” and “不予接納的決定遭反對” on the front of the ballot paper [s 63(5) of the EP (RRE) Reg];
- (d) if a candidate or an election agent objects to the decision of the RO to count a questionable ballot paper, the RO must endorse the words “acceptance objected to” and “予以接納的決定遭反對” on the front of the ballot paper [s 63(4) of the EP (RRE) Reg]; and
- (e) the RO shall prepare a statement to record his/her decisions made in respect of all questionable ballot papers [s 63(6) of the EP (RRE) Reg].

[Amended in October 2006, October 2010, October 2014 and October 2018]

4.66 The decision of the RO in regard to any question arising in respect of any ballot paper shall be **final** [s 63(8) of the EP (RRE) Reg], and may be questioned only by an election petition [s 39 of the RREO].

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

4.68 After a count, the RO will make known the result to the candidates or their election or counting agents present. Such a candidate or his/her election agent may request the RO for the Rural Area to re-count the

votes, unless the RO is of the opinion that the request is unreasonable, he/she shall comply with any such request. [S 65 of the EP (RRE) Reg] *[Amended in October 2014]*

PART IX: DECLARATION OF RESULT

4.69 When the counting of votes and re-count(s), if any, are completed and a result obtained, the RO shall declare the results in accordance with the principles set out in para. 2.38. The RO shall display a notice of result of the election in a prominent place outside the counting station. The result of the election will also be published in the Gazette within 10 days of the declaration of the result. [Ss 66 and 67 of the EP (RRE) Reg]

PART X : DISPOSAL OF DOCUMENTS

4.70 As soon as practicable after the RO has ascertained the result of the poll in an election, he/she will seal all the relevant documents and ballot papers into packets. Candidates and their agents may observe the packing, if they wish. [S 68 of the EP (RRE) Reg]

4.71 These sealed packets of documents together with the nomination forms, notices of appointment of agents, etc. will then be sent to the DHA for safe custody for 6 months before they are destroyed. [Ss 69 and 71 of the EP (RRE) Reg]. *[Amended in October 2012]*

4.72 **Except pursuant to a court order** in relation to an election petition or a criminal proceeding, **no person may inspect any ballot paper in the custody of the DHA.** [S 70 of the EP (RRE) Reg]

CHAPTER 5

ELECTION PETITIONS

PART I : GROUNDS FOR LODGING AN ELECTION PETITION

5.1 The result of the RR election may be questioned only by an election petition made on the following grounds:

- (a) the ground that the person declared by the RO concerned to have been elected as a RR at that election was not duly elected because :
 - (i) he/she was not eligible to be, or was disqualified from being, a candidate at the election;
 - (ii) corrupt or illegal conduct was engaged in by or in respect of that person at or in connection with the election;
 - (iii) corrupt or illegal conduct was generally prevalent at or in connection with the election; or
 - (iv) material irregularity occurred in relation to the election, or the polling or counting of votes at the election; or
- (b) a ground specified in any other enactment that enables an election to be questioned.

[S 39 (1) of the RREO]

[Amended in October 2014 and October 2018]

PART II : WHO COULD, AND WHEN TO, LODGE ELECTION PETITIONS

5.2 An election petition questioning an election may be lodged by:

- (a) 5 or more electors entitled to vote at the election; or
- (b) a person claiming to have been a candidate at the election.

[S 40 of the RREO]

5.3 An election petition questioning an election may be lodged with the CFI only during the period of 2 months following the date on which the RO has published the result of the election in the Gazette. [S 43(1) of the RREO]
[Amended in October 2004, October 2011 and October 2018]

5.4 An election petition is triable in open court and before a single judge. At the end of the trial of an election petition, the CFI shall determine questions of the validity of a nomination or whether the person was or was not duly elected, as appropriate. The CFI must announce its determination by means of a written judgment. [Ss 42(2) and 45(1), (2) and (3) of the RREO]
[Amended in October 2004 and October 2011]

5.5 An appeal against the decision of the CFI may be lodged to the Court of Final Appeal (“CFA”) direct, subject to leave being granted by the Appeal Committee of the CFA. Notice of a motion for applying for leave to the CFA to appeal must be filed within 14 working days after the date on which the written judgment of the CFI to be appealed against is handed down, and the applicant must give the opposite party 3 days’ notice of his/her intended application at any time during the period of 14 working days. At the end of the hearing of an appeal against the determination of the CFI, the CFA must determine questions of the validity of a nomination or whether the person was

or was not duly elected, as appropriate. The CFA must announce its determination by means of a written judgment. [Ss 43(2) and 45B of the RREO]
[Added in October 2011]

CHAPTER 6

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

PART I : GENERAL

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

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

PART II : TYPES AND NUMBERS OF AGENTS

6.3 A candidate may appoint the following agents to assist him/her in an election:

- (a) **1** election agent [s 22(1) of the EP (RRE) Reg];
- (b) **any number** of election expense agents [s 23(1) of the EP (RRE) Reg];
- (c) a maximum of **2** polling agents for **each polling station** other than a dedicated polling station situated in a prison in respect of the Rural Area for which he/she is nominated [s 36(1) and (1A) of the EP (RRE) Reg];

- (d) **1** polling agent for **each dedicated polling station** situated in a prison other than a maximum security prison [s 36(1A) of the EP(RRE) Reg]; and
- (Only candidates themselves may enter maximum security prison (see para. 6.24(a) below). For arrangements regarding the admission of election agents or polling agents to dedicated polling stations situated in prisons, please refer to paras. 6.13 to 6.16 and paras. 6.23 to 6.25 below)
- (e) not more than such number of counting agents as will be specified by the RO¹⁸ [s 56(2) of the EP (RRE) Reg].

[Amended in December 2009, October 2014 and October 2018]

PART III : QUALIFICATIONS OF AGENTS

6.4 The election, polling and counting agents should be holders of the Hong Kong identity card and have attained the age of 18 years [ss 22(2), 36(3) and 56(3) of the EP (RRE) Reg] while an election expense agent needs to be a person who has attained the age of 18 years [s 23(2) of the EP (RRE) Reg].

[Amended in October 2014]

PART IV : CIVIL SERVANTS ACTING AS AGENTS

6.5 Civil servants, other than directorate officers, Administrative Officers, Information Officers and Police Officers and those officers acting in the above grades or ranks with a view to substantive appointment thereto, (i.e. other than acting for temporary relief purpose), may act as agents or assist in

¹⁸ The number of counting agents to be specified by the RO will be stated in the specified form for notice of the appointment of counting agents.

electioneering activities **provided that** they are not already appointed as ROs, AROs, 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 or appearance of unfairness or conflict of interest, civil servants who work in a Rural Area or have extensive contacts with the public in a Rural Area including, in particular, staff members of the HAD are strongly advised not to accept appointment by a candidate in that Rural Area to be his/her agent and/or participate in electioneering activities in the Rural Area concerned. Civil servants who participate in electioneering activities, including the seeking of election donations, for any candidates should not use or give the impression of using any public resources in such activities. The guidelines set out in this paragraph are equally applicable to the non-civil service contract staff of the Government. *[Amended in October 2012, October 2014 and October 2018]*

PART V : ELECTION AGENT

Appointment

6.6 A candidate may appoint **1** election agent to assist him/her and to act on his/her behalf in an election. The appointment may be made at any time after a candidate hands in his/her own nomination form. [S 22(1) of the EP (RRE) Reg]

6.7 The candidate must give notice of such appointment to the RO for the relevant Rural Area for which the candidate is nominated [s 24(2) of the EP (RRE) Reg]. The notice must be in the specified form, signed by both the candidate and the election agent, and delivered by hand, by electronic mail, by facsimile transmission or by post to the RO. If the notice of appointment is given on the polling day, it should not be delivered to the RO by post [s 24(3)]

of the EP (RRE) Reg]. The appointment will not be effective until the notice of appointment is received by the RO [s 24(7) of the EP (RRE) Reg]. *[Amended in October 2014 and October 2018]*

6.8 Expenses incurred by any purported agent before the notice of appointment is received for promoting the election of a candidate or for prejudicing the election of another candidate or other candidates may, depending on the circumstances, still be treated as the election expenses incurred in respect of the candidate. 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 election expenses at or in connection with an election** [s 23(1) of the ECICO]. An election agent must not incur election expenses for or on behalf of a candidate unless he/she has been appointed as an election expense agent [s 22(3)(f) of the EP(RRE)Reg]. *[Amended in October 2011, October 2014 and October 2018]*

Revocation

6.9 The appointment of an election agent may be revoked by the candidate at any time. The candidate must give notice of the revocation in writing in the specified form and deliver the signed notice by hand, by electronic mail, by facsimile transmission or by post to the RO. If the notice of revocation is given on the polling day, it should not be delivered to the RO by post. A revocation of appointment of an election agent will not be effective until such notice is received by the RO. [S 24(4), (5) and (7) of the EP (RRE) Reg] *[Amended in October 2011 and October 2018]*

6.10 If an election agent dies or has his/her 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. 6.7 above [s 24(3), (6) and (7) of the EP (RRE)

Reg]. Like other election agents, the new election agent has to follow the arrangements set out in paras. 6.12 to 6.16 below, including the need to submit an application to the RO if he/she wishes to observe the poll at a dedicated polling station situated in a prison (other than a maximum security prison). *[Amended in December 2009 and October 2018]*

Notification

6.11 As soon as practicable after the receipt of a notice of appointment of an election agent by a candidate, the RO will send a notice containing the particulars of the election agent (i.e. name, identity card number and address) to every other candidate (including a person who is being or has been nominated to stand for the election concerned) [s 25 of the EP (RRE) Reg]. The RO must also display outside his/her office a notice of the particulars of the election agent [s 24(8) of the EP (RRE) Reg]. *[Amended in October 2010, October 2014 and October 2018]*

Role of an Election Agent

6.12 A duly appointed election agent ranks in the **most important position** amongst all kinds of agents of a candidate. He/She has the **authority to do everything a candidate is authorised to do** under the EP (RRE) Reg for the purposes of the election **except**:

- (a) to sign the nomination form or make any requisite declaration in relation to a candidate's nomination;
- (b) to withdraw the candidate's candidature;
- (c) to appoint an election agent;
- (d) to appoint an election expense agent;
- (e) to incur election expenses save where he/she has been appointed as an election expense agent by the candidate;

- (f) to revoke the appointment of an election agent or election expense agent; and
- (g) to be present in a dedicated polling station situated in a maximum security prison.

[s 22(3) of the EP (RRE) Reg] *[Amended in October 2006, December 2009, October 2014 and October 2018]*

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/her election agent. If the election agent fails in his/her duties, he/she 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 appointed as an election expense agent by a candidate to incur election expenses. If so appointed, the election agent becomes also an election expense agent. [See Part VI of this chapter] *[Amended in October 2012]*

6.13 Candidates and their election agents are entitled to be present at the counting of the votes and are normally allowed admission to polling stations in respect of the Rural Areas for which the candidates are nominated. 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 deliver an application in the specified form to the RO by hand, by post, by electronic mail or by facsimile transmission at least 1 week before the polling day. The election agent may not be present at that dedicated polling station unless the Commissioner of

Correctional Services has given consent to his/her presence. If the Commissioner of Correctional Services refuses to give consent to the application received, he/she will notify the candidate or the election agent as soon as practicable. [S 22(3) and (3C) of the EP (RRE) Reg] *[Amended in December 2009, October 2014 and October 2018]*

6.14 The Commissioner of Correctional Services may, on an application delivered to the RO during the week before the polling day, give consent if he/she is satisfied that a person imprisoned or held in custody by the CSD, who is entitled to vote for the relevant Rural Area at the dedicated polling station concerned, is admitted or transferred to the prison concerned during that week and the application is made without undue delay after the admission or transfer [s 22(3B) of the EP (RRE) Reg]. The HAD will post and update on its website the number of registered electors in custody in individual prisons daily from Monday to Friday (other than a general holiday) starting from 3 weeks before the polling day and on the Saturday immediately before the polling day for candidates' reference. *[Added in December 2009; amended in October 2012, October 2014 and October 2018]*

6.15 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 22(3A) of the EP (RRE) Reg] *[Added in December 2009 and amended in October 2018]*

6.16 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 [s 37(2) of the EP (RRE) Reg]. **Whilst inside a polling station, a counting station or a ballot paper sorting 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. *[Amended in October 2006 and December 2009]*

PART VI : ELECTION EXPENSE AGENTS

Appointment

6.17 A candidate may appoint any number of election expense agents and authorise them to incur election expenses on his/her behalf in an election. The appointment shall be in writing in the 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. [Ss 23 and 26 of the EP (RRE) Reg] It should be signed by both the candidate and the election expense agent [s 24(3) of the EP (RRE) Reg]. A notice of appointment must be delivered by hand, by post, by electronic mail or by facsimile transmission to the relevant RO, or the DHA if the RO has not been appointed. If the notice of appointment is given on the polling day, it should not be delivered to the RO by post. [S 24(1) and (3)(ab) of the EP (RRE) Reg] *[Amended in October 2018]*

6.18 The appointment is not effective until it has been received by the relevant RO or the DHA, as the case may be. Before the notice of appointment with the required authorisation is received, no election expenses should be incurred by a person purporting to be appointed 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(1) of the ECICO]. The expenses so incurred may also be counted as the candidate's election expenses. *[Amended in October 2004, October 2014 and October 2018]*

Revocation

6.19 The appointment 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 in the specified form and deliver the signed notice by hand, by post, by electronic mail or by facsimile transmission to the RO, or the DHA if the RO has not been appointed. If the notice of revocation is given on the polling day, it should not be delivered to the RO by post. The revocation will only be effective when the RO or the DHA, as the case may be, receives the notice [s 24(4), (5) and (7) of the EP (RRE) Reg]. The election expenses already incurred will still be counted as election expenses of the candidate. *[Amended in October 2014 and October 2018]*

Role of Election Expense Agents

6.20 An election expense agent is authorised **to incur election expenses on behalf of a candidate**. He/She must not incur election expenses in excess of the amount specified in the agent's authorisation; otherwise he/she commits a criminal offence. [S 23(4) of the ECICO] *[Amended in October 2018]*

Candidate's Duty to Know the Details of Election Expenses Incurred by his/her Election Expense Agents

6.21 Every candidate, whether elected or not, or who was returned uncontested, or who has withdrawn the candidature before the close of nominations, or has been decided by the RO as not validly nominated, or has not incurred any election expenses, is under a **duty**, subject to criminal penalty for breach, to submit to the DHA, through the relevant RO, a return and declaration of his/her election expenses and election donations (thereafter referred to as "election return") with supporting invoices and receipts issued by

recipients of the payments. The candidate must ensure that the election return is lodged before the expiry of the period of 30 days after the date on which the last of the following events occur in all RR elections in relation to the same Rural Committee to be held on the same date –

- (a) the result of the election is notified in the Gazette;
- (b) the proceedings for the election are declared to have been terminated; or
- (c) the election is declared to have failed,

or within such extended period as may be allowed by the CFI under the relevant law [s 37 (1), (1L), (1M) and (1N) of the ECICO and Part IV of Chapter 15].

For the efficient and effective discharge of his/her duty, the candidate should **make sure** that his/her election expense agents will keep account of all election expenses incurred on his/her behalf and will provide to him/her, as soon as practicable but not later than the same 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/her 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 of donation is more than \$1,000, it should be supported by a copy of the receipt issued to a donor (in a standard form signed by the donor). Without such statements, invoices and receipts issued by recipients of the payments or to donor(s), as the case may be, provided by the election expense agents, the candidate will no doubt have difficulty in discharging his/her duty to file the election return, which **may render him/her liable for a criminal offence** under s 38 of the ECICO.

[Amended in October 2006, October 2011, October 2014 and October 2018]

Public Inspection of Notices of Appointment of Election Expense Agents

6.22 The RO or the DHA, as the case may be, will make available for public inspection all notices of appointment 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, i.e. the period ending with the 30th day before the first anniversary of the date of the deadline for lodging the relevant election return (disregarding any order made by the CFI under s 40 of the ECICO allowing a candidate to lodge an election return within a further period as specified by the CFI) [s 41(6) of the ECICO]. 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 24(9) of the EP (RRE) Reg]. *[Amended in October 2018]*

PART VII : POLLING AGENTS

Appointment

6.23 A candidate may appoint **a maximum of 2 polling agents** for each polling station, other than a dedicated polling station situated in a prison, in respect of the Rural Area for which he/she is nominated [s 36(1), (1A) and (2) of the EP (RRE) Reg]. The notice of appointment must be in writing, in the specified form, signed by the candidate and the polling agent and delivered by hand, by post, by electronic mail or by facsimile transmission to the relevant RO, at least **7 days** before the polling day [s 36(4) and (5) of the EP (RRE) Reg]. Where a candidate wishes to appoint a polling agent after the above deadline, he/she is required to give notice of the appointment to the PRO of the polling station(s) in respect of the Rural Area concerned for which that agent has been appointed. Such a notice must be given by the candidate or the

election agent **in person** by delivering the notice of appointment to the PRO at the relevant polling station on the polling day [s 36(4)(b) of the EP (RRE) Reg]. The appointment will not be effective until the notice of appointment is received by the relevant RO or PRO, as the case may be [s 36(9) of the EP (RRE) Reg]. *[Amended in December 2009, October 2014 and October 2018]*

6.24 In respect of the appointment of polling agent to be admitted to a dedicated polling station situated in prison, the following provisions would apply:

- (a) only the candidate is allowed to be present in a dedicated polling station situated at a maximum security prison [s 37(6B) of the EP (RRE) Reg];
- (b) only 1 polling agent may be appointed for a dedicated polling station situated in a prison which is not a maximum security prison and the Commissioner of Correctional Services has given consent to the presence of the agent. The appointment is effective only when an application made in the specified form is delivered to the DHA by hand, by post, by electronic mail or by facsimile transmission at least **7 days** before the polling day [s 37(1A) of the EP (RRE) Reg]; and
- (c) for a dedicated polling station situated in a prison which is not a maximum security prison, no polling agent may be appointed if the Commissioner of Correctional Services has already given consent to the presence of the election agent of the same candidate at that polling station [s 37(1B) of the EP (RRE) Reg].

[Added in October 2004; amended in December 2009, October 2014 and October 2018]

6.25 If the Commissioner of Correctional Services refuses to give consent to the application received, he/she will notify the candidate or the election agent as soon as practicable [s 37(1D) of the EP (RRE) Reg]. The Commissioner of Correctional Services may, upon receipt of a notice of appointment given during the week before the polling day, still give consent if he/she is satisfied that a person imprisoned or held in custody by the CSD, who is entitled to vote for the relevant Rural Area at the polling station concerned, is admitted or transferred to the prison concerned during that week and that the notice of appointment is given without undue delay after the admission or transfer [s 37(1C) of the EP (RRE) Reg]. The HAD will post and update on its website the number of registered electors in custody in individual prisons daily from Monday to Friday (other than a general holiday) starting from 3 weeks before the polling day and on the Saturday immediately before the polling day for candidates' reference. *[Added in December 2009; amended in October 2011, October 2014 and October 2018]*

Revocation

6.26 The appointment of a polling agent may be revoked by the candidate at any time. The candidate must give a notice of revocation in writing and in the specified form and deliver the signed notice by hand, by post, by electronic mail or by facsimile transmission to the RO (other than on the polling day). If the notice of revocation is given on the polling day:

- (a) for a polling agent appointed for a polling station other than a dedicated polling station situated in a prison, such notice must be delivered to the relevant RO by hand, by electronic mail or by facsimile transmission; or to the relevant PRO by either the candidate or the election agent **in person**; and

- (b) for a polling agent appointed for a dedicated polling station situated in a prison, such notice must be delivered to the relevant RO by hand, by electronic mail or by facsimile transmission.

[S 36(6), (7), (7A) and (7B) of the EP (RRE) Reg] *[Amended in October 2018]*

6.27 A revocation of appointment of a polling agent is not effective until the notice thereof is received by the relevant RO or PRO, as the case may be [s 36(9) of the EP (RRE) Reg]. If a polling agent passes away or has his appointment revoked, the candidate may appoint another polling agent. In such a case, the candidate must give notice of the replacement appointment in the specified form to the relevant RO or PRO [s 36(5), (8) and (9) of the EP (RRE) Reg]. If a replacement of polling agent is appointed and he/she wishes to observe the poll at a dedicated polling station in a prison (other than a maximum security prison), he/she is required to follow the arrangements set out in paras. 6.24 to 6.25 above. *[Amended in December 2009, October 2011 and October 2014]*

Role of a Polling Agent

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

Provisions which the Polling Agents should be aware of

6.29 On behalf of each candidate, only 1 polling agent may be admitted at any one time to the polling station for which he/she has been appointed [s 37(6) of the EP (RRE) Reg]. Inside the polling station, he/she is required to stay within the area designated for observation of the poll and not outside. Where a candidate or his/her 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 37(4), (5) and (6) of the EP (RRE) Reg]. [See also Chapter 4 regarding the admission of candidates, election agents and polling agents to the polling station] *[Amended in December 2009, October 2014 and October 2018]*

6.30 Before entering a polling station, every person, other than an elector, a child accompanying an elector, a police officer, an officer of the CSD or an officer of any law enforcement agency or a member of the CAS on duty, must make a Declaration of Secrecy in a specified form and observe the provisions governing the secrecy of voting [ss 81 and 82 of the EP (RRE) 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 elector and, in particular, not to divulge which elector has voted for which candidate. *[Amended in December 2009]*

6.31 On attending the polling station for which he/she has been appointed, a polling agent shall report to the PRO and produce his/her identity card and the Declaration of Secrecy completed by him/her for inspection. [S 37(7) of the EP (RRE) Reg] *[Amended in December 2009]*

6.32 The following procedures shall apply on the polling day:

(a) Before the poll

- (i) About 15 minutes before the commencement of the poll, the PRO will inform the candidates or their agents (either election agent or polling agent) if they are present, of the number of ballot papers in the PRO's possession, showing them the books of ballot papers not yet issued to any elector (“**UNISSUED** ballot papers”).

- (ii) The PRO will show the empty ballot boxes to such persons before proceeding to lock and seal them.

[Amended in October 2012]

(b) During the poll

- (i) Where a person, claiming to be a particular elector entered on the register, applies for a ballot paper after a person has already been issued with a ballot paper under the name of such an elector, the PRO may issue a tendered ballot paper to the latter elector **only if** he/she is not certain that the latter person is the former person who had been issued with a ballot paper earlier, and the latter person has answered the appropriate questions in accordance with the law as set out in para. 4.21 to the satisfaction of the PRO. The PRO will in such circumstances issue a ballot paper with the words “**TENDERED**” and “重複” endorsed on the front. Such a ballot paper shall not be counted at the counting of votes. [Ss 50(2) and 62(e) of the EP (RRE) Reg]
- (ii) Any elector who has inadvertently torn or damaged any ballot paper or has made an error in marking any ballot paper issued to him/her may ask the PRO to exchange it for another ballot paper. If the PRO considers the request reasonable, he/she will issue a new ballot paper to the elector in exchange for the spoilt one. The PRO shall endorse on the front of such spoilt ballot paper with the words “**SPOILT**” and “損壞” and keep it in his/her own custody. The spoilt ballot paper will not be put into a ballot box and will not be counted at the counting of votes. [Ss 52 and 62(g) of the EP (RRE) Reg]

- (iii) The PRO shall endorse on the front of any abandoned ballot papers that have been issued or any torn pieces of such ballot papers found lying anywhere in the polling station with the words “**UNUSED**” and “**未用**” and keep them in his/her own custody. Such ballot papers shall not be put into a ballot box and will not be counted at the counting of votes. [Ss 51 and 62(f) of the EP (RRE) Reg] Under these circumstances, the PRO will show to each candidate or his/her election agent or polling agent, who is present at the relevant time, such ballot papers.

[Amended in October 2018]

- (c) After the poll
 - (i) The PRO shall, in the presence of persons at the polling station, lock the flap on the lid of the ballot box and seal it. He/She will also inform each candidate or his/her agent, if present, of the number of the following types of ballot papers in his/her possession: unissued ballot papers, unused ballot papers, and spoilt ballot papers. [S 53(1) of the EP (RRE) Reg]

[Added in October 2004; amended in October 2011, October 2014 and October 2018]

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

- (a) observe the locking and sealing of empty ballot boxes before the poll commences and the locking and sealing of the ballot boxes during or at the close of poll. *[Amended in October 2004 and October 2012]*

NOTE:

A polling agent who signs the sealing certificate of a ballot box as witness is required to write his/her name in block letters beneath his/her 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.

- (b) leave the polling station at any time during the poll in which case his/her place may be taken by the relevant candidate, election agent or another polling agent (representing the same candidate) appointed to attend at the polling station [see para. 6.29 above].
- (c) subject to para. 6.34(b) below, observe the issue of ballot papers to electors and the crossing out of entries from the copy of the register of electors, 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 an elector, ask the PRO to put the following prescribed questions (subject to necessary modifications) to that person at the time of his/her application for a ballot paper (but not afterwards):
 - (i) Are you the person registered in the FR for this Rural Area (name and type of the Rural Area) as follows (reads the whole of the relevant entry as it is recorded in the FR)?

- (ii) Have you already voted in this election to elect a RR (type of the RR) for this Rural Area (name and type of the Rural Area)? *[Amended in October 2014]*

NOTE:

The person will not be issued with any ballot paper unless he/she has answered the questions to the satisfaction of the PRO. [S 43(2), (3) and (4) of the EP (RRE) Reg]

- (e) where there is a reasonable cause to believe that a person who has applied for a ballot paper has engaged in corrupt conduct by impersonation, inform 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 give evidence to substantiate the allegation in a court of law. [S 44(1) of the EP (RRE) Reg] *[Amended in October 2004, October 2012 and October 2014]*

[Amended in December 2009 and October 2014]

6.34 Inside a polling station, a polling agent **must not**:

- (a) interfere with or attempt to influence any elector;
- (b) speak to or communicate with any elector, or interfere with or attempt to interfere with any ballot boxes, ballot papers, the marked copy of the register of electors 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 (depending on the configuration), around the voting compartments. Moreover, it is most improper for a polling agent to ask an elector about

his/her identity card number, let alone check an elector's identity card; *[Amended in October 2004 and October 2012]*

- (c) attempt to obtain information, or disclose any knowledge acquired, concerning the vote of any elector. 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; *[Added in October 2018]*
- (e) display or wear any propaganda material, e.g. any badge, emblem, clothing or head-dress which:
 - (i) may promote or prejudice the election of a candidate or candidates at the election;
 - (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
- (f) use a mobile telephone or any telephone or paging machine or any other form of electronic communication device. *[Amended in October 2004]*

[S 38 of the EP (RRE) Reg] *[Amended in October 2014]*

6.35 A polling agent must not misconduct himself/herself in or in the vicinity of a polling station or fail to obey any lawful direction of the RO or the PRO; otherwise he/she commits an offence and will be liable to a fine and to imprisonment and may be ordered by such officer to leave the area. If he/she fails to leave immediately, he/she 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 any 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/her.

The person so removed may not re-enter the polling station during that day except with the permission of the RO or the PRO. [Ss 38 and 89 of the EP (RRE) Reg] *[Amended in December 2009]*

Other Useful Information for Polling Agents

6.36 Polling staff, 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 elector who is about to vote or has voted. [Ss 37 and 82 of the EP (RRE) Reg] *[Added in October 2004 and amended in October 2014 and October 2018]*

6.37 Electors with mobility difficulty may be permitted to vote in a special polling station designated for the Rural Area for that purpose. Candidates or their agents can make inquiries with the RO for information. *[Added in October 2004 and amended in October 2014]*

6.38 Only the PRO, the Deputy PRO or an Assistant PRO may, in the presence of one of the polling officers as a witness, help an elector to mark a ballot paper if he/she claims that he/she is unable to read or is incapacitated from casting his/her vote due to visual impairment or other physical cause [s 49(1) of the EP (RRE) 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/her polling agent in the polling station may suggest 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 elector's relative, friend or any other person is in no circumstances allowed to accompany the elector in the course of voting. *[Amended in October 2004, October 2012 and October 2014]*

6.39 In each polling station designated for an election in respect of a Rural Area, subject to practicability of production, a number of **braille templates** are made available for the use of electors with visual impairment, if they so choose, to facilitate them to mark their vote on the ballot paper [s 49(2) and (3) of the EP (RRE) Reg]. The basic features of the template are as follows :

- (a) the template for each Rural Area is of the same width and length as the ballot paper;
- (b) the template contains numbers in braille starting with the first numeral (or code + numeral) in a sequence assigned to the candidates from the top downwards and on the right hand side against each of the number is a round hole;
- (c) the **top left hand corner** of the ballot paper and the template is cut so as to guide the elector 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 over the ballot paper, each braille number corresponds with the candidate number in the Rural Area; and each of the holes on the template corresponds with the circle on the ballot paper against the candidate number. The number of holes equals the number of candidates in the Rural Area.

An elector with visual impairment should apply the chop with a “✓” sign so provided in the circle through the holes on the templates against the candidate's number. *[Amended in October 2014 and October 2018]*

6.40 No person may canvass, display or wear any election propaganda material relating to any candidate or the election within a polling station. Candidates and their agents should not bring electioneering materials into the polling station or leave them there, and should remove any promotional badges, emblems, clothing or head-dress before entering. No person is allowed to use a sound amplifying system or device for any purpose within the NCZ; nor should he/she use such system or device for canvassing or any activities (e.g. lion dance), so that the sound emitted by it can be heard within the NCZ. [S 35(2) of the EP (RRE) Reg] However, an officer of the CSD may 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 on the polling day [s 35(2A) of the EP (RRE) Reg]. Also a person must not stay or loiter in the NSZ without the express permission of the PRO [s 35(2)(e) of the EP (RRE) Reg]. Any person who undertakes photographing, filming and video or audio recording within a polling station without the express permission of the PRO, the RO for the Rural Area, or a member of the EAC, commits an offence and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months [ss 38(4) and 89(2) of the EP (RRE) Reg]. Normally such permission is only granted to government photographers for publicity purposes. Polling agents should also read Parts I to V of Chapter 4 on all matters relating to polling and in particular, paras. 4.40 to 4.43 for activities that are prohibited, and the consequences of conducting such activities, in a polling station. *[Amended in October 2006, December 2009, October 2011, October 2014 and October 2018]*

6.41 If a candidate or his/her election or polling agent has any complaint about whatever happens inside a polling station, he/she should follow the procedures laid down in Chapter 19 on Complaints Procedure of the Guidelines. *[Amended in October 2014 and October 2018]*

PART VIII : COUNTING AGENTS

Appointment

6.42 A candidate may appoint not more than such number of counting agents as will be specified by the RO, 1 to 2 counting agents in general, to attend at a counting station to observe the counting of votes and to observe the sorting of ballot papers received from dedicated polling stations at a ballot paper sorting station [s 56(1) and (2) of the EP (RRE) Reg]. The same persons may, but need not, be appointed also as polling agents. *[Added in October 2004 and amended in December 2009]*

6.43 The notice of appointment must be in writing, in the specified form signed by the candidate and the counting agent and delivered to the relevant RO by hand, by post, by electronic mail or by facsimile transmission before the **3 days** preceding polling day. Where a candidate wishes to appoint a counting agent after the above deadline, the notice of the appointment must be delivered by the candidate or the election agent **in person** to the RO on the polling day during the period from the commencement of the poll to the conclusion of the count or the completion of the sorting of ballot paper as the case may be. [S 56(4) and (5) of the EP (RRE) Reg] The appointment is only effective when the notice of such appointment is received by the RO [s 56(9) of the EP (RRE) Reg]. *[Amended in December 2009, October 2012, October 2014 and October 2018]*

Revocation

6.44 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 in the specified form and deliver the signed notice by hand, by post (other than on the polling day), by electronic mail or by facsimile transmission

to the RO before the close of poll [s 56(6) and (7) of the EP (RRE) Reg]. If the notice of revocation is given after the close of poll, such notice must be delivered by the candidate or his/her election agent **in person** to the RO for the relevant counting station or the ARO (in case of a ballot paper sorting station) [s 56(6) of the EP (RRE) Reg]. A revocation of appointment of a counting agent is not effective until notice thereof is received by the RO or the ARO, as the case may be [s 56(9) of the EP (RRE) Reg]. If a counting agent passes away or has his appointment revoked, the candidate may appoint another counting agent. In such a case, the candidate must give notice of the replacement appointment in the specified form to the RO [s 56(5), (8) and (9) of the EP (RRE) Reg]. *[Amended in December 2009, October 2014 and October 2018]*

Role of Counting Agents

6.45 Counting agents are appointed to attend at:

- (a) the counting stations 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; or
- (b) the ballot paper sorting stations to observe the breaking of the seals on the ballot boxes received from dedicated polling stations and the sorting of the envelopes in the ballot boxes which contain ballot papers cast at the dedicated polling stations.

This arrangement ensures the transparency of the counting and sorting process and is conducive to openness and fairness. [See Part VI of Chapter 4]
[Amended in December 2009]

Provisions which the Counting Agents should be aware of

6.46 Before the counting of votes or sorting of ballot papers commences, every person authorised to be present at a counting station or a ballot paper sorting station, other than the police officers and members of the CAS on duty, must make a Declaration of Secrecy in a specified form and observe the provisions governing the secrecy of voting [s 81 of the EP (RRE) Reg]. This is to make sure that, subject to penalty of making a false declaration, all persons inside a counting station or a ballot paper sorting station will observe the secrecy of the vote of the elector and, in particular, not to divulge which elector has voted for which candidate. Members of the public present within the area designated by the RO or ARO will not be required to make a Declaration of Secrecy. *[Added in October 2004; amended in December 2009 and October 2010]*

6.47 On attending the counting station or the ballot paper sorting station, a counting agent shall report to the relevant RO or ARO as appropriate and produce his/her identity card and the Declaration of Secrecy completed by him/her for inspection. [S 81(1) of the EP (RRE) Reg] *[Amended in December 2009]*

6.48 Counting agents are entitled to be present throughout the count to observe the relevant counting proceedings. They will be allowed by the Counting Supervisor, ARO or RO to stay close to, and round the counting tables to monitor the count. Nonetheless, they must not handle any ballot papers. A counting agent **may**:

- (a) observe the breaking of the seals on the ballot boxes and the opening of the ballot boxes and where applicable, envelope(s) containing cast ballot paper(s), for the relevant Rural Area 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;
- (d) observe the determination of questionable ballot papers by the RO [s 63(1) of the EP (RRE) Reg]; and
- (e) observe, where he/she wishes, the packing of ballot papers by the counting officers and the RO at the conclusion of the count.

[Amended in October 2004, December 2009, October 2010, October 2012, October 2014 and October 2018]

6.49 A counting agent in a ballot paper sorting station **may**:

- (a) observe the opening of the ballot boxes received from dedicated polling stations;
- (b) inspect any papers other than the envelopes, which contain cast ballot papers, taken from the ballot boxes before they are disposed of;
- (c) observe the counting of the envelopes, which contain cast ballot papers, in each ballot box;
- (d) observe the sorting of the aforesaid envelopes according to each Rural Area; and
- (e) observe the sealing of the receptacles containing the sorted envelopes before they are delivered to the ROs of the respective counting stations of the relevant Rural Areas.

[Added in December 2009 and amended in October 2014]

6.50 A counting agent **must not**:

- (a) handle, separate or arrange ballot papers or envelopes; and
- (b) misconduct in or in the vicinity of a counting station or a ballot paper sorting station, or fail to obey any lawful order of the RO/ARO, as the case may be, otherwise he/she commits an offence and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 3 months and may be ordered by the RO/ARO to leave the area. If he/she fails to leave immediately, he/she may be removed by a police officer or by any other person authorised in writing by the RO/ARO to remove him/her. The person so removed may not re-enter the counting station or the ballot paper sorting station during that day except with the permission of the RO/ARO, as the case may be [ss 59(7) and 89(1) of the EP (RRE) Reg].

[Amended in December 2009, October 2010, October 2014 and October 2018]

6.51 Counting agents should read Part VII and Part VIII of Chapter 4 on all matters relating to sorting of ballot papers and counting of votes and in particular, paras. 4.51-4.52 and 4.57-4.58 for activities that are prohibited, and the consequences of conducting such activities, within the ballot paper sorting station and counting station. *[Amended in December 2009 and October 2018]*

CHAPTER 7

ELECTION ADVERTISEMENTS

PART I : WHAT CONSTITUTES AN ELECTION ADVERTISEMENT

7.1 An EA, in relation to the RR election, means:

- (a) a publicly exhibited notice, leaflet, circular, bill, booklet, placard or poster;
- (b) a notice, leaflet, circular, bill, booklet, placard or poster delivered by hand or electronic transmission;
- (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 and s 2 of the EP (RRE) Reg] *[Amended in October 2012 and October 2014]*

IMPORTANT:

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

“Publish” means print, display, exhibit, distribute, post up, publicly announce or make publicly known by any other means,

and includes continue to publish. [S 2 of the ECICO and s 91(1) of the EP (RRE) Reg] *[Added in October 2012]*

Any person who authorises the publication of an EA is taken to have published the EA. [S 91(2) of the EP (RRE) Reg] *[Added in October 2012]*

7.2 An EA includes the following if it is published for the purpose of promoting or prejudicing the election of any candidate or candidates in an election: *[Amended in October 2014]*

- (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; or *[Amended in October 2010]*
- (b) audio/video cassette tapes, discs, diskettes, electronic messages, websites, facsimile transmissions, balloons, badges, emblems, carrier bags, head-dress and clothing; or *[Amended in October 2006 and October 2010]*
- (c) any thing or material published by any person or any organisation, including political organisation, professional or trade organisation, owners' corporation, mutual aid committee ("MAC"), tenants' association, owners' committee, etc. (irrespective of whether or not the candidate concerned is its office-bearer or member) showing his/her or its support for any candidate or advertising the platform or services of such an organisation with reference to a candidate or candidates by name or photograph or in any other form or manner. *[Amended in October 2011]*

7.3 As stated in para. 7.1 above, EA is defined to include any messages published publicly for the purpose of promoting or prejudicing the election of a candidate or candidates at an election under s 2 of the ECICO. Any materials published by any person or organisation during or before the election period to appeal directly or indirectly to electors to vote or not to vote for a candidate or candidates belonging to or affiliated with certain organisations, irrespective of the form of publication and whether they contain any names or photographs of candidates, may also be regarded as EAs depending on all the circumstances at the time since when read in their whole context, the materials concerned may be capable of being reasonably understood by an elector as referring to certain identified candidate(s). The expenses incurred for the publication of such materials will be regarded as election expenses incurred by or on behalf of the candidate(s). If expenses are involved in the publication of the EA and the publisher is neither a candidate nor a candidate's election expense agent, the publisher may engage in illegal conduct under the ECICO. If a candidate instructs that person or organisation to publish the EAs, the candidate will also violate the law if such expenses are not accounted for as election expenses. *[Added in October 2018]*

7.4 The statutory definition of EA is very wide and encompasses anything published publicly by any means, including a message published through internet platforms (e.g. websites, social media, communication networks, etc.) for promoting the election of a candidate or prejudicing the election of other candidates. However, if web surfers merely share or forward different candidates' election campaigns through internet platforms for expression of views and do not intend to promote or prejudice the elections of any candidates, such sharing or forwarding will not normally be construed as publishing EAs. However, if the web surfers are instructed by the candidate or his/her election helpers to share or forward the election campaigns through internet platforms with the intention to promote or prejudice the election of a candidate or candidates at the election, such act will be regarded as publication

of the candidate's or candidates' EAs and any costs incurred will have to be included in the election expenses of the candidate(s). The candidate(s) should also observe fully the requirements relating to publication of EAs as set out in para. 7.49 below. *[Added in October 2018]*

7.5 In addition, any publicity materials containing the name or photograph of a candidate issued or displayed during the election period (i.e. the period beginning on the first day of the nomination period for the election and ending on the day on which the polling for the election ends, or on the day on which a declaration is made in accordance with s 29 of the RREO or s 19 of the EP (RRE) Reg) may also be regarded as EAs. Even though the content of the publicity material is not, on the face of it, election-related, the candidates may still receive the promotional effect depending on circumstances. *[Amended in October 2004, October 2014 and October 2018]*

7.6 Under s 91(1) of the EP (RRE) Reg, the definition of "publish" includes "continue to publish". In this regard, for the sake of prudence, any person who intends to stand as a candidate at the election, including but not limited to an incumbent member of the Legislative Council ("LegCo") or a District Council ("DC") (who should also comply with the terms and conditions under the Lands Department's Management Scheme for the Display of Roadside Non-commercial Publicity Materials, if his/her publicity materials are being displayed under the said Scheme), should ensure that all publicity materials published by him/her prior to the election period, especially posters or banners bearing his/her name or photograph displayed at a public place or at the common parts of a building, are removed before he/she has been nominated as a candidate or has publicly declared an intention to stand as a candidate at the election. Otherwise, any unremoved publicity material **may** be regarded as an EA in accordance with the foregoing principles. *[Added in October 2018]*

7.7 Under s 91(4) of the EP (RRE) Reg, a document published by a candidate **during** the election period that gives details of the work done by the candidate in the capacity of:

- (a) the Chief Executive (“CE”);
- (b) a member of the LegCo;
- (c) a member of a DC;
- (d) a member of the Heung Yee Kuk;
- (e) the Chairman or Vice-Chairman or a member of the Executive Committee of a Rural Committee within the meaning of s 3(3)(a) of the Heung Yee Kuk Ordinance (Cap. 1097); or
- (f) a RR,

is also regarded as an EA.

[Amended in October 2006, October 2012 and October 2014]

7.8 For the avoidance of doubt, if a person who has publicly declared his/her intention to stand as a candidate at an election **before** the election period, publishes a document as mentioned in para. 7.7 above, the document will also be regarded as an EA 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 document referred to in this para. and para. 7.7 above must comply with all the requirements for an EA and the expenditure so incurred be accounted for as election expenses. *[Amended in February 2005, October 2012 and October 2014]*

7.9 If a person publishes a document before he/she submits his/her nomination form or publicly declares his/her intention to stand as a candidate that gives details of his/her work done by him/her in his/her capacity as set out in para. 7.7 above without promoting or prejudicing the election of a candidate

or candidates at the election, the document will not be construed as an EA. On such basis, the expenditure incurred in the publication of such a document would not be counted as election expenses. *[Added in October 2004 and amended in October 2012]*

7.10 A candidate in an election may publish EAs in accordance with all the relevant laws and regulations and these guidelines. *[Amended in October 2018]*

Election Advertisements Prejudicing the Election of a Candidate

7.11 There are occasions that candidates or a third party may publish EAs 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 electors 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. For example:

- (a) If candidate A criticises candidate B in his/her own EAs with a view to prejudicing B’s candidature at the election, candidate A has to include the expenditure incurred in his/her election expenses.
- (b) If a third party criticises candidate B in an EA and the EA has the effect of indicating support for candidate A, the third party must obtain candidate A’s prior written consent for incurring the production expenses before he/she produces that EA, and the expenditure incurred will have to be included in candidate A’s election expenses.
- (c) If the third party publishes an EA as described in (b) above without the prior written consent of candidate A, that third party

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/her election expense agent may incur election expenses. It would only be fair to candidate A that the third party needs to obtain candidate A's written authorisation before incurring such 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.

[Added in October 2004 and amended in October 2014 and October 2018]

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

[Added in October 2004]

7.13 The **election expenses** allowed by law to be incurred by a candidate include the expenses he/she incurs for the preparation and publication of EAs, and he/she should therefore be careful in planning how much he/she should spend in this area. [For the definition of election expenses, see s 2 of the ECICO]

7.14 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 EAs employed by him/her. The maximum amounts allowed for the RR elections are specified in the Maximum Amount of Election Expenses (Rural Representative Election) Regulation (Cap. 554B). *[Amended in October 2014]*

7.15 A candidate must ensure the correctness and accuracy of all factual statements in his/her EAs. In particular, a candidate is reminded to comply with the requirements for obtaining prior written consent of support from other persons or organisations which are summarised in Chapter 17. [For criminal sanctions, see ss 25, 26 and 27 of the ECICO] *[Amended in October 2018]*

PART II : PERIOD AND AREA OF DISPLAY

7.16 Subject to the necessary **written permission or authorisation**, a candidate may display EAs on government or private land and property. [S 104A(1) of the Public Health and Municipal Services Ordinance (Cap. 132) (“PHMSO”) and s 4 of the Land (Miscellaneous Provisions) Ordinance (Cap. 28)]

7.17 Display spots are classified into two types:

- (a) **designated spots** which are spots on government land/property and sometimes even at the 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/herself.

Government or Private Land/Property - Designated Spots

7.18 Allocation of designated spots for the use of **contested** candidates to display their EAs will be made by the RO of the relevant Rural Area. Some

of the government land/property have been allocated to some public authorities, such as the Housing Authority, and are under their respective control. The RO for the relevant Rural Area may designate spots on such allocated land/property in coordination with the said authorities. **Each candidate competing in the same Rural Area will be allocated the same number of designated spots.** *[Amended in October 2004, October 2010, October 2012 and October 2014]*

7.19 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**”, but with absolute discretion to decide whether to adopt the suggestions.

NOTE :

Suggestions under para.7.19 should reach the DHA not later than **8 weeks before the polling day.** *[Amended in October 2004 and October 2010]*

Other Land/Property : Private Spots

7.20 Candidates who wish to display their EAs 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 PHMSO]. 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 all the permissions or authorisations obtained by a candidate himself/herself must be provided by him/her for public inspection in the manner as set out in para. 7.49 below. [Please also see para. 7.25 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/her EAs forms part of his/her election expenses. If the

private spot secured for displaying the EA 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 EAs 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 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. For details on how the estimated value should be assessed, please refer to para. 15.23. If a space is not the type 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 2004, October 2012 and October 2018]*

7.21 For the display of EAs at the common parts of private premises (those parts to which exclusive rights of use or occupation do not belong to a particular owner or tenant), the EAC appeals to owners and occupiers of private premises concerned to give all candidates competing in the same Rural Area **fair and equal treatment**. [For details, please see Chapter 8] *[Amended in October 2004, October 2014 and October 2018]*

7.22 Candidates should note that public corporations (e.g. the MTR Corporation Limited) may have their own rules for display of EAs in properties under their management. *[Amended in December 2009]*

Allocation of Designated Spots

7.23 The RO for each Rural Area will allocate the designated spots to candidates of the Rural Area either in accordance with the mutual consent of the candidates or by the drawing of lots after the end of the nomination period, when the number of candidates contesting in the Rural Area will have been ascertained. No designated spot will be provided to a candidate who is returned uncontested. **No display of EAs will be allowed on any designated spots before the allocation.** [Also see the requirements in para. 7.29 and Part VI below] EAs displayed by the candidates on government land/property other than designated spots are unauthorised and will be removed, save those EAs 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/her, together with a set of standardised map or maps to help identify the locations. *[Amended in October 2010 and October 2012]*

7.24 Candidates using the designated spots are required to read and comply with all the requirements and conditions stipulated in the “Conditions for Display of EAs at Designated Spots”, which will be provided to each candidate in the candidate’s folder and uploaded onto the webpage for the RR Elections. To safeguard the safety of road users, candidates should ensure that EAs on display must not distract motorists or interfere with the sight lines of motorists and pedestrians, or obscure any traffic sign or traffic light signal. *[Amended in October 2018]*

Written Permission or Authorisation

7.25 The RO(s) will obtain prior approval from the relevant authorities under s 104A(1) of the PHMSO and s 4 of the Land (Miscellaneous Provisions) Ordinance for candidates to display their EAs 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 of the Rural Area concerned [see Part III below]. For any display on private premises, written permission or authorisation of the private owner or occupier will have to be obtained by the candidates themselves [s 104A(1) of the PHMSO]. A person displaying an EA without the necessary written permission or authorisation commits an offence and will be liable to a fine at level 3(\$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(2) of the PHMSO]. A copy of all the permissions or authorisations obtained by a candidate himself/herself, as opposed to those provided to him/her by the RO, must be provided by him/her for public inspection in the manner as set out in para. 7.49 below. All candidates are also reminded that if carrying out of building works (including erection of signboards) at private premises is involved for display of the EA, the relevant provisions of the Buildings Ordinance (Cap. 123) (“BO”) and the subsidiary regulations should be complied with. In this regard, the candidates are strongly advised to consult building professionals, registered contractors and, where necessary, authorised persons on the compliance with the BO, and to make submission in accordance with the simplified requirements under the Minor Works Control System or formal application for approval and consent from the Buildings Department as appropriate before the carrying out of such works. *[Amended in October 2012 and October 2018]*

No Canvassing Zone

7.26 No EA may be displayed within the boundaries of a polling station (including the outer walls of the premises) or within any **NCZ** on the polling day [see Chapter 13], except for static display of EAs mounted at designated spots approved by the RO. Where there are private premises

situated within the NCZ, the ROs should issue a notice in advance to all the candidates in the Rural Areas concerned asking them to remove all of their EAs, if any, posted up at the private premises within the NCZ which can be seen by electors on their way to the polling stations on the polling day. If the candidates fail to remove the EAs as requested by the ROs, the ROs may issue a warning to them to remove the offending EAs immediately. If the candidates fail to do so, the EAC may issue a censure or reprimand. The RO for the Rural Area for which a candidate stands will provide each candidate with 1 set of sketch maps or plans showing the boundaries of all polling stations and all NCZs outside those polling stations. *[Amended in October 2004, October 2014 and October 2018]*

PART III : ALLOCATION OF DESIGNATED SPOTS

7.27 A candidate of a Rural Area can obtain the following information from the RO for that Rural Area at the time of submitting the nomination form: *[Amended in October 2012]*

- (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 occasionally private premises (if any) available for allocation to the candidates for a particular Rural Area. The size and number of spots for allocation will be finalised by the RO, taking into account the number of contested candidates in the Rural Area, **after** the end of the nomination period. In order to allow all contested candidates to display their EAs at all locations, particularly popular ones, the size of each spot may vary from location to location; and *[Amended in October 2004]*

- (b) the date and time for conducting the allocation of designated spots, which would normally be held within 3 working days after the end of the nomination period. 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.

[Amended in October 2014 and October 2018]

7.28 The RO(s) for the Rural Area(s) will need to know the exact number of candidates who wish to display EAs at designated spots, so that he/she can finalise the number of designated spots and their size for allocation. Therefore, candidates who wish to display EAs at designated spots **must register their interest in writing by filing a completed form to the relevant RO within the nomination period. Only candidates of contested Rural Areas will be allocated with designated spots.** *[Amended in October 2012 and October 2014]*

7.29 The principle of allocation of designated spots is that candidates contesting in the same Rural Area should each be allocated the same number of designated spots and an equal area of space for mounting EAs. 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 PHMSO and s 4 of the Land (Miscellaneous Provisions) Ordinance] and after complying with the requirements set out under Part VI, the candidate may display EAs at such spots allocated to him/her. *[Amended in October 2018]*

7.30 A copy of all the permissions or authorisations obtained by a candidate himself/herself, as opposed to those provided to him/her by the RO, must be provided by him/her in the manner as set out in para. 7.49 below [s 92(2) and (3) of the EP (RRE) Reg]. *[Amended in October 2004 and October 2012]*

7.31 Subject to para. 7.33, designated spots allocated are not transferable. Nor are they exchangeable with other spots. Where a candidate of a particular Rural Area no longer wishes to use one or more designated spots allocated to him/her, he/she should inform the RO of that Rural Area in writing within 1 week after the allocation of those spots. At a contested election, upon request by any other candidate of the same Rural Area, the RO, if he/she considers appropriate, will re-allocate by agreement or by the drawing of lots the designated spots amongst all other candidates who are eligible to be allocated with designated spots of the same Rural Area. In such a case, paras. 7.29 and 7.30 above apply. *[Amended in October 2010, October 2012 and October 2014]*

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 EAs.

7.32 Candidates will not in principle be allocated designated spots outside the Rural Areas in which they stand for election. If, for any reason, a candidate in a by-election wishes to be allocated designated spots outside his/her Rural Area, he/she should write to the DHA to state the reasons as soon as possible after his/her nomination form has been handed in. If such request is considered technically feasible and justified, the DHA will proceed to identify suitable designated spots for inclusion in an allocation exercise but the

DHA has the final decision as to whether or not to accede to the request.
[Added in October 2004; amended in October 2011, October 2014 and October 2018]

7.33 An EA advertising 2 or more candidates of the same or different Rural Areas jointly is allowed to be displayed on the designated spots allocated to the candidates. Nevertheless, it is important to ensure that, for each one of the joint candidates, the total area of all the spaces actually occupied for advertising the candidate on his/her EAs, including the joint EAs, mounted at the designated spots (as measured by the dimension of EAs) does not exceed the total area of the designated spots allocated to each of the candidates. A joint EA is also subject to the size restrictions specified in para. 7.37 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 EAs will therefore have to be borne by the candidates concerned in equal or proportional shares as their respective election expenses, to be calculated by the proportion of the size of the portion advertising each. In this connection, it is important to note that only a candidate himself/herself or his/her election expense agent may incur election expenses on his/her 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 prior written consent of support from each other before publishing the joint EA [see also paras. 6.17 to 6.20 and para. 17.10].
[Amended in October 2004, October 2011, October 2012 and October 2018]

PART IV : CONDITIONS AND LIMITATIONS ON DISPLAY

Name of the Rural Area

7.34 To avoid possible confusion to electors, EAs of all candidates of the Rural Area must bear the name of the Rural Area for which the candidate concerned is standing. Similarly, in respect of joint EAs, the name of the Rural Area should be stated clearly in relation to each of the candidates advertised. In the case of a breach for EAs displayed at designated spots, the approval for the use of the designated spots in question will be revoked. *[Amended in October 2014 and October 2018]*

7.35 Likewise, all candidates should make known to the public the name of their respective Rural Areas when they conduct joint canvassing activities. *[Added in October 2004 and amended in October 2014]*

Re-use of Old Publicity Boards

7.36 A candidate may re-use old publicity boards used at a previous election. However, any information in relation to the previous election, e.g. the candidate number, name of Rural Area, 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 electors but would also help the candidate avoid laying himself/herself open to allegations of false claim of support of persons who might not have consented to support him/her 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 and October 2014]*

Size

7.37 As a general rule, EAs displayed at designated spots should not exceed 1 metre high and 2.5 metres long. In the case of designated spots at roadside railings, the EAs must be **printed on one side only** and be displayed at the **designated side of the railings** with the side of the EAs carrying the promotional messages **facing the designated direction of the spots**. Before displaying EAs, candidates are reminded to ensure that the EAs 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 [See also para. 7.24 above]. For the rules on display of joint advertisement, see para. 7.33 above. *[Amended in October 2010, October 2012 and October 2018]*

Mounting and Installation

7.38 The EAs must be firmly and separately fastened. The mounting and display of EAs must not cause any risk to injuries or property damages. *[Amended in October 2012 and October 2018]*

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

7.40 Use “tie-on” posters (rather than “stick-on” posters or metallic wires) to facilitate subsequent removal. *[Amended in October 2012]*

7.41 Use of wire for fixing the flags onto any highway structure, and railing, barrier, fence, post or any other street furniture, is strictly prohibited. *[Added in October 2018]*

7.42 Do not stick posters on painted or varnished surfaces as their subsequent removal will cause damage or leave irremovable marks. *[Amended in October 2006]*

7.43 Do not excavate or erect any structure on public pavements, e.g. nailing boards to the ground. *[Amended in October 2012]*

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

Dismounting

7.45 All candidates should remove all their EAs displayed on government land/property **within 10 days** following an election. Failure to do so may result in prosecution being brought against the offending candidate and such advertisements removed and seized by the relevant authority. 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 Friday after the polling day). The **cost of removal** will be construed as **election expenses** and the candidates must include all these costs as election expenses in their election returns. *[Amended in October 2006, October 2010, October 2012 and October 2018]*

**PART V : APPLICATION FOR TEMPORARY OCCUPATION OF
GOVERNMENT LAND AT PUBLIC PLACE FOR
HOLDING ELECTIONEERING ACTIVITIES**

7.46 For temporary occupation of government land including public street, pavement, footbridge, public escalator systems and pedestrian tunnel for holding electioneering activities (such as setting up of a manned street counter and displaying of EAs which may include banners, roll up banners and vertical flying poster or bunting), candidates are required to submit applications with scheduled date, time, location/spot and brief description of the proposed set-up, to the relevant District Lands Office (“DLO”) of Lands Department for consideration. DLOs will only consider applications from validly nominated candidates and applications from uncontested candidates will not be considered. Approved occupation should not exceed 2 m² in area and 2 m in height. The respective DLO will consult the government departments concerned in considering the applications. *[Added in October 2018]*

7.47 The Lands Department will issue detailed guidelines for candidates to apply for temporary occupation of government land at public place for holding electioneering activities during election period. The deadlines for submission of applications will be specified in the guidelines. Applications should be submitted to the relevant DLO according to the designated deadlines. Applications for occupying government land on the polling day should be submitted to the relevant DLO by the subject deadline as specified in the guidelines. The DLO will arrange drawing of lots to determine the allocation if necessary. On the polling day, the approval will be deemed to have been revoked if and when the spot falls within the NCZ. *[Added in October 2018]*

7.48 The DLOs will not consider applications for holding electioneering activities on government land outside the designated periods.

No fee is required for the application above. Display of EAs is not permitted if and when the street counter is not manned. *[Added in October 2018]*

PART VI : REQUIREMENTS RELATING TO PUBLICATION OF ELECTION ADVERTISEMENTS

Copies for Public Inspection

7.49 A candidate must make available a copy of each of his/her EAs, and relevant information/documents (see **Appendix C**) including publication information, permission or consent in relation to the EAs for public inspection **within 1 working day (i.e. any day other than a general holiday or Saturday) after publication of the EAs** by the following means:

- (a) posting an electronic copy each of all his/her EAs and the relevant information/documents onto an open platform¹⁹ maintained by the DHA or a person authorised by the DHA (“Central Platform”) in accordance with the procedures set out in **Appendix C**;
- (b) posting an electronic copy each of all his/her EAs and the relevant information/documents onto an open platform maintained by the candidate or a person authorised by the candidate (“Candidate’s Platform”) and provide the **electronic address** of the platform to the RO **at least 3 working days before publication of the first EA (For details, please see Appendix C)**;
- (c) if it is technically impracticable to comply with (a) or (b) above for EAs published through an open platform on the internet (such

¹⁹ Open platform means a platform operated through the internet to which the public has access without having to go through an access control process put in place for that platform.

as when 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), posting a hyperlink of such open platform and the information/documents relevant to the EAs onto the Candidate's Platform or the Central Platform in accordance with the procedures set out in **Appendix C**;

- (d) providing 2 hard copies each of the EAs (or 2 identical full colour photographs/printouts/photocopies of each EA which cannot be practically or conveniently produced in specie) and 1 hardcopy each of the relevant information/documents to the RO; or
- (e) providing 2 identical copies of a CD-ROM or DVD-ROM each containing the EAs and 1 hardcopy each of the relevant information/documents to the RO.

As an interim arrangement, in case the RO has yet to be appointed and the Central Platform has yet to be established, the candidates should deposit his/her EAs and the relevant information/documents with the DHA in the same manner as stated in (d) or (e) above.

[S 92(2) and (3) of the EP (RRE) Reg] *[Amended in October 2004, October 2012, April 2014 and October 2018]*

Publication Details

7.50 A candidate should provide information related to the printing/publication of his/her EAs (i.e. the name and address of the printer, date of printing/publication and number of copies printed) when posting the EAs onto the Candidate's Platform or Central Platform or submit the information in a specified form to the RO **within 1 working day after publication of the EAs** (see **Appendix C**) [s 92(4) and (6) of the EP (RRE)]

Reg]. A candidate must ensure the accuracy of all the information provided.
[Added in October 2012 and amended in April 2014]

7.51 Where the information uploaded onto the Candidate's Platform or Central Platform or provided to the RO as set out in para. 7.50 above contains a mistake, the candidate should post such corrective information onto the Candidate's Platform or Central Platform or submit the corrective information in a specified form to the RO for public inspection. All such corrective information must be posted onto the Candidate's Platform or Central Platform or deposited with the relevant RO **within 2 working days after the polling day, the latest**. The information will be used as one of the basis for checking the candidate's election return and for the removal of unauthorised or offending EAs. For the avoidance of doubt, any amendment to the content of an EA will be regarded as publication of a new EA for which the requirements stated in paras. 7.49 and 7.50 above should be complied with, except the addition of the number of each candidate allocated at the Candidates' Briefing onto a published EA, in which case a copy of the EA bearing such addition and the corrective information must be made available for public inspection in accordance with this paragraph. *[Added in October 2012; amended in April 2014 and October 2018]*

7.52 All EAs published must be posted onto the Candidate's Platform or the Central Platform or deposited with the RO by the candidate for public inspection in the manner specified in this Part VI. *[Added in October 2018]*

7.53 A candidate must not display his/her EAs other than at the places permitted or authorised. *[Added in October 2018]*

7.54 Speeches orally delivered by a candidate during election meetings or ad hoc visits will not be treated as EAs, but the copies of the speech provided to the audience or media will be regarded as printed EAs.

Therefore, the candidates concerned are required to comply with all the requirements in this Chapter as applicable to EAs in the distribution of the copies and for public inspection. *[Added in October 2006 and amended in October 2010 and October 2012]*

7.55 In the circumstances where candidates contesting different Rural Areas use identical copies of an EA, each candidate concerned should each post an electronic copy of the EA and the relevant information/documents onto his/her Candidate's Platform or the Central Platform or deposit 2 copies of the EA and 1 copy of the relevant information/documents with the RO(s) concerned. [S 92(2) and (3) of the EP (RRE) Reg] *[Added in October 2004 and amended in October 2012, April 2014 and October 2014]*

7.56 Copies of the EAs and the relevant information/documents must be made available for public inspection till the end of the period for which copies of election returns are available for inspection under s 41 of the ECICO, i.e. the period ending with the 30th day before the first anniversary of the date of the deadline for lodging the relevant election return [s 41(6) of the ECICO and s 92(7) of the EP (RRE) Reg]. A candidate electing to comply with para. 7.49(b) above must ensure that the Candidate's Platform is maintained till the end of the aforesaid inspection period to facilitate public inspection of the EAs [s 92(2)(b) of the EP (RRE) Reg]. The DHA will also publicise the Central Platform and the electronic address of the Candidate's Platform to facilitate public inspection of the EAs. For a candidate electing to comply with para. 7.49(d) or (e) above, the RO concerned will make available a copy of the EAs and the relevant information/documents for public inspection at the RO's office as soon as practicable after copies of such EAs and information/documents have been furnished till the end of the aforesaid inspection period [s 92(7) of the EP (RRE) Reg]. *[Amended in October 2012, October 2014 and October 2018]*

PART VII : REQUIREMENTS RELATING TO PRINTED ELECTION MATERIALS

Printing Details

7.57 All printed EAs, with the exception of those printed in a registered local newspaper, should bear printing details in Chinese or English, which should state 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 (e.g. printing machines, duplicators or photocopyers). 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

[s 92(4) and (5) of the EP (RRE) Reg] *[Amended in October 2012]*

Election Advertisements Placed in Print Media

7.58 Where an EA 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 EA, 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 EA.

Inadvertent Omission of Printing Details

7.59 A candidate who has inadvertently omitted the printing details from his/her printed EAs can make a statutory declaration giving the omitted details, and deposit such declaration with the relevant RO **not later than 7 days after** the publication of the offending EA [s 92(6) of the EP (RRE) Reg]. Having taken this remedial step, he/she will not be prosecuted for contravention of s 92(4) of the EP (RRE) Reg. The statutory declaration will be made available for public inspection by the relevant RO till the end of the period for which copies of election returns are available for inspection under s 41(6) of the ECICO [s 92(7) of the EP (RRE) Reg]. *[Amended in October 2012, October 2014 and October 2018]*

PART VIII : NON-COMPLIANCE AND CONSEQUENCES

Enforcement and Penalties

7.60 A candidate who fails to comply with the requirements set out in Parts VI and VII above commits an offence and is liable to a fine at level 2 (i.e. \$5,000) and to imprisonment for 6 months. [S 92(9) of the EP (RRE) Reg] *[Amended in October 2011 and October 2012]*

7.61 Each candidate must observe and comply with the conditions imposed by the permissions or authorisations for the display of EAs. Any EAs 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 against any unauthorised or offending EAs. *[Amended in October 2018]*

7.62 Any unauthorised or offending EAs displayed may be seized, disposed of, destroyed, obliterated or covered by the RO or any person authorised by him/her as he/she thinks fit [s 94 of the EP (RRE) Reg]. The candidate or his/her election agent responsible may also be prosecuted and if convicted, may be liable to a fine or imprisonment [s 92(9) of the EP (RRE) 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 election return. The seized articles may be kept as evidence and will be disposed of or returned upon application in accordance with the PHMSO or the Housing Ordinance (Cap. 283), as the case may be, and the procedures of the relevant authority [s 104C of the PHMSO and s 24 of the Housing Ordinance]. *[Amended in October 2012, October 2014 and October 2018]*

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

7.64 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 reprimand or censure any non-compliance with these guidelines. Although a censure may be a further detriment to the candidate in addition to his/her liability for removal expenses and criminal liability, the EAC will not hesitate to publish one in an appropriate case.

Relief for Election Advertisements

7.65 A person, who publishes an EA without complying with the requirements as set out in paras. 7.49, (except that related to the submission of permission/authorisation document under s 104A(1) of the PHMSO), 7.50, 7.51 and 7.57 above may apply to the CFI for an order allowing the publication of

the above EAs to be excepted from the relevant requirements and relieving him/her from the penalties. The CFI may make such an order provided that the CFI 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 93 of the EP (RRE) Reg] *[Amended in October 2012]*

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

7.66 Any thing or material published by any organisation, including political organisation, professional or trade organisation, owners' corporation, MAC, tenants' association, owners' committee, etc. which advertises its platform or services **with reference to candidate** (irrespective of whether or not the candidate concerned is its office-bearer or member) **during or even before the election period** by name or photograph or otherwise may be treated as EA 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. Candidate should be responsible for election expense incurred by himself/herself or his/her authorised election expense agents but not those without his knowledge and consent. It is therefore a prudent step for the relevant organisations to suspend such advertising activities. However, if the material published by the organisation concerned, as opposed to the candidate himself/herself, 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 will not be regarded as an EA. *[Amended in October 2004, October 2011 and October 2018]*

7.67 It is an offence for anyone to incur election expenses unless he/she is a candidate or an election expense agent of a candidate. [S 23(1) of the ECICO]

7.68 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.

7.69 To sum up the important points, where any organisation, including a political organisation, publishes an EA 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 in writing by the candidate to be the candidate's election expense agent prior to incurring any election expenses, 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 92 of the EP (RRE) Reg; and
- (d) such advertisement can only be displayed at the spots with the relevant written permission or authorisation.

[Amended in October 2012, October 2014 and October 2018]

PART X : POSTING ELECTION ADVERTISEMENTS

7.70 A candidate sending EAs to electors through mail must pay postage. Please refer to the “Postage Rates and Services” leaflet of Hongkong Post (Pos 15) for details on postage and types of services.

7.71 To avoid delay or misdelivery, the full postal address should be typed or legibly written on the front of the envelope in 4 rows as follows:

Name of addressee

Floor and flat number and name of building

Street number, name of street

Name of district

7.72 The name of the candidate and other propaganda slogans, including photographs, should appear on the back of the item or on the left hand half of the address side. The right-hand half of the front should be reserved exclusively for the address.

PART XI : ELECTION ADVERTISEMENTS FOR REGISTERED ELECTORS IN THE CUSTODY OF CSD AND OTHER LAW ENFORCEMENT AGENCIES

7.73 Candidates may send EAs to registered electors in the custody of the CSD and other law enforcement agencies where the electors have provided the addresses of the penal institutions concerned as their correspondence addresses for the receipt of EAs. For security reasons, candidates should adhere to the guidelines laid down by the CSD at **Appendix Q** when sending EAs to these electors. *[Added in December 2009 and amended in October 2018]*

7.74 Candidates may note that persons who are imprisoned or held in custody by the law enforcement agencies who are registered electors 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 December 2009]*

CHAPTER 8

ELECTIONEERING ACTIVITIES AT PREMISES OR BUILDINGS WHERE ELECTORS RESIDE, WORK OR FREQUENT

PART I : GENERAL

8.1 There are occasions when candidates may wish to target their electioneering activities at an individual elector or a group of electors at:

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

These electioneering activities may include visits to, personal contact with people, using amplifying devices to advertise in the common parts of the building, display or distribution of EAs and holding of election meetings at, the places mentioned above. **Appendix D** gives some kind of reference as to what activity is to be regarded as an 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 electors, the management bodies of the organisations to which the electors belong and the management bodies of the buildings which the electors frequent to **provide fair and equal treatment** to all candidates so as to ensure that the election is conducted fairly. *[Amended in October 2006]*

8.2 Candidates are reminded that different organisations/buildings 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, candidates should consult the relevant authorities or management in advance and, if required, obtain prior permission from them for the conduct of electioneering activities in the places within their jurisdiction. *[Added in October 2006 and amended in October 2012]*

8.3 The general guidelines to be observed for conducting electioneering activities at the living and working places of electors, premises of organisations to which electors belong and buildings which electors frequent are set out in Part III 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 E**. *[Added in October 2006]*

8.4 For the purpose of ensuring fair treatment and equal opportunity of access for all candidates in conducting electioneering activities and to avoid causing undue disturbance to the public, Part IV 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 October 2006]*

PART II : RIGHTS OF TENANTS AND OWNERS

Tenant's Right – His/Her House, Flat, Office or Factory

8.5 The tenant who has exclusive possession of a house, flat, office or factory, and not the owner, has the right to allow or deny access by anyone to the place. *[Added in October 2004]*

Common Parts

8.6 The **common parts** of a building (those parts to which exclusive rights of use or occupation do not belong to a particular owner or tenant) 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. *[Amended in October 2004]*

8.7 The carrying out of the powers and duties and the acts of an owners' corporation do not affect the rights of the tenants of the individual flats, offices or factories in the building except in relation to matters concerning the common parts. Candidates and tenants should note that as **a tenant** has exclusive possession of the unit that he/she occupies, he/she **has the right to invite anyone to visit his/her unit for any lawful purpose**, including electioneering, but he/she has no right to allow the invitee to approach other tenants' units, such as knocking on other people's doors, or to do anything in the common parts of the building, except for accessing and leaving his/her unit or for the purposes allowed by the owners. *[Added in October 2004]*

Owners' Committees

8.8 In some buildings, no owners' corporation has been established, but instead an owners' committee is formed. While an owners' committee generally operates in the same manner as an owners' corporation, its powers vis-à-vis the rights of the individual owners are not standardised and may differ from case to case. *[Added in October 2004]*

Management Companies

8.9 Very often, the management of the common parts of a building has been delegated by the owners or owners' corporation or owners' committee to a management company. Management companies are only managing the common parts on behalf of the owners and unless specifically empowered to do so, have no independent right or power to decide whether electioneering by candidates in the common parts should or should not be allowed. *[Added in October 2004]*

Tenants' Associations, Residents' Associations, Mutual Aid Committees

8.10 Sometimes there are tenants' associations or residents' associations or MACs representing tenants' interests in buildings. As against the owners, they have no right to control or manage the common parts. If they are given the authority by the owners, then they are entitled to control and manage the common parts on behalf of the owners. *[Added in October 2004]*

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

Visits to Living and Working Places of Electors

8.11 Candidates should note that electors have the right to allow or deny access by anyone, including the candidates, to their own living or working places. In other words, electors are free to invite, or accept the request from, a particular candidate(s), but not the others, to visit them at their living or working places. *[Amended in October 2014]*

8.12 However, access to a private office may require the approval of the management of the office building or the companies which employ the electors, and such management when making a decision should have due regard to the fair and equal treatment principle mentioned in Part IV below. In conducting electioneering activities at the common parts of the living or working places of electors, candidates should observe the general guidelines set out in paras. 8.15 to 8.22 below. *[Amended in October 2006]*

8.13 Any government offices, which are working places of electors, 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 IV below. *[Amended in October 2006]*

8.14 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 and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 3 months. [S 79A of the EP (RRE) Reg] *[Added in December 2009]*

Respect for the Decision and Privacy

8.15 After a candidate has been notified of the decision relating to electioneering activities, he/she should ensure that he/she and his/her supporters comply with the decision and should not avail himself/herself of or obtain any unfair advantage over any other candidate(s). *[Amended in October 2010]*

8.16 If a decision to disallow electioneering in an organisation or a building has been made, the candidate or his/her supporters should conduct no electioneering activity in such places. If the candidate concerned acts against the decision of the organisation or building in whatever manner, then he/she commits trespass and the organisation or building management can simply stop him/her from 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 (which may publish a **reprimand** or **censure** against the candidate concerned) or its Complaints Committee. *[Amended in October 2014]*

8.17 A candidate and his/her 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. *[Amended in October 2014]*

8.18 **Privacy of the electors should be respected.** The Guidance on Election Activities for Candidates, Government Departments, Public Opinion Research Organisations and Members of the Public at **Appendix F**, prepared by the Office of the Privacy Commissioner for Personal Data ("PCPD"), serves as a general reference in compliance with the requirements of the PD(P)O in relation to electioneering activities that may involve the collection and use of personal data of an individual. According to the aforesaid guidance note, the act of canvassing for votes is not in contravention of the PD(P)O provided that collection and handling of personal data is in compliance with the data

protection principles in schedule 1 to the PD(P)O. The aforesaid guidance note also reminds candidates, inter alia, that:

- (a) individuals should be informed of the purpose of collection of their personal data when collecting the data directly from them for electioneering;
- (b) personal data should not be collected by deceptive means or by misrepresentation (e.g. collecting personal data in the pretext of opinion poll or assisting citizens to apply for government welfare);
- (c) before using personal data from sources other than the extract from the FR provided by the HAD for electioneering purpose, express consent from the data subjects should be obtained unless the original purpose of collection of the data is directly related to the electioneering purpose; and
- (d) if election agents or other contractors are engaged to process personal data of electors on behalf of the candidates for electioneering purpose, necessary means (contractual or otherwise) must be adopted to prevent the personal data transferred to the election agents or other contractors from: (i) being kept longer than is necessary for the electioneering purpose; and (ii) unauthorised or accidental access, processing, erasure, loss or use.

In addition, in order to facilitate better understanding of the privacy concerns of the electors and compliance with the requirements of the PD(P)O, the PCPD has provided 4 complaint cases at **Appendix G** for illustration purpose. **Candidates and their election agents are strongly advised to strictly follow the guidance provided by the PCPD in the aforesaid note when conducting electioneering activities.**

[Amended in October 2012 and October 2018]

8.19 Candidates are supplied by the HAD with an **extract of the FR** in respect of their respective Rural Areas which contains the name and residential address of the electors of the relevant Rural Area and their email addresses (where the electors concerned have provided to HAD for the purpose of receiving EAs from candidates), but not **their telephone numbers**. As a general rule, candidates should respect the privacy of electors when using their contact information for canvassing. In particular, for mass distribution of EAs over email, candidates are reminded to use the “bcc” function of email or other proven means to ensure that the email addresses of individual electors would not be inadvertently disclosed to other recipients. Candidates should note that some members of the public do not like or detest being called over the telephone, the entrance intercom system and some do not like their names being called out aloud. Many electors also consider canvassing messages sent to them through **electronic devices** annoying. Their disapproval may be reflected in their choice of candidates on the polling day. It is therefore unwise to call or send messages through electronic devices to electors 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 electors that they know finding such electioneering telephone calls or messages or visits objectionable and avoid approaching these electors through these means again. On the other hand, electors who receive the 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 elector should report the matter as soon as possible to the **Police** who may take action against the caller or sender. *[Amended in October 2010, October 2012, October 2014 and October 2018]*

8.20 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. They should be mindful that some people working shift hours need to take rest during the daytime and the noise

generated from the use of loudspeakers for electioneering activities may affect their daily life. 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 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 electors will obviously be reflected in their choice of candidate. [See also Chapter 11] *[Amended in October 2010, October 2012 and October 2018]*

8.21 Canvassing through the use of the **entrance intercom system** in a building is prohibited unless it is expressly allowed by the building management. *[Amended in October 2010]*

Identification of Canvassers

8.22 For security reasons and for prevention of abuse, the EAC advises that each candidate should provide some forms of identification to his/her 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/her canvasser who should produce his/her identification document together with his/her 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 IV : 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 Electors Belong and
Buildings which Electors Frequent**

8.23 The premises of the organisations to which the electors belong and the buildings which electors frequent usually do not belong to a particular elector or group of electors. They are usually under the control of the management bodies of the organisations or the buildings concerned. *[Amended in October 2006]*

8.24 On the polling day or even quite some time before, candidates and their supporters may wish to carry out canvassing or electioneering activities at the premises mentioned above. Such activities mainly consist of the following:

- (a) distribution of election leaflets or advertisements by delivering them into the flats themselves, or into mail boxes of the flats, or placing them in the common parts of the building for collection, or handing them out to residents or people in the common parts of the building (but not distribution by post which is not subject to the control of the private premises);
- (b) display of posters, banners, placards, boards and any other EAs, etc. at any of the places within the common parts of the building;

NOTE:

Candidates who are allowed to display or distribute EAs at the premises mentioned above must comply with the guidelines set out in Chapter 7.

- (c) personal contact with people or using amplifying devices to advertise in the common parts of the building; and
- (d) household or home visits to occupiers of flats.

[Added in October 2004]

8.25 **A tenant's right to invite lawful visitors to his/her own flat or office or factory cannot be lawfully restrained by any decision made by the owners or owners' corporation.** If he/she invites a candidate and his/her supporters into his/her own premises, the owners or owners' corporation have no right to stop or obstruct it. *[Added in October 2004]*

Decision to be Made at a Tenants' Meeting

8.26 During election time, there may be tenants wishing to entertain the approaches by candidates and their supporters, but different tenants may invite different candidates to their units, and there may be arguments as to which candidate should be allowed to electioneer in the building. It is therefore advisable for owners or owners' corporations to make a decision on whether to allow candidates and their supporters to conduct electioneering activities in the building, so that arguments relating to who is allowed and who is not allowed to do so will be resolved for the benefit of all concerned. It is also advisable for owners or owners' corporations to invite all the tenants to attend the meeting held for discussing this matter so that tenants' views will be heard before any decision to allow or deny electioneering activities in the building is taken. *[Added in October 2004]*

8.27 As a motion on whether or not electioneering 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. *[Amended in October 2004]*

8.28 Candidates in an election see electioneering as a form of freedom of expression whereby they express to electors their platforms and the electors have a corresponding right to receive such information. Electors can only make a proper choice when casting their votes if they know the platforms of each of the contesting candidates. *[Added in October 2004]*

8.29 If a decision is made to allow electioneering by all candidates, the decision can also set out the hours of access and other conditions, such as not causing annoyance to occupiers, and the maximum number of persons allowed for home visits, etc. for the candidates to comply [see also **Appendix H**]. *[Added in October 2004]*

Decision Must Provide Fair and Equal Treatment

8.30 The EAC appeals to all management bodies of the organisations or buildings concerned to provide **equal opportunity** to all candidates competing in the same Rural Area for the purposes of electioneering. However, if it is decided **not** to allow a particular candidate to conduct electioneering activities at the premises of the organisation or in the common parts of the building, no other candidate in the same Rural Area 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. Discriminatory treatment of candidates may also lead to unequal treatment of tenants/occupiers, and have the undesirable effect of giving rise to dissatisfaction and discord amongst neighbours in the same building. *[Amended in October 2004 and October 2014]*

8.31 For all types of building organisations be it an owners' corporation, owners' committee, MAC, 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.** *[Added in October 2004]*

IMPORTANT :

The office bearers of building organisations must not abuse their positions in the organisations to give unfair treatment to any candidate in the conduct of electioneering or canvassing activities in the buildings concerned. This is particularly the case when the office bearers themselves or their close relatives are candidates in the election. Furthermore, it would be the responsibility of the building organisations to ensure that the fair and equal treatment principle is strictly complied with in all circumstances and no candidates will be given unfair advantage in the election. *[Added in October 2018]*

8.32 The organisation concerned should make a decision that applies equally and fairly to all candidates of each Rural Area 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. *[Added in October 2004 and amended in October 2014]*

Notification of Decision

8.33 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 RO with the correct information to be provided to the candidates who may make inquiries with him/her. A **form** of the notification to the RO can be obtained from the HAD. Enquiries may be made with the DO 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 end of nomination period 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 these buildings not to allow electioneering. *[Amended in October 2018]*

Display of Election Advertisements

8.34 The management bodies of the organisations or buildings concerned should avoid handling applications by candidates for display of EA 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/her. To ensure fairness, management bodies are advised to:

- (a) ascertain all the available spots at the 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 nominations of candidature, find out from the relevant RO(s) how many candidates are contesting in the Rural Area(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 of the Rural Area concerned applies for display of EAs, allow him/her to draw lots to obtain a portion of the spots still available at the time of his/her application; and
- (f) where 2 or more candidates wish to display their joint EAs, they should be allowed to do so but the joint EAs 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) mentioned above. *[Added in October 2012]*

[Amended in October 2006, October 2010 and October 2014]

8.35 If a building has any spaces in the common area that can be made available through any arrangement including rental for candidates to display EAs or conduct other electioneering activity, the building shall ensure that such spaces are **equally available** to all the candidates contesting the same Rural Area, and give reasonable notice to all such candidates accordingly. Providing a space to only one of the candidates but not the others will be considered to be offering an unfair advantage to the candidates concerned and operating unfairly towards the other candidates. Candidates should not take any such unfair advantage. *[Added in October 2004 and amended in October 2012 and October 2014]*

8.36 Where a decision has been made, notice of its contents together with the conditions should be posted up at the entrance so that candidates or their agents will be able to know. This openness will help prevent misunderstanding and complaint. *[Added in October 2004]*

8.37 Whenever a decision has been taken by a building, insofar as the decision does not offend against the fair and equal treatment principle regarding electioneering activities of all candidates of the same Rural Area, and such decision is not carried out unfairly towards any of the candidates, the EAC will not intervene. *[Added in October 2004 and amended in October 2014]*

8.38 An owners' corporation or other organisation or person should be very careful not to incur any election expenses for promoting a candidate, such as putting up a banner to show support for a candidate, because it is an illegal conduct at an election for a person, other than a candidate or a candidate's election expense agent, to incur election expenses at or in connection with the election. [S 23(1) of the ECICO] *[Added in October 2004]*

8.39 Any person who puts 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 he/she is a candidate or intends to stand as a candidate in the election. This is to prevent prospective candidates from making use of such device to promote himself/herself. The management body is also advised to exercise its own judgement on whether the publicity materials are serving electioneering purposes and then make a decision with due regard to the fair and equal treatment principle. *[Added in October 2004]*

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

8.40 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 E**. *[Amended in October 2006]*

PART VI : SANCTION

8.41 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.

8.42 Candidates should also refrain from accepting any unfair advantage over other candidates in the same Rural Area even though such may be ready 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 9

ELECTION MEETINGS

PART I : GENERAL

9.1 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 Rural Area are not treated as election meetings [see Part IV of Chapter 10]. During the election period, a candidate may attend any other meetings as part of his/her 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 particular candidates, they will not be regarded as election meetings. *[Amended in October 2006 and October 2014]*

9.2 Expenses incurred before, during or after the election on account of an election meeting organised for any of the purposes stated above are **election expenses** [s 2 of the ECICO]. 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/her behalf. In that event, it will be for the candidate to assess the expenses which have been incurred for the said purposes [See Chapter 15]. The person who uses the meeting for promoting the candidate may also be liable for prosecution for his/her failure in obtaining the candidate's prior authorisation to appoint him/her as the candidate's election expense agent for incurring election expenses on behalf of the candidate [s 23(1) of the ECICO]. *[Amended in October 2014]*

9.3 Candidates should refer to the part on “Treating” in Part IV of Chapter 16, regarding the serving of drinks and meals at or incidental to an election meeting.

9.4 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.

9.5 An election meeting may take place in a public place or at 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.

9.6 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, **candidates should consult the relevant authorities concerned in advance and if required, obtain prior permission from each of them for the conduct of election meetings on the premises within their jurisdiction.** *[Added in October 2006 and amended in October 2012]*

9.7 The statutory requirements for holding public meetings under the purview of the Hong Kong Police Force and the guidelines of the Housing Department/Hong Kong Housing Society for premises under their jurisdiction are set out in paras. 9.8 to 9.20 below. *[Added in October 2006 and amended in October 2018]*

PART II : ELECTION MEETINGS IN PUBLIC PLACES

9.8 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 immediately 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) (“POO”)]. “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 POO]. *[Amended in October 2014]*

9.9 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 meeting;
- (e) the number and names of persons proposed as platform-speakers for the meeting;
- (f) the sound amplifying 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 POO]

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/her submission of nomination. The Police has advised that the use of the form will speed up processing time. *[Amended in October 2006 and October 2014]*

9.10 Notification to the Commissioner of Police of a public meeting is not required if the meeting is to be:

- (a) attended by not more than 50 persons; or
- (b) held at private premises where the number of persons attending will not exceed 500 persons; or
- (c) held in a school registered or provisionally registered or exempted under the Education Ordinance (Cap. 279), college registered under the Post Secondary Colleges Ordinance (Cap. 320), or educational establishment established by any Ordinance 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. *[Amended in October 2004 and October 2018]*

[S 7(2) of the POO]

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

9.11 The Commissioner of Police may prohibit the holding of any public meeting notified (referred to in paras. 9.8 and 9.9 above) where he/she 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/she shall give notice of the prohibition to the person who gave the notification or to any person named in that notice not later than 48 hours prior to the time of commencement of the meeting or by publication in writing in such manner, or by posting a notice of the prohibition in such place, as the Commissioner of Police may think fit [s 9 of the POO]. 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. 9.12 below [s 11(2) and (3) of the POO]. *[Amended in October 2004 and October 2018]*

9.12 At every public meeting:

- (a) there shall be present throughout the meeting either the organiser, or if he/she is not present, a person nominated by him/her to act in his/her 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 POO]

9.13 A guidance note on safe conduct of election-related activities, is at **Appendix H**. It serves as a general advice to candidates and organisers of election-related activities, to enable them to conduct such activities safely.
[Amended in October 2004]

Public Processions

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

- (a) it consists of not more than 30 persons; or
- (b) it is held at a place other than a public highway, public thoroughfare or public park; or
- (c) it is of a nature or description specified by the Commissioner of Police by notice in the Gazette.

[S 13(2) of the POO] [Amended in October 2004 and October 2014]

9.15 In all other cases, written notification of a public procession, including a vehicle procession, must be given by the person organising the procession or by any person on his/her behalf, 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 immediately 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:

- (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. 9.9 above should be used. [S 13A(1) and (4) of the POO] *[Amended in October 2014]*

9.16 The Commissioner of Police may object to a public procession being held if he/she reasonably considers that the objection is necessary in the interests of national security or public safety, public order or the protection of the rights and freedoms of others. If the Commissioner of Police objects to the public procession being held, he/she shall as soon as reasonably practicable and within the time limit specified under the POO —

- (a) notify in writing the person who gave notice under s 13A of the POO or a person named for the purposes of s 13A(4)(a)(i) of the POO of his/her objection and reasons; or
- (b) publish a written notice of objection and reasons in the manner he/she thinks fit; or
- (c) post a written notice of objection and reasons in the place he/she thinks fit.

[Ss 14 and 15(2) of the POO] *[Amended in October 2006 and October 2018]*

9.17 The Commissioner of Police shall not issue a notice of objection for a public procession —

- (a) if notice of a procession is given in accordance with s 13A(1)(b) of the POO, later than 48 hours before the notified commencement time of the procession;
- (b) if shorter notice of 72 hours or more is accepted by the Commissioner of Police under s 13A(2) of the POO, later than 24 hours before the notified commencement time of the procession; or
- (c) if shorter notice of less than 72 hours is accepted by the Commissioner of Police under s 13A(2) of the POO, later than the notified commencement time of the procession.

[S 14 of the POO] *[Added in October 2018]*

9.18 At every public procession —

- (a) there shall be present throughout the procession either the organiser of the procession, or if he/she is not present, a person nominated by him/her to act in his/her place;
- (b) good order and public safety shall be maintained throughout the procession; 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 procession.

[S 15(1) of the POO]

PART III : ELECTION MEETINGS AT PRIVATE PREMISES

9.19 Any person who organises an election meeting at private premises should consult the owner, occupier, owners' corporation, building management or the MAC concerned, etc. in advance and, if required, obtain prior permission from them. 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 at the premises managed by the Housing Department and the Hong Kong Housing Society are set out in **Appendix E**. *[Amended in October 2006]*

9.20 Notification in writing to the Commissioner of Police will need to be given, in accordance with the procedures set out in paras. 9.8 and 9.9 above, if at the proposed meeting the attendance will exceed 500 persons.

PART IV : ELECTIONEERING EXHIBITIONS

General

9.21 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, if required, obtain prior permission from the housing manager, owner, occupier, owners' corporation, building management or the MAC concerned, etc. Relevant guidelines in the other parts in this chapter should also be observed, in addition to compliance with regulations and conditions imposed by other relevant authorities. *[Amended in October 2006 and October 2012]*

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

9.22 Where approval has been given by a housing manager or a competent officer for such an exhibition in housing estates managed by the Housing Department and the Hong Kong Housing Society, the display of EAs 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 7 are applicable to such displays and must be observed by the candidate concerned. The housing manager or a competent officer should send a copy of the letter of approval to the relevant RO for record and for public inspection. Please also see **Appendix E** for reference. *[Amended in October 2006, October 2014 and October 2018]*

PART V : FUND RAISING ACTIVITIES AT ELECTION MEETINGS

9.23 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) (“SOO”)]. Any person who wishes to raise funds at an election meeting for non-charitable purposes should apply to the SHA. A copy of the administrative guidelines and licensing conditions for the issue of such permits with an application form is at the **Appendix I** for general information. *[Amended in October 2004]*

CHAPTER 10

ELECTION BROADCASTING, MEDIA REPORTING AND ELECTION FORUMS

PART I : GENERAL

10.1 This chapter deals with election broadcasting through electronic means (which covers all programmes including those on current affairs and news reporting of the radio and television stations licensed under the Broadcasting Ordinance (Cap. 562) and the Telecommunications Ordinance election forum. *[Amended in October 2004 and October 2018]*

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/she has submitted a nomination form. [S 2 of the ECICO]

PART II : ELECTIONEERING ON TELEVISION AND RADIO

10.2 Operators of television broadcasting services licensed under the Broadcasting Ordinance are not allowed under the law to broadcast advertisements of a political nature. Operators of radio broadcasting services licensed under the Telecommunications Ordinance are not allowed under the Code of Practice issued by the Communications Authority to broadcast advertisements of a political nature except with the prior approval of the Communications Authority. *[Amended in February 2005, October 2010,*

October 2012 and October 2018]

10.3 Broadcasters licensed under the Broadcasting Ordinance and the Telecommunications Ordinance are required to handle any programmes relating to the election and candidates in accordance with the **fair and equal treatment principle** and the guidelines set out in this chapter and to ensure that no favourable or unfavourable treatment will be given to any of the candidates.

[Added in October 2018]

10.4 For programmes of which the entire or part of the theme is on the election (e.g. for introducing the candidates or reporting/analysing the election platforms and activities of the candidates), the **fair and equal treatment principle** applies. In accordance with the fair and equal treatment principle, broadcasters should ensure that each of the candidates contesting in the same Rural Area will be introduced and reported in the programme and no favourable or unfavourable treatment will be given to any of the candidates.

[Added in October 2018]

10.5 For current affairs or other programmes on television and radio which are not election-related, candidates may take part as guests in these programmes insofar as their participation is pertinent to the subject matters of the programmes. Under the fair and equal treatment principle, broadcasters should be careful to avoid giving unfair publicity to any candidates, and should be prepared to justify their choices of guests having regard to all the circumstances of the case, including the subject matter of the programmes, the candidates' background and expertise, availability of other guests having similar background and expertise, etc. *[Amended in October 2004, October 2011, October 2014 and October 2018]*

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

10.7 To comply with the fair and equal treatment principle, when inviting a candidate to attend a programme of which the entire or part of the theme is on the election, broadcasters should invite all candidates contesting in the same Rural Area and 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 Rural Area, 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 electors 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 production of the entire programme and, in particular, requires the broadcaster to give equal time to each of the candidates in that part of the programme to present his/her 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.** To avoid any possible confusion, broadcasters should provide the audience of the programmes with clear information on the total number and names of candidates in the same Rural Area. Furthermore, to ensure equal treatment to all candidates concerned, broadcasters should in particular take heed of the observations made by the Court in an election petition relating to the 2010 LegCo By-election as set out in **Appendix J** and, where appropriate, follow the arrangement set out therein when producing multi-episode programmes which are election-related. *[Amended in October 2010, October 2011, October 2014 and October 2018]*

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

10.9 The principles stated in paras. 10.4 to 10.8 above also apply to political parties or political organisations of which the candidate is member as they apply to the candidate himself/herself.

10.10 The aforesaid principles do not apply to programmes which are entirely news reporting and are not related to the candidates' participation in the election. Nonetheless, the broadcaster is obliged to ensure fair treatment for all candidates and that no candidate is offered an unfair opportunity of publicity in all circumstances as required under paras. 10.4 and 10.5. *[Amended in October 2011 and October 2018]*

10.11 Broadcasters' attention is drawn to the provisions of the Generic Code of Practice on Television Programme Standards and Radio Code of Practice on Programme Standards issued by the Communications Authority which govern the accuracy, impartiality and fairness of news and current affairs programmes. *[Added in October 2018]*

10.12 During the election period (i.e. 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 which have members contesting the RR election, whether or not contesting the same Rural Area. If a political party or political organisation whose members contest as candidates in the election is invited to take part in a current affairs or any other programme of which the entire or part of the theme is on the election,

then all political parties or political organisations which have members contesting the RR election, whether or not contesting the same Rural Area, should also be invited. *[Amended in October 2004, October 2011 and October 2014]*

10.13 The EAC appeals to broadcasters to treat all candidates competing in the same Rural Area fairly and equally when making comments 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 EAs, if reference could be made from the materials to identify the candidate(s) being promoted or prejudiced [see also paras. 7.3 and 7.4]. Moreover, if such comments are determined as EAs, the EAC will refer the matter to the Communications Authority for appropriate action. Where there is fair and equal treatment to all candidates of the same Rural Area, 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, as election is a solemn matter, to prevent any person from having a perception that favourable or unfavourable treatment is given to any candidate(s), broadcasters should ensure that in the expression of such ideas, no candidate, political party or organisation to which the candidate belongs will be offered unfair publicity or advantage. *[Amended in October 2004, October 2011, October 2012, October 2014 and October 2018]*

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

10.14 A presenter, including a guest presenter, or a regular contributor should not appear in any programme in his/her normal programme role after he/she has publicly declared his/her intention to stand for the election or during

the election period if he/she becomes a candidate. This is to avoid unfair publicity for him/her at the critical time. A presenter or a regular contributor may, of course, appear as a candidate in election forums referred to in Part IV below. *[Amended in October 2004]*

10.15 A person who has contracted to appear as a presenter, regular contributor, actor, musician, singer or any other form of entertainer in any performance scheduled to be shown before his/her 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/her utmost endeavours to request the person(s) responsible not to broadcast his/her appearance in any media after his/her declaration of intention to run for the election or during the election period if he/she 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 publicity to the person concerned. *[Amended in October 2004 and October 2011]*

Candidates Appearing in Commercial Advertisements

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

10.17 If, after the relevant advertisement has been made, the person then decides to run in the election, and it comes to his/her attention that the relevant advertisement will appear on television/radio or in cinema after his/her declaration of intention to stand for the election or after the nomination period has commenced if he/she becomes a candidate during that period, he/she should make his/her utmost endeavours to request the person(s) responsible not

to broadcast the relevant advertisement after his/her 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 publicity to the person concerned. *[Amended in October 2011]*

PART III : ADVERTISING THROUGH THE PRINT MEDIA

10.18 A candidate may advertise in the print media to promote his/her 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 EA, 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 EA [see para. 7.58]. The expenses so incurred must be accounted for in the election return. EAs printed in a registered local newspaper would be exempted from the requirement of bearing printing details [see also para. 7.57 for details]. The EAC appeals to all publishers to provide **equal opportunity** to all candidates in the same Rural Area for placing advertisement in the print media. *[Amended in October 2004, October 2010 and October 2018]*

10.19 The print media should ensure that, during the election period, any news reporting or reference made in its publications will not give unfair publicity to any particular candidate(s), or lead to a public perception that such reporting or reference is made for the publicity of a particular candidate. Therefore, publishers have the responsibility to handle carefully any news reporting or reference made in relation to the election or candidate(s), and ensure that no favourable or unfavourable treatment is given to any of the candidate(s) in accordance with the **fair and equal treatment principle**. Nor should a candidate obtain from a publisher any unfair opportunity for publicity regarding election campaigning. Any publications (e.g. special newspaper

editions or leaflets), whether for free or otherwise, which serve to promote or prejudice the election of a particular candidate/candidates may be construed as EAs for the candidate(s) concerned and are subject to the requirements for EAs and election expenses as stipulated in Chapters 7 and 15. A publisher may also contravene the relevant legislation if the requirements for publishing and distributing EAs 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 an EA and counted towards election expenses. *[Amended in October 2010, October 2011 and October 2018]*

10.20 A regular columnist should not contribute articles to the print media after he/she has publicly declared his/her intention to stand for the election or during the election period if he/she becomes a candidate. This is to avoid unfair publicity for him/her at the critical time. A person who has contracted to serve as a columnist should make his/her utmost endeavours to request the person(s) responsible not to publish his/her commentaries in any media after his/her declaration of intention to run for the election or during the election period if he/she 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 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]*

10.21 As election is a solemn matter, the EAC appeals to members of the print media to provide fair and equal treatment to all candidates competing in the same Rural Area 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 K**. In addition, when reporting candidates competing in the same Rural Area in different pages or issues of a publication, members of the print media should provide readers with clear information on the total number

and names of candidates competing in the same Rural Area in the reports. If there is evidence to substantiate that the relevant print media has provided/allowed favourable or unfavourable treatment to a particular candidate in the publication, such case will be regarded as a breach of the fair and equal treatment principle and the publication is very likely to have the effect of promoting or prejudicing the election of the candidate concerned and thus becomes an EA of the candidate. The relevant acts might therefore be in breach of the statutory requirements on EAs and election expenses [see also Chapters 7 and 15] and both the print media and candidate concerned may as a result be subject to criminal liability. *[Added in October 2011 and amended in October 2014 and October 2018]*

PART IV : ELECTION FORUMS

10.22 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 Rural Area should also be invited to be present at such forum 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 production and conduct of the entire election forum and, in particular, requires the broadcaster to give each candidate in the relevant part of the election forum equal time to present his/her election platform. Presenter(s) should treat each candidate in a courteous and fair manner at any time throughout the programme to avoid the impression that any particular candidate(s) is/are being treated favourably or unfavourably. *[Added in October 2004 and amended in October 2011, October 2014 and October 2018]*

10.23 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 Rural Area 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 2004, October 2011 and October 2014]*

10.24 The EAC appeals to all candidates to use their best endeavours to take part in election forums in order to enable electors 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. *[Added in October 2004 and amended in October 2011]*

PART V : SANCTION

10.25 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. Moreover, the programme, news reporting or article concerned is very likely to have the effect of promoting or prejudicing the election of a particular candidate and thus becomes an EA of the candidate(s). The relevant acts might therefore be in breach of the statutory requirements on EAs and election expenses [see also Chapters 7 and 15] and both the media and candidate(s) concerned may as a result be subject to criminal liability. The EAC will refer any cases involving

possible breach of the legislation to the relevant law enforcement agencies for follow-up actions. Therefore, the EAC appeals to broadcasters, publishers, forum organisers and candidates to strictly comply with the guidelines set out in this chapter and avoid any conduct which will cause public concern about the fairness of the election. *[Added in October 2004 and amended in October 2018]*

10.26 The candidates as mentioned in paras. 10.14 to 10.17 and 10.20 above should make their best endeavours as advised thereof to avoid taking unfair publicity. If the EAC receives a complaint about a candidate taking the aforesaid unfair 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 11

USE OF SOUND AMPLIFYING DEVICE AND VEHICLES

PART I : GENERAL

11.1 The law relevant to this chapter can be found in the POO, the SOO, the Noise Control Ordinance (Cap. 400) (“NCO”) and the Road Traffic Ordinance (Cap. 374) (“RTO”). *[Amended in September 2005]*

11.2 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. Electors’ voting preference may be affected as a result of any noise nuisance caused by candidates or their supporters. *[Amended in October 2004 and October 2018]*

PART II : USE OF LOUDSPEAKERS AND VEHICLES

11.3 With effect from July 1995, the Commissioner of Police ceases issuing loudspeaker permits under s 4(29) of the SOO. 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 9]*

11.4 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 NCO, 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 at either domestic premises or public places at any time of the day is an offence, and this includes use of loudspeakers attached to vehicles. Candidates should be mindful that some people working shift hours need to take rest during the daytime and the noise generated from the use of loudspeakers for electioneering activities may affect their daily life. 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 the candidate. 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 sound level and try to keep the volume at a reasonable level.

[Amended in October 2006 and October 2012]

11.5 Should any complaint be received by the Police concerning the volume of loudspeakers, 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.

11.6 All vehicles used for and in connection with canvassing activities must comply with the provisions and regulations of the RTO. 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 RTO. Deliberate slow driving may constitute "careless driving" as it could be deemed as driving "without reasonable consideration for other persons using the road".

11.7 Paraphernalia attached to a vehicle must also comply with the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A) of the RTO, and should not affect the safe operation of the vehicle. For the display of EAs on public light buses and taxis, their owners/operators shall obtain prior written approval from the Transport Department (“TD”) and ensure that the display of EAs is in compliance with the conditions as stipulated by the TD in an approval letter, including in particular the following conditions:

- (a) (i) for taxi, no EA may be displayed on all windows;
- (ii) for public light bus, no EA may be displayed:
 - (A) on all windows except on the interior surface of:
 - the window on the left of the first row of single-seat;
 - and
 - the window on the right of the second row of double-seat.

EA(s) to be displayed in each of the abovesaid windows shall not exceed a total size measuring 210 mm by 297 mm(equivalent to A4 size);
 - (B) at areas between the windows and the exterior roof panel;
 - and
 - (C) on the exterior roof panel (except sticker-type EAs);
- (b) no luminous or reflecting material may be used for EAs; and
- (c) no EA may 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 RTO and its subsidiary legislation.

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 the display of an EA on a public light bus or taxi. The TD has issued general approval to all franchised bus companies for advertising on

the body and window of buses subject to conditions imposed by the TD. The bus companies should comply with the conditions set out in the TD approval letters when they handle all kinds of advertisements. In this connection, there are no special guidelines on the display of EAs on buses. For those non-franchised buses with approval from TD for advertising on the body and window of buses are subject to conditions imposed by the TD. The non-franchised bus operators should comply with the conditions set out in the TD approval letters when they handle all kinds of advertisements. For the other modes of public transport, the operators concerned have their internal rules to govern the display of advertisements. In this regard, candidates should check with the operators for the relevant procedures and comply with the conditions imposed. *[Amended in October 2006, October 2010, October 2011, October 2012 and October 2018]*

11.8 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 RTO, including those relating to seating requirement, wearing of seat belts and permission to carry passengers in a vehicle. Standing up in moving vehicles is **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 for Transport. The registered owner of the vehicle concerned should apply to the Licensing Office of the TD for the exemption of the vehicles from carriage of standing passengers. *[Amended in October 2006, October 2010, October 2011 and October 2018]*

11.9 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 L**.

11.10 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. [s 35(2) of the EP (RRE) Reg] [See also Chapter 13]

PART III : SANCTION

11.11 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, the candidates concerned may be liable to a fine at level 2 (\$5,000) and to imprisonment for 3 months [ss 35 and 89(1) of the EP (RRE) Reg]. Candidates should also remind their supporters to observe these guidelines when they are campaigning on behalf of the candidates. *[Added in October 2010 and amended in October 2018]*

CHAPTER 12

ELECTIONEERING ACTIVITIES CONDUCTED IN SCHOOLS OR PARTICIPATED BY SCHOOL PUPILS

PART I : GENERAL

12.1 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.

12.2 Involvement of school pupils in electioneering activities has always been a matter of public concern. Anybody in authority must not use his/her position to exert undue influence on youths of school age under his/her charge to recruit them for electioneering activities. If the EAC comes to know that a person has abused his/her position by involving youths of school age under his/her 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, see s 13 of the ECICO. *[Amended in October 2004]*

PART II : SCHOOL PUPILS

12.3 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 to involve them in electioneering activities at too young an age. Unattended young children may cause control problems and, particularly where in large numbers or in overcrowded situations, may create a

danger to themselves and others. Therefore, pre-primary or primary school pupils should not take part in electioneering activities. *[Amended in October 2012]*

12.4 Distribution of EAs is a form of electioneering activity. School supervisors, principals or teachers may be supporters of a particular candidate. While they are free to support any candidate they prefer, they should not distribute or help in the distribution of EAs of any candidate to the parents of pre-primary, primary or secondary school pupils through these pupils. Moreover, they should not ask pupils to request their parents to vote for any particular candidate. The guideline above also applies to candidates who are themselves school supervisors, principals or teachers. This guideline is based on the same principle stated in para. 12.2 above, and could avoid any semblance of undue influence on young children under the charge of these persons in authority in the school. *[Amended in October 2018]*

12.5 The EAC adopts the advisory circular issued by the Secretary for Education to all schools for general guidance, emphasising the following points: *[Amended in October 2004 and October 2010]*

- (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 of traffic.

[Amended in October 2014]

12.6 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.

12.7 The EAC recognises that school pupils who are 18 years of age or above are by law responsible for their own acts and make election-related decisions for themselves.

PART III : ELECTIONEERING ACTIVITIES IN SCHOOLS

12.8 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. Regardless whether the topic to be covered by such a talk involves an election, the presence of a candidate delivering the talk and 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. Such activities should, therefore, be regarded as the relevant candidate's electioneering activity. [See also para. 12.4 above] *[Amended in October 2018]*

12.9 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 Rural Area 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 Rural Area 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 HAD. *[Amended in October 2014]*

PART IV : SANCTION

12.10 If the EAC comes to know that any candidate or school or 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 or 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 2004, October 2010 and October 2014]*

CHAPTER 13

PROHIBITION AGAINST CANVASSING ACTIVITIES OUTSIDE POLLING STATIONS

PART I : GENERAL

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

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

PART II : DETERMINATION OF NO CANVASSING ZONE AND NO STAYING ZONE

13.3 The RO for a Rural Area must determine, in respect of each polling station designated for that Rural Area, an area outside the polling station to be a NCZ. In so doing, he/she will take into account the characteristics and special conditions of the polling station. He/She 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 34(1) of the EP (RRE) Reg] *[Amended in October 2006 and October 2014]*

13.4 For a polling station which is used for more than one Rural Area, the determination of the NCZ and NSZ is to be made by the RO specified for the purpose by the DHA. [S 34(3) of the EP (RRE) Reg] *[Amended in October 2004 and October 2014]*

13.5 The RO who made the determination of a NCZ and a NSZ in respect of a polling station must, at least **2 days** before the polling day, give a notice of the determination to the candidates of his/her own Rural Area and, where appropriate, to the ROs of other Rural Areas for which polling will be held in the polling station; and thereafter each of the ROs of these other relevant Rural Areas must give the notice of the determination to the candidates of his/her own Rural Area as soon as practicable. [S 34(2) and (3) of the EP (RRE) Reg] *[Amended in October 2004 and October 2014]*

13.6 The notice will be given in writing, and delivered by hand, by post, by electronic mail or by facsimile transmission, to the candidates or to the election agents. [Ss 22(5), 34(2) and 83(1)(f) of the EP (RRE) Reg] *[Amended in October 2011 and October 2014]*

13.7 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. 13.6 above [ss 34(4) and (5) and 83(1)(g) of the EP (RRE) Reg]. The notice may however be given orally if delivering it in the manner as referred to in para. 13.6 above is not practicable or is not suitable in the circumstances [s 83(2) of the EP (RRE) Reg]. However, a notice of variation needs not be given to the candidates if it is not reasonably practicable to do so before the close of poll. *[Amended in October 2004, October 2011, October 2012, October 2014 and October 2018]*

13.8 A notice of the determination or the variation, together with indication of the boundaries of the NCZ or the NSZ, must be displayed on polling day at or near the relevant polling station, in order to make the determination or variation effective. [S 34(6), (7) and (8) of the EP (RRE) Reg] *[Amended in October 2004]*

13.9 The RO who is empowered to determine NCZ and NSZ may authorise his/her 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. [S 34(4) of the EP (RRE) Reg and s 54(3) of the RREO]

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

13.10 Door-to-door canvassing and, for the purpose of such canvassing, the display or wearing of propaganda material, e.g. 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 electors and no sound amplifying device is used (except for the performance of duties by officers of the CSD on the polling day at the dedicated polling stations situated in prisons) [s 35(2), (2A) and (3) of the EP (RRE) Reg]. Apart from this, no other canvassing activities (including suggesting not voting for any candidate) will be allowed within a NCZ except for static display of EAs mounted at designated spots approved by the RO. Where there are premises situated within the NCZ, the ROs should issue a notice in advance to all the candidates

in the Rural Areas concerned asking them to remove all of their EAs, if any, posted up at the premises within the NCZ which can be seen by the electors on their way to the polling stations on the polling day. If the candidates fail to remove the EAs as requested by the ROs, the ROs may issue a warning to them to remove the offending EAs 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 D**. *[Amended in October 2006, October 2012, October 2014 and October 2018]*

13.11 On the polling day, the PRO will use his/her best endeavours to ensure that no person carries out any activity other than those permitted activities described in para. 13.10 above in the NCZ in respect of his/her polling station to persuade or induce any elector to vote or not to vote. Any unauthorised display of EAs in the area will be removed by the RO or other persons authorised by the RO [s 94 of the EP (RRE) Reg]; and any person found to have conducted canvassing activities prohibited in the area will be asked to leave the area [s 35 of the EP (RRE) Reg]. *[Amended in October 2004 and October 2012]*

13.12 The use of loudspeakers or loud-hailers will not be permitted within the NCZ, nor will any such device or any activity (e.g. lion dance) be permitted in the vicinity so that the sound emitted can be heard within the NCZ [s 35(2)(b) and (c) of the EP (RRE) Reg]. However, an officer of the CSD may on the polling day use a sound amplifying system or device for the performance of his/her duties in the NCZ of a dedicated polling station situated in a prison [s 35(2A) of the EP (RRE) Reg]. Save for canvassing activities allowed in para. 13.10, 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 11] *[Amended in October 2004 and October 2012]*

13.13 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 RO or the PRO [s 35(2)(e) of the EP (RRE) Reg]. This is for the purpose of securing safe and smooth passage of electors into and out of polling stations. *[Amended in October 2006, October 2012 and October 2018]*

13.14 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 RO or the PRO who should have regard to exit pollsters who have complied with the requirements set out in Chapter 14. [S 82(1) of the EP (RRE) Reg]

13.15 Any person who misconducts himself/herself 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 and will be liable to a fine and to imprisonment and may be ordered by such officer to leave the NCZ or NSZ [ss 35(5) and (6), and 38(7) and (8) of the EP (RRE) Reg]. If he/she fails to leave immediately, he/she may be removed from the relevant zone by a police officer, an officer of the CSD or any law enforcement agency, or by any other person authorised in writing by the RO or the PRO [s 35(8) of the EP (RRE) 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 35(9) of the EP (RRE) Reg]. *[Amended in October 2004, December 2009 and October 2012]*

13.16 Nevertheless, the RO or the PRO shall not exercise their powers to order an elector to leave or remove an elector from the NCZ or NSZ so as to prevent him/her from voting. [Ss 35(10) and 38(12) of the EP (RRE) Reg]
[Added in October 2010 and amended in October 2018]

PART IV : PENALTY

13.17 Any canvassing within a NCZ except those exempted and any conduct prohibited under paras. 13.13 and 13.15 above will each be an offence under s 89(1) of the EP (RRE) Reg and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 3 months. Any attempt to obtain information as described in para. 13.14 above without the necessary permission will be an offence under s 89(2) of the EP (RRE) Reg and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months. *[Amended in October 2004, December 2009 and October 2014]*

CHAPTER 14

EXIT POLL

PART I : GENERAL

14.1 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 electors. 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]*

14.2 **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 electors' behaviour will not be unduly affected.**

PART II : SECRECY OF THE VOTE

14.3 **The ballot is secret.** It is an elector's right to keep his/her vote secret. An elector does not have to disclose his/her choice of candidate if he/she does not want to. **It is a criminal offence for a person, without lawful authority, to require, or purport to require, an elector to disclose the name of, or any particular relating to, the candidate for whom the elector has voted at an election** [s 38 of the RREO and s 82 of the EP (RRE) Reg]. **Those who conduct exit polls must respect the electors' right and**

wish not to be disturbed. The interviewers should inform the electors being interviewed that their participation in the exit poll is voluntary prior to the conduct of exit poll. *[Amended in October 2010 and October 2014]*

14.4 Any announcement or disclosure of results of exit polls or predictions, particularly in relation to any individual candidate, during the polling hours may affect electors' 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. Furthermore, interviewers of approved exit poll should not speak to or communicate with candidates or their agents when conducting the poll outside polling stations.** *[Amended in October 2010 and October 2018]*

PART III : CONDUCT OF EXIT POLLS

14.5 Any person or organisation may apply to the HAD to conduct exit polls in respect of any Rural Area. However, to forestall public perception of unfairness, approval would normally not be granted in one or more of the following circumstances:

- (a) the applicant has publicly expressed support for any candidate(s) contesting in the Rural Area covered by the exit poll(s);
- (b) the applicant organization has member(s) contesting in the Rural Area covered by the exit poll(s);
- (c) the person(s) responsible for the exit poll(s) or interviewers nominated for the poll(s) are currently members of the organisation(s) to which any of the candidates contesting in the Rural Area covered by the exit poll(s) belong, or which have

publicly expressed support for any candidate(s) contesting in the Rural Area covered by the exit poll(s).

[Amended in October 2018]

14.6 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 HAD by the **latest 10 days before the relevant polling day(s)**:

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

[Amended in December 2009, October 2010, October 2011, October 2012, October 2014 and October 2018]

14.7 On the receipt of the application, the HAD will consider the application and issue approval to the person or organisation concerned as appropriate. Before the grant of approval, the person or organisation allowed to conduct exit poll will be required to sign a **declaration** to abide by its terms and the guidelines governing the conduct of exit poll. If a person or an organisation fails to comply with the terms of the declaration 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 declaration and the 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(s) for the reference of the public and candidates. Such a notice will also be displayed at the respective polling stations. *[Added in October 2004 and amended in October 2010, October 2011, October 2014 and October 2018]*

14.8 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 electors and no sound amplifying device is used. Interviewers must therefore be extremely careful in conducting exit poll so as not to give rise to any suspicion that they are canvassing electors inside the NCZ. Interviewers, like any other person, are not allowed to stay or loiter in the areas designated as the NSZ (within the NCZ but immediately outside the entrance/exit to each polling station). [S 35 of the EP (RRE) Reg] Interviewers are also not allowed to accost electors in the NSZ. All these measures are for the purpose of securing safe and smooth passage of electors into and out of 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 October 2006, October 2010 and October 2014]*

PART IV : IDENTIFICATION OF INTERVIEWERS

14.9 There had been occasions where exit poll interviewers were mistaken for 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 electors will not be misled into thinking that they are appointed by the Government. In addition, the interviewers are required to make known to the electors that any response is entirely voluntary. Arrangements should be made for electors to be aware of the name of the organisation/person conducting the exit poll at the start of the interview and the fact that the exit poll is not commissioned by the Government. *[Amended in October 2010 and October 2012]*

14.10 After receipt of the information referred to in para. 14.6 above, the HAD 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. 14.6(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 2010 and October 2014]*

PART V : SANCTION

14.11 Apart from the criminal sanction provided in the RREO, 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 2014]*

CHAPTER 15

ELECTION EXPENSES AND ELECTION DONATIONS

PART I : WHAT CONSTITUTES ELECTION EXPENSES

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

15.2 **Election expenses**, in relation to a candidate at an election, mean expenses incurred or to be incurred **before, during or after the election period**, by or on behalf of a candidate for the purpose of promoting the election of the candidate, 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” includes a person **who has publicly declared an intention to stand as a candidate at the election in respect of a Rural Area** at any time before the close of nominations for the election, regardless of whether he/she has submitted his/her nomination form, or after submission of the nomination form, he/she has withdrawn his/her nomination or his/her nomination is ruled invalid by the RO [s 2 of the ECICO]. *[Amended in October 2006, October 2014 and October 2018]*

15.3 When considering what expenses would amount to “election expenses” under the law in different circumstances, it is considered both necessary and useful to take heed of the observations made by the CFA in a case relating to the 2008 LegCo General Election, as summarised in **Appendix M**. *[Added in October 2012]*

15.4 A candidate may receive **election donations** for the purpose of meeting the costs of his/her election expenses. Election donation, in relation to a candidate at an election, means any of the following donations:

- (a) any money given to or in respect of the candidate for the purpose of meeting or contributing towards meeting his/her election expenses;
- (b) any goods given to or in respect of the candidate for the purpose of promoting his/her 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 the candidate for the purpose of promoting his/her 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]

15.5 It is a question of fact in each case whether expenses incurred will or will not be counted as election expenses. For as long as an expense is incurred for the purpose either of:

- (a) promoting the election of a candidate; or
- (b) 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.

[Amended in October 2012]

15.6 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. If an expense is incurred for more than one purpose, there is a need for apportionment of expenses between election-related purposes and any other purposes. The candidate should include relevant particulars in his/her election return. As a general principle, time and usage are relevant factors for consideration. The candidate may seek professional advice on apportionment of expenses as necessary. Any fees incurred for such professional advice will not be regarded as his/her election expenses. *[Amended in October 2006, October 2012 and October 2018]*

15.7 Use of staff and other resources which are available to a candidate in his/her official capacity or at work for the purpose of promoting his/her candidature in the election should be counted as election expenses. A list of common expenditure items which may be counted towards election expenses is at **Appendix N**. The list is only illustrative and should not be considered as having precedence over the legislation. Candidates should consult their legal advisers if they have doubt as to whether an expenditure item should count as an election expense. Any legal fees incurred as a result will not themselves be regarded as election expenses. *[Amended in October 2006, October 2012 and October 2018]*

15.8 A candidate should not use any public resource for the purpose of promoting his/her 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/she is entitled to use for his/her private purposes by virtue of his/her post or job are not treated as public resources in this context.

PART II : WHO MAY INCUR ELECTION EXPENSES AND THEIR LIMIT

Maximum Amount of Election Expenses

15.9 The maximum amount of election expenses for the RRE is prescribed by the Maximum Amount of Election Expenses (Rural Representative Election) Regulation (Cap. 554B) made by the CE in Council pursuant to s 45 of the ECICO. These expense limits control the extent of election campaigns and serve to prevent candidates with ample financial resources from having an unfair advantage. *[Amended in October 2014 and October 2018]*

15.10 The election expense limits are set out in the following table. For ascertaining the number of registered electors referred to in items (a) to (c), inquiry can be made with the relevant RO.

(a) for an election in respect of a Rural Area with not more than 1,000 registered electors	\$18,000
(b) for an election in respect of a Rural Area with between 1,001 and 5,000 registered electors	\$28,000
(c) for an election in respect of a Rural Area with over 5,000 registered electors	\$38,000

[S 2 of the Maximum Amount of Election Expenses (Rural Representative Election) Regulation (Cap. 554B)] *[Amended in October 2011, October 2014 and October 2018]*

15.11 A candidate must not incur election expenses in excess of the maximum amount prescribed. [S 24(1) of the ECICO]

Persons Appointed to Incur Election Expenses

15.12 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 6. *[Amended in October 2012]*

15.13 Before incurring expenses in carrying out any **negative campaigning (i.e. canvassing against other candidates)** for or for the benefit of a candidate, a person will need the appointment by the candidate to be the latter's election expense agent. Such expenses will be counted towards election expenses of the candidate. If the negative campaign includes EAs, all the requirements of the ECICO and of the EP (RRE) Reg must also be complied with. *[Amended in October 2006, October 2014 and October 2018]*

15.14 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 an election, to avoid offences being committed by these organisations out of ignorance.

15.15 A candidate will be responsible for the overall amount of his/her election expenses. In the event the total amount incurred by him/her and/or on his/her behalf exceeds the limit prescribed, he/she will be liable for contravening the law, unless he/she can prove that the excess was incurred without his/her consent, or beyond his/her authorisation, and not due to any negligence on his/her part. The election expense agent, on the other hand, should not incur an amount of election expenses which exceeds 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 2004, October 2010 and October 2012]*

PART III : ELECTION DONATIONS

General Provisions

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

15.17 Election 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]

15.18 Election 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. Election donations in kind include goods and services obtained free of charge or at a discount. All spent or used election 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. *[Amended in October 2018]*

15.19 Any unspent or unused election donations must be given to charitable institution(s) or trust(s) of a public character chosen by the candidate(s). Any amount of election donations that exceeds the prescribed maximum amount of election expenses must also be given to such charitable institution(s) or trust(s). It must be done before the election return is lodged in accordance with s 37 of the ECICO. [S 19 of the ECICO] *[Amended in October 2010 and October 2018]*

15.20 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 election donation. The only exception is voluntary services obtained that are not treated as election donations (but any goods given incidental to the provision of a voluntary service will however be counted as an election donation). These points are elaborated in the paras. 15.23 to 15.25 below.
[Amended in October 2011 and October 2012]

15.21 On receiving an election 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) as well as the particulars of the donation. A standard form of receipt is obtainable from the RO and will be provided to a candidate when he/she submits the 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 for election-related purpose. 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 meeting election expenses and must be given to a charitable institution or trust of a public character chosen by the candidate. [S 19(1) and (2) of the ECICO] *[Amended in October 2006 , October 2012 and October 2018]*

15.22 Any person or organisation acting as an agent to solicit, receive or collect election donations for a candidate or some candidates should also comply with all the requirements under the ECICO as if the election donations are received by the candidate(s) direct. To avoid possible confusion to

donors/members of the public, the agent is advised to note the points and adopt the good practice suggested in **Appendix O**. *[Added in October 2018]*

Election Donations in Kind

15.23 Election 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 an election donation and must be declared and included as such and correspondingly as an election expense in the election 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 an election donation and election expense in the election return. For premises provided free of charge to a candidate for his/her election campaign, a reasonable amount should be assessed as the deemed rental for the premises, declared and included as an election donation and election expense in the election return.

15.24 For services or goods obtained free of charge, a candidate must include in the election 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/her 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.

15.25 **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/her 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 an election donation and counted towards election expenses at a fair estimated value.

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

15.26 A candidate, whether elected or not, or who was returned uncontested, or who has withdrawn the candidature before the close of nominations, or has been decided by the RO as not validly nominated, or has not incurred any election expenses, must keep an accurate account of all election expenses incurred and election donations (whether in cash or in kind) received, and **submit to the DHA, through the relevant RO, an election return in a specified form before the expiry of the period of 30 days after the date on which the last of the following events occurs in relation to all the RR elections under the same Rural Committee to be held on the same date—**

- (a) the result of the election is notified in the Gazette;**
- (b) the proceedings for the election are declared to have been terminated;**
- (c) the election is declared to have failed,**

or within such extended period as may be allowed by the CFI under the relevant law. [S 37(1), (1L), (1M) and (1N) of the ECICO] *[Amended in October 2006, October 2010, October 2012, October 2014 and October 2018]*

15.27 The election return must cover all the election expenses incurred by the candidate or his/her election expense agent(s), services or goods obtained free of charge or at a discount and all outstanding 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 copies of receipts issued by the candidate for election donations of more than \$1,000 in value and those issued by charitable institutions or trusts of a public character for the collection of any unspent election donations, anonymous donations of more than \$1,000 in value or election donations which are in excess of the limit of election expenses must also be attached. A declaration verifying the contents of the election return must also be submitted together with the election return. [S 37 of the ECICO] *[Amended in October 2004, October 2011, October 2012 and October 2018]*

15.28 At the time when a candidate submits his/her nomination form, he/she will be given:

- (a) the specified form for making election return mentioned in para. 15.26 above, together with a standard form of receipt for election donations mentioned in para. 15.21 above;
- (b) the standard form for advance return of election donations (see paras. 15.35 to 15.37 below); and
- (c) a guide showing how the election return can be completed.

A candidate should read the explanatory notes attached to the election return carefully before completing it, and make reference to the guide whenever necessary. *[Amended in October 2012 and October 2018]*

Statutory Relief Mechanism for Errors and False Statements

15.29 If a candidate is unable or fails to send to the RO the election return before the end of the permitted period due to his/her 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/she can make an application to the CFI for an order to allow him/her to send in the election return within a further period as specified by the CFI [s 40(1) and (2) of the ECICO]. The legal costs so incurred will not be regarded as his/her election expenses. *[Amended in October 2006, October 2010, October 2011, October 2012 and October 2018]*

15.30 If a candidate makes an error or a false statement in the election return 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/she may apply to the CFI for an order to enable him/her to correct any error or false statement in the election return or in any document accompanying the election return [s 40(3) and (4) of the ECICO]. The legal costs so incurred will not be regarded as his/her election expenses. *[Added in October 2010 and amended in October 2011 and October 2018]*

15.31 Notwithstanding the provision set out in para. 15.30 above, if a candidate makes any error and/or 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 \$200 [item(9) of

the Schedule of the ECICO], he/she may, subject to the conditions set out in para. 15.32 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 write to notify the RO of his/her request for lodging a revised election return to rectify the error and/or false statement and provide the necessary details for consideration of the request. If the RO is satisfied that it is appropriate to allow the candidate to lodge a revised election return under the simplified relief arrangement, the RO would issue a notice to the candidate. Upon receipt of the notice, the candidate may, within the specified period, lodge with the RO a revised election return which will be a copy of the original election return earlier submitted to the RO marked with the necessary revision to have the error(s) or false statement(s) in question corrected. An error or false statement made in an election return also includes an error or false statement in any document accompanying the election return; or a failure to send any document required by s 37(2)(b) of the ECICO in relation to the election return [s 37A(12) of the ECICO]. *[Added in October 2011 and amended in October 2012 and October 2018]*

15.32 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 RO relating to the error(s) and/or false statement(s) in the election return;
- (b) accompanied by all relevant documents as required under s 37(2)(b) of the ECICO (e.g. invoice and receipt) and, if applicable, an explanation; and
- (c) accompanied by a declaration to be made by the candidate in a specified form verifying the contents of the revised election return.

[s 37A(6) of the ECICO]

A copy of the revised election return made under the relief arrangement cannot be withdrawn or further amended after it has been lodged with the RO. If the candidate fails to correct the error(s) or false statement(s) within the specified period, the election return will be subject to the normal checking and investigation under the ECICO. *[Added in October 2011 and amended in October 2018]*

15.33 The relief arrangement 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 information indicating that a candidate may have made a statement that he/she knows or ought to know is materially false or misleading which amounts to corrupt conduct under s 20 of the ECICO, the ICAC will conduct investigation into the 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 arrangement will not relieve the candidate from liability under other offence provisions in the ECICO if the election return concerned has contravened any such provisions. *[S 37A of the ECICO] [Added in October 2011 and amended in October 2018]*

15.34 When the candidate finds himself/herself in any of the situations set out in paras. 15.29 and 15.30 above, other than the situations where correction of errors or false statements is allowed under the relief arrangement in para. 15.31, it would be wise of him/her to make the application to the CFI and inform the RO as soon as possible. The legal costs so incurred will not be regarded as his/her 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/she knows or ought to know is materially false or misleading [s 20 of the ECICO]. *[Amended in October 2006, October 2010 and October 2011]*

PART V : ADVANCE RETURN OF ELECTION DONATIONS

15.35 Any candidate who is an incumbent public servant under the POBO, e.g. a serving member of the LegCo or a DC, etc., may give advance disclosure to the RO of any election donations received. This may enable such an incumbent member to avoid any inadvertent contravention of the provisions of the POBO relating to the acceptance of “advantages”. The election donations so disclosed must also be incorporated in the election return to be submitted to the RO before the expiry of the period, or extended period provided for in s 37 of the ECICO for lodging an election return [see para. 15.26 above] [s 37(1), (1L), (1M) and (1N) of the ECICO]. The general provisions regarding election donations in Part III must be observed. *[Amended in October 2006, October 2011, October 2012, October 2014 and October 2018]*

15.36 Any **advance return of election donations** must be made on the standard form mentioned in para. 15.28 above. *[Amended in October 2012]*

15.37 Depending on the time and the number of election donations received, a candidate may submit any number of advance returns of election donations to the RO. *[Amended in October 2011 and October 2012]*

PART VI : ENFORCEMENT AND PENALTY

Enforcement

15.38 The election returns will be made available at the office of the relevant RO for public inspection up to the 30th day before the first anniversary of the date of the deadline for lodging the relevant election return (disregarding any order made by the CFI under s 40 of the ECICO allowing a candidate to lodge an election return within a further period as specified by the CFI) [please see para. 15.26 above]. Copies of the election 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] *[Amended in October 2004 and October 2018]*

15.39 Any complaint or report of breach of these guidelines may be made to the relevant RO, the Registration and Electoral Office (“REO”), 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. *[Amended in October 2004 and October 2014]*

15.40 The RO will check all election returns. Irregularities detected will be reported to the relevant authorities for investigation. *[Amended in October 2012]*

Penalties

15.41 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/she incurs election expenses in excess of the amount authorised. Such an

illegal conduct is liable to a fine of \$200,000 and to imprisonment for 3 years. [Ss 22, 23 and 24 of the ECICO] *[Amended in October 2004]*

15.42 A candidate who uses any election donation for any purpose other than for meeting his/her election expenses, or fails to dispose of unspent or excessive election donations in accordance with s 19 of the ECICO commits a corrupt conduct and will be liable to a fine of \$500,000 and to imprisonment for 7 years. [Ss 6, 18 and 19 of the ECICO] *[Amended in October 2004]*

15.43 A candidate who fails to submit the election return by the prescribed date or who fails to provide an accurate account of all election expenses incurred and all election donations received with the required supporting invoices and receipts issued by recipients of the payments commits an offence and will be liable to a fine of \$200,000 and to imprisonment for 3 years. [S 38 of the ECICO] *[Amended in October 2011 and October 2012]*

15.44 A candidate who knowingly makes a materially false or misleading statement in his/her election return lodged under s 37 of the ECICO or a copy of an election return lodged under s 37A of the ECICO, commits a corrupt conduct and will be liable to a fine of \$500,000 and to imprisonment for 7 years. [Ss 6 and 20 of the ECICO] *[Amended in October 2011 and October 2018]*

15.45 A candidate, who, having been elected as a RR, acts in the office or participates in the affairs as a RR, without filing the election return before the end of the permitted period commits an offence, and will be liable to a fine of \$5,000 for each day on which a candidate acts in the office or participates in the affairs as a RR without having complied with s 37 of the ECICO. [S 39(1) and (2) of the ECICO] *[Amended in October 2014 and October 2018]*

15.46 A person convicted of a **corrupt or illegal conduct** within the meaning of the ECICO will, in addition to the penalties as set out in paras. 15.41 to 15.45 above, be disqualified:

- (a) 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 RR, if the election is held within 5 years after the date of conviction [ss 14 and 20 of the Chief Executive Election Ordinance (Cap. 569) (“CEEEO”), s 39 of the LCO, s 21 of the DCO and s 23 of the RREO]; and
- (b) from being nominated as a candidate at Election Committee (“EC”) Subsector Elections and from being elected as a member of the EC if the election is held within 3 years after the date of conviction, or from being nominated as an EC member by the religious subsector for 3 years from the date of conviction [ss 9 and 18 of the Schedule to the CEEEO].

[Amended in October 2006, December 2009, October 2010, October 2011, October 2014 and October 2018]

CHAPTER 16

CORRUPT AND ILLEGAL CONDUCT

PART I : GENERAL

16.1 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.

16.2 Provisions relating to corrupt and illegal conduct can be found in the ECICO. To help candidates and their agents to get acquainted with the major provisions of the Ordinance, the ICAC had prepared an Information Booklet on “Clean Rural Elections” for distribution to candidates. The content of the Information Booklet has also been uploaded onto the website of the ICAC (www.icac.org.hk/elections). *[Amended in October 2010, October 2011, October 2012 and October 2014]*

16.3 A person who engages in:

- (a) a **corrupt conduct** will be liable to a fine of \$500,000 and to imprisonment for 7 years and to pay to the court the amount or value of any valuable consideration he/she or his/her agents received in connection with the conduct or such part of the amount or value as specified by the court [s 6(1) and (3) of the ECICO]; and *[Amended in October 2004 and October 2014]*

- (b) an **illegal conduct** will be liable to a fine of \$200,000 and to imprisonment for 3 years [s 22(1) of the ECICO].

In addition to these penalties, a convicted person will be disqualified from being nominated as a candidate in future elections. For details, please see para. 16.31 below. *[Added in October 2004 and amended in December 2009]*

16.4 The ECICO applies to all conduct concerning an election, whether the conduct is engaged in within Hong Kong or elsewhere. [S 5 of the ECICO] *[Added in October 2018]*

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

Offences Relating to Candidature

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

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 get the third person not to use his/her best endeavours to promote his/her election.

[S 7(1) of the ECICO]

16.6 Similarly, a person engages in corrupt conduct if he/she 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 2010]*

16.7 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 2010 and October 2014]*

PART III : ILLEGAL CONDUCT RELATING TO ELECTIONEERING

False Statement that a Person is or is not a Candidate

16.8 A person must not publish any statement (i) that he/she is no longer a candidate at an election if he/she is a candidate, or (ii) that another person who has been nominated as a candidate is no longer a candidate at the election, or (iii) that he/she 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

16.9 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/herself or another candidate or other candidates for the purpose of promoting the election of himself/herself or prejudicing the election of another candidate or other candidates. Any such publication will amount to an illegal conduct. [S 26 of the ECICO] 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 or candidates, e.g. a person who makes a materially false or misleading statement of fact about a candidate, thereby calling into question the integrity and honesty of that candidate, may contravene the above provision. 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 September 2005, October 2010 and October 2014]*

Claim of Support

[Please also see Chapter 17]

16.10 A candidate engages in illegal conduct if he/she fails to 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/her EAs as an indication of support from that person or organisation unless he/she has neither requested or directed nor authorised any person to request or direct the inclusion of the aforesaid name, logo or pictorial representation in his/her EAs. Also, should any content of an EA (where either the candidate has obtained the prior written consent mentioned above or the candidate has neither requested or directed nor authorised any person to request or direct the inclusion of the name, logo or pictorial representation in

his/her EAs) be provided by a person or an organisation, the candidate engages in illegal conduct if he/she modifies, or authorises any person to modify, the name, logo, or pictorial representation or the content unless **before** the modification, the person or organisation concerned **consented in writing** to the name, logo, pictorial representation or content as modified. Oral consent is **not** sufficient. [S 27(1), (1A) and (1B) of the ECICO] The EAC provides a sample consent form for this purpose. A candidate is required to post a copy of the consent form relevant to the EA concerned onto the Candidate's Platform or Central Platform or deposit a copy of the consent form with the relevant RO in the manner as set out in para. 7.49 [s 92 of the EP (RRE) Reg]. It is important to note that it is still an offence even if such an EA 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/she knows or ought to know is materially false or misleading to a candidate or candidates for promoting or prejudicing the election of the candidate or candidates [s 27(6) of the ECICO]. *[Amended in October 2006 and October 2012]*

16.11 A person or an organisation may give support to one or more of the candidates of a Rural Area, even if they are competing in the same Rural Area, although that may cause confusion. This should be specified in the written consent. A sample form on seeking “**Consent of Support**” prepared by the EAC will be available at the relevant RO's office and can be downloaded from the HAD website after the gazettal of a notice specifying a period and place for submitting nomination form for the election. It will also be provided to a candidate upon his/her submission of a nomination form for the election. Candidates are reminded that it is an offence to make a false claim of support [see Chapter 17]. *[Added in October 2004 and amended in October 2012, October 2014 and October 2018]*

16.12 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 of the revocation to the candidate concerned. In such case, the candidate is required to notify the relevant RO in writing of any revocation of consent or post a copy of the revocation onto the Candidate's Platform or the Central Platform in the manner as set out in para. 7.49. The candidate concerned should cease to publish immediately any EA which contains the support of the person or organisation who has made the revocation. *[Amended in October 2012 and October 2018]*

16.13 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/her election agent, an elector of the Rural Area concerned and the person or body to whom or which the false information is related. *[Amended in October 2012 and October 2014]*

PART IV : CORRUPT CONDUCT RELATING TO ELECTIONEERING AND VOTING

Bribery

16.14 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 particular candidates, not voting at an election, or not voting for a particular candidate or particular candidates. *[Amended in October 2011]*

Treating

16.15 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]

16.16 The serving of non-alcoholic drinks only at an election meeting, without more, 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 9] *[Amended in October 2018]*

16.17 If a person or an organisation hosts a banquet for a non-election-related purpose but, during the occasion, calls on the guests to vote for a particular candidate and if the candidate is present, the candidate concerned should immediately stop any promotion of his/her election and disown or dissociate with whatever has been said or done to promote his/her candidature. Otherwise, the occasion will be regarded as an election meeting held to promote his/her candidature and the expenses incurred will have to be counted towards his/her election expenses. At the same time, the host who uses the meeting for promoting the candidate may also be liable for prosecution for his/her failure in obtaining the candidate's prior authorisation to appoint him/her as the candidate's election expense agent for incurring election expense on behalf of the candidate. [See para. 9.2 above and s 23 of the ECICO] *[Amended in October 2011, October 2012, October 2014 and October 2018]*

16.18 If a candidate or another person offers food, drink or entertainment to affect a person's voting preference, it is an offence under s 12 of the ECICO. *[Amended in September 2005, October 2011, October 2012 and October 2018]*

Force and Duress

16.19 The use of or the threat to use force or duress against a person to induce him/her 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 2010 and October 2011]*

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

Voting Offences

- 16.21 It is a corrupt conduct for any person:
- (a) to vote at an election knowing that he/she 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 more than once in the same ReR Election, IIR Election or KFR Election except as expressly permitted by an electoral law; or *[Amended in October 2004 and October 2014]*
 - (d) to invite or induce another person to commit (a), (b) or (c) above.

[S 16(1) and (2) of the ECICO] *[Amended in October 2014]*

Candidates must note that all their electioneering and canvassing activities must be conducted within the statutory confines of the ECICO. While candidates may engage in activities to promote themselves or to assist or facilitate electors to vote in an election, they must be extremely careful to ensure that these activities are not in breach of the provisions of the ECICO all the time. *[Added in October 2018]*

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

16.22 Candidates should be careful when handling election expenses and election 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 15.

PART VI : POWER OF COURT TO EXCUSE INNOCENT ACTS

16.23 S 31 of the ECICO provides a mechanism for a candidate to apply for a Court order to relieve himself/herself of criminal responsibility if he/she contravenes the illegal conduct provisions due to inadvertence, accidental miscalculation or any reasonable cause and not due to bad faith. No prosecution against him/her may be instituted or carried on until the application is disposed of by the Court. He/She will not be liable to be convicted of an offence if the illegal conduct is the subject of a Court order.

16.24 A candidate who is unable or has failed to send to the RO the election return before the end of the permitted period due to his/her 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, can make an application to the CFI for an order to allow him/her to send in the election return within a further period as specified by the CFI. [S 40(1) and (2) of the ECICO] *[Amended in October 2006, October 2010, October 2011, October 2012 and October 2014]*

16.25 If a candidate makes an error or a false statement in the election return 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/she may apply to the CFI for an order to enable him/her to correct any error or false statement in the election return or in any document accompanying the election return. [S 40(3) and (4) of the ECICO] *[Added in October 2010 and amended in October 2011 and October 2012]*

16.26 When the candidate finds himself/herself in any of the situations set out in paras. 16.24 and 16.25 above, other than the situations where correction of errors or false statements is allowed under the relief arrangement in para. 15.31, it would be wise of him/her to make the application to the CFI and inform the RO as soon as possible. *[Amended in October 2006, October 2010 and October 2011]*

PART VII : NON-COMPLIANCE WITH THE LAW AND SANCTION

16.27 Any complaint or report of breach of these guidelines may be made to the relevant RO, the REO, 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. *[Amended in October 2014]*

16.28 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.

16.29 The Director of Public Prosecutions has informed the EAC that the Department of Justice will not hesitate to prosecute appropriate cases of electoral offences.

16.30 The EAC may also issue public statements in such manner as it deems fit to reprimand or censure any non-compliance with these guidelines.

16.31 A person convicted of a **corrupt or illegal conduct** within the meaning of the ECICO will, in addition to the penalties set out in para. 16.3 above, be disqualified:

- (a) 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 RR, if the election is held within 5 years after 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 RREO]; and
- (b) from being nominated as a candidate at EC Subsector Elections and from being elected as a member of the EC if the election is held within 3 years after the date of conviction, or from being nominated as an EC member by the religious subsector for 3 years from the date of conviction [ss 9 and 18 of the Schedule to the CEEO].

[Amended in October 2006, December 2009, October 2010, October 2011, October 2012, October 2014 and October 2018]

16.32 It is worth noting that the Courts of Hong Kong consider 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 October 2006]*

CHAPTER 17

NAMEDROPPING

Claim of Support

17.1 A candidate engages in illegal conduct if he/she fails to 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/her EAs as an indication of support from that person or organisation unless he/she has neither requested or directed nor authorised any person to request or direct the inclusion of the aforesaid name, logo or pictorial representation in his/her EAs. Also, should any content of an EA (where either the candidate has obtained the prior written consent mentioned above or the candidate has neither requested or directed nor authorised any person to request or direct the inclusion of the name, logo or pictorial representation in his/her EAs) be provided by a person or an organisation, the candidate engages in illegal conduct if he/she modifies, or authorises any person to modify, the name, logo, or pictorial representation or the content unless **before** the modification, the person or organisation concerned **consented in writing** to the name, logo, pictorial representation or content as modified. [S 27(1), (1A) and (1B) of the ECICO] *[Amended in October 2012]*

[Please also see paras. 16.10 to 16.13]

17.2 Oral or retrospective consent is **not** sufficient. The EAC provides a sample consent form for this purpose. 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 electors 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 person who has seen the pictorial representation would have the perception that the persons appearing in the EA support the candidate. *[Amended in September 2005, October 2012 and October 2018]*

17.3 It is important to note that it is still an offence even if such an EA 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/she 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 September 2005]*

17.4 For the avoidance of doubt, it is advisable for the written consent to set out clearly whether consent is given:

- (a) by a supporter in his/her personal capacity - in which case no mention should be made of any office title which he/she may have, in the candidate’s EAs and campaign activities;
- (b) by a supporter with the mention of his/her office title (bearing no reference to the name of the organisation concerned) - in which case the consent should indicate whether the supporter consents to the mention of his/her office title(s) and the description of such a title(s). Where such office title(s) is/are to be mentioned in an EA, the supporter and the candidate should take particular care to ensure that the information should not be used in such a way to

misrepresent the support of the organisation(s) concerned. For example, where the office title of “the school principal” (for example, “Chan Tai Man, the Principal”) or “chairman of an owners’ corporation” (for example, “Chan Tai Man, Chairman of Owners’ Corporation”) is to be included in an EA, and if the EA is to be posted in the school or the building in which he/she is serving, it would be desirable for the candidate to seek the relevant organisation’s prior written approval;

- (c) by a supporter with the mention of his/her office title and the name of the organisation concerned - in which case the candidate should ensure that the supporter has obtained the prior written approval of the organisation, in accordance with the organisation’s internal rules and procedures or any established convention (e.g. approved by the governing body of the organisation or by a resolution of that organisation passed at a general meeting), for using the name of the organisation together with his/her office title(s) by the candidate. In case of doubt, the candidate or his/her supporter should consult the organisation concerned on its internal rules and procedures. The candidate should be careful not to give the impression that it represents the support of the whole organisation; and
- (d) by an organisation - in which case the consent should indicate that approval has been given 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]. The consent must be signed by an authorised person such as its director, chairman or chief executive, etc.

[Amended in October 2010, October 2011 and October 2018]

17.5 Candidates should note that the HAD has its own guidelines for MACs and their office-bearers in respect of their giving consent of support to candidates. A copy of such guidelines can be found at **Appendix P**. *[Added in October 2004]*

17.6 Consent can be given to 2 or more candidates of a Rural Area, even if they are competing in the same Rural Area, although that may cause confusion. A 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 of the revocation to the candidate concerned. The candidate is required to notify the relevant RO in writing of any revocation of consent or post a copy of the revocation onto the Candidate's Platform or the Central Platform in the manner as set out in para. 7.49. *[Amended in October 2004, October 2014 and October 2018]*

17.7 Once consent has been revoked, the candidate concerned should be careful to cease immediately using any EA which contains the support of the person or organisation who has made the revocation. The costs incurred for the production of EAs bearing such support should still be regarded as the candidate's election expenses and be declared in the election return. *[Amended in October 2014]*

17.8 If candidate A's name or photograph appears in the EA of candidate B to indicate support for candidate B, whether expenditure incurred for an EA will need to be borne by candidate A 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 EA is solely to indicate support for candidate B but not to promote the election

of candidate A, the EA should not be treated as a joint EA. 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/her EAs [s 27 of the ECICO].

Scenario B

If candidate B wishes to publish the EAs for promoting his/her candidature and that of candidate A as well, he/she must obtain prior written authorisation from candidate A to act as his/her election expense agent and the expenses so incurred will have to be borne by the candidates A and B in equal or proportional 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 EA mentioned in Scenario B above should be treated as a joint EA. 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 EA.

[Added in October 2004 and amended in October 2011 and October 2012]

17.9 It is not uncommon for candidates to put photographs with the appearance of other persons (which may include other candidates in the election) in their EAs to show their past activities. However, it may be possible for electors to believe that those persons appearing in the photograph support a particular candidate when they receive such EAs. To avoid misunderstanding, for instance, if an EA 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 electors to believe, that the candidate has the support of those persons appearing in the photograph. If in the circumstances the photograph is likely to cause electors to believe that the candidate has the support of those persons appearing in the photograph, prior written consent of support should be obtained by the candidate. *[Added in October 2004 and amended in October 2011]*

17.10 To avoid misleading the electors 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/her own EAs. *[Added in October 2004]*

17.11 As advised by the PCPD, an image of an identified person²⁰ will constitute his/her 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/her personal data. Therefore, candidates when using the aforesaid image should also observe the relevant data protection principle as set out in the Guidance on Election Activities for Candidates, Government Departments, Public Opinion Research Organisations and Members of the Public at **Appendix F**. *[Added in October 2010 and amended in October 2018]*

Form of Consent

17.12 A sample form on seeking “**Consent of Support**” prepared by the EAC will be available at the offices of the relevant RO and can be downloaded from the HAD website after the gazettal of a notice specifying a

²⁰ “An identified person” shall refer to a person appearing in a photograph whose identity is known to members of the public either because his/her name is mentioned in the photo caption or he/she can easily be identified by virtue of his/her job, profession or business, etc.

period and place for submitting nomination forms. It will also be provided to a candidate upon his/her submission of a nomination form for the election. It should be noted that the form is designed to cover a specific Rural Area in a particular RR election. A candidate who subsequently switches to another Rural Area should seek afresh the consent from the person or organisation concerned. *[Amended in October 2004, October 2012, October 2014 and October 2018]*

17.13 There are occasions (as allegations and complaints were received) requiring confirmation of the compliance of the law by a candidate. Therefore, a candidate is required to post a copy of the written consent relevant to the EA concerned onto the Candidate's Platform or Central Platform or deposit a copy of the written consent with the relevant RO in the manner as set out in para. 7.49 [s 92 of the EP (RRE) Reg]. A candidate is also **required to post** onto the Candidate's Platform or Central Platform a written notice of revocation **or notify** the relevant RO of such revocation in the manner as set out in para. 7.49. Such written consent and notices of revocation received by the RO will be made available for public inspection (with the identity document numbers, if any therein, of the persons involved obliterated) at the office of the relevant RO. *[Amended in October 2012 and October 2018]*

Penalty

17.14 It is an illegal conduct under the ECICO for a person to make false claim of support. For details of penalty and sanction, please refer to para. 16.3(b) and Part VII of Chapter 16. *[Amended in October 2012]*

CHAPTER 18

PARTICIPATION IN ELECTION-RELATED ACTIVITIES BY CIVIL SERVANTS AND OFFICIALS UNDER THE POLITICAL APPOINTMENT SYSTEM AND ATTENDANCE OF PUBLIC FUNCTIONS BY BOTH CIVIL SERVANTS AND CANDIDATES

PART I : GENERAL

18.1 This chapter sets out the general guidelines on the participation in election-related activities of a RR election by civil servants and officials under the Political Appointment System and the attendance at public functions by civil servants which are also attended by candidates. *[Amended in October 2010, October 2011, October 2012 and October 2014]*

IMPORTANT:

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

PART II : PARTICIPATION IN THE RURAL REPRESENTATIVE ELECTION BY CIVIL SERVANTS

18.2 Civil servants who wish to participate in a RR election, including standing as RR candidates and/or participating in electioneering activities,

should observe the regulations, rules and guidelines issued by the Civil Service Bureau. A civil servant who engages in RR election as a candidate needs to avoid conflict of interest, having regard to the nature of his/her current duties. He/She should also avoid participation in election-related activities that may arouse any suspicion of conflict of interest or his/her using public resources. *[Amended in October 2010, October 2012, October 2014 and October 2018]*

18.3 Civil servants, other than directorate officers, Administrative Officers, Information Officers and Police Officers and those officers acting in the above grades or ranks with a view to substantive appointment thereto, (i.e. other than acting for temporary relief purpose), may act as agents or assist in electioneering activities **provided that** they are not already appointed as the ROs, AROs, 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 or appearance of unfairness or conflict of interest, civil servants who work in a Rural Area or have extensive contacts with the public in a Rural Area including, in particular, staff members of the HAD are strongly advised not to accept appointment by a candidate in that Rural Area to be his/her agent and/or participate in electioneering activities in the Rural Area concerned. Civil servants who participate in electioneering activities, including the seeking of election donations, for any candidates should not use or give the impression of using any public resources in such activities. *[Amended in October 2014 and October 2018]*

18.4 The guidelines set out in paras. 18.2 to 18.3 above are equally applicable to the non-civil service contract staff of the Government. *[Added in October 2018]*

PART III : ATTENDANCE OF PUBLIC FUNCTIONS BY CIVIL SERVANTS

On the Occasion of Being Invited

18.5 Civil servants 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”). *[Amended in October 2012]*

18.6 They should take such care when any person has publicly declared an intention to run for election in respect of a particular Rural Area or when the nomination commences, whichever is the earlier, up to the end of the polling day. *[Amended in October 2014]*

18.7 Before deciding to attend the function, a civil servant should satisfy himself/herself that:

- (a) by attending the function, he/she is performing an official duty normally required of the post he/she is currently holding; and
- (b) to his/her best knowledge, the organiser of the function has no intention whatsoever of making use of the function to promote or prejudice any candidate.

[Amended in October 2012]

When Attending

18.8 The EAC appeals to civil servants 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 civil servant may do so, however, if the photograph taking:

- (a) arises from the need for him/her to perform his/her official duty at the function normally required of the post he/she is currently holding;
- (b) is a natural part of the function which, if he/she 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 Rural Area.

[Amended in October 2011, October 2012 and October 2014]

18.9 The guidelines set out from paras. 18.5 to 18.8 above are equally applicable to the non-civil service contract staff of the Government. *[Added in October 2012]*

PART IV : ATTENDANCE OF PUBLIC FUNCTIONS BY CANDIDATES

18.10 Similarly, the EAC appeals to all candidates who attend public functions not to have photographs taken with the civil servants, 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/her to perform his/her 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 Rural Area.

[Amended in October 2011, October 2012 and October 2014]

PART V : OFFICIALS UNDER THE POLITICAL APPOINTMENT SYSTEM

18.11 The term “civil servants” used in the earlier parts of this chapter does 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”. *[Added in October 2010 and amended in October 2012]*

18.12 Politically appointed officials may, subject to the guidelines below, participate in election-related activities. *[Added in October 2010]*

18.13 As far as the RR 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/her own official duties. *[Added in October 2010 and amended in October 2014]*

CHAPTER 19

COMPLAINTS PROCEDURE

PART I : GENERAL

19.1 This chapter deals with the procedure for making complaints relating to **any breach or non-compliance of the Guidelines and the provisions of the EP (RRE) Reg or the spirit of them** which are for ensuring that elections are conducted in an honest, fair and open manner. *[Amended in October 2011 and October 2014]*

19.2 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

19.3 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 1 or more judges of the District Court or High Court for the purpose of dealing with complaints. *[Amended in October 2004 and October 2010]*

19.4 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 Guidelines or the provisions of the EP (RRE) Reg or

relating to election matters can be made to one of the following bodies or persons:

- (a) the RO of the relevant Rural Area appointed by the EAC to deal with electoral arrangements;
- (b) the REO;
- (c) the EAC or its Complaints Committee; or
- (d) the PRO (on the polling day).

[Amended in October 2011, October 2014 and October 2018]

19.5 **Caution:** if the complaint is against the conduct, behaviour, or acts of any of the HAD/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. *[Amended in October 2014]*

PART III : TIME AND PROCEDURE FOR MAKING COMPLAINT

19.6 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. Therefore, complaints should be lodged **not later than 45 days** after the last polling date of an election. *[Amended in October 2012]*

19.7 No specified or specific form is required for making a complaint. A complaint can be made either orally or in writing. A person who wishes to

make an oral complaint can call the EAC Complaints Hotline. *[Amended in October 2012]*

19.8 In each case, the complainant is required to identify himself/herself and provide his/her correspondence 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**. *[Amended in October 2018]*

PART IV : COMPLAINTS INSIDE A POLLING STATION

19.9 If a person has any complaint about whatever happens inside the polling station, he/she should follow the following procedures:

- (a) he/she should direct his/her 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/her complaint is directed at the PRO, the Deputy PRO or an Assistant PRO, he/she should as soon as possible report the matter to the RO of the relevant Rural Area of the polling station 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 EAC Complaints Hotline to report his/her complaint by giving a gist thereof. He/She should then try to obtain as much evidence as possible in order to substantiate his/her complaint. As he/she is not allowed to talk

to or communicate with any elector inside the polling station, he/she may need to go outside the polling station to obtain necessary evidence; and

- (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 EAC Complaints Hotline) will be available for inspection inside each polling station.

[Amended in October 2014]

19.10 The PRO or his/her Deputy or Assistant PRO must record any complaint mentioned in para. 19.9(a) and (b) and any other complaints and enquiries concerning an elector's data.

PART V : THE PROCESSING OF COMPLAINTS

19.11 The DHA, ROs and PROs are obliged under s 87 of the EP (RRE) 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. *[Amended in October 2014]*

19.12 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/her complaint or statement. If the further information required is not provided by the complainant or if he/she 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. *[Amended in October 2014]*

19.13 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. [S 6(3) of the EACO] *[Amended in October 2014]*

19.14 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 EAs 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/her a reasonable opportunity to give explanations. Where necessary, immediate rectification action against complaints proven on the spot should be taken without delay; *[Amended in February 2005]*
- (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 the Guidelines] after making a reasonable effort to contact the person or persons and giving him/her 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].

19.15 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. It is common that a large number of complaints are received during the election period. As each complaint will be examined in detail, the investigation of all complaints may take some time to complete. *[Amended in October 2014 and October 2018]*

PART VI : ELECTORAL AFFAIRS COMMISSION'S REPORT ON COMPLAINTS

19.16 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 DIRECTOR OF HOME
AFFAIRS, THE RETURNING OFFICERS, THE
PRESIDING OFFICERS AND THE CHIEF
ELECTORAL OFFICER**

19.17 The DHA, the RO(s), the 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. *[Amended in October 2010, October 2012 and October 2014]*

19.18 In accordance with s 87 of the EP (RRE) Reg, the DHA, the RO(s) and the PRO(s) 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 occurrence which they consider to be a material irregularity relating to an election, a poll or the counting of votes. *[Amended in October 2014]*

PART VIII : SANCTION FOR FALSE COMPLAINT

19.19 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 and will be liable to a fine of \$20,000 and to 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/she commits an offence and will be liable to a fine and to imprisonment for 2 years [s 36 of the Crimes Ordinance (Cap. 200)]. *[Amended in October 2006, October 2014 and October 2018]*

APPENDICES

Rural Representative Election
Action Checklist for Candidates**A. Major Steps to be Observed**

<u>Time</u>	<u>Action</u>
1 week before and during Nomination Period	<p>1. Obtain the following from the Returning Officer (“RO”) or relevant District Office (“DO”) of the Home Affairs Department (“HAD”):</p> <ul style="list-style-type: none"> (a) Nomination Form (b) Confirmation Form¹ (c) Grid paper and Guide on Completion of Grid paper (for inclusion in the official Introduction to Candidates); and (d) the form of “Intention to Display Election Advertisements at Designated Spots”. <p>The nomination form, the confirmation form and the form of “Intention to Display Election Advertisements at Designated Spots” can also be downloaded from the RR Election website: www.had.gov.hk/rre.</p>
During Nomination Period	<p>2. Except where the RO authorizes otherwise, personally deliver the duly completed Nomination Form and Confirmation Form to the RO before the end of the Nomination Period.</p> <p>3. Obtain the following from the RO:</p> <ul style="list-style-type: none"> (a) a CD-ROM containing the legislations in relation to the RR Election and copy of the candidate forms/documents; (b) a CD-ROM on “Guidelines on Election-related Activities in respect of the Rural Representative Election”;

¹ The Confirmation Form is for the candidate to confirm that he/she clearly understands the contents of the Basic Law and the legal requirements and responsibilities involved in signing the relevant declaration in the nomination form.

Time**Action**

- (c) hardcopy of the relevant extract from the Final Register of Electors, upon signing an Undertaking on the Use of Electors' Information;

(Note: candidate may request for a soft copy of the postal address of the electors of the relevant Rural Area, upon signing a notice and an undertaking.)

- (d) ICAC Information Booklet for RR Election (1 copy of booklet and 1 CD-ROM) (for the candidate and the election agent);

- (e) forms –

- (i) Return and Declaration of Election Expenses and Election Donations (thereafter referred to as “election return”)
- (ii) Standard Receipt for Election Donations
- (iii) Authorisation to Incur Election Expenses
- (iv) Notice of Revocation of Authorisation to Incur Election Expenses/ Adjustment of Authorised Amount of Election Expenses
- (v) Notice of Withdrawal of Candidature
- (vi) Notice of Appointment of Election Agent
- (vii) Notice of Appointment of Polling Agents for a Polling Station not Situated in a Prison

Time**Action**

- (viii) Notice of Appointment of Polling Agent for a Dedicated Polling Station Situated in a Prison (other than a Maximum Security Prison) and 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)
- (ix) Notice of Appointment of Counting Agents
- (x) Notice of Revocation of Appointment of Agent
- (xi) Information Sheet in relation to Election Advertisements
- (xii) Application for Creating an Account of the Central Platform and Undertaking in respect of the Terms and Conditions in Using the Central Platform for Candidates
- (xiii) Notification of the Electronic Address of the Candidate's Platform
- (xiv) Notification of Corrected Information in relation to Election Advertisements
- (xv) Consent of Support
- (xvi) Permission for Display of Election Advertisements or Conduct of Electioneering Activities at Private Premises
- (xvii) Declaration of Secrecy
- (xviii) Advance Return and Declaration of Election Donations

<u>Time</u>	<u>Action</u>
	(xix) Notification of Decision on Electioneering Activities
	(xx) Notice for Collection of Electors' Information;
	(xxi) Notification of the Intention to Hold a Public Meeting/Procession;
	(f) Note for Submission of a Text Version of Introduction to Candidates for Persons with Visual Impairment; and
	(g) Undertaking on the Use of Electors' Information. (Attachment: Supplementary Note on Undertaking on the Use of Electors' 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) Ensure that all printed election advertisements ("EAs"), except for the category exempted, contain the name and address of the printer, date of printing and the number of copies printed.
	(b) Ensure that all prior written Consent of Support or Permission/Authorisation have been obtained before the publication of EAs and lodged with the RO (or the Director of Home Affairs ("DHA") if RO has not yet been appointed), if applicable.

Time**Action**

- (c)
 - (i) If the candidates choose to post the electronic copy of EA and relevant information /documents onto the Candidate's Platform for public inspection, candidates should provide the RO with the **electronic address** of the platform **at least 3 working days** (i.e. any day other than a general holiday or Saturday) **before publication of the first EA.**
 - (ii) If the candidates choose to post the electronic copy of EA and relevant information/documents onto the Central Platform for public inspection, candidates should submit to the DHA the Application for Creating an Account of the Central Platform and Undertaking in respect of the Terms and Conditions in Using the Central Platform for Candidates. Candidates will receive the username and passwords from the DHA **within 3 working days** upon receipt of the duly completed application and undertaking.
- (d) Make available a copy of each type of EAs and relevant information/documents for public inspection **within 1 working day after publication** by:
 - (i) posting an electronic copy each of all his/her EAs and the relevant information /documents onto the Central Platform in accordance with the procedures set out in **Appendix C**;
 - (ii) posting an electronic copy each of all his/her EAs and the relevant information /documents onto the Candidate's Platform and provide the RO with the **electronic address** of the platform **at least 3 working days before publication of the first EA** (For details, please see **Appendix C**);

Time**Action**

- (iii) if it is technically impracticable to comply with (i) or (ii) above for EAs published through an open platform on the internet (such as when 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), posting a hyperlink of such open platform and the information / documents relevant to the EAs onto the Candidate's Platform or the Central Platform in accordance with the procedures set out in **Appendix C**;
- (iv) providing 2 hard copies each of the EAs (or 2 identical full colour photographs/printouts/photocopies of each EA which cannot be practically or conveniently produced in specie) and 1 hardcopy each of the relevant information / documents to the RO; or
- (v) providing 2 identical copies of a CD-ROM or DVD-ROM each containing the EAs and 1 hardcopy each of the relevant information / documents to the RO.

Candidates may make submission as required from time to time.

- | | |
|--|--|
| | 6. Submit to the DHA, through the RO, an Advance Return and Declaration of Election Donations when an election donation is received. |
| Any time before handing in Nomination Form till the end of election period | 7. Lodge with the RO (or DHA if RO has not yet been appointed) Authorisations to Incur Election Expenses. |
| Any time after handing in Nomination Form | 8. Lodge with the RO a Notice of Appointment of Election Agent. |

<u>Time</u>	<u>Action</u>
Any time after handing in Nomination Form, but before the end of Nomination Period	<p>9. (a) If a candidate wishes to have his/her photograph and election platform printed in the Introduction to Candidates, he/she should:</p> <ul style="list-style-type: none"> (i) lodge with the RO a duly completed grid paper affixed with a colour photograph of the candidate which must be in a specified size and should be taken within the last 6 months; and (ii) provide 2 additional copies of his/her photograph identical to the one affixed to the grid paper with his/her name, name of Rural Committee and Rural Area concerned written on the back. <p>(If a candidate does not submit the grid paper, the Introduction to Candidates will only show his/her name and candidate number. The statement, “Relevant Information has not been provided by the candidate”, will also be printed in the space provided for the election platform.)</p> <p>(b) lodge with the RO the form “Intention to Display Election Advertisements at Designated Spots”.</p>
Any time after handing in Nomination Form, but at least 7 days before polling day	<p>10. Lodge with the RO Notices of Appointment of Polling Agents for a Polling Station not Situated in a Prison by hand, by post, by electronic mail or by facsimile transmission.</p> <p>11. Lodge with the DHA Notice of Appointment of Polling Agent for a Dedicated Polling Station Situated in a Prison (Other than a Maximum Security Prison) and 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) for seeking the consent of the Commissioner of Correctional Services (“CCS”) to the presence of an election agent or a polling agent at a dedicated polling station situated in a prison (other than a maximum security prison).</p> <p>(Note: (a) No consent will be given to the presence of</p>

<u>Time</u>	<u>Action</u>
	<p>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.</p> <p>(b) No polling agent may be appointed nor may election agent be present at a dedicated polling station situated in a maximum security prison.)</p>
Any time after handing in Nomination Form, but before the 3 days preceding polling day	12. Lodge with the RO Notices of Appointment of Counting Agents by hand, by post, by electronic mail or by facsimile transmission.
After the end of Nomination Period	<p>13. (a) Receive from the RO information about the election agents appointed by all candidates of the same Rural Area.</p> <p>(b) Receive from the RO the notification on the validity of the candidate's nomination (which will also be sent to every other validly nominated candidate of the same Rural Area, if any).</p>
Around 7 days after the end of Nomination Period	<p>14. Attend the briefing for candidates and collect from the RO name badges for candidates and their agents.</p> <p>15. Attend meetings held by the RO to determine, by drawing of lots, the candidate numbers and to allocate display spots, if any, 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 candidates (except for uncontested candidates who will not be allocated with designated spots).</p>

<u>Time</u>	<u>Action</u>
Within 14 days after the end of Nomination Period	17. Receive from the RO location maps and layout plans of the polling stations, counting stations and ballot paper sorting station.
Any time before polling day	18. Lodge with the RO Notices of Revocation of Appointment of Agent, if any, by hand, by post, by electronic mail or by facsimile transmission.
At least 10 days before polling day	19. Receive information from the RO on when and where the counting / sorting of votes is to take place.
During the week before the polling day	20. Lodge with the DHA the Notice of Appointment of Polling Agent for a Dedicated Polling Station Situated in a Prison (other than a Maximum Security Prison) and Application for Consent to the Presence of Election/Polling Agent in a Dedicated Polling Station Situated in a prison (other than a maximum security prison) ONLY if – <ul style="list-style-type: none"> (a) an elector imprisoned or held in custody who is entitled to vote for the relevant Rural Area at the aforesaid dedicated polling station situated in a prison is admitted or transferred to the prison during that week; and (b) the application is lodged without undue delay after the admission or transfer.
Not later than 2 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).
Before entering the polling station, counting station or the ballot paper sorting station	22. Complete the Declaration of Secrecy (to be made by all candidates, their election agents, polling agents and counting agents).
On polling day	23. Attend the poll and the count if so wishes, bringing along the Declaration of Secrecy.

<u>Time</u>	<u>Action</u>
	<p>24. Candidates or their election agents personally deliver Notice of Appointment of Polling Agents for a Polling Station not Situated in a Prison to the relevant Presiding Officer (“PRO”) other than a PRO of a dedicated polling station situated in a prison, if not yet submitted to the RO under para. 10.</p> <p>25. Notices of Revocation of Appointment of Agent must be delivered to the relevant RO by hand, by electronic mail or by facsimile transmission or to the PRO of the polling station concerned by the candidates or their election agents personally to revoke the appointment of polling agent for a polling station not situated in a prison, if necessary and not yet lodged pursuant to para. 18.</p> <p>26. Notices of Revocation of Appointment of Agent must be delivered to the relevant RO by hand, by electronic mail or by facsimile transmission to revoke the appointment of polling agent for a dedicated polling station situated in a prison, if necessary and not yet lodged pursuant to para. 18.</p> <p>27. Candidates or their election agents personally deliver the Notices of Appointment of Counting Agents to the relevant RO or Assistant Returning Officer (“ARO”), if not yet submitted to the RO under para. 12.</p> <p>28. Notices of Revocation of Appointment of Agent must be delivered to the relevant RO by hand, by electronic mail or by facsimile transmission before the close of poll; or to the relevant RO at counting station / ARO at ballot paper sorting station personally by candidates or their election agents to revoke the appointment of counting agent, if necessary and not yet lodged pursuant to para. 18.</p>
2 working days after polling day, the latest	<p>29. Post the corrected information of the EAs concerned onto the Candidate’s Platform or the Central Platform alongside the original information and input the date of correction; or deposit with the RO a Notification of Corrected Information in relation to EAs.</p>

<u>Time</u>	<u>Action</u>
Within 10 days after polling day	30. Remove all EAs displayed on Government land / property.
Not later than 30 days after the election in relation to the same Rural Committee that are to be held on the same date become settled ²	31. Lodge with the DHA, through the RO, an election return signed by the candidate with original invoices and receipts issued by recipients of the payments for all payments each of election expense of \$100 or above and duplicate donation receipts for all donations each of election donation of more than \$1,000 in value.
Till the 30 th day before the first anniversary of the date of the deadline for lodging the election return	32. Candidate to maintain the Candidate's Platform for public inspection of his/her EAs and relevant information / documents.

² In accordance with s 37(1M) of the Elections (Corrupt and Illegal Conduct) Ordinance, an RR Election is settled on the date on which any of the following events occurs in relation to the election —

- (a) the result of the election is notified in the Gazette;
- (b) the proceedings for the election are declared to have been terminated;
- (c) the election is declared to have failed.

B. Handling and Declaring Election Expenses***Records Keeping******Before and After Nomination***

1. Record all election expenses spent and all election donations received.
2. Keep the original 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 may use the Standard Receipt for Election Donations provided by the HAD.)
4.
 - (a) Keep records of the attachments posted onto the Candidate's Platform and maintain this platform till the 30th day before the first anniversary of the date of the deadline for lodging the election return; or
 - (b) Keep records of the attachments posted onto the Central Platform; or
 - (c) Keep copies of all relevant information / documents and EAs lodged with the RO.

Appointment of Election Agents

5. Each candidate can only appoint one election agent. An election agent has the authority to do everything a candidate is authorised to do under the EP (RRE) Reg for the purposes of the election except:
 - (a) to sign the nomination form or make any requisite declaration in relation to a candidate's nomination;
 - (b) to withdraw the candidate's candidature;
 - (c) to appoint an election agent or election expense agent;
 - (d) to incur election expenses save where he/she has been appointed as an election expense agent by the candidate;
 - (e) to revoke the appointment of an election agent or election expense agent; and

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

6. Please refer to paragraph 6.4 of the Guidelines for qualifications of election agent.
7. Lodge with the RO the Notice of Appointment of Election Agent at any time after handing in Nomination Form.

***Appointment of Election
Expense Agents***

8. Each candidate can appoint 1 or more persons authorised to incur election expenses on his/her behalf, i.e. the election expense agents, by completing the Authorisation to Incur Election Expenses. A candidate **may** also authorise his/her election agent to incur election expenses for him/her. These agents may incur expenses only after the candidate has authorised them to do so.
9. Please refer to paragraph 6.4 of the Guidelines for qualifications of election expense agent.
10. The candidate must lodge with the RO the Authorisations to Incur Election Expenses. It is important to note that the authorisation is not effective until it has been received by the RO.

***Lodging Authorisation
and Information Sheet of
Election Advertisements
with the appropriate
authority and Posting
Election Advertisements
on Central
Platform or Candidate's
Platform***

11. Make available a copy of each type of EAs and relevant information/documents for public inspection **within 1 working day** after publication by:
- (a) posting an electronic copy each of all his/her EAs and the relevant information/documents onto the Central Platform in accordance with the procedures set out in **Appendix C**;
- (b) posting an electronic copy each of all his/her EAs and the relevant information/documents onto the Candidate's Platform and provide the **electronic address** of the platform to the RO **at least 3 working days before publication of the first EA** (For details, please see **Appendix C**);
- (c) if it is technically impracticable to comply with (a) or (b) above for EAs published through an open platform on the internet (such as when 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), posting a hyperlink of such open platform and the information/documents relevant to the EAs onto the Candidate's Platform or the Central Platform in accordance with the procedures set out in **Appendix C**;

- (d) providing 2 hard copies each of the EAs (or 2 identical full colour photographs /printouts/photocopies of each EA which cannot be practically or conveniently produced in specie) and 1 hardcopy each of the relevant information/documents to the RO; or
- (e) providing 2 identical copies of a CD-ROM or DVD-ROM each containing the EAs and 1 hardcopy each of the relevant information/ documents to the RO.

Submission of Return and Declaration of Election Expenses and Election Donations

A candidate must lodge his/her completed election return with the DHA, through the relevant RO, in a specified form before the expiry of the period of 30 days after the date on which the last of the following events occurs in relation to all the RR elections under the same Rural Committee to be held on the same date—

- (a) the result of the election is notified in the Gazette;***
- (b) the proceedings for the election are declared to have been terminated;***
- (c) the election is declared to have failed,***

or within such extended period as may be allowed by the CFI under the relevant law

(The election result of an uncontested Rural Area will be gazetted in the Notice of Nominations)

12. The completed election return and the declaration verifying its contents must be submitted together with all supporting documents as required by section 37 of the ECICO.

13. The completed election return should include all election expenses incurred by the candidate or by his/her election expense agents and also the removal cost for his/her EAs by Government Departments, if he/she has not removed all his/her EAs, and the election donations (including services and goods) received should also be included. ***A candidate is required to submit his/her election return even if no election expenses have been incurred.***
14. A candidate must make the declaration / supplementary declaration(s) verifying the contents of the election return before a Commissioner for Oaths (at District Offices) or a Justice of the Peace or a solicitor holding a practising certificate.
15. If a candidate is unable/fails to lodge the election return before the deadline, he/she can apply to the CFI for an order allowing him/her to lodge the election return with the DHA, through the RO, within such a further period as specified by the CFI.
16. If a candidate wishes to change any information in his/her submitted election return before the deadline, he/she may lodge with the DHA, through the RO, before the deadline a supplementary declaration stating the information to be changed.
17. If a candidate wishes to correct any error or false statement in his/her election return (including any document accompanying his/her election return) after the deadline, he/she must apply to the CFI for an order enabling him/her to do so. Notwithstanding this, if the aggregate value of any error or false statement found in the election return does not exceed the prescribed relief arrangement limit for RR election for the purposes of s 37A of the ECICO (i.e. HK\$200), 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 DHA relating to the error and/or false statement (see paras. 15.29 to 15.31 of the Guidelines).

(This “Action Checklist for Candidates” is for general reference only. Candidates are advised to refer to the Action Checklist included in the candidate folder for the

respective ordinary election/by-election.)

[Amended in December 2009, October 2010, October 2011, October 2012, April 2014, October 2014 and October 2018]

**A List of Existing Village,
Indigenous Village,
Composite Indigenous Village and Market Town**

EXISTING VILLAGE

	<i>Name of village</i>	<i>Number of persons to hold the office of resident representative</i>	<i>Rural Committee</i>
1.	A Ma Wat (亞媽笏)	1	Sha Tau Kok District Rural Committee
2.	A Shan (鴉山)	1	Tai Po Rural Committee
3.	Ah Kung Kok Fishermen Village (亞公角漁民新村)	1	Sha Tin Rural Committee
4.	Ap Chau (鴨洲)	1	Sha Tau Kok District Rural Committee
5.	Au Ha (凹下)	1	Sha Tau Kok District Rural Committee
6.	Au Pui Wan (坳背灣)	1	Sha Tin Rural Committee
7.	Chai Kek (寨𨋖)	1	Tai Po Rural Committee
8.	Chap Wai Kon (插桅杆)	1	Sha Tin Rural Committee
9.	Chau Tau (洲頭)	1	San Tin Rural Committee
10.	Che Ha (輦下)	1	Sai Kung North Rural Committee
11.	Che Keng Tuk (輦徑篤)	1	Sai Kung Rural Committee
12.	Chek Keng (赤徑)	1	Sai Kung North Rural Committee
13.	Chek Lap Kok (赤鱗角)	1	Tung Chung Rural Committee
14.	Chek Nai Ping (赤坭坪)	1	Sha Tin Rural Committee
15.	Cheung Kong Tsuen (長江村)	1	Pat Heung Rural Committee

16.	Cheung Lek (長瀝)	1	Sheung Shui District Rural Committee
17.	Cheung Lek Mei (長瀝尾)	1	Sha Tin Rural Committee
18.	Cheung Muk Tau (樟木頭)	1	Sai Kung North Rural Committee
19.	Cheung Po Tsuen (長埔村)	1	Pat Heung Rural Committee
20.	Cheung Sha Lower Village (長沙下村)	1	South Lantau Rural Committee
21.	Cheung Sha Upper Village (長沙上村)	1	South Lantau Rural Committee
22.	Cheung Sheung (樟上)	1	Sai Kung North Rural Committee
23.	Cheung Shue Tan (樟樹灘)	1	Tai Po Rural Committee
24.	Cheung Uk Tei (張屋地)	1	Tai Po Rural Committee
25.	Choi Uk Tsuen (蔡屋村)	1	Shap Pat Heung Rural Committee
26.	Chok Ko Wan and Pa Tau Kwu (竹篙灣及扒頭鼓)	1	Ma Wan Rural Committee
27.	Chow Tin Tsuen (週田村)	1	Ta Kwu Ling District Rural Committee
28.	Chuen Lung (川龍)	1	Tsuen Wan Rural Committee
29.	Chuk Hang Tsuen (竹坑村)	1	Pat Heung Rural Committee
30.	Chuk Yuen (竹園)	1	Ta Kwu Ling District Rural Committee
31.	Chuk Yuen (竹園)	1	San Tin Rural Committee
32.	Chung Hau (North) (涌口(北))	1	Mui Wo Rural Committee
33.	Chung Hau (South) (涌口(南))	1	Mui Wo Rural Committee
34.	Chung Kwai Chung (中葵涌)	1	Tsuen Wan Rural Committee
35.	Chung Mei Tsuen (涌美村)	1	Tsing Yi Rural Committee
37.	Chung Uk Tsuen (鍾屋村)	1	Tai Po Rural Committee
38.	Chung Uk Tsuen (鍾屋村)	1	Tuen Mun Rural Committee

39.	Fa Peng, Tso Wan and Tai Chuen (花坪、草灣及大轉)	1	Ma Wan Rural Committee
40.	Fan Lau (汾流)	1	Tai O Rural Committee
41.	Fan Leng Lau (粉嶺樓)	1	Fanling District Rural Committee
42.	Fan Tin San Yi Cho (蕃田莘野祖)	1	San Tin Rural Committee
43.	Fanling Wai (粉嶺圍)	1	Fanling District Rural Committee
44.	Fo Tan (火炭)	1	Sha Tin Rural Committee
45.	Fong Ma Po (放馬莆)	1	Tai Po Rural Committee
46.	Fu Tau Chau (斧頭洲)	1	Hang Hau Rural Committee
47.	Fu Tei Pai (虎地排)	1	Fanling District Rural Committee
48.	Fu Tei Tsuen (虎地村)	1	Tuen Mun Rural Committee
49.	Fu Yung Pei (芙蓉泌)	1	Sha Tin Rural Committee
50.	Fui Sha Wai (灰沙圍)	1	Ping Shan Rural Committee
51.	Fui Yiu Ha and Tse Uk (灰窰下及謝屋)	1	Sha Tin Rural Committee
52.	Fuk Hang Tsuen (Lower) (福亨村(下))	1	Tuen Mun Rural Committee
53.	Fuk Hang Tsuen (Upper) (福亨村(上))	1	Tuen Mun Rural Committee
55.	Fung Chi Tsuen (鳳池村)	1	Ping Shan Rural Committee
56.	Fung Hang (鳳坑)	1	Sha Tau Kok District Rural Committee
57.	Fung Ka Wai (馮家圍)	1	Ping Shan Rural Committee
58.	Fung Kat Heung (逢吉鄉)	1	Kam Tin Rural Committee
59.	Fung Kong Tsuen (鳳降村)	1	Ha Tsuen Rural Committee
60.	Fung Wong Wu (鳳凰湖)	1	Ta Kwu Ling District Rural Committee
61.	Fung Yuen (鳳園)	1	Tai Po Rural Committee
62.	Ha Che Tsuen (下輦村)	1	Pat Heung Rural Committee

63.	Ha Fa Shan (下花山)	1	Tsuen Wan Rural Committee
64.	Ha Hang (下坑)	1	Tai Po Rural Committee
65.	Ha Keng Hau (下徑口)	1	Sha Tin Rural Committee
66.	Ha Kwai Chung (下葵涌)	1	Tsuen Wan Rural Committee
67.	Ha Ling Pei (下嶺皮)	1	Tung Chung Rural Committee
68.	Ha Mei San Tsuen (蝦尾新村)	1	Ping Shan Rural Committee
69.	Ha Pak Nai Tsuen (下白泥村)	1	Ha Tsuen Rural Committee
70.	Ha Shan Kai Wat (下山雞乙)	1	Ta Kwu Ling District Rural Committee
71.	Ha Tei Ha (蝦地下)	1	Tai Po Rural Committee
72.	Ha Tsuen Shi (廈村市)	1	Ha Tsuen Rural Committee
73.	Ha Wan Tsuen (下灣村)	1	San Tin Rural Committee
74.	Ha Wo Che (下禾輦)	1	Sha Tin Rural Committee
75.	Ha Wo Hang (下禾坑)	1	Sha Tau Kok District Rural Committee
76.	Ha Wong Yi Au (下黃宜坳)	1	Tai Po Rural Committee
77.	Ha Wun Yiu (下碗窑)	1	Tai Po Rural Committee
78.	Ha Yau Tin (下攸田)	1	Shap Pat Heung Rural Committee
79.	Ha Yeung (下洋)	1	Sai Kung North Rural Committee
80.	Ha Yeung (下洋)	1	Hang Hau Rural Committee
81.	Ham Tin (咸田)	1	South Lantau Rural Committee
82.	Ham Tin (咸田)	1	Tsuen Wan Rural Committee
83.	Hang Ha Po (坑下莆)	1	Tai Po Rural Committee
84.	Hang Hau (坑口)	1	Hang Hau Rural Committee
85.	Hang Mei Tsuen (坑尾村)	1	Ping Shan Rural Committee
86.	Hang Tau (坑頭)	1	Sheung Shui District Rural Committee
87.	Hang Tau Tsuen (坑頭村)	1	Ping Shan Rural Committee

88.	Heung Yuen Wai (香園圍)	1	Ta Kwu Ling District Rural Committee
89.	Hin Tin (顯田)	1	Sha Tin Rural Committee
90.	Hing Keng Shek (慶徑石)	1	Sai Kung Rural Committee
91.	Ho Chung (蠔涌)	1	Sai Kung Rural Committee
92.	Ho Lek Pui (河瀝背)	1	Sha Tin Rural Committee
93.	Ho Pui (河背)	1	Tsuen Wan Rural Committee
94.	Ho Pui Tsuen (河背村)	1	Pat Heung Rural Committee
95.	Ho Sheung Heung (河上鄉)	1	Sheung Shui District Rural Committee
96.	Ho Tin Tsuen (河田村)	1	Tuen Mun Rural Committee
97.	Hoi Ha (海下)	1	Sai Kung North Rural Committee
98.	Hoi Pa (Cheung Pei Shan Road) (海壩(象鼻山路))	1	Tsuen Wan Rural Committee
99.	Hoi Pa (South Platform) (海壩(南台))	1	Tsuen Wan Rural Committee
100.	Hoi Pa (Wo Yi Hop Road and Kwok Shui Road) (海壩(和宜合道及國瑞道))	1	Tsuen Wan Rural Committee
101.	Hoi Pong Street (海傍街)	1	Sai Kung Rural Committee
102.	Hok Tau Wai (鶴藪圍)	1	Fanling District Rural Committee
103.	Hong Mei Tsuen (巷尾村)	1	Ha Tsuen Rural Committee
104.	Hung Cho Tin (紅棗田)	1	Shap Pat Heung Rural Committee
105.	Hung Leng (孔嶺)	1	Fanling District Rural Committee
106.	Hung Uk Tsuen (洪屋村)	1	Ping Shan Rural Committee
107.	Kai Ham (界咸)	1	Sai Kung Rural Committee
108.	Kai Kuk Shue Ha and Nam Hang Mei (雞谷樹下及南坑尾)	1	Sha Tau Kok District Rural Committee
109.	Kai Leng (雞嶺)	1	Sheung Shui District Rural Committee
110.	Kak Tin (隔田)	1	Sha Tin Rural Committee

111. Kam Shan Village (錦山村)	1	Tai Po Rural Committee
112. Kam Tin Shing Mun San Tsuen (錦田城門新村)	1	Kam Tin Rural Committee
113. Kam Tsin (金錢)	1	Sheung Shui District Rural Committee
114. Kam Tsin Wai Tsuen (金錢圍村)	1	Pat Heung Rural Committee
115. Kan Tau Tsuen (簡頭村)	1	Fanling District Rural Committee
116. Kan Tau Wai (簡頭圍)	1	Ta Kwu Ling District Rural Committee
117. Kap Lung Tsuen (甲龍村)	1	Pat Heung Rural Committee
118. Kap Tong (蛤塘)	1	Sha Tau Kok District Rural Committee
119. Kat Hing Back Street (吉慶後街)	1	Tai O Rural Committee
120. Kat Hing Street (吉慶街)	1	Tai O Rural Committee
121. Kat Hing Wai (吉慶圍)	1	Kam Tin Rural Committee
122. Kat O (吉澳)	1	Sha Tau Kok District Rural Committee
123. Kau Liu Ha (較寮下)	1	Tai Po Rural Committee
124. Kau Lung Hang (九龍坑)	1	Tai Po Rural Committee
125. Kau Sai San Tsuen (滘西新村)	1	Sai Kung Rural Committee
126. Kau Tam Tso (九担租)	1	Sha Tau Kok District Rural Committee
127. Kau To (九肚)	1	Sha Tin Rural Committee
128. Kau Wah Keng (九華徑)	1	Tsuen Wan Rural Committee
129. Kau Wah Keng San Tsuen (also known as Kau Wah San Tsuen) (九華徑新村 (又名九華新村))	1	Tsuen Wan Rural Committee
130. Kei Ling Ha Lo Wai (企嶺下老圍)	1	Sai Kung North Rural Committee

131. Kei Ling Ha San Wai (企嶺下新圍)	1	Sai Kung North Rural Committee
132. Kei Lun Wai (麒麟圍)	1	Tuen Mun Rural Committee
133. Keung Shan, Lower (下羗山)	1	Tai O Rural Committee
134. Keung Shan, Upper and Luk Wu (上羗山及鹿湖)	1	Tai O Rural Committee
135. Kiu Tau Wai (橋頭圍)	1	Ping Shan Rural Committee
136. Ko Lau Wan (高流灣)	1	Sai Kung North Rural Committee
137. Ko Long (高塱)	1	Lamma Island (North) Rural Committee
138. Ko Po (高莆)	1	Fanling District Rural Committee
139. Ko Po Tsuen (高埔村)	1	Kam Tin Rural Committee
140. Ko Tong (高塘)	1	Sai Kung North Rural Committee
141. Kong Ha (崗下)	1	Sha Tau Kok District Rural Committee
142. Kong Tau (港頭)	1	Shap Pat Heung Rural Committee
143. Kuk Po (谷埔)	1	Sha Tau Kok District Rural Committee
144. Kwan Mun Hau (關門口)	1	Tsuen Wan Rural Committee
145. Kwan Tei (軍地)	1	Fanling District Rural Committee
146. Kwong Shan Tsuen (礦山村)	1	Tuen Mun Rural Committee
147. Kwu Hang (古坑)	1	Tsuen Wan Rural Committee
148. Kwu Tung (North) (古洞(北))	1	Sheung Shui District Rural Committee
149. Kwu Tung (South) (古洞(南))	1	Sheung Shui District Rural Committee
150. Kwun Hang (官坑)	1	Sai Kung North Rural Committee
151. Kwun Yam Shan and Kong Pui (觀音山及崗背)	1	Sha Tin Rural Committee
152. Lai Chi Chong (荔枝莊)	1	Sai Kung North Rural Committee
153. Lai Chi Shan (荔枝山)	1	Tai Po Rural Committee

154. Lai Chi Wo (荔枝窩)	1	Sha Tau Kok District Rural Committee
154A. Lai Pek Shan (犁壁山)	1	Tai Po Rural Committee
155. Lai Tau Shek (犁頭石)	1	Sha Tau Kok District Rural Committee
156. Lam Che and Nim Un (藍輦及稔園)	1	Tung Chung Rural Committee
157. Lam Hau Tsuen (欖口村)	1	Ping Shan Rural Committee
158. Lam Tei (藍地)	1	Tuen Mun Rural Committee
159. Lam Tin Tsuen (藍田村)	1	Tsing Yi Rural Committee
161. Lau Shui Heung (流水响)	1	Fanling District Rural Committee
162. Lee Uk Tsuen (李屋村)	1	Ha Tsuen Rural Committee
163. Lei Uk (李屋)	1	Ta Kwu Ling District Rural Committee
164. Leng Pei Tsuen (嶺皮村)	1	Fanling District Rural Committee
165. Leng Tsai (嶺仔)	1	Fanling District Rural Committee
166. Leng Tsui (嶺咀)	1	Fanling District Rural Committee
167. Leung Tin Tsuen (良田村)	1	Tuen Mun Rural Committee
168. Leung Uk (梁屋)	1	Tai O Rural Committee
169. Lin Au, Cheng Uk (蓮澳鄭屋)	1	Tai Po Rural Committee
170. Lin Au, Lei Uk (蓮澳李屋)	1	Tai Po Rural Committee
171. Lin Fa Tei (蓮花地)	1	Pat Heung Rural Committee
172. Lin Ma Hang (蓮麻坑)	1	Sha Tau Kok District Rural Committee
173. Lin Tong Mei (蓮塘尾)	1	Sheung Shui District Rural Committee
174. Liu Pok (料壆)	1	Sheung Shui District Rural Committee
175. Lo So Shing (蘆鬚城)	1	Lamma Island (South) Rural Committee
176. Lo Tik Wan (蘆荻灣)	1	Lamma Island (North) Rural Committee

177. Lo Tsz Tin (蘆慈田)	1	Tai Po Rural Committee
178. Lo Uk Tsuen (老屋村)	1	Tsing Yi Rural Committee
179. Lo Uk Tsuen (羅屋村)	1	Ha Tsuen Rural Committee
180. Lo Wai (老圍)	1	Tsuen Wan Rural Committee
181. Lo Wu (羅湖)	1	Ta Kwu Ling District Rural Committee
182. Loi Tung (萊洞)	1	Sha Tau Kok District Rural Committee
183. Lok Lo Ha (落路下)	1	Sha Tin Rural Committee
184. Lok Ma Chau (落馬洲)	1	San Tin Rural Committee
185. Long Keng (浪經)	1	Sai Kung Rural Committee
186. Luen On San Tsuen (聯安新村)	1	Tuen Mun Rural Committee
187. Luen Yick Fishermen Village (聯益漁村)	1	Tai Po Rural Committee
188. Lui Kung Tin Tsuen (雷公田村)	1	Pat Heung Rural Committee
189. Luk Chau (鹿洲)	1	Lamma Island (South) Rural Committee
190. Luk Keng (鹿頸)	1	Ma Wan Rural Committee
191. Luk Keng Chan Uk (鹿頸陳屋)	1	Sha Tau Kok District Rural Committee
192. Luk Keng Wong Uk (鹿頸黃屋)	1	Sha Tau Kok District Rural Committee
193. Luk Tei Tong (鹿地塘)	1	Mui Wo Rural Committee
194. Lung A Pei (龍丫排)	1	Tai Po Rural Committee
195. Lung Kwu Tan (龍鼓灘)	1	Tuen Mun Rural Committee
196. Lung Mei (龍尾)	1	Tai Po Rural Committee
197. Lung Mei (龍尾)	1	Sai Kung Rural Committee
198. Lung Tin (龍田)	1	Shap Pat Heung Rural Committee
199. Lung Yeuk Tau (龍躍頭)	1	Fanling District Rural Committee
200. Ma Kwu Lam (馬牯纜)	1	Sai Kung North Rural Committee

201. Ma Liu (馬料)	1	Sha Tin Rural Committee
202. Ma Mei Ha (馬尾下)	1	Fanling District Rural Committee
203. Ma Nam Wat (麻南笏)	1	Sai Kung Rural Committee
204. Ma Niu Shui San Tsuen (馬料水新村)	1	Fanling District Rural Committee
205. Ma On Kong Tsuen (馬鞍 崗村)	1	Pat Heung Rural Committee
206. Ma On Shan (馬鞍山)	1	Sha Tin Rural Committee
207. Ma Po Mei (麻布尾)	1	Tai Po Rural Committee
208. Ma Sim Pai (馬閃排)	1	Tsuen Wan Rural Committee
209. Ma Tin (馬田)	1	Shap Pat Heung Rural Committee
210. Ma Tseuk Leng Ha (麻雀 嶺下)	1	Sha Tau Kok District Rural Committee
211. Ma Tseuk Leng Sheung (麻雀嶺上)	1	Sha Tau Kok District Rural Committee
212. Ma Tso Lung (North) (馬 草壠(北))	1	Sheung Shui District Rural Committee
213. Ma Tso Lung (South) (馬 草壠(南))	1	Sheung Shui District Rural Committee
214. Ma Wan and Wong Nai Uk (馬灣及黃泥屋)	1	Tung Chung Rural Committee
215. Ma Wan Chung (馬灣涌)	1	Tung Chung Rural Committee
216. Ma Wan Main Street (馬灣 大街)	1	Ma Wan Rural Committee
217. Ma Wat Tsuen (麻笏村)	1	Fanling District Rural Committee
218. Ma Wo Tsuen (馬窩村)	1	Tai Po Rural Committee
219. Ma Yau Tong (馬游塘)	1	Hang Hau Rural Committee
220. Mai Po Tsuen (米埔村)	1	San Tin Rural Committee
221. Main Street (East) (正街 (東))	1	Sai Kung Rural Committee
222. Main Street (West) (正街 (西))	1	Sai Kung Rural Committee

223. Man Kok Tsui (萬角咀)	1	Mui Wo Rural Committee
224. Man Uk Pin (萬屋邊)	1	Sha Tau Kok District Rural Committee
225. Man Wo (蠻窩)	1	Sai Kung Rural Committee
226. Man Yee Wan New Village (萬宜灣新村)	1	Sai Kung Rural Committee
227. Mang Kung Uk (孟公屋)	1	Hang Hau Rural Committee
228. Mau Ping New Village (茅坪新村)	1	Sai Kung Rural Committee
229. Mau Tat (茅笪)	1	Sha Tin Rural Committee
230. Mau Tso Ngam (茂草岩)	1	Sha Tin Rural Committee
231. Mau Wu Tsai (茅湖仔)	1	Hang Hau Rural Committee
232. Ming Tak Tong (明德堂)	1	San Tin Rural Committee
233. Miu Tin (苗田)	1	Sha Tau Kok District Rural Committee
234. Mo Tat (模達)	1	Lamma Island (South) Rural Committee
235. Mo Tat Wan (模達灣)	1	Lamma Island (South) Rural Committee
236. Mok Ka (莫家)	1	Tung Chung Rural Committee
237. Mok Tse Che (莫遮輦)	1	Sai Kung Rural Committee
238. Mong Tseng Tsuen (輞井村)	1	Ping Shan Rural Committee
239. Mong Tseng Wai (輞井圍)	1	Ping Shan Rural Committee
240. Mong Tung Wan (望東灣)	1	South Lantau Rural Committee
241. Mui Shue Hang (梅樹坑)	1	Tai Po Rural Committee
242. Mui Tsz Lam (梅子林)	1	Sha Tau Kok District Rural Committee
243. Mui Tsz Lam (梅子林)	1	Sha Tin Rural Committee
244. Muk Kiu Tau (木橋頭)	1	Shap Pat Heung Rural Committee
245. Muk Min Ha (木棉下)	1	Tsuen Wan Rural Committee
246. Muk Min Tau and Tsiu Hang (木棉頭及蕉坑)	1	Sha Tau Kok District Rural Committee

247. Muk Wu (木湖)	1	Ta Kwu Ling District Rural Committee
248. Nai Chung (泥涌)	1	Sai Kung North Rural Committee
249. Nai Wai (泥圍)	1	Tuen Mun Rural Committee
250. Nam A (南丫)	1	Sai Kung Rural Committee
251. Nam Bin Wai (南邊圍)	1	Shap Pat Heung Rural Committee
252. Nam Chung (南涌)	1	Sha Tau Kok District Rural Committee
253. Nam Hang (南坑)	1	Tai Po Rural Committee
254. Nam Hang (南坑)	1	Shap Pat Heung Rural Committee
255. Nam Shan (南山)	1	Sai Kung Rural Committee
256. Nam Shan Tung (南山洞)	1	Sai Kung North Rural Committee
257. Nam Tong Sun Tsuen (南塘新村)	1	Tai O Rural Committee
258. Nam Wa Po (南華莆)	1	Tai Po Rural Committee
259. Nam Wai (南圍)	1	Sai Kung Rural Committee
260. Ng Ka Tsuen (吳家村)	1	Pat Heung Rural Committee
261. Ng Tung Chai (梧桐寨)	1	Tai Po Rural Committee
262. Ng Uk Tsuen (吳屋村)	1	Sheung Shui District Rural Committee
263. Ng Uk Tsuen (吳屋村)	1	Ping Shan Rural Committee
264. Nga Iu Tau Tsun (瓦窑頭村)	1	Sai Kung North Rural Committee
265. Nga Yiu (瓦窑)	1	Ta Kwu Ling District Rural Committee
266. Nga Yiu Ha (瓦窑下)	1	Ta Kwu Ling District Rural Committee
267. Ngar Yiu Tau (瓦窑頭)	1	Shap Pat Heung Rural Committee
268. Ngau Au (牛凹)	1	Tung Chung Rural Committee
269. Ngau Hom Tsuen (鰲磡村)	1	Ping Shan Rural Committee
270. Ngau Keng Tsuen (牛徑村)	1	Pat Heung Rural Committee

271. Ngau Kwu Long (牛牯塢)	1	Mui Wo Rural Committee
272. Ngau Pei Sha (牛皮沙)	1	Sha Tin Rural Committee
273. Ngau Shi Wu (牛屎湖)	1	Sha Tau Kok District Rural Committee
274. Ngong Ping (昂坪)	1	Sai Kung North Rural Committee
275. Ngong Ping (昂坪)	1	Tai O Rural Committee
276. Ngong Wo (昂窩)	1	Sai Kung Rural Committee
277. Nim Shu Wan (稔樹灣)	1	Peng Chau Rural Committee
278. Nim Wan (稔灣)	1	Tuen Mun Rural Committee
279. O Long (澳朗)	1	Sai Kung Rural Committee
280. O Tau (澳頭)	1	Sai Kung Rural Committee
281. On Lok Tsuen (East) (安樂村(東))	1	Fanling District Rural Committee
282. On Lok Tsuen (West) (安樂村(西))	1	Fanling District Rural Committee
283. On Lung Tsuen (安龍村)	1	San Tin Rural Committee
284. Pa Mei (壩尾)	1	Tung Chung Rural Committee
285. Pai Min Kok (排棉角)	1	Tsuen Wan Rural Committee
286. Pai Tau (排頭)	1	Sha Tin Rural Committee
287. Pak A (北丫)	1	Sai Kung Rural Committee
288. Pak Kok Kau Tsuen (北角舊村)	1	Lamma Island (North) Rural Committee
289. Pak Kok San Tsuen (北角新村)	1	Lamma Island (North) Rural Committee
290. Pak Kong (北港)	1	Sai Kung Rural Committee
291. Pak Kong Au (北港坳)	1	Sai Kung Rural Committee
292. Pak Lap (白腊)	1	Sai Kung Rural Committee
293. Pak Mong (白芒)	1	Mui Wo Rural Committee
294. Pak Nai Tsuen (白泥村)	1	Ha Tsuen Rural Committee
295. Pak Ngan Heung (白銀鄉)	1	Mui Wo Rural Committee

296. Pak Ngau Shek Ha Tsuen (白牛石下村)	1	Tai Po Rural Committee
297. Pak Ngau Shek Sheung Tsuen (白牛石上村)	1	Tai Po Rural Committee
298. Pak Sha (白沙)	1	Shap Pat Heung Rural Committee
299. Pak Sha O (白沙澳)	1	Sai Kung North Rural Committee
300. Pak Sha Wan (白沙灣)	1	Sai Kung Rural Committee
301. Pak Tam (北潭)	1	Sai Kung Rural Committee
302. Pak Tam Au (北潭凹)	1	Sai Kung North Rural Committee
303. Pak Tam Chung (北潭涌)	1	Sai Kung Rural Committee
304. Pak Tin Pa (白田壩)	1	Tsuen Wan Rural Committee
305. Pak Wai (北圍)	1	Sai Kung Rural Committee
306. Pan Chung (泮涌)	1	Tai Po Rural Committee
307. Pan Chung San Tsuen (泮涌新村)	1	Tai Po Rural Committee
308. Pan Long Wan (檳榔灣)	1	Hang Hau Rural Committee
309. Pang Ka Tsuen (彭家村)	1	Pat Heung Rural Committee
310. Pat Tsz Wo (拔子窩)	1	Sha Tin Rural Committee
311. Pik Uk (壁屋)	1	Sai Kung Rural Committee
312. Ping Chau Chau Mei (平洲洲尾)	1	Sai Kung North Rural Committee
313. Ping Chau Chau Tau (平洲洲頭)	1	Sai Kung North Rural Committee
314. Ping Chau Nai Tau (平洲奶頭)	1	Sai Kung North Rural Committee
315. Ping Chau Sha Tau (平洲沙頭)	1	Sai Kung North Rural Committee
316. Ping Chau Tai Tong (平洲大塘)	1	Sai Kung North Rural Committee
317. Ping Che (坪輦)	1	Ta Kwu Ling District Rural Committee

318. Ping Kong (丙崗)	1	Sheung Shui District Rural Committee
319. Ping Long (坪朗)	1	Tai Po Rural Committee
320. Ping Shan Chai (坪山仔)	1	Tai Po Rural Committee
321. Ping Shan San Tsuen (屏山新村)	1	Ping Shan Rural Committee
322. Ping Tun (坪墩)	1	Sai Kung Rural Committee
323. Ping Yeung (坪洋)	1	Ta Kwu Ling District Rural Committee
324. Po Sam Pai (布心排)	1	Tai Po Rural Committee
325. Po Toi (蒲台)	1	Lamma Island (South) Rural Committee
326. Po Toi O (布袋澳)	1	Hang Hau Rural Committee
327. Po Tong Ha (寶塘下)	1	Tuen Mun Rural Committee
328. Po Tung Road (East) (普通道(東))	1	Sai Kung Rural Committee
329. Po Tung Road (West) (普通道(西))	1	Sai Kung Rural Committee
330. Pok Wai (壟圍)	1	San Tin Rural Committee
331. Pui O Lo Uk Tsuen (貝澳羅屋村)	1	South Lantau Rural Committee
332. Pui O Lo Wai (貝澳老圍)	1	South Lantau Rural Committee
333. Pui O San Wai (貝澳新圍)	1	South Lantau Rural Committee
334. Pun Shan Chau (半山洲)	1	Tai Po Rural Committee
335. Pun Uk Tsuen (潘屋村)	1	San Tin Rural Committee
336. Sai Bin Wai (西邊圍)	1	Shap Pat Heung Rural Committee
337. Sai Keng (西徑)	1	Sai Kung North Rural Committee
338. Sai Kung Road (North) (西貢道(北))	1	Sai Kung Rural Committee
339. Sai Kung Road (South) (西貢道(南))	1	Sai Kung Rural Committee
340. Sai Lau Kok (西樓角)	1	Tsuen Wan Rural Committee

341. Sai Lau Kong (西流江)	1	Sha Tau Kok District Rural Committee
342. Sai O (西澳)	1	Sai Kung North Rural Committee
344. Sai Wan (西灣)	1	Sai Kung Rural Committee
345. Sam A (三桠)	1	Sha Tau Kok District Rural Committee
346. Sam Mun Tsai (三門仔)	1	Tai Po Rural Committee
347. Sam Tung Uk (三棟屋)	1	Tsuen Wan Rural Committee
348. San Hing Tsuen (新慶村)	1	Tuen Mun Rural Committee
349. San Hing Tsuen (新慶村)	1	Ping Shan Rural Committee
350. San Lung Tsuen (新龍村)	1	San Tin Rural Committee
351. San Sang Tsuen (新生村)	1	Ha Tsuen Rural Committee
352. San Shek Wan (磡石灣)	1	South Lantau Rural Committee
353. San Tau (磡頭)	1	Tai O Rural Committee
354. San Tau Kok (磡頭角)	1	Tai Po Rural Committee
355. San Tin (新田)	1	Sha Tin Rural Committee
356. San Tong (新塘)	1	Tai Po Rural Committee
357. San Tong Po (新塘莆)	1	Fanling District Rural Committee
358. San Tsuen (新村)	1	Sha Tau Kok District Rural Committee
359. San Tsuen (新村)	1	Tsuen Wan Rural Committee
360. San Tsuen (Lam Tsuen) (新村(林村))	1	Tai Po Rural Committee
361. San Uk Ka (新屋家)	1	Tai Po Rural Committee
362. San Uk Ling (新屋嶺)	1	Ta Kwu Ling District Rural Committee
363. San Uk Tsai (新屋仔)	1	Fanling District Rural Committee
364. San Uk Tsai (新屋仔)	1	Tai Po Rural Committee
365. San Uk Tsuen (新屋村)	1	Tsing Yi Rural Committee
366. San Uk Tsuen (新屋村)	1	Ha Tsuen Rural Committee
367. San Wai (新圍)	1	Ha Tsuen Rural Committee

368. San Wai (I) (新圍(一))	1	San Tin Rural Committee
369. San Wai (II) (新圍(二))	1	San Tin Rural Committee
370. San Wai Tsai (新圍仔)	1	Tai Po Rural Committee
371. San Wai Tsai (新圍仔)	1	Tuen Mun Rural Committee
372. See Cheung Street (市場街)	1	Sai Kung Rural Committee
373. Sha Chau Lei (I) (沙洲里(一))	1	Ha Tsuen Rural Committee
374. Sha Chau Lei (II) (沙洲里(二))	1	Ha Tsuen Rural Committee
375. Sha Ha (沙下)	1	Sai Kung Rural Committee
376. Sha Kiu Tsuen (I) (沙橋村(一))	1	Ping Shan Rural Committee
377. Sha Kiu Tsuen (II) (沙橋村(二))	1	Ping Shan Rural Committee
378. Sha Kok Mei (沙角尾)	1	Sai Kung Rural Committee
379. Sha Kong Wai (沙江圍)	1	Ping Shan Rural Committee
380. Sha Lo Tung Cheung Uk (沙螺洞張屋)	1	Tai Po Rural Committee
381. Sha Lo Tung Lei Uk (沙螺洞李屋)	1	Tai Po Rural Committee
382. Sha Lo Wan (沙螺灣)	1	Tai O Rural Committee
383. Sha Po (沙埔)	1	Lamma Island (North) Rural Committee
384. Sha Po Tsuen (沙埔村)	1	Kam Tin Rural Committee
385. Sha Tau Kok Market (East) (沙頭角墟(東))	1	Sha Tau Kok District Rural Committee
386. Sha Tau Kok Market (West Lower) (沙頭角墟(西下))	1	Sha Tau Kok District Rural Committee
387. Sha Tau Kok Market (West Upper) (沙頭角墟(西上))	1	Sha Tau Kok District Rural Committee
388. Sha Tin Tau and Lee Uk (沙田頭及李屋)	1	Sha Tin Rural Committee

389. Sha Tin Wai (沙田圍)	1	Sha Tin Rural Committee
390. Sha Tsui New Village (沙咀新村)	1	Sai Kung Rural Committee
391. Sham Chung (深涌)	1	Sai Kung North Rural Committee
392. Sham Chung (深涌)	1	Shap Pat Heung Rural Committee
393. Sham Shek (深石)	1	Tai O Rural Committee
394. Sham Tseng (深井)	1	Tsuen Wan Rural Committee
395. Shan Ha Tsuen (山廈村)	1	Ping Shan Rural Committee
396. Shan Ha Wai (山下圍)	1	Sha Tin Rural Committee
397. Shan Liu (山寮)	1	Tai Po Rural Committee
398. Shan Liu (山寮)	1	Sai Kung Rural Committee
399. Shan Mei (山尾)	1	Sha Tin Rural Committee
400. Shan Pui (山貝)	1	Shap Pat Heung Rural Committee
401. Shan Pui Chung Hau (I) (山貝涌口(一))	1	Shap Pat Heung Rural Committee
402. Shan Pui Chung Hau (II) (山貝涌口(二))	1	Shap Pat Heung Rural Committee
403. Shan Tsui (山嘴)	1	Sha Tau Kok District Rural Committee
404. Shap Long (拾浪)	1	South Lantau Rural Committee
405. Shap Yi Wat (十二笏)	1	Sha Tin Rural Committee
406. She Shan (社山)	1	Tai Po Rural Committee
407. She Tau (蛇頭)	1	Sai Kung Rural Committee
408. Shek Chung Au (石涌凹)	1	Sha Tau Kok District Rural Committee
409. Shek Hang (石坑)	1	Sai Kung Rural Committee
410. Shek Kiu Tau (石橋頭)	1	Sha Tau Kok District Rural Committee
411. Shek Kwu Lung (石鼓壟)	1	Tai Po Rural Committee
412. Shek Kwu Lung and Nam Shan (石鼓壟及南山)	1	Sha Tin Rural Committee
413. Shek Lau Po (石榴埔)	1	Tung Chung Rural Committee

414. Shek Lung Tsai (石壟仔)	1	Sha Tin Rural Committee
415. Shek Mun Kap (石門甲)	1	Tung Chung Rural Committee
416. Shek Pik San Tsuen (石碧新村)	1	Tsuen Wan Rural Committee
417. Shek Po Tsuen (石埗村)	1	Ping Shan Rural Committee
418. Shek Tsai Po (East) (石仔埗(東))	1	Tai O Rural Committee
419. Shek Tsai Po (West) (石仔埗(西))	1	Tai O Rural Committee
420. Shek Wai Kok (石圍角)	1	Tsuen Wan Rural Committee
421. Shek Wu Tong Tsuen (石湖塘村)	1	Pat Heung Rural Committee
422. Shek Wu Wai (石湖圍)	1	San Tin Rural Committee
423. Sheung Che Tsuen (上輦村)	1	Pat Heung Rural Committee
424. Sheung Cheung Wai (上璋圍)	1	Ping Shan Rural Committee
425. Sheung Keng Hau (上徑口)	1	Sha Tin Rural Committee
426. Sheung Kwai Chung (上葵涌)	1	Tsuen Wan Rural Committee
427. Sheung Ling Pei (上嶺皮)	1	Tung Chung Rural Committee
428. Sheung Shan Kai Wat (上山雞乙)	1	Ta Kwu Ling District Rural Committee
429. Sheung Shui Heung (上水鄉)	1	Sheung Shui District Rural Committee
430. Sheung Sze Wan (相思灣)	1	Hang Hau Rural Committee
431. Sheung Tsuen (上村)	1	Pat Heung Rural Committee
432. Sheung Wo Che (上禾輦)	1	Sha Tin Rural Committee
433. Sheung Wo Hang (上禾坑)	1	Sha Tau Kok District Rural Committee
434. Sheung Wong Yi Au (上黃宜坳)	1	Tai Po Rural Committee

435. Sheung Wun Yiu (上碗窰)	1	Tai Po Rural Committee
436. Sheung Yau Tin (上攸田)	1	Shap Pat Heung Rural Committee
437. Sheung Yeung (上洋)	1	Hang Hau Rural Committee
438. Shing Uk Tsuen (盛屋村)	1	Ping Shan Rural Committee
439. Shuen Wan Chan Uk (船灣陳屋)	1	Tai Po Rural Committee
440. Shuen Wan Chim Uk (船灣詹屋)	1	Tai Po Rural Committee
441. Shuen Wan Lei Uk (船灣李屋)	1	Tai Po Rural Committee
442. Shuen Wan Sha Lan (船灣沙欄)	1	Tai Po Rural Committee
443. Shuen Wan Wai Ha (船灣圍下)	1	Tai Po Rural Committee
444. Shui Bin (水邊)	1	Hang Hau Rural Committee
445. Shui Chiu Lo Wai (水蕉老圍)	1	Shap Pat Heung Rural Committee
446. Shui Chiu San Tsuen (水蕉新村)	1	Shap Pat Heung Rural Committee
447. Shui Hau (水口)	1	South Lantau Rural Committee
448. Shui Lau Tin Tsuen (水流田村)	1	Pat Heung Rural Committee
449. Shui Mei Tsuen (水尾村)	1	Kam Tin Rural Committee
450. Shui Pin Tsuen (水邊村)	1	Ping Shan Rural Committee
451. Shui Pin Wai (水邊圍)	1	Ping Shan Rural Committee
452. Shui Tau Tsuen (水頭村)	1	Kam Tin Rural Committee
453. Shui Tin Tsuen (水田村)	1	Ping Shan Rural Committee
454. Shui Tsan Tin Tsuen (水盞田村)	1	Pat Heung Rural Committee
455. Shui Wo (水窩)	1	Tai Po Rural Committee
456. Shung Ching San Tsuen (I) (崇正新村(一))	1	Shap Pat Heung Rural Committee

457. Shung Ching San Tsuen (II) (崇正新村(二))	1	Shap Pat Heung Rural Committee
458. Shung Him Tong (East) (崇謙堂(東))	1	Fanling District Rural Committee
459. Shung Him Tong (West) (崇謙堂(西))	1	Fanling District Rural Committee
460. Sik Kong Tsuen (錫降村)	1	Ha Tsuen Rural Committee
461. Sik Kong Wai (錫降圍)	1	Ha Tsuen Rural Committee
462. Siu A Chau (小鴉洲)	1	South Lantau Rural Committee
463. Siu Hang San Tsuen (小坑新村)	1	Fanling District Rural Committee
464. Siu Hang Tsuen (小坑村)	1	Tuen Mun Rural Committee
465. Siu Lam (小欖)	1	Tuen Mun Rural Committee
466. Siu Lek Yuen (小瀝源)	1	Sha Tin Rural Committee
467. Siu Om Shan (小菴山)	1	Tai Po Rural Committee
468. So Kwun Wat (掃管笏)	1	Tuen Mun Rural Committee
469. So Lo Pun (鎖羅盆)	1	Sha Tau Kok District Rural Committee
470. Sok Kwu Wan (索罟灣)	1	Lamma Island (South) Rural Committee
471. Sun Fung Wai (順風圍)	1	Tuen Mun Rural Committee
472. Sz Tau Leng (獅頭嶺)	1	Fanling District Rural Committee
473. Ta Ho Tun (打蠔墩)	1	Sai Kung Rural Committee
474. Ta Pang Po (打棚埔)	1	Ma Wan Rural Committee
475. Ta Shek Wu Tsuen (打石湖村)	1	Pat Heung Rural Committee
476. Ta Tit Yan (打鐵印)	1	Tai Po Rural Committee
477. Tai A Chau (大鴉洲)	1	South Lantau Rural Committee
478. Tai Hang (泰亨)	1	Tai Po Rural Committee
479. Tai Hang Hau (大坑口)	1	Hang Hau Rural Committee
480. Tai Ho (大蠔)	1	Mui Wo Rural Committee
481. Tai Hong Wai (泰康圍)	1	Kam Tin Rural Committee

482. Tai Kei Leng (I) (大旗嶺 (一))	1	Shap Pat Heung Rural Committee
483. Tai Kei Leng (II) (大旗嶺 (二))	1	Shap Pat Heung Rural Committee
484. Tai Kiu (大橋)	1	Shap Pat Heung Rural Committee
485. Tai Kong Po Tsuen (大江 埔村)	1	Pat Heung Rural Committee
486. Tai Lam Chung (大欖涌)	1	Tuen Mun Rural Committee
487. Tai Lam Liu (大南寮)	1	Sha Tin Rural Committee
488. Tai Lam Wu (大藍湖)	1	Sai Kung Rural Committee
489. Tai Long (大朗)	1	Sha Tau Kok District Rural Committee
490. Tai Long (大浪)	1	South Lantau Rural Committee
491. Tai Long (大浪)	1	Sai Kung Rural Committee
492. Tai Long Wan (大浪灣)	1	Tai O Rural Committee
493. Tai Mei Tuk (大美督)	1	Tai Po Rural Committee
495. Tai Mong Tsai (大網仔)	1	Sai Kung Rural Committee
496. Tai No (大鵬)	1	Sai Kung Rural Committee
497. Tai O Country Side (大澳 市郊)	1	Tai O Rural Committee
498. Tai O Market Street (大澳 街市街)	1	Tai O Rural Committee
499. Tai O Tai Ping Street (I) (大澳太平街(一))	1	Tai O Rural Committee
500. Tai O Tai Ping Street (II) (大澳太平街(二))	1	Tai O Rural Committee
501. Tai O Wing On Street (I) (大澳永安街(一))	1	Tai O Rural Committee
502. Tai O Wing On Street (II) (大澳永安街(二))	1	Tai O Rural Committee
503. Tai Om (大菴)	1	Tai Po Rural Committee
504. Tai Om Shan (大菴山)	1	Tai Po Rural Committee

505. Tai Peng Tsuen (大坪村)	1	Lamma Island (North) Rural Committee
506. Tai Po (低埔)	1	Tung Chung Rural Committee
507. Tai Po Kau (大埔滢)	1	Tai Po Rural Committee
508. Tai Po Mei (大埔尾)	1	Tai Po Rural Committee
509. Tai Po Tau (大埔頭)	1	Tai Po Rural Committee
510. Tai Po Tau Shui Wai (大埔頭水圍)	1	Tai Po Rural Committee
511. Tai Po Tin (大埔田)	1	Ta Kwu Ling District Rural Committee
512. Tai Po Tsai (大埔仔)	1	Hang Hau Rural Committee
513. Tai Po Tsai (大埗仔)	1	Sai Kung Rural Committee
514. Tai Sang Wai (大生圍)	1	San Tin Rural Committee
515. Tai She Wan (大蛇灣)	1	Sai Kung Rural Committee
516. Tai Shui Hang (大水坑)	1	Sha Tin Rural Committee
517. Tai Street (East) (大街(東))	1	Sai Kung Rural Committee
518. Tai Street (West) (大街(西))	1	Sai Kung Rural Committee
519. Tai Tan (大灘)	1	Sai Kung North Rural Committee
520. Tai Tau Leng (大頭嶺)	1	Sheung Shui District Rural Committee
521. Tai Tei Tong (大地塘)	1	Mui Wo Rural Committee
522. Tai To Tsuen (大道村)	1	Ping Shan Rural Committee
523. Tai Tong (大棠)	1	Shap Pat Heung Rural Committee
524. Tai Tong Wu (大塘湖)	1	Sha Tau Kok District Rural Committee
525. Tai Tseng Wai (大井圍)	1	Ping Shan Rural Committee
526. Tai Tung (大洞)	1	Sai Kung North Rural Committee
527. Tai Wai (大圍)	1	Shap Pat Heung Rural Committee
528. Tai Wai (大圍)	1	Sha Tin Rural Committee
529. Tai Wan (大環)	1	Sai Kung Rural Committee

530. Tai Wan Kau Tsuen (大灣舊村)	1	Lamma Island (North) Rural Committee
531. Tai Wan San Tsuen (大灣新村)	1	Lamma Island (North) Rural Committee
532. Tai Wan Tau (大環頭)	1	Hang Hau Rural Committee
533. Tai Wo (大窩)	1	Tai Po Rural Committee
534. Tai Wo Tsuen (大窩村)	1	Pat Heung Rural Committee
535. Tai Wong Ha Tsuen (大王下村)	1	Tsing Yi Rural Committee
535A. Tai Yeung Che (大陽輦)	1	Tai Po Rural Committee
536. Tai Yuen (大園)	1	Lamma Island (North) Rural Committee
537. Tak Lung Back Street (德隆後街)	1	Sai Kung Rural Committee
538. Tak Lung Front Street (德隆前街)	1	Sai Kung Rural Committee
539. Tak Yuet Lau (得月樓)	1	Ta Kwu Ling District Rural Committee
540. Tam Shui Hang (担水坑)	1	Sha Tau Kok District Rural Committee
541. Tam Wat (氹笏)	1	Sai Kung Rural Committee
542. Tan Chuk Hang (丹竹坑)	1	Fanling District Rural Committee
543. Tan Ka Wan (蛋家灣)	1	Sai Kung North Rural Committee
544. Tan Kwai Tsuen (丹桂村)	1	Ping Shan Rural Committee
545. Tap Mun (塔門)	1	Sai Kung North Rural Committee
546. Tap Mun Fishermen Village (塔門漁民村)	1	Sai Kung North Rural Committee
547. Tei Tong Tsai (地塘仔)	1	Tung Chung Rural Committee
548. Tin Fu Tsai (田夫仔)	1	Tuen Mun Rural Committee
549. Tin Ha Wan (田下灣)	1	Hang Hau Rural Committee
550. Tin Liu (田寮)	1	Sai Kung North Rural Committee
551. Tin Liu (田寮)	1	Ma Wan Rural Committee

552. Tin Liu (田寮)	1	Shap Pat Heung Rural Committee
553. Tin Liu Ha (田寮下)	1	Tai Po Rural Committee
554. Tin Shui Wai (I) (天水圍 (一))	1	Ping Shan Rural Committee
555. Tin Shui Wai (II) (天水圍 (二))	1	Ping Shan Rural Committee
556. Tin Sum (田心)	1	Sha Tin Rural Committee
557. Tin Sum Tsuen (田心村)	1	Ha Tsuen Rural Committee
558. Tin Sum Tsuen (田心村)	1	Pat Heung Rural Committee
559. Ting Kau (汀九)	1	Tsuen Wan Rural Committee
560. Ting Kok (汀角)	1	Tai Po Rural Committee
561. Tit Kim Hang (鐵鉗坑)	1	Sai Kung Rural Committee
562. To Kwa Peng (土瓜坪)	1	Sai Kung North Rural Committee
563. To Shek (多石)	1	Sha Tin Rural Committee
564. To Tau Wan (渡頭灣)	1	Sha Tin Rural Committee
565. To Yuen Tung (桃源洞)	1	Tai Po Rural Committee
566. To Yuen Wai (桃園圍)	1	Tuen Mun Rural Committee
567. Tong Fong (塘坊)	1	Ta Kwu Ling District Rural Committee
568. Tong Fong Tsuen (塘坊村)	1	Ping Shan Rural Committee
569. Tong Fuk (塘福)	1	South Lantau Rural Committee
570. Tong Hang (Lower) (塘坑 (下))	1	Fanling District Rural Committee
571. Tong Hang (Upper) (塘坑 (上))	1	Fanling District Rural Committee
572. Tong Kung Leng (唐公嶺)	1	Sheung Shui District Rural Committee
573. Tong Sheung Tsuen (塘上 村)	1	Tai Po Rural Committee
574. Tong Tau Po (塘頭埔)	1	Shap Pat Heung Rural Committee
575. Tong To (塘肚)	1	Sha Tau Kok District Rural Committee

576. Tong Yan San Tsuen (I) (唐人新村(一))	1	Ping Shan Rural Committee
577. Tong Yan San Tsuen (II) (唐人新村(二))	1	Ping Shan Rural Committee
578. Tong Yan San Tsuen (III) (唐人新村(三))	1	Ping Shan Rural Committee
579. Tsak Yue Wu (鯽魚湖)	1	Sai Kung Rural Committee
580. Tsam Chuk Wan (斬竹灣)	1	Sai Kung Rural Committee
581. Tsat Muk Kiu (七木橋)	1	Sha Tau Kok District Rural Committee
582. Tsat Sing Kong Tsuen (七星崗村)	1	Pat Heung Rural Committee
583. Tseng Lan Shue (井欄樹)	1	Hang Hau Rural Committee
584. Tseng Tau (井頭)	1	Sai Kung North Rural Committee
585. Tseng Tau (井頭)	1	Tai Po Rural Committee
586. Tseng Tau Tsuen (Middle and Lower) (井頭村(中及下))	1	Tuen Mun Rural Committee
587. Tseng Tau Tsuen (Upper) (井頭村(上))	1	Tuen Mun Rural Committee
588. Tseung Kong Wai (祥降圍)	1	Ha Tsuen Rural Committee
589. Tseung Kwan O (將軍澳)	1	Hang Hau Rural Committee
590. Tsing Chuen Wai (青磚圍)	1	Tuen Mun Rural Committee
591. Tsing Fai Tong (清快塘)	1	Tsuen Wan Rural Committee
592. Tsing Lung Tau (青龍頭)	1	Tsuen Wan Rural Committee
593. Tsing Lung Tsuen (青龍村)	1	San Tin Rural Committee
594. Tsing Shan Tsuen (青山村)	1	Tuen Mun Rural Committee
595. Tsing Yi Fishermen and St. Paul's Village (青衣漁民及聖保祿村)	1	Tsing Yi Rural Committee
596. Tsiu Hang (蕉坑)	1	Sai Kung Rural Committee

597.	Tsiu Keng (蕉徑)	1	Sheung Shui District Rural Committee
598.	Tso Wo Hang (早禾坑)	1	Sai Kung Rural Committee
599.	Tsok Pok Hang (作壘坑)	1	Sha Tin Rural Committee
600.	Tsuen Wan Sam Tsuen (荃灣三村)	1	Tsuen Wan Rural Committee
601.	Tsung Pak Long (松柏朗)	1	Sheung Shui District Rural Committee
602.	Tsung Yuen Ha (松園下)	1	Ta Kwu Ling District Rural Committee
603.	Tsz Tin Tsuen (紫田村)	1	Tuen Mun Rural Committee
604.	Tsz Tong Tsuen (祠堂村)	1	Fanling District Rural Committee
605.	Tsz Tong Tsuen (祠堂村)	1	Kam Tin Rural Committee
606.	Tuen Mun Kau Hui (屯門舊墟)	1	Tuen Mun Rural Committee
607.	Tuen Mun San Hui (屯門新墟)	1	Tuen Mun Rural Committee
608.	Tuen Mun San Tsuen (屯門新村)	1	Tuen Mun Rural Committee
609.	Tuen Tsz Wai (屯子圍)	1	Tuen Mun Rural Committee
610.	Tui Min Hoi (對面海)	1	Sai Kung Rural Committee
611.	Tung A (東丫)	1	Sai Kung Rural Committee
612.	Tung Chun Wai (東鎮圍)	1	San Tin Rural Committee
613.	Tung Lo Wan (銅鑼灣)	1	Sha Tin Rural Committee
614.	Tung O (東澳)	1	Lamma Island (South) Rural Committee
615.	Tung Sam Kei (東心淇)	1	Sai Kung North Rural Committee
616.	Tung Tau Tsuen (東頭村)	1	Ha Tsuen Rural Committee
617.	Tung Tau Tsuen (東頭村)	1	Shap Pat Heung Rural Committee
619.	Tung Tsz (洞梓)	1	Tai Po Rural Committee
620.	Uk Cheung (屋場)	1	Sai Kung Rural Committee
621.	Uk Tau (屋頭)	1	Sai Kung North Rural Committee

622.	Wa Mei Shan (畫眉山)	1	Fanling District Rural Committee
623.	Wa Shan Tsuen (華山村)	1	Sheung Shui District Rural Committee
624.	Wai Tau Tsuen (圍頭村)	1	Tai Po Rural Committee
625.	Wai Tsai (圍仔)	1	San Tin Rural Committee
625A.	Wang Chau Chung Sam Wai (橫洲忠心圍)	1	Ping Shan Rural Committee
625B.	Wang Chau Fuk Hing Tsuen (橫洲福慶村)	1	Ping Shan Rural Committee
625C.	Wang Chau Lam Uk Tsuen (橫洲林屋村)	1	Ping Shan Rural Committee
625D.	Wang Chau Sai Tau Wai (橫洲西頭圍)	1	Ping Shan Rural Committee
625E.	Wang Chau Tung Tau Wai (橫洲東頭圍)	1	Ping Shan Rural Committee
625F.	Wang Chau Yeung Uk Tsuen (橫洲楊屋村)	1	Ping Shan Rural Committee
626.	Wang Long (橫壆)	1	Lamma Island (North) Rural Committee
627.	Wang Shan Keuk (橫山脚)	1	Sha Tau Kok District Rural Committee
628.	Wang Toi Shan Ha San Uk Tsuen (橫台山下新屋村)	1	Pat Heung Rural Committee
629.	Wang Toi Shan Ho Lik Pui Tsuen (橫台山河瀝背村)	1	Pat Heung Rural Committee
630.	Wang Toi Shan Lo Uk Tsuen (橫台山羅屋村)	1	Pat Heung Rural Committee
631.	Wang Toi Shan Shan Tsuen (橫台山散村)	1	Pat Heung Rural Committee
632.	Wang Toi Shan Wing Ning Lei Tsuen (橫台山永寧里村)	1	Pat Heung Rural Committee
633.	Wing Lung Wai (永隆圍)	1	Kam Tin Rural Committee
634.	Wing Ning Tsuen (永寧村)	1	Ping Shan Rural Committee
635.	Wing Ping Tsuen (永平村)	1	San Tin Rural Committee

636.	Wo Hop Shek (和合石)	1	Fanling District Rural Committee
637.	Wo Keng Shan (禾徑山)	1	Ta Kwu Ling District Rural Committee
638.	Wo Liu (禾寮)	1	Sai Kung Rural Committee
639.	Wo Liu Hang (禾寮坑)	1	Sha Tin Rural Committee
640.	Wo Mei (窩美)	1	Sai Kung Rural Committee
641.	Wo Ping San Tsuen (和平新村)	1	Tuen Mun Rural Committee
642.	Wo Sang Wai (和生圍)	1	San Tin Rural Committee
643.	Wo Tin (窩田)	1	Mui Wo Rural Committee
644.	Wo Yi Hop (和宜合)	1	Tsuen Wan Rural Committee
645.	Wong Chuk Shan New Village (黃竹山新村)	1	Sai Kung Rural Committee
646.	Wong Chuk Wan (黃竹灣)	1	Sai Kung Rural Committee
647.	Wong Chuk Yeung (黃竹洋)	1	Sai Kung North Rural Committee
648.	Wong Chuk Yeung (黃竹洋)	1	Sha Tin Rural Committee
649.	Wong Ka Wai and Lung Tseng Tau (黃家圍及龍井頭)	1	Tung Chung Rural Committee
650.	Wong Keng Tei (黃麋地)	1	Sai Kung Rural Committee
651.	Wong Keng Tsai (黃麋仔)	1	Sai Kung Rural Committee
652.	Wong Mo Ying (黃毛應)	1	Sai Kung Rural Committee
653.	Wong Nai Tau, Tai Che and Fa Sham Hang (黃泥頭、大輦及花心坑)	1	Sha Tin Rural Committee
654.	Wong Nai Tun (黃泥墩)	1	Shap Pat Heung Rural Committee
655.	Wong Uk (王屋)	1	Sha Tin Rural Committee
656.	Wong Uk Tsuen (黃屋村)	1	Shap Pat Heung Rural Committee
657.	Wong Yi Chau (黃宜洲)	1	Sai Kung Rural Committee
658.	Wong Yue Tan (黃魚灘)	1	Tai Po Rural Committee

659.	Wu Kai Sha and Cheung Kang (烏溪沙及長徑)	1	Sha Tin Rural Committee
660.	Wu Kau Tang (烏蛟騰)	1	Sha Tau Kok District Rural Committee
661.	Wu Shek Kok (烏石角)	1	Sha Tau Kok District Rural Committee
662.	Yan Sau Wai (仁壽圍)	1	San Tin Rural Committee
663.	Yau Kam Tau (油柑頭)	1	Tsuen Wan Rural Committee
664.	Yau Tam Mei (I) (攸潭美(一))	1	San Tin Rural Committee
665.	Yau Tam Mei (II) (攸潭美(二))	1	San Tin Rural Committee
666.	Yau Yue Wan (魷魚灣)	1	Hang Hau Rural Committee
667.	Yeung Siu Hang (楊小坑)	1	Tuen Mun Rural Committee
668.	Yeung Uk (楊屋)	1	Tsuen Wan Rural Committee
670.	Yeung Uk Tsuen (楊屋村)	1	Shap Pat Heung Rural Committee
671.	Yi O (二澳)	1	Tai O Rural Committee
672.	Yi Pei Chun (二陂圳)	1	Tsuen Wan Rural Committee
673.	Yick Yuen Tsuen (亦園村)	1	Tuen Mun Rural Committee
674.	Yim Tin Kok Tsuen (鹽田角村)	1	Tsing Yi Rural Committee
675.	Yim Tin Tsai (鹽田仔)	1	Sai Kung Rural Committee
676.	Yim Tso Ha and Pok Tau Ha (鹽灶下及膊頭下)	1	Sha Tau Kok District Rural Committee
677.	Yin Kong (燕崗)	1	Sheung Shui District Rural Committee
678.	Yin Ngam (燕岩)	1	Tai Po Rural Committee
679.	Ying Lung Wai (英龍圍)	1	Shap Pat Heung Rural Committee
680.	Ying Pun (營盤)	1	Sheung Shui District Rural Committee
681.	Ying Pun Ha Chuk Hang (營盤下竹坑)	1	Tai Po Rural Committee
682.	Yue Kok (魚角)	1	Tai Po Rural Committee

683. Yuen Kong San Tsuen (元崗新村)	1	Pat Heung Rural Committee
684. Yuen Kong Tsuen (元崗村)	1	Pat Heung Rural Committee
685. Yuen Leng Lei Uk (元嶺李屋)	1	Tai Po Rural Committee
686. Yuen Leng Yip Uk (元嶺葉屋)	1	Tai Po Rural Committee
686A. Yuen Long Kau Hui (元朗舊墟)	1	Shap Pat Heung Rural Committee
687. Yuen Tun (圓墩)	1	Tsuen Wan Rural Committee
688. Yuen Tun Ha (元墩下)	1	Tai Po Rural Committee
689. Yung Shu O (榕樹澳)	1	Sai Kung North Rural Committee
690. Yung Shue Au (榕樹凹)	1	Sha Tau Kok District Rural Committee
691. Yung Shue Ha (榕樹下)	1	Lamma Island (South) Rural Committee
692. Yung Shue Long (榕樹塢)	1	Lamma Island (North) Rural Committee
693. Yung Shue Wan (榕樹灣)	1	Lamma Island (North) Rural Committee

INDIGENOUS VILLAGE

	<i>Name of village</i>	<i>Number of persons to hold the office of indigenous inhabitant representative</i>	<i>Rural Committee</i>
1.	A Ma Wat (亞媽笏)	1	Sha Tau Kok District Rural Committee
2.	A Shan (鴉山)	1	Tai Po Rural Committee
3.	Au Ha (凹下)	1	Sha Tau Kok District Rural Committee
4.	Au Pui Wan (坳背灣)	1	Sha Tin Rural Committee
5.	Chai Kek (寨𨋖)	1	Tai Po Rural Committee
6.	Chap Wai Kon (插桅杆)	1	Sha Tin Rural Committee
7.	Chau Tau (洲頭)	2	San Tin Rural Committee
8.	Che Ha (輦下)	1	Sai Kung North Rural Committee
9.	Che Keng Tuk (輦徑篤)	1	Sai Kung Rural Committee
10.	Chek Keng (赤徑)	1	Sai Kung North Rural Committee
11.	Chek Lap Kok (赤鱸角)	1	Tung Chung Rural Committee
12.	Chek Nai Ping (赤坭坪)	2	Sha Tin Rural Committee
13.	Cheung Kong Tsuen (長江村)	1	Pat Heung Rural Committee
14.	Cheung Lek (長瀝)	1	Sheung Shui District Rural Committee
15.	Cheung Lek Mei (長瀝尾)	1	Sha Tin Rural Committee
16.	Cheung Muk Tau (樟木頭)	1	Sai Kung North Rural Committee
17.	Cheung Po Tsuen (長埔村)	1	Pat Heung Rural Committee

18.	Cheung Sha Lower Village (長沙下村)	1	South Lantau Rural Committee
19.	Cheung Sha Upper Village (長沙上村)	1	South Lantau Rural Committee
20.	Cheung Sheung (嶂上)	1	Sai Kung North Rural Committee
21.	Cheung Shue Tan (樟樹灘)	2	Tai Po Rural Committee
22.	Cheung Uk Tei (張屋地)	1	Tai Po Rural Committee
23.	Choi Uk Tsuen (蔡屋村)	1	Shap Pat Heung Rural Committee
24.	Chow Tin Tsuen (週田村)	2	Ta Kwu Ling District Rural Committee
25.	Chuen Lung (川龍)	3	Tsuen Wan Rural Committee
26.	Chuk Hang Tsuen (竹坑村)	1	Pat Heung Rural Committee
27.	Chuk Yuen (竹園)	1	Ta Kwu Ling District Rural Committee
28.	Chuk Yuen (竹園)	1	San Tin Rural Committee
29.	Chung Kwai Chung (中葵涌)	3	Tsuen Wan Rural Committee
30.	Chung Mei San Tsuen (涌尾新村)	1	Tai Po Rural Committee
31.	Chung Mei Tsuen (涌美村)	3	Tsing Yi Rural Committee
32.	Chung Pui San Tsuen (涌背新村)	1	Tai Po Rural Committee
34.	Chung Uk Tsuen (鍾屋村)	1	Tai Po Rural Committee
35.	Chung Uk Tsuen (鍾屋村)	2	Tuen Mun Rural Committee
36.	Fan Lau (汾流)	1	Tai O Rural Committee
37.	Fan Leng Lau (粉嶺樓)	2	Fanling District Rural Committee
38.	Fan Tin San Yi Cho (蕃田莘野祖)	3	San Tin Rural Committee
39.	Fanling Wai (粉嶺圍)	3	Fanling District Rural Committee
40.	Fo Tan (火炭)	1	Sha Tin Rural Committee
41.	Fong Ma Po (放馬莆)	1	Tai Po Rural Committee
42.	Fu Tau Chau (斧頭洲)	1	Hang Hau Rural Committee

43.	Fu Tei Pai (虎地排)	1	Fanling District Rural Committee
44.	Fu Tei Tsuen (虎地村)	1	Tuen Mun Rural Committee
45.	Fu Yung Pei (芙蓉泌)	1	Sha Tin Rural Committee
46.	Fui Sha Wai (灰沙圍)	1	Ping Shan Rural Committee
48.	Fung Chi Tsuen (鳳池村)	1	Ping Shan Rural Committee
49.	Fung Hang (鳳坑)	1	Sha Tau Kok District Rural Committee
50.	Fung Kong Tsuen (鳳降村)	1	Ha Tsuen Rural Committee
51.	Fung Shue Wo Tsuen (楓樹窩村)	1	Tsing Yi Rural Committee
52.	Fung Wong Wu (鳳凰湖)	1	Ta Kwu Ling District Rural Committee
53.	Fung Yuen (鳳園)	1	Tai Po Rural Committee
54.	Ha Che Tsuen (下輦村)	1	Pat Heung Rural Committee
55.	Ha Fa Shan (下花山)	1	Tsuen Wan Rural Committee
56.	Ha Hang (下坑)	2	Tai Po Rural Committee
57.	Ha Keng Hau (下徑口)	1	Sha Tin Rural Committee
58.	Ha Kwai Chung (下葵涌)	2	Tsuen Wan Rural Committee
59.	Ha Ling Pei (下嶺皮)	1	Tung Chung Rural Committee
60.	Ha Mei San Tsuen (蝦尾新村)	1	Ping Shan Rural Committee
61.	Ha Shan Kai Wat (下山雞乙)	1	Ta Kwu Ling District Rural Committee
62.	Ha Tei Ha (蝦地下)	1	Tai Po Rural Committee
63.	Ha Tsuen Shi (廈村市)	1	Ha Tsuen Rural Committee
64.	Ha Wo Che (下禾輦)	1	Sha Tin Rural Committee
65.	Ha Wo Hang (下禾坑)	1	Sha Tau Kok District Rural Committee
66.	Ha Wong Yi Au (下黃宜坳)	1	Tai Po Rural Committee
67.	Ha Wun Yiu (下碗窰)	1	Tai Po Rural Committee
68.	Ha Yau Tin (下攸田)	1	Shap Pat Heung Rural Committee

69.	Ha Yeung (下洋)	1	Sai Kung North Rural Committee
70.	Ha Yeung (下洋)	1	Hang Hau Rural Committee
71.	Ham Tin (咸田)	1	South Lantau Rural Committee
72.	Ham Tin (咸田)	1	Tsuen Wan Rural Committee
73.	Hang Ha Po (坑下莆)	1	Tai Po Rural Committee
74.	Hang Hau (坑口)	3	Hang Hau Rural Committee
75.	Hang Mei Tsuen (坑尾村)	3	Ping Shan Rural Committee
76.	Hang Tau (坑頭)	2	Sheung Shui District Rural Committee
77.	Hang Tau Tsuen (坑頭村)	2	Ping Shan Rural Committee
78.	Heung Yuen Wai (香園圍)	1	Ta Kwu Ling District Rural Committee
79.	Hin Tin (顯田)	1	Sha Tin Rural Committee
80.	Hing Keng Shek (慶徑石)	1	Sai Kung Rural Committee
81.	Ho Chung (蠔涌)	2	Sai Kung Rural Committee
82.	Ho Lek Pui (河瀝背)	1	Sha Tin Rural Committee
83.	Ho Pui (河背)	2	Tsuen Wan Rural Committee
84.	Ho Pui Tsuen (河背村)	1	Pat Heung Rural Committee
85.	Ho Sheung Heung (河上鄉)	2	Sheung Shui District Rural Committee
86.	Hoi Ha (海下)	1	Sai Kung North Rural Committee
87.	Hoi Pa (Cheung Pei Shan Road) (海壩(象鼻山路))	2	Tsuen Wan Rural Committee
88.	Hoi Pa (South Platform) (海壩(南台))	1	Tsuen Wan Rural Committee
89.	Hoi Pa (Wo Yi Hop Road and Kwok Shui Road) (海壩(和宜合道及國瑞道))	3	Tsuen Wan Rural Committee
90.	Hok Tau Wai (鶴藪圍)	1	Fanling District Rural Committee
91.	Hong Mei Tsuen (巷尾村)	1	Ha Tsuen Rural Committee
92.	Hung Cho Tin (紅棗田)	1	Shap Pat Heung Rural Committee
93.	Hung Leng (孔嶺)	1	Fanling District Rural Committee

94.	Hung Uk Tsuen (洪屋村)	1	Ping Shan Rural Committee
95.	Kai Ham (界咸)	1	Sai Kung Rural Committee
96.	Kai Leng (雞嶺)	1	Sheung Shui District Rural Committee
97.	Kak Tin (隔田)	2	Sha Tin Rural Committee
98.	Kam Chuk Pai San Tsuen (金竹排新村)	1	Tai Po Rural Committee
99.	Kam Shan Village (錦山村)	3	Tai Po Rural Committee
100.	Kam Tin Shing Mun San Tsuen (錦田城門新村)	1	Kam Tin Rural Committee
101.	Kam Tsin (金錢)	2	Sheung Shui District Rural Committee
102.	Kam Tsin Wai Tsuen (金錢圍村)	1	Pat Heung Rural Committee
103.	Kan Tau Tsuen (簡頭村)	1	Fanling District Rural Committee
104.	Kan Tau Wai (簡頭圍)	1	Ta Kwu Ling District Rural Committee
105.	Kap Lung Tsuen (甲龍村)	1	Pat Heung Rural Committee
106.	Kap Tong (蛤塘)	1	Sha Tau Kok District Rural Committee
107.	Kat Hing Wai (吉慶圍)	2	Kam Tin Rural Committee
108.	Kat O (吉澳)	3	Sha Tau Kok District Rural Committee
109.	Kau Liu Ha (較寮下)	1	Tai Po Rural Committee
110.	Kau Lung Hang (九龍坑)	2	Tai Po Rural Committee
111.	Kau Sai San Tsuen (濠西新村)	1	Sai Kung Rural Committee
112.	Kau Tam Tso (九担租)	1	Sha Tau Kok District Rural Committee
113.	Kau To (九肚)	1	Sha Tin Rural Committee
114.	Kau Wah Keng (九華徑)	2	Tsuen Wan Rural Committee
115.	Kei Ling Ha Lo Wai (企嶺下老圍)	1	Sai Kung North Rural Committee

116. Kei Ling Ha San Wai (企嶺下新圍)	1	Sai Kung North Rural Committee
117. Kei Lun Wai (麒麟圍)	1	Tuen Mun Rural Committee
118. Keung Shan, Lower (下羗山)	1	Tai O Rural Committee
119. Kiu Tau Wai (橋頭圍)	1	Ping Shan Rural Committee
120. Ko Lau Wan (高流灣)	2	Sai Kung North Rural Committee
121. Ko Long (高塱)	1	Lamma Island (North) Rural Committee
122. Ko Po (高莆)	1	Fanling District Rural Committee
123. Ko Po Tsuen (高埔村)	1	Kam Tin Rural Committee
124. Ko Tong (高塘)	1	Sai Kung North Rural Committee
125. Kong Ha (崗下)	1	Sha Tau Kok District Rural Committee
126. Kong Tau (港頭)	1	Shap Pat Heung Rural Committee
127. Kuk Po (谷埔)	2	Sha Tau Kok District Rural Committee
128. Kwan Mun Hau (關門口)	3	Tsuen Wan Rural Committee
129. Kwan Tei (軍地)	2	Fanling District Rural Committee
130. Kwu Hang (古坑)	1	Tsuen Wan Rural Committee
131. Kwun Hang (官坑)	1	Sai Kung North Rural Committee
132. Lai Chi Chong (荔枝莊)	1	Sai Kung North Rural Committee
133. Lai Chi Shan (荔枝山)	1	Tai Po Rural Committee
134. Lai Chi Wo (荔枝窩)	2	Sha Tau Kok District Rural Committee
134A. Lai Pek Shan (犁壁山)	1	Tai Po Rural Committee
135. Lai Tau Shek (犁頭石)	1	Sha Tau Kok District Rural Committee
136. Lam Hau Tsuen (欖口村)	2	Ping Shan Rural Committee
137. Lam Tei (藍地)	1	Tuen Mun Rural Committee
138. Lam Tin Tsuen (藍田村)	2	Tsing Yi Rural Committee
140. Lau Shui Heung (流水响)	1	Fanling District Rural Committee

141. Lee Uk Tsuen (李屋村)	1	Ha Tsuen Rural Committee
142. Lei Uk (李屋)	1	Ta Kwu Ling District Rural Committee
143. Leng Pei Tsuen (嶺皮村)	1	Fanling District Rural Committee
144. Leng Tsai (嶺仔)	1	Fanling District Rural Committee
145. Leng Tsui (嶺咀)	1	Fanling District Rural Committee
146. Leung Tin Tsuen (良田村)	1	Tuen Mun Rural Committee
147. Leung Uk (梁屋)	1	Tai O Rural Committee
148. Lin Au, Cheng Uk (蓮澳鄭屋)	1	Tai Po Rural Committee
149. Lin Au, Lei Uk (蓮澳李屋)	1	Tai Po Rural Committee
150. Lin Fa Tei (蓮花地)	2	Pat Heung Rural Committee
151. Lin Ma Hang (蓮麻坑)	2	Sha Tau Kok District Rural Committee
152. Lin Tong Mei (蓮塘尾)	1	Sheung Shui District Rural Committee
153. Liu Pok (料壘)	2	Sheung Shui District Rural Committee
154. Lo So Shing (蘆鬚城)	1	Lamma Island (South) Rural Committee
155. Lo Tik Wan (蘆荻灣)	1	Lamma Island (North) Rural Committee
156. Lo Tsz Tin (蘆慈田)	1	Tai Po Rural Committee
157. Lo Uk Tsuen (老屋村)	1	Tsing Yi Rural Committee
158. Lo Uk Tsuen (羅屋村)	1	Ha Tsuen Rural Committee
159. Lo Wai (老圍)	3	Tsuen Wan Rural Committee
160. Loi Tung (萊洞)	1	Sha Tau Kok District Rural Committee
161. Lok Lo Ha (落路下)	1	Sha Tin Rural Committee
162. Lok Ma Chau (落馬洲)	1	San Tin Rural Committee
163. Long Ke (浪茄)	1	Sai Kung Rural Committee
164. Long Keng (浪經)	1	Sai Kung Rural Committee

165. Luk Chau (鹿洲)	1	Lamma Island (South) Rural Committee
166. Luk Keng (鹿頸)	1	Ma Wan Rural Committee
167. Luk Keng Chan Uk (鹿頸陳屋)	2	Sha Tau Kok District Rural Committee
168. Luk Keng Wong Uk (鹿頸黃屋)	1	Sha Tau Kok District Rural Committee
169. Luk Tei Tong (鹿地塘)	1	Mui Wo Rural Committee
170. Lung A Pei (龍丫排)	1	Tai Po Rural Committee
171. Lung Kwu Tan (龍鼓灘)	2	Tuen Mun Rural Committee
172. Lung Mei (龍尾)	2	Tai Po Rural Committee
173. Lung Mei (龍尾)	1	Sai Kung Rural Committee
174. Lung Yeuk Tau (龍躍頭)	3	Fanling District Rural Committee
175. Ma Kwu Lam (馬牯纜)	1	Sai Kung North Rural Committee
176. Ma Liu (馬料)	1	Sha Tin Rural Committee
177. Ma Mei Ha (馬尾下)	1	Fanling District Rural Committee
178. Ma Nam Wat (麻南笏)	1	Sai Kung Rural Committee
179. Ma Niu Shui San Tsuen (馬料水新村)	1	Fanling District Rural Committee
180. Ma On Kong Tsuen (馬鞍崗村)	1	Pat Heung Rural Committee
181. Ma On Shan (馬鞍山)	1	Sha Tin Rural Committee
182. Ma Po Mei (麻布尾)	1	Tai Po Rural Committee
183. Ma Sim Pai (馬閃排)	1	Tsuen Wan Rural Committee
184. Ma Tin (馬田)	2	Shap Pat Heung Rural Committee
185. Ma Tseuk Leng Ha (麻雀嶺下)	1	Sha Tau Kok District Rural Committee
186. Ma Tseuk Leng Sheung (麻雀嶺上)	1	Sha Tau Kok District Rural Committee
187. Ma Wan Chung (馬灣涌)	1	Tung Chung Rural Committee
188. Ma Wan Main Street (馬灣大街)	5	Ma Wan Rural Committee

189. Ma Wat Tsuen (麻笏村)	2	Fanling District Rural Committee
190. Ma Yau Tong (馬游塘)	1	Hang Hau Rural Committee
191. Mai Po Tsuen (米埔村)	2	San Tin Rural Committee
192. Man Kok Tsui (萬角咀)	1	Mui Wo Rural Committee
193. Man Uk Pin (萬屋邊)	1	Sha Tau Kok District Rural Committee
194. Man Wo (蠻窩)	1	Sai Kung Rural Committee
195. Man Yee Wan New Village (萬宜灣新村)	1	Sai Kung Rural Committee
196. Mang Kung Uk (孟公屋)	5	Hang Hau Rural Committee
197. Mau Ping New Village (茅坪新村)	1	Sai Kung Rural Committee
198. Mau Tat (茅筴)	1	Sha Tin Rural Committee
199. Mau Tso Ngam (茂草岩)	1	Sha Tin Rural Committee
200. Mau Wu Tsai (茅湖仔)	1	Hang Hau Rural Committee
201. Ming Tak Tong (明德堂)	3	San Tin Rural Committee
202. Miu Tin (苗田)	1	Sha Tau Kok District Rural Committee
203. Mo Tat (模達)	1	Lamma Island (South) Rural Committee
204. Mo Tat Wan (模達灣)	1	Lamma Island (South) Rural Committee
205. Mok Ka (莫家)	1	Tung Chung Rural Committee
206. Mok Tse Che (莫遮輦)	1	Sai Kung Rural Committee
207. Mong Tseng Tsuen (輞井村)	2	Ping Shan Rural Committee
208. Mong Tseng Wai (輞井圍)	2	Ping Shan Rural Committee
209. Mong Tung Wan (望東灣)	1	South Lantau Rural Committee
210. Mui Shue Hang (梅樹坑)	1	Tai Po Rural Committee
211. Mui Tsz Lam (梅子林)	1	Sha Tau Kok District Rural Committee
212. Mui Tsz Lam (梅子林)	1	Sha Tin Rural Committee

213. Muk Kiu Tau (木橋頭)	1	Shap Pat Heung Rural Committee
214. Muk Min Ha (木棉下)	2	Tsuen Wan Rural Committee
215. Muk Wu (木湖)	1	Ta Kwu Ling District Rural Committee
216. Nai Chung (泥涌)	1	Sai Kung North Rural Committee
217. Nai Wai (泥圍)	2	Tuen Mun Rural Committee
218. Nam A (南丫)	1	Sai Kung Rural Committee
219. Nam Bin Wai (南邊圍)	4	Shap Pat Heung Rural Committee
220. Nam Chung (南涌)	2	Sha Tau Kok District Rural Committee
221. Nam Hang (南坑)	2	Tai Po Rural Committee
222. Nam Hang (南坑)	1	Shap Pat Heung Rural Committee
223. Nam Shan (南山)	1	Sai Kung Rural Committee
224. Nam Shan Tung (南山洞)	1	Sai Kung North Rural Committee
225. Nam Wa Po (南華莆)	1	Tai Po Rural Committee
226. Nam Wai (南圍)	2	Sai Kung Rural Committee
227. Ng Tung Chai (梧桐寨)	1	Tai Po Rural Committee
228. Ng Uk Tsuen (吳屋村)	1	Sheung Shui District Rural Committee
229. Ng Uk Tsuen (吳屋村)	2	Ping Shan Rural Committee
230. Nga Iu Tau Tsun (瓦窑頭村)	1	Sai Kung North Rural Committee
231. Nga Yiu Ha (瓦窑下)	1	Ta Kwu Ling District Rural Committee
232. Ngar Yiu Tau (瓦窑頭)	1	Shap Pat Heung Rural Committee
233. Ngau Au (牛凹)	1	Tung Chung Rural Committee
234. Ngau Hom Tsuen (鰲磡村)	1	Ping Shan Rural Committee
235. Ngau Keng Tsuen (牛徑村)	2	Pat Heung Rural Committee
236. Ngau Kwu Long (牛牯塢)	1	Mui Wo Rural Committee
237. Ngau Pei Sha (牛皮沙)	1	Sha Tin Rural Committee
238. Ngau Shi Wu (牛屎湖)	1	Sha Tau Kok District Rural Committee

239. Ngong Ping (昂坪)	1	Sai Kung North Rural Committee
240. Ngong Ping (昂坪)	2	Tai O Rural Committee
241. Ngong Wo (昂窩)	1	Sai Kung Rural Committee
242. Nim Wan (稔灣)	2	Tuen Mun Rural Committee
243. O Tau (澳頭)	1	Sai Kung Rural Committee
244. On Lung Tsuen (安龍村)	1	San Tin Rural Committee
245. Pa Mei (壩尾)	1	Tung Chung Rural Committee
246. Pai Tau (排頭)	2	Sha Tin Rural Committee
247. Pak A (北丫)	1	Sai Kung Rural Committee
248. Pak Kok Kau Tsuen (北角舊村)	2	Lamma Island (North) Rural Committee
249. Pak Kok San Tsuen (北角新村)	1	Lamma Island (North) Rural Committee
250. Pak Kong (北港)	1	Sai Kung Rural Committee
251. Pak Kong Au (北港坳)	1	Sai Kung Rural Committee
252. Pak Lap (白腊)	1	Sai Kung Rural Committee
253. Pak Mong (白芒)	1	Mui Wo Rural Committee
254. Pak Ngan Heung (白銀鄉)	1	Mui Wo Rural Committee
255. Pak Ngau Shek Ha Tsuen (白牛石下村)	1	Tai Po Rural Committee
256. Pak Ngau Shek Sheung Tsuen (白牛石上村)	1	Tai Po Rural Committee
257. Pak Sha (白沙)	1	Shap Pat Heung Rural Committee
258. Pak Sha O (白沙澳)	1	Sai Kung North Rural Committee
259. Pak Tam (北潭)	1	Sai Kung Rural Committee
260. Pak Tam Au (北潭凹)	1	Sai Kung North Rural Committee
261. Pak Tam Chung (北潭涌)	1	Sai Kung Rural Committee
262. Pak Tin Pa (白田壩)	1	Tsuen Wan Rural Committee
263. Pak Wai (北圍)	1	Sai Kung Rural Committee
264. Pan Chung (泮涌)	2	Tai Po Rural Committee

265. Pan Chung San Tsuen (泮涌新村)	1	Tai Po Rural Committee
266. Pan Long Wan (檳榔灣)	1	Hang Hau Rural Committee
267. Pat Tsz Wo (拔子窩)	1	Sha Tin Rural Committee
268. Pik Uk (壁屋)	1	Sai Kung Rural Committee
269. Ping Chau Chau Mei (平洲洲尾)	1	Sai Kung North Rural Committee
270. Ping Chau Chau Tau (平洲洲頭)	1	Sai Kung North Rural Committee
271. Ping Chau Nai Tau (平洲奶頭)	1	Sai Kung North Rural Committee
272. Ping Chau Sha Tau (平洲沙頭)	1	Sai Kung North Rural Committee
273. Ping Chau Tai Tong (平洲大塘)	1	Sai Kung North Rural Committee
274. Ping Che (坪輦)	1	Ta Kwu Ling District Rural Committee
275. Ping Kong (丙崗)	1	Sheung Shui District Rural Committee
276. Ping Long (坪朗)	1	Tai Po Rural Committee
277. Ping Shan Chai (坪山仔)	1	Tai Po Rural Committee
278. Ping Shan San Tsuen (屏山新村)	1	Ping Shan Rural Committee
279. Ping Tun (坪墩)	1	Sai Kung Rural Committee
280. Ping Yeung (坪洋)	4	Ta Kwu Ling District Rural Committee
281. Po Sam Pai (布心排)	2	Tai Po Rural Committee
282. Po Toi (蒲台)	1	Lamma Island (South) Rural Committee
283. Po Toi O (布袋澳)	1	Hang Hau Rural Committee
284. Po Tong Ha (寶塘下)	1	Tuen Mun Rural Committee
285. Pok Wai (壟圍)	2	San Tin Rural Committee

286. Pui O Lo Uk Tsuen (貝澳羅屋村)	1	South Lantau Rural Committee
287. Pui O Lo Wai (貝澳老圍)	2	South Lantau Rural Committee
288. Pui O San Wai (貝澳新圍)	1	South Lantau Rural Committee
289. Pun Shan Chau (半山洲)	1	Tai Po Rural Committee
290. Pun Uk Tsuen (潘屋村)	1	San Tin Rural Committee
291. Sai Bin Wai (西邊圍)	2	Shap Pat Heung Rural Committee
292. Sai Keng (西徑)	1	Sai Kung North Rural Committee
293. Sai Lau Kok (西樓角)	1	Tsuen Wan Rural Committee
294. Sai O (西澳)	1	Sai Kung North Rural Committee
296. Sai Wan (西灣)	1	Sai Kung Rural Committee
297. Sam A (三桠)	1	Sha Tau Kok District Rural Committee
298. Sam Tung Uk (三棟屋)	3	Tsuen Wan Rural Committee
299. San Hing Tsuen (新慶村)	1	Tuen Mun Rural Committee
300. San Hing Tsuen (新慶村)	1	Ping Shan Rural Committee
301. San Lung Tsuen (新龍村)	1	San Tin Rural Committee
302. San Sang Tsuen (新生村)	1	Ha Tsuen Rural Committee
303. San Shek Wan (磡石灣)	1	South Lantau Rural Committee
304. San Tau (磡頭)	1	Tai O Rural Committee
305. San Tau Kok (磡頭角)	2	Tai Po Rural Committee
306. San Tin (新田)	2	Sha Tin Rural Committee
307. San Tong (新塘)	1	Tai Po Rural Committee
308. San Tong Po (新塘莆)	1	Fanling District Rural Committee
309. San Tsuen (新村)	1	Sha Tau Kok District Rural Committee
310. San Tsuen (新村)	3	Tsuen Wan Rural Committee
311. San Tsuen (Lam Tsuen) (新村(林村))	1	Tai Po Rural Committee
312. San Uk Ka (新屋家)	1	Tai Po Rural Committee

313. San Uk Ling (新屋嶺)	1	Ta Kwu Ling District Rural Committee
314. San Uk Tsai (新屋仔)	1	Fanling District Rural Committee
315. San Uk Tsai (新屋仔)	1	Tai Po Rural Committee
316. San Uk Tsuen (新屋村)	1	Tsing Yi Rural Committee
317. San Uk Tsuen (新屋村)	1	Ha Tsuen Rural Committee
318. San Wai (新圍)	4	Ha Tsuen Rural Committee
319. San Wai Tsai (新圍仔)	2	Tai Po Rural Committee
320. San Wai Tsai (新圍仔)	1	Tuen Mun Rural Committee
321. Sha Ha (沙下)	1	Sai Kung Rural Committee
322. Sha Kok Mei (沙角尾)	3	Sai Kung Rural Committee
323. Sha Kong Wai (沙江圍)	2	Ping Shan Rural Committee
324. Sha Lo Tung Cheung Uk (沙螺洞張屋)	2	Tai Po Rural Committee
325. Sha Lo Tung Lei Uk (沙螺洞李屋)	1	Tai Po Rural Committee
326. Sha Lo Wan (沙螺灣)	1	Tai O Rural Committee
327. Sha Po (沙埔)	1	Lamma Island (North) Rural Committee
328. Sha Po Tsuen (沙埔村)	2	Kam Tin Rural Committee
329. Sha Tin Wai (沙田圍)	1	Sha Tin Rural Committee
330. Sha Tsui New Village (沙咀新村)	1	Sai Kung Rural Committee
331. Sham Chung (深涌)	2	Sai Kung North Rural Committee
332. Sham Chung (深涌)	1	Shap Pat Heung Rural Committee
333. Sham Tseng (深井)	2	Tsuen Wan Rural Committee
334. Shan Ha Tsuen (山廈村)	3	Ping Shan Rural Committee
335. Shan Ha Wai (山下圍)	1	Sha Tin Rural Committee
336. Shan Liu (山寮)	1	Tai Po Rural Committee
337. Shan Liu (山寮)	1	Sai Kung Rural Committee
338. Shan Mei (山尾)	1	Sha Tin Rural Committee

339. Shan Pui (山貝)	3	Shap Pat Heung Rural Committee
340. Shan Tsui (山嘴)	2	Sha Tau Kok District Rural Committee
341. Shap Long (拾浪)	1	South Lantau Rural Committee
342. Shap Yi Wat (十二笏)	1	Sha Tin Rural Committee
343. She Shan (社山)	1	Tai Po Rural Committee
344. She Tau (蛇頭)	1	Sai Kung Rural Committee
345. Shek Hang (石坑)	1	Sai Kung Rural Committee
346. Shek Kiu Tau (石橋頭)	1	Sha Tau Kok District Rural Committee
347. Shek Kwu Lung (石鼓壟)	1	Tai Po Rural Committee
348. Shek Lau Po (石榴埔)	1	Tung Chung Rural Committee
349. Shek Lung Tsai (石壟仔)	1	Sha Tin Rural Committee
350. Shek Mun Kap (石門甲)	1	Tung Chung Rural Committee
351. Shek Pik San Tsuen (石碧新村)	1	Tsuen Wan Rural Committee
352. Shek Po Tsuen (石埗村)	2	Ping Shan Rural Committee
353. Shek Wai Kok (石圍角)	1	Tsuen Wan Rural Committee
354. Shek Wu Tong Tsuen (石湖塘村)	2	Pat Heung Rural Committee
355. Shek Wu Wai (石湖圍)	1	San Tin Rural Committee
356. Sheung Che Tsuen (上輦村)	1	Pat Heung Rural Committee
357. Sheung Cheung Wai (上璋圍)	1	Ping Shan Rural Committee
358. Sheung Keng Hau (上徑口)	1	Sha Tin Rural Committee
359. Sheung Kwai Chung (上葵涌)	2	Tsuen Wan Rural Committee
360. Sheung Ling Pei (上嶺皮)	1	Tung Chung Rural Committee
361. Sheung Shan Kai Wat (上山雞乙)	1	Ta Kwu Ling District Rural Committee
362. Sheung Shui Heung (上水鄉)	3	Sheung Shui District Rural Committee

363. Sheung Sze Wan (相思灣)	1	Hang Hau Rural Committee
364. Sheung Tsuen (上村)	3	Pat Heung Rural Committee
365. Sheung Wo Che (上禾輦)	1	Sha Tin Rural Committee
366. Sheung Wo Hang (上禾坑)	2	Sha Tau Kok District Rural Committee
367. Sheung Wong Yi Au (上黃宜坳)	1	Tai Po Rural Committee
368. Sheung Wun Yiu (上碗窰)	1	Tai Po Rural Committee
369. Sheung Yau Tin (上攸田)	1	Shap Pat Heung Rural Committee
370. Sheung Yeung (上洋)	1	Hang Hau Rural Committee
371. Shing Uk Tsuen (盛屋村)	1	Ping Shan Rural Committee
372. Shuen Wan Chan Uk (船灣陳屋)	1	Tai Po Rural Committee
373. Shuen Wan Chim Uk (船灣詹屋)	1	Tai Po Rural Committee
374. Shuen Wan Lei Uk (船灣李屋)	1	Tai Po Rural Committee
375. Shuen Wan Sha Lan (船灣沙欄)	1	Tai Po Rural Committee
376. Shuen Wan Wai Ha (船灣圍下)	1	Tai Po Rural Committee
377. Shui Chiu Lo Wai (水蕉老圍)	2	Shap Pat Heung Rural Committee
378. Shui Chiu San Tsuen (水蕉新村)	2	Shap Pat Heung Rural Committee
379. Shui Hau (水口)	1	South Lantau Rural Committee
380. Shui Lau Tin Tsuen (水流田村)	1	Pat Heung Rural Committee
381. Shui Mei Tsuen (水尾村)	1	Kam Tin Rural Committee
382. Shui Pin Tsuen (水邊村)	1	Ping Shan Rural Committee
383. Shui Pin Wai (水邊圍)	1	Ping Shan Rural Committee
384. Shui Tau Tsuen (水頭村)	2	Kam Tin Rural Committee

385.	Shui Tin Tsuen (水田村)	1	Ping Shan Rural Committee
386.	Shui Tsan Tin Tsuen (水盞田村)	1	Pat Heung Rural Committee
387.	Shui Wo (水窩)	1	Tai Po Rural Committee
388.	Sik Kong Tsuen (錫降村)	2	Ha Tsuen Rural Committee
389.	Sik Kong Wai (錫降圍)	2	Ha Tsuen Rural Committee
390.	Siu A Chau (小鴉洲)	1	South Lantau Rural Committee
391.	Siu Hang San Tsuen (小坑新村)	1	Fanling District Rural Committee
392.	Siu Hang Tsuen (小坑村)	1	Tuen Mun Rural Committee
393.	Siu Kau San Tsuen (小濠新村)	1	Tai Po Rural Committee
394.	Siu Lek Yuen (小瀝源)	2	Sha Tin Rural Committee
395.	Siu Om Shan (小菴山)	1	Tai Po Rural Committee
396.	So Kwun Wat (掃管笏)	3	Tuen Mun Rural Committee
397.	So Lo Pun (鎖羅盆)	1	Sha Tau Kok District Rural Committee
398.	Sok Kwu Wan (索罟灣)	1	Lamma Island (South) Rural Committee
399.	Sun Fung Wai (順風圍)	2	Tuen Mun Rural Committee
400.	Sz Tau Leng (獅頭嶺)	1	Fanling District Rural Committee
401.	Ta Ho Tun (打蠔墩)	1	Sai Kung Rural Committee
402.	Ta Pang Po (打棚埔)	1	Ma Wan Rural Committee
403.	Ta Shek Wu Tsuen (打石湖村)	1	Pat Heung Rural Committee
404.	Ta Tit Yan (打鐵印)	1	Tai Po Rural Committee
405.	Tai A Chau (大鴉洲)	1	South Lantau Rural Committee
406.	Tai Hang (泰亨)	3	Tai Po Rural Committee
407.	Tai Hang Hau (大坑口)	1	Hang Hau Rural Committee
408.	Tai Ho (大蠔)	1	Mui Wo Rural Committee
409.	Tai Hong Wai (泰康圍)	1	Kam Tin Rural Committee

410. Tai Kau San Tsuen (大滘新村)	1	Tai Po Rural Committee
411. Tai Kiu (大橋)	1	Shap Pat Heung Rural Committee
412. Tai Lam Chung (大欖涌)	2	Tuen Mun Rural Committee
413. Tai Lam Liu (大南寮)	1	Sha Tin Rural Committee
414. Tai Lam Wu (大藍湖)	1	Sai Kung Rural Committee
415. Tai Long (大朗)	1	Sha Tau Kok District Rural Committee
416. Tai Long (大浪)	1	South Lantau Rural Committee
417. Tai Long (大浪)	1	Sai Kung Rural Committee
418. Tai Long Wan (大浪灣)	1	Tai O Rural Committee
419. Tai Mei Tuk (大美督)	2	Tai Po Rural Committee
421. Tai Mong Tsai (大網仔)	1	Sai Kung Rural Committee
422. Tai No (大腦)	1	Sai Kung Rural Committee
423. Tai Om (大菴)	1	Tai Po Rural Committee
424. Tai Om Shan (大菴山)	1	Tai Po Rural Committee
425. Tai Pak (大白)	1	Peng Chau Rural Committee
426. Tai Peng Tsuen (大坪村)	2	Lamma Island (North) Rural Committee
427. Tai Po (低埔)	1	Tung Chung Rural Committee
428. Tai Po Kau (大埔滘)	1	Tai Po Rural Committee
429. Tai Po Kau Hui (大埔舊墟)	3	Tai Po Rural Committee
430. Tai Po Mei (大埔尾)	2	Tai Po Rural Committee
431. Tai Po Tau (大埔頭)	2	Tai Po Rural Committee
432. Tai Po Tau Shui Wai (大埔頭水圍)	1	Tai Po Rural Committee
433. Tai Po Tin (大埔田)	1	Ta Kwu Ling District Rural Committee
434. Tai Po Tsai (大埔仔)	2	Hang Hau Rural Committee
435. Tai Po Tsai (大埗仔)	1	Sai Kung Rural Committee
436. Tai She Wan (大蛇灣)	1	Sai Kung Rural Committee

437. Tai Shui Hang (大水坑)	1	Sha Tin Rural Committee
438. Tai Tan (大灘)	1	Sai Kung North Rural Committee
439. Tai Tau Leng (大頭嶺)	2	Sheung Shui District Rural Committee
440. Tai Tei Tong (大地塘)	1	Mui Wo Rural Committee
441. Tai Tong (大棠)	1	Shap Pat Heung Rural Committee
442. Tai Tong Wu (大塘湖)	1	Sha Tau Kok District Rural Committee
443. Tai Tseng Wai (大井圍)	1	Ping Shan Rural Committee
444. Tai Tsing Chau (大青洲)	1	Ma Wan Rural Committee
445. Tai Tung (大洞)	1	Sai Kung North Rural Committee
446. Tai Uk Wai (大屋圍)	2	Tsuen Wan Rural Committee
447. Tai Wai (大圍)	2	Shap Pat Heung Rural Committee
448. Tai Wai (大圍)	3	Sha Tin Rural Committee
449. Tai Wan (大環)	1	Sai Kung Rural Committee
450. Tai Wan Kau Tsuen (大灣舊村)	1	Lamma Island (North) Rural Committee
451. Tai Wan San Tsuen (大灣新村)	1	Lamma Island (North) Rural Committee
452. Tai Wan Tau (大環頭)	1	Hang Hau Rural Committee
453. Tai Wo (大窩)	1	Tai Po Rural Committee
454. Tai Wo Tsuen (大窩村)	1	Pat Heung Rural Committee
455. Tai Wong Ha Tsuen (大王下村)	5	Tsing Yi Rural Committee
455A. Tai Yeung Che (大陽輦)	1	Tai Po Rural Committee
456. Tai Yuen (大園)	1	Lamma Island (North) Rural Committee
457. Tam Shui Hang (担水坑)	3	Sha Tau Kok District Rural Committee
458. Tam Wat (叻笏)	1	Sai Kung Rural Committee
459. Tan Chuk Hang (丹竹坑)	1	Fanling District Rural Committee
460. Tan Ka Wan (蛋家灣)	1	Sai Kung North Rural Committee

461. Tap Mun (塔門)	2	Sai Kung North Rural Committee
462. Tei Tong Tsai (地塘仔)	1	Tung Chung Rural Committee
463. Tin Fu Tsai (田夫仔)	1	Tuen Mun Rural Committee
464. Tin Ha Wan (田下灣)	1	Hang Hau Rural Committee
465. Tin Liu (田寮)	1	Sai Kung North Rural Committee
466. Tin Liu (田寮)	4	Ma Wan Rural Committee
467. Tin Liu (田寮)	1	Shap Pat Heung Rural Committee
468. Tin Liu Ha (田寮下)	2	Tai Po Rural Committee
469. Tin Sum (田心)	2	Sha Tin Rural Committee
470. Tin Sum Tsuen (田心村)	2	Ha Tsuen Rural Committee
471. Tin Sum Tsuen (田心村)	1	Pat Heung Rural Committee
472. Ting Kau (汀九)	1	Tsuen Wan Rural Committee
473. Ting Kok (汀角)	3	Tai Po Rural Committee
474. Tit Kim Hang (鐵鉗坑)	1	Sai Kung Rural Committee
475. To Kwa Peng (土瓜坪)	1	Sai Kung North Rural Committee
476. To Shek (多石)	1	Sha Tin Rural Committee
477. To Yuen Tung (桃源洞)	1	Tai Po Rural Committee
478. To Yuen Wai (桃園圍)	1	Tuen Mun Rural Committee
479. Tong Fong (塘坊)	1	Ta Kwu Ling District Rural Committee
480. Tong Fong Tsuen (塘坊村)	1	Ping Shan Rural Committee
481. Tong Fuk (塘福)	1	South Lantau Rural Committee
482. Tong Kung Leng (唐公嶺)	1	Sheung Shui District Rural Committee
483. Tong Sheung Tsuen (塘上村)	1	Tai Po Rural Committee
484. Tong Tau Po (塘頭埔)	1	Shap Pat Heung Rural Committee
485. Tong To (塘肚)	1	Sha Tau Kok District Rural Committee
486. Tsak Yue Wu (鯽魚湖)	1	Sai Kung Rural Committee
487. Tsam Chuk Wan (斬竹灣)	1	Sai Kung Rural Committee

488.	Tsat Muk Kiu (七木橋)	1	Sha Tau Kok District Rural Committee
489.	Tsat Sing Kong Tsuen (七星崗村)	1	Pat Heung Rural Committee
490.	Tseng Lan Shue (井欄樹)	2	Hang Hau Rural Committee
491.	Tseng Tau (井頭)	1	Sai Kung North Rural Committee
492.	Tseng Tau (井頭)	1	Tai Po Rural Committee
493.	Tseung Kong Wai (祥降圍)	1	Ha Tsuen Rural Committee
494.	Tseung Kwan O (將軍澳)	1	Hang Hau Rural Committee
495.	Tsing Chuen Wai (青磚圍)	1	Tuen Mun Rural Committee
496.	Tsing Fai Tong (清快塘)	1	Tsuen Wan Rural Committee
497.	Tsing Lung Tau (青龍頭)	1	Tsuen Wan Rural Committee
498.	Tsing Lung Tsuen (青龍村)	1	San Tin Rural Committee
499.	Tsiu Hang (蕉坑)	1	Sai Kung Rural Committee
500.	Tsiu Keng (蕉徑)	1	Sheung Shui District Rural Committee
501.	Tso Wo Hang (早禾坑)	1	Sai Kung Rural Committee
502.	Tsok Pok Hang (作壟坑)	1	Sha Tin Rural Committee
503.	Tsuen Wan Sam Tsuen (荃灣三村)	1	Tsuen Wan Rural Committee
504.	Tsung Pak Long (松柏朗)	3	Sheung Shui District Rural Committee
505.	Tsung Yuen Ha (松園下)	1	Ta Kwu Ling District Rural Committee
506.	Tsz Tin Tsuen (紫田村)	1	Tuen Mun Rural Committee
507.	Tsz Tong Tsuen (祠堂村)	2	Fanling District Rural Committee
508.	Tsz Tong Tsuen (祠堂村)	1	Kam Tin Rural Committee
509.	Tuen Mun Kau Hui (屯門舊墟)	1	Tuen Mun Rural Committee
510.	Tuen Mun San Hui (屯門新墟)	2	Tuen Mun Rural Committee

511. Tuen Mun San Tsuen (屯門新村)	1	Tuen Mun Rural Committee
512. Tuen Tsz Wai (屯子圍)	1	Tuen Mun Rural Committee
513. Tui Min Hoi (對面海)	1	Sai Kung Rural Committee
514. Tung A (東丫)	1	Sai Kung Rural Committee
515. Tung Chun Wai (東鎮圍)	2	San Tin Rural Committee
516. Tung Lo Wan (銅鑼灣)	2	Sha Tin Rural Committee
517. Tung O (東澳)	1	Lamma Island (South) Rural Committee
518. Tung Sam Kei (東心淇)	1	Sai Kung North Rural Committee
519. Tung Tau Tsuen (東頭村)	1	Ha Tsuen Rural Committee
520. Tung Tau Tsuen (東頭村)	2	Shap Pat Heung Rural Committee
522. Tung Tsz (洞梓)	1	Tai Po Rural Committee
523. Uk Cheung (屋場)	1	Sai Kung Rural Committee
524. Uk Tau (屋頭)	1	Sai Kung North Rural Committee
525. Wa Mei Shan (畫眉山)	1	Fanling District Rural Committee
526. Wa Shan Tsuen (華山村)	1	Sheung Shui District Rural Committee
527. Wai Tau Tsuen (圍頭村)	1	Tai Po Rural Committee
528. Wai Tsai (圍仔)	1	San Tin Rural Committee
529. Wan Tau Kok (運頭角)	1	Tai Po Rural Committee
529A. Wang Chau Chung Sam Wai (橫洲忠心圍)	1	Ping Shan Rural Committee
529B. Wang Chau Fuk Hing Tsuen (橫洲福慶村)	2	Ping Shan Rural Committee
529C. Wang Chau Lam Uk Tsuen (橫洲林屋村)	1	Ping Shan Rural Committee
529D. Wang Chau Sai Tau Wai (橫洲西頭圍)	1	Ping Shan Rural Committee
529E. Wang Chau Tung Tau Wai (橫洲東頭圍)	2	Ping Shan Rural Committee

529F. Wang Chau Yeung Uk Tsuen (橫洲楊屋村)	2	Ping Shan Rural Committee
530. Wang Ling Tau San Tsuen (橫嶺頭新村)	1	Tai Po Rural Committee
531. Wang Long (橫壟)	1	Lamma Island (North) Rural Committee
532. Wang Shan Keuk (橫山脚)	1	Sha Tau Kok District Rural Committee
533. Wang Toi Shan Ha San Uk Tsuen (橫台山下新屋村)	1	Pat Heung Rural Committee
534. Wang Toi Shan Ho Lik Pui Tsuen (橫台山河瀝背村)	1	Pat Heung Rural Committee
535. Wang Toi Shan Lo Uk Tsuen (橫台山羅屋村)	1	Pat Heung Rural Committee
536. Wang Toi Shan Shan Tsuen (橫台山散村)	1	Pat Heung Rural Committee
537. Wang Toi Shan Wing Ning Lei Tsuen (橫台山永寧里村)	1	Pat Heung Rural Committee
538. Wing Lung Wai (永隆圍)	1	Kam Tin Rural Committee
539. Wing Ping Tsuen (永平村)	1	San Tin Rural Committee
540. Wo Hop Shek (和合石)	3	Fanling District Rural Committee
541. Wo Keng Shan (禾徑山)	1	Ta Kwu Ling District Rural Committee
542. Wo Liu (禾寮)	1	Sai Kung Rural Committee
543. Wo Liu Hang (禾寮坑)	1	Sha Tin Rural Committee
544. Wo Mei (窩美)	1	Sai Kung Rural Committee
545. Wo Yi Hop (和宜合)	2	Tsuen Wan Rural Committee
546. Wong Chuk Shan New Village (黃竹山新村)	1	Sai Kung Rural Committee
547. Wong Chuk Wan (黃竹灣)	1	Sai Kung Rural Committee
548. Wong Chuk Yeung (黃竹洋)	1	Sai Kung North Rural Committee

549. Wong Chuk Yeung (黃竹洋)	1	Sha Tin Rural Committee
550. Wong Keng Tei (黃麋地)	1	Sai Kung Rural Committee
551. Wong Keng Tsai (黃麋仔)	1	Sai Kung Rural Committee
552. Wong Mo Ying (黃毛應)	1	Sai Kung Rural Committee
553. Wong Nai Tun (黃泥墩)	1	Shap Pat Heung Rural Committee
554. Wong Uk (王屋)	1	Sha Tin Rural Committee
555. Wong Uk Tsuen (黃屋村)	2	Shap Pat Heung Rural Committee
556. Wong Yi Chau (黃宜洲)	1	Sai Kung Rural Committee
557. Wong Yue Tan (黃魚灘)	1	Tai Po Rural Committee
558. Wu Kau Tang (烏蛟騰)	2	Sha Tau Kok District Rural Committee
559. Wu Shek Kok (烏石角)	1	Sha Tau Kok District Rural Committee
560. Yan Sau Wai (仁壽圍)	2	San Tin Rural Committee
561. Yau Kam Tau (油柑頭)	2	Tsuen Wan Rural Committee
562. Yau Yue Wan (魷魚灣)	1	Hang Hau Rural Committee
563. Yeung Siu Hang (楊小坑)	1	Tuen Mun Rural Committee
564. Yeung Uk (楊屋)	3	Tsuen Wan Rural Committee
566. Yeung Uk Tsuen (楊屋村)	1	Shap Pat Heung Rural Committee
567. Yi O (二澳)	1	Tai O Rural Committee
568. Yi Pak (二白)	1	Peng Chau Rural Committee
569. Yi Pei Chun (二陂圳)	1	Tsuen Wan Rural Committee
570. Yim Tin Kok Tsuen (鹽田角村)	1	Tsing Yi Rural Committee
571. Yim Tin Tsai (鹽田仔)	1	Sai Kung Rural Committee
572. Yin Kong (燕崗)	1	Sheung Shui District Rural Committee
573. Yin Ngam (燕岩)	1	Tai Po Rural Committee
574. Ying Lung Wai (英龍圍)	1	Shap Pat Heung Rural Committee
575. Yue Kok (魚角)	1	Tai Po Rural Committee

576. Yuen Kong San Tsuen (元崗新村)	1	Pat Heung Rural Committee
577. Yuen Kong Tsuen (元崗村)	2	Pat Heung Rural Committee
578. Yuen Leng Lei Uk (元嶺李屋)	2	Tai Po Rural Committee
579. Yuen Leng Yip Uk (元嶺葉屋)	1	Tai Po Rural Committee
579A. Yuen Long Kau Hui (元朗舊墟)	1	Shap Pat Heung Rural Committee
580. Yuen Tun (圓墩)	1	Tsuen Wan Rural Committee
581. Yuen Tun Ha (元墩下)	1	Tai Po Rural Committee
582. Yung Shu O (榕樹澳)	1	Sai Kung North Rural Committee
583. Yung Shue Au (榕樹凹)	1	Sha Tau Kok District Rural Committee
584. Yung Shue Ha (榕樹下)	1	Lamma Island (South) Rural Committee
585. Yung Shue Long (榕樹塢)	1	Lamma Island (North) Rural Committee
586. Yung Shue Wan (榕樹灣)	2	Lamma Island (North) Rural Committee

COMPOSITE INDIGENOUS VILLAGE

<i>Name of community</i>		<i>Number of persons to hold the office of indigenous inhabitant representative</i>	<i>Rural Committee</i>
1.	Chok Ko Wan and Pa Tau Kwu (竹篙灣及扒頭鼓)	1	Ma Wan Rural Committee
2.	Fa Peng, Tso Wan and Tai Chuen (花坪、草灣及大轉)	1	Ma Wan Rural Committee
3.	Fui Yiu Ha and Tse Uk (灰窰下及謝屋)	1	Sha Tin Rural Committee
4.	Kai Kuk Shue Ha and Nam Hang Mei (雞谷樹下及南坑尾)	1	Sha Tau Kok District Rural Committee
5.	Keung Shan, Upper and Luk Wu (上羗山及鹿湖)	1	Tai O Rural Committee
6.	Kwun Yam Shan and Kong Pui (觀音山及崗背)	1	Sha Tin Rural Committee
7.	Lam Che and Nim Un (藍輦及稔園)	1	Tung Chung Rural Committee
8.	Ma Wan and Wong Nai Uk (馬灣及黃泥屋)	1	Tung Chung Rural Committee
9.	Muk Min Tau and Tsiu Hang (木棉頭及蕉坑)	1	Sha Tau Kok District Rural Committee
10.	Sha Tin Tau and Lee Uk (沙田頭及李屋)	1	Sha Tin Rural Committee
11.	Shek Kwu Lung and Nam Shan (石古壟及南山)	1	Sha Tin Rural Committee
12.	Wong Ka Wai and Lung Tseng Tau (黃家圍及龍井頭)	1	Tung Chung Rural Committee

- | | | |
|---|---|--------------------------------------|
| 13. Wong Nai Tau, Tai Che and Fa Sham Hang (黃泥頭、大輦及花心坑) | 1 | Sha Tin Rural Committee |
| 14. Wu Kai Sha and Cheung Kang (烏溪沙及長徑) | 1 | Sha Tin Rural Committee |
| 15. Yim Tso Ha and Pok Tau Ha (鹽灶下及膊頭下) | 1 | Sha Tau Kok District Rural Committee |

MARKET TOWN

<i>Name of Market Town</i>	<i>Number of persons to hold the office of Kaifong Representative</i>	<i>Rural Committee</i>
1. Cheung Chau (長洲)	39	Cheung Chau Rural Committee
2. Peng Chau (坪洲)	17	Peng Chau Rural Committee

[Amended in October 2014]

**Submission Method, Formats and Standard on Posting
Electronic Copy of Election Advertisement and Relevant
Information/Documents onto an Open Platform for Public Inspection
(with Annexes I and II on the guidelines and basic layout
design requirements for Candidate's Platform)**

1. To comply with the public inspection requirement governing election advertisements ("EAs") under the electronic submission method as stipulated in s 92(2) of the EP (RRE) Reg, a candidate must post the following EA particulars as applicable, **within one working day**³ after the publication of an EA, onto an **open platform** either maintained by the Director of Home Affairs ("DHA") ("Central Platform") or himself/herself/a person authorised by him/her ("Candidate's Platform") for public inspection:

- (a) an electronic copy of an EA;
- (b) a hyperlink of the open platform⁴ which publishes an EA (where it is technically impracticable to make available an electronic copy of the EA [such as when 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]);
- (c) the relevant printing/publication information pertaining to such EA including:
 - the name and address of the producer/printer;
 - the date of production/printing;
 - the size/dimension;
 - the manner of publication;
 - the date of publication;
 - the number of copies published; and
 - the number of copies produced/printed
 as applicable;
- (d) an electronic copy each of the relevant permission/authorisation for the publication of such EA, as applicable (except those provided by the Returning Officer ("RO") in connection with the allocation of designated spots); and
- (e) an electronic copy each of the documents providing consent of support.

³ A "working day" means any day other than a general holiday or Saturday.

⁴ Open platform means a platform operated through the Internet to which the public has access without having to go through an access control process put in place for that platform.

Central Platform

2. If a candidate chooses to post the EA particulars onto the Central Platform, he/she must comply with the requirements set out in the ensuing paragraphs.

Submission Method

3. A candidate is required to apply to the DHA in a specified form for creation of an account to access the Central Platform before he/she can post EA particulars onto the platform for public inspection. Only one account will be created for each candidate.

4. The DHA will inform the candidate concerned upon creation of the account and will provide a username and password (which can subsequently be changed by the relevant candidate) to the candidate concerned **within 3 working days** upon receiving an application. The candidate then can access the platform by using the registered username and password.

5. Uploading of EA particulars onto the platform at any one time by a candidate will be treated and referred to as one single submission. Subject to the file size limit stipulated in para. 7 below, there is no limit on the number of EAs or other documents to be included in a submission. If subsequent correction to any EA particulars in a submission is required, the candidate is required to post the corrected EA particulars, including the corrected printing/publication information (“corrected information”) of the EA, onto the platform by selecting the EA particulars concerned. If accepted, both the original and the corrected EA particulars would be displayed alongside for public inspection. Any such corrective information should be posted onto the platform **not later than 2 working days after the polling day**.

6. An acknowledgement of receipt in the form of a summary report of the EA particulars successfully uploaded would be automatically generated for reference by the candidate after each submission. In addition, an e-mail and a Short Message Service (“SMS”) to acknowledge receipt of the EA particulars successfully uploaded would also be sent to the e-mail address and mobile phone number provided on the application form for creating an account.

File Size

7. The size of each file **must not exceed 50 MB**. Otherwise, the submission will be rejected.
8. Files included in a submission may be compressed using a file format of either Zip (.zip) or GNU zip (.gz).
9. A file exceeding the above size limit will not be accepted. In such circumstances, the candidate may upload the EA particulars in separate files.

Format

10. Files included in a submission must be given, served or presented in the following file formats –

General Document

- (a) Rich Text Format (RTF) or Microsoft Word Format (DOC/DOCX);
- (b) Hypertext Mark Up Language (HTML) Format;
- (c) Adobe Portable Document Format (PDF);
- (d) Plain Text (TXT);

Graphics/Images

- (e) Graphics Interchange Format (GIF);
- (f) Joint Photographic Experts Group (JPEG);
- (g) Tag Image File Format (TIFF);
- (h) Portable Network Graphics (PNG);

Audio

- (i) Waveform Audio Format (WAV);
- (j) MPEG-1 Audio Layer 3 (MP3);

Video

- (k) Audio Video Interleave (AVI);
- (l) Moving Picture Experts Group (MPEG).

Candidates are encouraged to make arrangement such that the files, including text and video, etc., uploaded onto the Central Platform should be accessible to persons with visual impairment as far as possible.

Computer Instructions

11. The files uploaded must not contain any computer viruses or any computer instructions including, but not limited to, macros, scripts and fields which depend on the execution environment and the execution of which will cause changes to the files themselves or the information system displaying the files.

Candidate's Platform

12. If a candidate chooses to maintain a platform of his/her own for the posting of EA particulars for public inspection, he/she must provide the electronic address of the platform to the RO **at least 3 working days before publication of the first EA**. To avoid causing confusion to members of the public, the platform should be dedicated to the sole purpose of posting EA particulars for public inspection. Candidates of different Rural Areas are also allowed to use a common platform but candidates concerned are advised to ensure that their EA particulars should be presented in a way that will not cause confusion to the public during the inspection process. The EA particulars posted on the platform should be virus-free and should be organised in a descending order of the date of submission. The required printing/publication information should also be posted alongside the relevant EAs to which the information relates. To maintain consistency in design and, also, to facilitate public inspection, the DHA will provide guidelines and specify the basic layout design requirements for such platform for candidates to follow (see **Annex (I) and Annex (II)**). The guidelines and basic layout design requirements can also be downloaded from the website for the RR Election.

13. If the candidate wishes to correct any EA particulars already posted onto the platform, he/she should post the corrected EA particulars, together with date of correction alongside with the original EA particulars for public inspection (see **Annex (II)**). Any such corrected information should be posted onto the platform **not later than 2 working days after the polling day**.

14. The candidate should not remove any EA particulars already uploaded onto the platform at will except in circumstances where such removal has been directed by the DHA, the Electoral Affairs Commission ("EAC") or the Court, as applicable, in respect of any content/information which is unlawful or not related to any EAs published by the candidate. In the event that an EA has to be removed as directed by the DHA, the EAC or the Court, the candidate should post a note to inform the public about the removal of the EA and the reason for such removal. Other documents/information related to the removed EA should still be displayed at the platform for public inspection (see **Annex (II)**).

15. When posting EA particulars onto the Candidate's Platform, candidates should also follow the requirements regarding file format and computer instructions as detailed in paras. 10 to 11 above.

16. The DHA will arrange to publicise the electronic address of the platform to facilitate public inspection of the EA particulars.

Important Points to Note

17. EA particulars must conform to the requirements as set out above. For any electronic files containing images, they should be of sufficient resolution to ensure that the content is both legible and readable to readers.

18. A candidate is solely responsible for (and that the DHA has no responsibility to him/her or any third party for) the content/information of the EA particulars uploaded and posted onto the Central Platform, including any hyperlinks to external websites. The DHA reserves the right to remove any of the EA particulars posted on the Central Platform containing such content/information which is unlawful, not related to any EAs published by the candidate or which has been contaminated with computer virus after the submission. In case if the removal is due to computer virus contamination, the candidate will be informed to upload the relevant EA particulars onto the Central Platform again.

19. Candidates should observe all prevailing legal requirements on personal data privacy when uploading information onto the aforesaid platforms for public inspection. In particular, for the documents containing/conveying the required permission/authorisation and/or consent of support pertaining to an EA, candidates are reminded to obliterate the identity document number(s), if any therein, of the person(s) providing such permission/authorisation and/or consent of support before uploading them onto the platforms.

[Added in October 2012; amended in April 2014, October 2014 and October 2018]

Points to Note for Building Candidate's Platform**General**

- The name of the election should be shown on the candidate's platform, e.g. 20XX Rural Ordinary Election / 20XX XX Rural By-election.
- The name of the Rural Area and Rural Committee concerned should be shown on the candidate's platform.
- The name of the candidate should be shown on the candidate's platform.
- The candidate number should be shown on the candidate's platform once available.
- The EA particulars (including electronic copy of the EA, hyperlink, consent, permission or authorization documents, etc.) should be displayed and arranged in descending order according to the date of publication.
- The required information to be shown for each EA can be found in **Annex II**.
- The corrected EA particulars should be posted alongside or beneath the original version.
- The candidate should not remove any EA particulars already uploaded onto the candidate's platform at will except in circumstances where such removal has been directed by the DHA, the EAC or the Court, as applicable, in respect of any content/information which is unlawful or not related to any EAs published by the candidate. In the event that an EA has to be removed as directed by the DHA, the EAC or the Court, the candidate should post a note onto the platform to indicate any removed EA and the reason for such removal. Other documents/information related to the removed EA should still be displayed at the platform for public inspection.
- The file format and computer instruction should follow the details shown at **Appendix C** of the Guidelines on Election-related Activities in respect of the Rural Representative Election.
- Sensitive personal data should not be posted onto the candidate's platform. For example, any Hong Kong Identity Card Number shown on the consent form should be covered before uploading onto the candidate's platform.
- An e-mail contact and/or telephone number should preferably be provided on the Platform for handling public enquiry and providing technical assistance as required.

Security

- To guard against intruder attacks, the candidate's platform should be protected by firewall and/or Intrusion Protection System.
- All files posted onto the candidate's platform should be properly scanned by

anti-virus software before posting.

- To protect against data loss, please conduct regular backup.
- The hyper-links to external websites should also be checked regularly in order to ensure that they are up-to-date.
- For more information and resources on the information security on the web, please refer to www.infosec.gov.hk.

Accessibility

- The candidate's platform should be accessible by browsers and operating systems commonly used in personal computers.
- For any electronic files containing images, they should be of sufficient resolution to ensure that the content is both legible and readable to readers.
- The platform should be available in English and Chinese and the text content thereon should be readable and understandable. Furthermore, suitable instructions should be provided to assist readers to navigate through the platform.
- The candidate's platform should be accessible to persons with visual impairment as far as possible.

[Added in October 2012; amended in April 2014 and October 2014]

候選人平台建議版面設計 Proposed Layout Design of Candidate's Platform

選舉 Election: 20XX 年鄉郊一般選舉 20XX Rural Ordinary Election / 20XX 年 XX 月鄉郊補選 20XX XX Rural By-election
 鄉郊地區 Rural Area: 屋頭 Uk Tau
 鄉事委員會 Rural Committee: 上水區 Sheung Shui District
 候選人號碼 Candidate No.: 1
 候選人姓名 Name of Candidate: 陳大文 Chan Tai Man

選舉廣告詳情 (依發布日期降序排列) Election Advertisement Particulars (in descending order according to 'Date of Publication')

項目 Item	選舉廣告 類別 Election Advertise ment Type	製作/ 印刷日期 Date of Production/ Printing (dd-mm-yyyy)	製作/ 印刷的文 本數目 Number of Copies Produced/ Printed	發布日期 Date of Publication (dd-mm-yyyy)	發布的文 本數目 Number of Copies Published	選舉廣告 檔案/連結 Election Advertisement File/Link	准許/授權 Permission/ Authorisation	尺寸/ 面積 Size/ Dimension	發布方式 Manner of Publication	製作人/印刷 人的姓名 Name of Producer/ Printer	製作人/ 印刷人的 地址 Address of Producer/ Printer	修正日期 Date of Correction (dd-mm-yyyy)	選舉廣告 檔案/連結 移除日期 Date of Removal of Election Advertisement File/Link (dd-mm-yyyy) [Reason 原因]
1	小冊子 Pamphlets	12-11-2018	100	14-11-2018	100	File1.jpg	-	A4	街頭派發 Distributed on street	AA 印刷公司 AA Printing Company	地址 Address	-	-
2	橫額 Banners	11-11-2018	20	13-11-2018	20	File2.jpg	Authorisation. jpg	1 米 x 2.5 米 1m x 2.5m	懸掛於 路邊鐵欄 Hung on roadside railing	BB 製作公司 BB Producer	地址 Address	-	-
註 Note	-	-	-	-	-	File2 (Revised).jpg		-	-	-	-	14-11-2018	
3	海報 Posters	10-11-2018	150	12-11-2018	150	http://www. XXX.com.hk/ poster.jpg	Permission. jpg	A3	大廈大堂 張貼 Posted at lobby of a building	CC 印刷公司 CC Printing Company	地址 Address	-	-

註：只顯示曾被修正的資料。 Note: Only corrected particular(s) will be shown.

同意書 Consent

項目 Item	檔案 File	備註 Remark
1	Consent1.jpg	
2	Consent2.jpg	同意書已於 17-11-2018 撤銷 Consent revoked on 17-11-2018

[Added in October 2012; amended in April 2014, October 2014 and October 2018]

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 or wearing of propaganda material, e.g. 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 electors and no sound amplifying system or device is used (except for the performance of duties by officers of the CSD on the polling day at dedicated polling stations situated in prisons).) *[Amended in October 2004, October 2010 and October 2012]*

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 or wearing any propaganda material, e.g. any badge, emblem, clothing, carrier bags or head-dress which : *[Amended in October 2004 and October 2010]*
 - (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 electors;
 - (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 electors.
- 6. Broadcast of audio or video recording to appeal to or induce electors 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 induces electors to vote.
- 8. Shaking hands with electors.

[Amended in October 2011 and October 2018]

**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 or a competent officer 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;
- (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 Estate should send a copy of the letter of approval to the respective Returning Officer for record and for public inspection.

[Amended in October 2018]

給候選人、政府部門、民意調查組織及公眾人士的選舉活動指引

Guidance on Election Activities for Candidates, Government Departments, Public Opinion Research Organisations and Members of the Public

1. 導言

1. Introduction

在不同階段的選舉活動中（由選民登記、候選人提名、拉票、民意調查、以至投票及點票），均會涉及收集、持有、處理和使用選民的個人資料。本指引旨在提供一般參考資料，分別向候選人及其所屬政治團體、負責籌劃選舉活動的政府部門、民意調查組織說明在進行選舉活動時應如何遵守《個人資料（私隱）條例》（「**條例**」）的相關規定，同時在這方面向市民提供一些有關保障個人資料的提示。

Collection, retention, processing and use of personal data are usually involved in election activities (including elector registration, candidate nomination, electioneering, public opinion researching, and casting and counting of votes). This guidance note provides assistance to candidates and their affiliated political bodies, government departments and public opinion research organisations in relation to compliance with the requirements under the Personal Data (Privacy) Ordinance (the “**Ordinance**”) when carrying out election activities. It also provides members of the public with advice on personal data protection in this regard.

2. 候選人、政府部門和民意調查組織作為主事人的法律責任

2. Legal Liabilities of Candidates, Government Departments and Public Opinion Research Organisations as Principals

候選人、政府部門和民意調查組織（「**主事人**」）均有機會委派或聘用選舉代理、助選成員、全職或兼職僱員、外判商及義工等（「**代理人**」）參與各類型與選舉有關的活動。在這情況下，作為主事人須為其代理人在進行選舉活動時的作為或行為負責⁵。主事人有責任督導代理人的工作，確保他們遵守條例的規定。

⁵ 根據條例第 65(1)及(2)條，僱員在其受僱用中或代理人在授權下所作出的任何作為或所從事的任何行為，須視為亦是由其僱主或主事人所作出或從事的。

According to section 65(1) and (2) of the Ordinance, any act done or practice engaged in by a person in the course of his employment or as agent for another person with the authority of that other person shall be treated as done or engaged in by his employer or that other person as well as by him.

Candidates, government departments and public opinion research organisations (the “**Principals**”) may engage election agents, campaign staff, full-time or part-time employees, contractors and volunteers (the “**Agents**”) to assist in election-related activities. In such circumstances, the Principals are liable for the acts and practices of their Agents in the course of performing actions assigned by them⁵. The Principals are responsible for supervising their Agents to ensure compliance with the requirements under the Ordinance.

3. 給候選人及其所屬政治團體的指引

3. Guidance for Candidates and their Affiliated Political Bodies

收集最少的資料

3.1 當候選人直接向個別人士或間接經第三者（例如職工會、專業組織或所屬政治團體）收集個人資料作選舉用途（例如拉票、舉辦選舉論壇、發起籌款項目）時，只可收集有關選舉活動所需的資料，不可超乎適度（例如不應收集香港身份證號碼）⁶。

Minimum Data Collection

3.1 When candidates collect personal data directly from an individual or indirectly from a third party (e.g. trade union, professional or political body) for election purposes (such as electioneering, organising an election forum, or fund raising), only adequate, and not excessive personal data, necessary for election purposes should be collected (for example, a Hong Kong Identity Card number should not be collected)⁶.

知情的收集

3.2 若候選人或其所屬的職工會、專業組織或政治團體直接向個別人士收集其個人資料作選舉用途時，須確保把收集資料的目的及條例訂明的其他事項⁷告知該人士（例如向其提供「收集個人資料聲明」）。

⁶ 保障資料第 1(1)原則：除非個人資料是為了直接與資料使用者的職能或活動有關的合法目的而收集，及就該目的而言，資料屬必需、足夠但不超乎適度，否則不得收集資料。

Data Protection Principle 1(1): Personal data shall not be collected unless the data is collected for a lawful purpose directly related to a function or activity of the data user; and the data collected is necessary, adequate but not excessive in relation to that purpose.

⁷ 保障資料第 1(3)原則：凡從資料當事人直接收集個人資料之時或之前，資料使用者須採取所有合理地切實可行的步驟，確保資料當事人已獲告知他是有責任提供抑或可自願提供該資料，及若不提供該資

3.3 候選人及其代理人往往會利用各種途徑⁸與選民接觸並進行拉票。在某些情況下，選民在此之前可能從未接觸過候選人及其代理人，他們或會關注候選人及其代理人究竟從何取得他們的個人資料。當候選人及其代理人被問及如何取得選民的個人資料時，他們應該如實告知。

Informed Collection

3.2 When a candidate or affiliated trade union, professional or political body solicits personal data directly from an individual for election purposes, the candidate should ensure that the individual is informed of the purpose of collection of the data and other matters⁷ set out in the Ordinance by, for example, providing a “Personal Information Collection Statement” (“**PICS**”) to the individual.

3.3 Candidates and their Agents may lobby electors by a variety of means⁸. In certain circumstances, the electors may have no previous dealings with the candidates and their Agents, and may be concerned as to where the candidates and their Agents obtained their personal data. When asked, candidates and their Agents should inform the electors as to how their personal data was obtained.

個案 1 Case 1

某功能界別的選委連同代表該界別的立法會議員合辦了一個選舉論壇，供該界別的選民與候選人就其政綱交流意見。投訴人投訴主辦單位的網上報名表格未有包括「收集個人資料聲明」。

The Election Committee members of a subsector, and Legislative Councillors of the functional constituency concerned, co-organised an election forum to provide a platform for electors of that subsector to exchange ideas on candidates' manifestoes. A

料便會承受的後果。資料當事人須獲明確告知收集資料的目的及資料可能轉移予甚麼類別的人，以及可向其提出查閱資料要求和改正資料要求的人士的姓名（或職銜）及其地址。

Data Protection Principle 1(3): On or before a data user collects personal data directly from a data subject, the data user shall take all reasonably practicable steps to ensure that the data subject has been informed of whether it is obligatory or voluntary for him to supply the data and the consequences for him if he fails to supply the data. The data subject shall be explicitly informed of the purpose of data collection and the classes of transferees to whom the data may be transferred as well as the name / job title and address of the individual to whom the request of access to and correction of the data subject's personal data may be made.

⁸ 例如電話、傳真、手機短訊、多媒體訊息或電子郵件

Such as telephone, fax messages, SMS/MMS or emails

complainant was dissatisfied that the organisers had failed to provide a PICS on the online registration form.

因應本個案，主辦單位遂修改其網上報名表格以列明所收集的資料只會作報名參加論壇之用，有關資料會在論壇完結後銷毀，並註明不會將有關資料轉移予第三者，以及報名者如何提出查閱及改正資料要求。

In response to the complaint, the forum organisers revised the online registration form by stating that personal data collected would be used only for enrolling participants, and the data would be destroyed after the event without it being transferred to third parties. Information on making data access and data correction requests was also made available on the registration form.

合法和公平收集

3.4 候選人收集個人資料作選舉用途時，不得使用欺詐手段，或就收集資料的目的作出失實的陳述（例如藉詞協助市民申請政府福利而收集個人資料）。⁹

Lawful and Fair Collection

3.4 Candidates should not collect personal data for election purposes by deceptive means or by misrepresenting the purpose of the collection, for example, by collecting personal data on the pretext of assisting citizens to apply for government welfare.⁹

收集目的

3.5 職工會、專業組織或政治團體如欲向候選人提供其會員的個人資料作選舉用途，或直接向會員發出選舉通訊，這些團體必須先確定上述用途是否屬於他們原本收集會員資料目的所准許的用途。有關團體應在收集會員的個人資料之時明確告知其個人資料將會用於選舉用途，以及可能轉移予甚麼類別的人。

⁹ 保障資料第 1(2)原則：收集個人資料的方法必須合法及在有關個案的所有情況下屬公平。

Data Protection Principle 1(2): Personal data must be collected by means which are lawful and fair in the circumstances of the case.

Collection Purpose

3.5 If a trade union, or a professional or political body intends to provide their members' personal data to candidates for election purposes, or to directly send election-related communication to their members, the proper course of action is for such bodies to determine whether this is a permitted purpose for which the personal data was collected. Prior notification to members of such use of their data, and the classes of possible transferees of the data, should be provided.

個案 2 Case 2

投訴人報名參與一個由政黨舉辦的課程。在完成課程後，投訴人被要求填寫一份問卷，並提供其個人資料作「通訊用途」。後來，該政黨在選舉中利用該名投訴人的個人資料，為某候選人向投訴人拉票。

After completing a training course organised by a political party, the complainant was asked to complete a questionnaire and provide his personal data for “communication purposes”. Subsequently, the political party used the complainant’s personal data in canvassing him to vote for a candidate.

因應本個案，該政黨同意修改載於問卷的「個人資料收集聲明」，明確地寫出所收集的個人資料將會用作「選舉用途」。

In response to the complaint, the party revised the PICS in the questionnaire by explicitly stating that the personal data collected would be used for “election purposes”.

明確同意

3.6 如候選人及其代理人在選舉之前已因為其他與選舉並非直接有關的目的（例如處理大廈管理事宜或求助個案）取得選民的個人資料，其後希望使用有關資料作選舉用途，則須在使用前徵得有關選民的明確同意¹⁰。

¹⁰ 保障資料第3原則：如無有關資料當事人的訂明同意，個人資料不得用於新目的，即在收集該資料時擬將該資料用於的目的或與其直接有關的目的以外的任何目的。

Data Protection Principle 3: Personal data shall not, without the prescribed consent of the data subject, be used for a new purpose. New purpose, in relation to the use of personal data, means any purpose other than the purpose, or a directly related purpose, for which the data was to be used at the time of the collection of the data.

Express Consent

3.6 Personal data may have been provided to candidates and their Agents for non-election purposes, such as in connection with the handling of building management matters, or requests for assistance. Should candidates or their Agents wish to use personal data so collected for an election purpose, express consent from the data subject must be obtained beforehand¹⁰.

個案 3 Case 3

一名業戶就所居住的大廈的管理事宜向政黨作出投訴，他為此提供了他的個人資料。後來，該政黨在選舉中利用該名業戶的個人資料，為某候選人向該名業戶拉票。

A resident of a building lodged a complaint with a political party in relation to the management of the building, and for this purpose supplied his personal data. Subsequently, the political party used his personal data in canvassing him to vote for a candidate in an election.

因應本個案，該政黨同意日後在使用曾向其投訴的業戶的個人資料作選舉用途時，會先取得他們的明確及自願同意。

In response to the complaint, the political party undertook in future to obtain express and voluntary consent from any resident that had lodged a complaint with the party, before using their personal data for election purposes.

選民登記冊

3.7 候選人使用已發表的選民登記冊中的個人資料時，必須確保該等個人資料只能使用於相關的選舉法例中所訂明的選舉目的。按照現行的選舉法例，任何人把登記冊的資料用作與選舉無關的用途，即屬違法，可處第 2 級罰款和監禁 6 個月。

Registers of Electors

3.7 When using personal data from published registers of electors, candidates should ensure that such personal data is used only for election purposes as prescribed by the relevant election legislation. Using any information on the register for a purpose other than a purpose related to an election is an offence under the current electoral legislations and is liable to a fine at level 2 and to imprisonment for 6 months.

其他公共領域的個人資料

3.8 除了選民登記冊以外，存放於公共領域的個人資料（例如專業人士的公共名冊）一般並非用作選舉目的。候選人使用這些個人資料作選舉用途前要三思，必須先考慮有關公共名冊的設立目的、所列明的使用限制以及如此使用會否超越有關資料當事人對其個人資料私隱的合理期望¹¹。

Personal Data In Other Public Domains

3.8 Other than for the register of electors, personal data available in the public domain (such as professional registers) is generally not intended to be used for election purposes. Before using personal data obtained from the public domain, candidates must take into account the original purpose for which the public register was established, the restrictions on its use, and the reasonable privacy expectation¹¹ of the data subjects.

選擇拒絕接收

3.9 作為良好的行事方式，候選人及其代理人直接向個別人士拉票或透過第三者（例如職工會、專業組織或所屬政治團體）間接向個別人士拉票時，該人士應獲提供選擇，可以拒絕接收相關候選人其後的選舉宣傳通訊，好讓他們不會再收到這些候選人的選舉通訊。

¹¹ 詳請可參考香港個人資料私隱專員公署（「公署」）發出的《使用從公共領域取得的個人資料指引》Reference can be made to the guidance note *Use of Personal Data Obtained from the Public Domain* issued by the office of the Privacy Commissioner for Personal Data, Hong Kong (“PCPD”).

Option to Decline

3.9 As a matter of good practice, when candidates and their Agents canvass for votes from individuals directly, or indirectly through a third party (such as a trade union, or a professional body or political body), the individuals should be given an option to decline receipt of any subsequent electioneering communication from the candidates in relation to the election concerned, so as to avoid receipt of unwanted electioneering communication from such candidates.

拒收名單

3.10 此外，候選人應該備存一份據他們所知的拒收選舉宣傳通訊名單，如電話、郵件、傳真、電郵或探訪人士的名單，並且避免向這些人士進行拉票。

List of “No”

3.10 Candidates should also maintain a list of individuals who, to their knowledge, find election-related communication, such as phone calls, mail, fax messages, emails or visits, objectionable, and avoid approaching them to canvass for their votes.

資料保安

3.11 當候選人及其代理人進行選舉活動時，應採取所有切實可行的步驟，防止選民的個人資料被意外或未獲准許而被查閱¹²，例如：候選人及其代理人應小心保管他們從選民登記冊或政府部門所取得的選民資料（例如《候選人郵遞資料系統》光碟或選民郵寄標籤）；如有實際需要將資料攜帶到辦事處範圍以外的地方作選舉有關的用途，應只攜帶與該次選舉活動直接相關和必需的資料，同時應將有關資料加密，並確保只有獲授權人士方可接觸有關資料；於完成活動後應立即將資料送回辦事處或安全的處所妥善保存。

¹² 保障資料第 4(1)原則：資料使用者須採取所有合理地切實可行的步驟，以確保個人資料受保障而不受未獲准許的或意外的查閱、處理、刪除、喪失或使用所影響。

Data Protection Principle 4(1): All practicable steps shall be taken to ensure that personal data (including data in a form in which access to or processing of the data is not practicable) held by a data user is protected against unauthorised or accidental access, processing, erasure, loss or use.

Data Security

3.11 When conducting election activities, candidates and their Agents should take all practicable steps to protect personal data of electors against accidental or unauthorised access¹². For example, they should safeguard electors' personal data that they have obtained from the register of electors or government departments (such as a DVD of the "Candidate Mailing Label System", and mailing labels of electors). If it is absolutely necessary to access electors' information outside office premises for an election purpose, only the minimal and necessary data should be taken away from the office premises. Furthermore, the data should be encrypted and protected from unauthorised access or retrieval. After use, the data should be returned to the office, or be delivered to a safe place for proper storage as soon as possible.

個案 4 Case 4

一名區議會議員在選舉中為某候選人發送拉票電郵給一群收件人時，沒有隱藏收件人的姓名及電郵地址（例如沒有利用「副本密送」模式）。投訴人是其中一位收件人，他投訴其名字及電郵地址被公開讓該電郵的其他收件人知悉。

A district councillor sent an email to a list of recipients canvassing votes for a candidate in an election without concealing the names and email addresses of the recipients. The complainant, being one of the recipients of that email, complained that his name and email address had been disclosed to all other recipients of the email.

因應本個案，該名議員同意日後利用電子方式傳遞訊息時，要確保選民個人資料得以保密（例如利用「副本密送」模式）。

In response to the complaint, the district councillor agreed to safeguard the security of the personal data of the electors when transmitting messages via electronic means (for example, by use of the "bcc" function).

銷毀資料

3.12 候選人在完成所有選舉活動後，不應保留任何因該選舉目的而收集所得的個人資料¹³。如候選人曾使用已發表的選民登記冊的選民資料或政府部門提供的選民郵寄資料，必須在選舉完結後將有關資料銷毀。如候選人聘用資料處理者¹⁴負責銷毀資料工作，候選人須採取合約規範方法或其他方法，以防止轉移予資料處理者的個人資料：(i) 被存超過選舉所需的時間¹⁵；及 (ii) 未獲准許或意外地被查閱、處理、刪除、喪失或使用¹⁶。¹⁷

Data Disposal

3.12 Candidates should not retain personal data collected for election purposes for a period beyond completion of all the election activities¹³. After an election, candidates should dispose of all the electors' personal data obtained from a published register of electors, or those provided by government departments for election purposes. When data processors¹⁴ are appointed or engaged by the candidates to destroy personal data of electors on their behalf, the candidates must use contractual or other means to prevent the personal data being transferred to data processors from: (i) being kept longer than is necessary for election purposes¹⁵; and (ii) unauthorised or accidental access, processing, erasure, loss or use¹⁶.¹⁷

¹³ 保障資料第 2(2)原則：須採取所有切實可行的步驟，以確保個人資料的保存時間不超過將其保存以貫徹該資料被使用於或會被使用於的目的（包括任何直接有關的目的）所需的時間。

Data Protection Principle 2(2): 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 is or is to be used.

¹⁴ 「資料處理者」指代另一人處理個人資料，及並不為該人本身目的而處理該資料的人。

“Data processor” means a person who processes personal data on behalf of another person; and does not process the data for any of the person's own purposes.

¹⁵ 保障資料第 2(3)原則：如資料使用者聘用資料處理者以代其處理個人資料，該資料使用者須採取合約規範方法或其他方法，以防止轉移予該資料處理者的個人資料的保存時間超過處理該資料所需的時間。

Data Protection Principle 2(3): If a data user engages a data processor, whether within or outside Hong Kong, to process personal data on the data user's behalf, the data user must adopt contractual or other means to prevent any personal data transferred to the data processor from being kept longer than is necessary for processing of the data.

¹⁶ 保障資料第 4(2)原則：如資料使用者聘用資料處理者以代其處理個人資料，該資料使用者須採取合約規範方法或其他方法，以防止轉移予該資料處理者作處理的個人資料未獲准許或意外地被查閱、處理、刪除、喪失或使用。

Data Protection Principle 4(2): If a data user engages a data processor, whether within or outside Hong Kong, to process personal data on the data user's behalf, the data user must adopt contractual or other means to prevent unauthorised or accidental access, processing, erasure, loss or use of the data transferred to the data processor for processing.

¹⁷ 有關資料可參考公署發出的《外判個人資料的處理予資料處理者》資料單張

Reference can be made to the information leaflet *Outsourcing the Processing of Personal Data to Data Processors* issued by the PCPD.

4. 給相關政府部門的指引

4. Guidance for the Relevant Government Departments

資料保安措施

4.1 政府部門往往會舉行選民登記運動以鼓勵市民登記為選民或提醒選民更新登記資料，當中或會涉及收集實體選民登記或更改資料的表格（例如透過設置街站）。政府部門應採取切實可行的保安措施，以防止相關表格上的個人資料被意外或未獲准許而被查閱¹⁸，例如：市民在提交資料時，職員應小心留意周圍環境，以免有關資料被無關的第三者查閱；如過程中涉及使用手提電腦、平板電腦或流動裝置，更應加倍小心謹慎（見下文第 4.3 段）。完成活動後，職員應立即將資料送回辦事處或安全的處所妥善保存。

Security Measures

4.1 In campaigns launched by government departments for the purpose of promotion of elector registration or the updating of electors' particulars, such activity may involve collection of personal data in paper form (such as collection of elector registration forms at pavement booths). Government departments should take practicable steps to safeguard personal data so collected against accidental or unauthorised access by unrelated parties¹⁸. For example, the responsible staff should be alert to data leakage risks in the surroundings when receiving completed forms. If notebook computers/tablets or portable storage devices are used, extra care must be taken (see paragraph 4.3 below for more details). After the activity, the data should be returned to the office or delivered to a safe place for proper storage as soon as possible.

4.2 由於選民資料庫涉及數量龐大而性質敏感的個人資料，部門應採取所有切實可行的保安措施，以防止有關的個人資料因意外或未獲准許而被查閱、處理、刪除、喪失或使用¹⁹。除了將選民資料庫加密外，部門應：

- 採用「需要知道」和「需要使用」的原則，只備存必需要查閱或使用的個人資料，特別是在涉及使用流動儲存裝置（例如手提電腦）時；
- 採用最小權限的存取原則，只有獲授權處理核對身份工作的職員可存取或查閱有關的個人資料；

¹⁸ 見註 8 See footnote 8

¹⁹ 見註 8 See footnote 8

- 嚴格評估每次下載或複製選民個人資料的必要性，並訂立審批程序及準則；
- 監察載有選民個人資料的系統有否被未獲授權的下載或複製，例如：系統及有關的伺服器應記錄所有活動日誌，可追蹤系統使用者查閱、使用、下載、編輯及 / 或刪除資料等有關記錄；及
- 在載有選民個人資料的系統及伺服器設定監察及警報系統，每當出現不尋常的活動時（例如：大量下載或刪除個人資料），可適時匯報並進行追溯檢討。

4.2 Government departments should, at all times, adopt all practicable security measures to protect the voluminous and sensitive personal data of electors held by them against unauthorised or accidental access, processing, erasure, loss or use¹⁹. In addition to encrypting the database, government departments should also:

- Make available the personal data for access or use only on a “need-to-know” and “need-to-use” basis, especially when portable storage devices, such as notebook computers, are involved;
- Adopt the principle of least-privileged rights, by which only staff authorised to handle identity verification are able to retrieve or access relevant personal data;
- Strictly evaluate the necessity of downloading and copying electors’ personal data, and establish approval procedures and standards;
- Monitor to ascertain if any system containing electors’ personal data has been downloaded or copied without authorisation. Such systems and related servers should record all activity logs in order to trace access, use, downloading, editing and/or deletion of the data by a system user; and
- Install monitoring and alarm mechanisms in all systems containing electors’ personal data, and the related servers, so that if there is an irregularity (such as downloading or deletion of huge personal data), timely reporting of the case, as well as tracing and reviews can be performed.

4.3 在選舉進行期間，如有需要在政府部門處所範圍以外的地方查閱選民資料庫，應進行風險評估，小心衡量是否有實際需要使用便攜式儲存裝置（例如 USB 記憶體、手提或平板電腦、便攜式硬碟機及光碟）儲存選民資料。即使最終決定確有必要將選民的個人資料儲存於手提電腦或其他便攜式儲存裝置，除將有關資料加密以外，政府部門應因應資料的數量及敏感度考慮採取更多有效的技術保安措施，例如採用雙重認證方式來查閱資料等。此外，政府部門須確保存放該裝置的地方設有足夠的保安措

施，亦須小心保管有關裝置（例如以鋼索鎖將裝置繫於場內固定物件及避免在裝置上貼上政府部門標記）²⁰。

4.3 In circumstances when accessing electors' personal data outside office premises is required, a risk assessment should be conducted to ascertain the actual need of storing electors' personal data in portable storage devices (such as in USB flash cards, notebook computers/tablets, portable hard drives or optical discs). If it is necessary to store electors' personal data by such means, effective technical security measures should be adopted commensurate with the quantity and sensitivity of the data by, for example, use of two-factor authentication for data access. Adequate physical security measures should also be effected to safeguard devices (such as affixing the device with a cable lock to an appropriate fixture, or avoidance of departmental logos on the devices)²⁰.

4.4 政府部門必須因應其職能及活動制定、有系統地檢視及更新現有的個人資料保安政策、程序及實務指引，同時有效地將個人資料保安政策程序及實務指引傳達予所有職員，並提供途徑讓他們能搜尋相關資訊。政府部門亦應檢討及制定循規審核系統，確保個人資料保安政策、程序及指引獲得遵從。

4.4 Government departments should formulate, systematically review and update their current personal data security policies, procedures and practical guidelines, according to their functions and activities. Steps should be taken to effectively disseminate personal data security policies to all staff, and provide clear instructions as to how to access such policies. Government departments should also review and formulate a compliance check mechanism to ensure personal data security policies, procedures and practical guidelines are complied with.

個案 5 Case 5

在選舉期間，一政府部門於後備投票會場遺失了手提電腦，當中儲存了有份參與該次選舉的選舉委員的全名，以及全港登記選民的個人資料。

A backup notebook computer of a government department prepared for use in an election

²⁰ 有關資料可參考公署發出的《使用便攜式儲存裝置指引》

Reference can be made to the guidance note *Guidance on the Use of Portable Storage Devices* issued by the PCPD.

was discovered missing at the fallback election venue. The computer stored the name of Election Committee members eligible to vote in the election, and also the personal data of all electors in Hong Kong.

香港個人資料私隱專員認為，雖然所涉及選民的個人資料已經過多重加密儲存，資料外洩風險低，但該政府部門在檢視及審批使用載有選民個人資料的查詢系統一事非常粗疏，只顧依從過往做法，卻沒有適時按情況檢視或更新。調查結果顯示，該政府部門對個人資料私隱保障認知、警覺性和內部溝通不足，應用和實施各項指引的規例欠缺清晰或沒有依從，因而違反條例下的保障資料第 4(1)原則²¹。私隱專員決定向該政府部門送達執行通知，以糾正違規事宜及防止事故重演。²²

While the Privacy Commissioner for Personal Data, Hong Kong considered the chance of leakage being low, as the personal data of the electors involved had already undergone multiple layers of encryption, the assessment and approval of the use of an enquiry system containing the electors' data was not well thought out or adapted to the special circumstances of the case. The data user had simply followed past practices and had failed to review, update or appraise the existing mechanism in light of the circumstances, in a timely manner. The investigation revealed that the data user lacked the requisite awareness and vigilance expected of it in protecting personal data. Rules of application and implementation of various guidelines had not been clearly set out or followed, and internal communication was not sufficiently effective. The data user failed to take all reasonably practicable steps in consideration of the actual circumstances, or to ensure that electors' personal data was protected from accidental loss, and thereby contravened Data Protection Principle 4(1)²¹ of the Ordinance. An enforcement notice was served on the government department to remedy and prevent recurrence of the contravention.²²

4.5 政府部門或會不時收到一些機構或人士索取資料的要求。如有關資料涉及個人資料（例如選民、候選人或提名人的個人資料），政府部門在決定是否披露有關資料前，必須考慮此舉會否涉及違反保障資料第 3 原則²³。在作出上述考慮時，政府部門亦

²¹ 見註 8 See footnote 8

²² 調查報告 (R17-6249) 可於公署網站下載

The investigation report (R17-6249) is available on the PCPD website.

²³ 見註 7 See footnote 7

須注意條例第 8 部的豁免條文²⁴是否適用。如有需要，政府部門可要求提出要求者提供進一步資料。

4.5 When handling requests for information that involve the personal data of individuals, including electors, candidates or nominees, government departments must carefully assess if the release of the requested information would amount to a breach of Data Protection Principle 3²³. In making such a determination, the exemptions provided in part 8 of the Ordinance²⁴ are applicable. If necessary, more information may be sought from the requestor to facilitate appropriate consideration.

5. 給民意調查組織的指引

5. Guidance for Public Opinion Research Organisations

知情的收集

5.1 民意調查組織透過舉行民意調查或模擬投票活動以了解候選人的支持度和選民的投票意向時，當中或涉及收集個人資料。選民的投票取向屬敏感的個人資料，民意調查組織必須謹慎行事，清楚告知參加者有關收集資料的目的及條例訂明的其他事項²⁵。

Informed Collection

5.1 Public opinion research organisations may conduct opinion or mock polls to gauge public views on candidates' approval ratings or electors' voting preferences. An elector's voting preference is considered to be very sensitive personal data, and organisers of these activities should exercise due care to ensure that participants are informed of the purpose of collecting the personal data, and other matters required by the Ordinance²⁵.

²⁴ 如保障資料第 3 原則應用於相關的個人資料，相當可能會損及保安、防衛和國際關係；防止或偵查罪行；評估或徵收稅項；新聞活動；健康；法律程序；專業盡職審查；處理危急情況等，相關資料可獲豁免。If application of Data Protection Principle 3 is likely to prejudice security, defence and international relations; crime prevention or detection; assessment or collection of any tax or duty; news activities; health; legal proceeding; due diligence exercise; handling life-threatening emergency situation, the relevant personal data is exempt from the use limitation requirements.

²⁵ 見註 3 See footnote 3

個案 6 Case 6

投訴人參加了一個由政治團體舉辦的街頭簽名活動，該團體在簽名表格上要求參加者提供其個人資料，但沒有交代收集其個人資料的目的及用途，以及有關資料是否會被轉移等。該團體解釋，簽名表格上已寫明所收集的資料「只作表達意見之用，隨後將予以銷毀」。

A complainant provided his personal data in a signature campaign organised by a political body. He noticed that the purpose of collecting the personal data and data transfer arrangement was not stated on the form used for collecting personal data. According to the organiser, it had indicated on the form that “the personal data is collected solely for expressing views, and it would be destroyed afterwards”.

因應本個案，該團體承諾日後在同類活動中，會採取所有切實可行的步驟告知參加者收集資料的目的、參加者是有責任抑或是可選擇自願提供有關資料，有關資料的用途及可能轉移予甚麼類別的人士，以及要求查閱及改正該資料的權利。

In response to the complaint, the organiser undertook to take all practicable steps to supply relevant information to the participants in similar future events launched, including, for instance, the purpose for which the data is to be used, whether it is obligatory or voluntary for participants to provide the data, the classes of person to whom the data may be transferred, and their right to request access to a copy of their personal data and to request correction of the data.

合法和公平收集

5.2 民意調查組織透過民意調查或模擬投票活動收集個人資料時，必須留意所採取的方式會否易令人產生誤解，尤其不可就收集資料的背景及目的作出失實或誤導性的陳述。如主辦機構沒有清楚說明活動的性質（例如活動是否「官方」或「具法律效力」）或未能清晰披露資料使用者的身份，便會構成以不公平的方式收集個人資料²⁶。

²⁶ 見註 4 See footnote 4

Lawful and Fair Collection

5.2 When collecting personal data in opinion or mock polls, organisers should carefully assess if the means of data collection could confuse or mislead the participants. Vigilance should be exercised to avoid providing untrue or misleading information concerning the background and objectives of the activities. If the organisers fail to identify themselves as the data user to the participants, or fail to state the nature of the activities clearly (e.g. whether the activities are “official” or “of legal effect”), this could amount to unfair collection of personal data²⁶.

個案 7 Case 7

一政治團體委託民意調查組織在選舉期間舉辦一個模擬投票活動，但該活動的網頁沒有說明該活動是「非官方」或「不具法律效力」等字句。

A political body commissioned a public opinion research organisation to launch a mock poll during the election, but the website of the activity did not state clearly that the mock poll was “non-official” or “of no legal effect.”

另一方面，該網頁表示該活動是由該團體委託一民意調查組織舉辦，但期間亦有其他人士和機構公開表示有份策劃或參與該活動；該網頁顯示某所大學的校徽，活動的聯絡電郵地址亦包含該大學的域名，但該網頁下方卻有細小字句表明該活動與該大學無關。該團體沒有清楚解釋收集資料的目的和合法理據，資料使用者的身份亦不清晰，私隱專員認為此屬以不公平的方式收集個人資料。

Furthermore, despite the claim on the website that the research team was commissioned by a political association to launch the activity, other parties or associations had publicly stated that they were involved in planning or participating in the activity. While the website carried the emblem of a university and a contact email with the university’s domain name, there was a footnote in small print stating the activity was unrelated to the university. No clear explanation of the purpose and lawful basis for the data collection was given by the activity organiser, and the true identity of the data user was not made known. The Privacy Commissioner took the view that such a manner of collection of personal data was unfair.

經公署介入後，該團體在該網頁告知參加者收集其個人資料的目的，並解釋該活動

是由民間組織舉辦，與當時即將進行的官方選舉沒有直接關係，結果亦不具法律效力。此外，該團體亦從該網頁中刪除了該大學的資料（包括校徽、電郵域名），並清楚述明該活動的主辦團體的身份。

After intervention by the Privacy Commissioner, the activity organiser stated on the website: the purpose of collecting the participants' personal data; made clear to the participants that the activity was initiated by community organisations; and it had no connection with the official election and the result was of no legal effect. Information related to the university, including the university's emblem and email domain name, were deleted from the website and the name of the organiser was clearly stated.

資料保安

5.3 如要透過民意調查或模擬投票活動收集個人資料，民意調查組織應該採取切實可行的保安措施，保障收集所得的個人資料，以免被意外或未獲准許而被查閱²⁷。如在活動過程中涉及使用第三方電腦程式或軟件，有關組織更應小心評估有關程式或軟件對處理個人資料的風險（包括資料在傳輸及儲存時的保密性、對系統及網絡的安全性及員工查閱資料的權限），確保收集所得的個人資料獲得適當的保護。

Data Security

5.3 If collection of personal data is involved, organisers of opinion or mock polls should safeguard personal data collected against accidental or unauthorised access by unrelated parties.²⁷ When employing the use of computer programmes or software developed by third parties, assessment should be made to identify possible privacy risks (including, for example, the security issues related to data transmission and storage, technical safeguards of the system and network, and the restriction on data access by staff). Measures should be taken to ensure the personal data collected is appropriately protected.

個案 7 (續) Case 7 (continued)

在此個案中，參加者在進行該項模擬投票活動前需要下載一個即時通訊程式作身份驗證，投票系統會要求程式用戶輸入該程式的登入密碼。理論上此舉或會令相關人士有能力讀取投票者（作為程式用戶）在該程式的所有訊息，或會涉及保安漏洞。

²⁷ 見註 8 See footnote 8

In this case, before casting their votes in a mock poll, participants were required to install an instant messaging programme for identity verification, and then input in the voting system their password used for the said programme. By giving away the password, participants had in effect allowed third parties to read the messages they had sent or received with the programme. A security loophole was thus created.

經公署介入後，該團體採用另一電子系統來進行投票，令相關人士沒有機會讀取到投票者在該程式的訊息。

Subsequently, to remedy the security problem revealed in this case, the organiser replaced the voting system in question.

銷毀資料

5.4 民意調查組織在民意調查或模擬投票活動結束後，應在合理時間內銷毀因該次活動的目的而收集的個人資料²⁸。如民意調查組織聘用資料處理者負責銷毀資料工作，便須遵守條例就此方面的相關規定（見上文第 3.12 段）。

Data Disposal

5.4 Organisers should not retain personal data collected in opinion or mock polls after completion of these activities.²⁸ If data processors are appointed or engaged by the organisers to destroy the personal data of participants on their behalf, the organisers must comply with the relevant requirements under the Ordinance (see paragraph 3.12 above).

6. 給市民的保障個人資料提示

6. Personal Data Protection Advice for Members of the Public

6.1 市民收到與選舉有關的電郵或信件，如當中涉及收集個人資料，必須提高警覺，小心查核寄件人身份，以防有不法之徒冒認政府部門騙取資料。Upon receipt of emails or letters soliciting personal data in relation to election, members of the public must verify senders' identity to ensure there is no fraudulent collection of personal data in the name of government departments.

²⁸ 見註 9 See footnote 9

- 6.2 市民提交選民登記表格時，不論是以書面或網上或傳真形式向有關部門提交，均須小心謹慎（例如確保信封密封、輸入正確的收件者資料）。In submitting the completed elector registration form to the relevant authority, due care must be exercised regardless of the means of submission. For example, the envelope should be properly sealed and the information of recipients should be input correctly.
- 6.3 市民可在選民登記表格中選擇以電郵方式接收候選人發放的選舉郵件，以供相關候選人發放選舉資訊。否則，市民提供的電郵地址只供有關部門與市民通訊之用。Members of the public may indicate on the elector registration form that emailing is their preference for receiving electioneering communications from the candidates. Otherwise, the email address provided would only be used by the relevant authority for communication purposes.
- 6.4 如選民不欲接收候選人或其所屬政治團體發出的選舉宣傳通訊，可向對方表明拒絕接收的意願。Electors may exercise their right to object to receipt of electioneering communications from the candidates and their affiliated political bodies.
- 6.5 已登記選民的住址或其他登記資料如有變更，應盡快通知有關部門更新資料。Electors who have changed their registration particulars should report the change to the relevant authority as soon as possible for the record update.
- 6.6 市民參加民意調查或模擬投票活動，如涉及收集個人資料，必須留意主辦機構有否清楚說明活動的性質（例如活動是否「官方」或「具法律效力」）及資料使用者的身份，以及是否已獲告知收集資料的目的及條例訂明的其他事項²⁹。如有懷疑或不清楚之處，應向主辦機構查詢。If participants of opinion or mock polls need to provide personal data, they must ascertain if the organisers of these activities have clearly stated the nature of the activities (e.g. whether the activities are “official” or “of legal effect”) and identified themselves. Participants are also reminded to check if the organisers have provided them with information such as the purpose of collecting the personal data, and other matters required by the Ordinance²⁹. In case of doubts, enquiries should be made to the organisers.
- 6.7 市民參加由政治團體舉辦的活動時，如涉及收集個人資料，應留意政治團體會否將收集得的個人資料作日後選舉用途。如不同意，應拒絕提供資料。If personal data is collected by political bodies in their activities, participants should ascertain whether the data collected will be used in subsequent elections. If

²⁹ 見註 3 See footnote 3

participants do not consent to such use, they should not provide their personal data.

7. 結語

7. A Final Note

選舉活動往往涉及數量龐大而性質敏感的個人資料，不論是候選人、政府部門、民意調查組織及公眾人士在處理個人資料時都必須加倍小心，減低資料外洩事故發生的機會。

In view of the huge volume and sensitive nature of the personal data collected or used in election activities, candidates, government departments, public opinion research organisations and members of the public must make the best efforts to avoid leakage.

資料使用者應就資料外洩事故的處理及通報訂定正式政策³⁰。倘若不幸發生資料外洩事故，應盡快作出資料外洩事故通報，以遏止事故所造成的損害。

Data users are recommended to formulate a policy on data breach handling and the giving of breach notifications³¹. In the unfortunate event of a data breach, data users should consider issuing notifications to lessen the harm caused by the breach.

香港個人資料私隱專員公署會為各界人士提供協助，並就資料外洩事故通報作出適切處理。如有查詢，可瀏覽公署網頁（所有本指引曾提及的出版物均可在此下載），或致電熱線 2827 2827。

The office of the Privacy Commissioner for Personal Data, Hong Kong stands ready to offer assistance and respond to data breach notifications to all stakeholders. For enquiries, please visit our website from which all publications referred to in this guidance can be downloaded, or call our hotline at 2827 2827.

³⁰ 有關資料可參考公署發出的《資料外洩事故的處理及通報指引》Reference can be made to the Guidance Notes “Guidance on Data Breach Handling and the Giving of Breach Notifications” issued by the PCPD.



PCPD.org.hk

查詢熱線 : (852) 2827 2827
傳真 : (852) 2877 7026
地址 : 香港灣仔皇后大道東248陽光中心12樓
電郵 : enquiry@pcpd.org.hk

版權



本刊物使用署名4.0國際(CC BY 4.0)的授權條款，只要你註明原創者為香港個人資料私隱專員公署，便可自由分享或修改本刊物。詳情請瀏覽hk.creativecommons.org/aboutcchk。

免責聲明

本刊物所載的資訊和建議只作一般參考用途，並非為《個人資料（私隱）條例》的應用提供詳盡指引。有關法例的詳細及明確內容，請直接參閱條例的本文。私隱專員並沒有就本刊物內所載的資訊和建議的準確性或個別目的或使用的適用性作出明示或隱含保證。相關資訊和建議不會影響私隱專員在條例下獲賦予的職能及權力。

2000 年 6 月初版
2004 年 4 月（第一次修訂）
2007 年 2 月（第二次修訂）
2010 年 4 月（第三次修訂）
2011 年 10 月（第四次修訂）
2015 年 8 月（第五次修訂）
2017 年 12 月（第六次修訂）



PCPD.org.hk

Enquiry Hotline : (852) 2827 2827
Fax : (852) 2877 7026
Address : 12/F, Sunlight Tower, 248 Queen's Road East, Wanchai, Hong Kong
Email : enquiry@pcpd.org.hk

Copyright



This publication is licensed under a Creative Commons Attribution 4.0 International (CC BY 4.0) licence. In essence, you are free to share and adapt this publication, as long as you attribute the work to the office of the Privacy Commissioner for Personal Data, Hong Kong. For details, please visit creativecommons.org/licenses/by/4.0.

Disclaimer

The information and suggestions provided in this publication are for general reference only. They do not serve as an exhaustive guide to the application of the Personal Data (Privacy) Ordinance. For a complete and definitive statement of the law, direct reference should be made to the Ordinance itself. The Privacy Commissioner makes no express or implied warranties of accuracy or fitness for a particular purpose or use with respect to the information and suggestions set out in this publication. The information and suggestions provided will not affect the functions and powers conferred upon the Commissioner under the Ordinance.

First published in June 2000

April 2004 (First Revision)

February 2007 (Second Revision)

April 2010 (Third Revision)

October 2011 (Fourth Revision)

August 2015 (Fifth Revision)

December 2017 (Sixth Revision)

Complaint Cases Provided by Office of the Privacy Commissioner for Personal Data (“PCPD”)

In order to facilitate better understanding of the privacy concerns of the electors and compliance with the requirements of the Personal Data (Privacy) Ordinance (Cap. 486), the PCPD has provided the following 4 complaint cases for illustration purpose:

Case 1

This complaint relates to the collection and use of personal data. A complainant provided his name and telephone number to an incumbent member seeking his assistance in relation to disability allowance. Subsequently, the member used the complainant’s personal data without his consent for election publicity purposes. The member claimed that at the time when the complainant’s personal data was collected, the complainant had been verbally informed that his personal data would be used for communication purposes.

In response to the complaint, the member agreed to provide a written personal information collection statement to individuals stating explicitly that the personal data collected would be used for electioneering purpose.

Case 2

The complaint relates to the use of personal data. A complainant sought assistance from a political party in relation to the management of the building in which he resides and for this purpose supplied his personal data. Subsequently, the political party used the complainant’s personal data in canvassing him to vote for a candidate in an election.

The PCPD relayed the complainant’s concern to the political party. The party should obtain an express and voluntary consent from the complainant before using his personal data for electioneering purpose.

Case 3

The complaint relates to the security of personal data. An incumbent member sent an email to a list of recipients canvassing vote for a candidate in an election without hiding the names and email addresses of the recipients (by, for example, use of “bcc”). The complainant, being one of the recipients of that email, complained that his name and email address were disclosed to all other recipients of that email.

The PCPD relayed the complainant’s concern to the member, with the advice that he should safeguard the security of the personal data of the electors when transmitting messages via electronic means.

Case 4

The complaint relates to the use of personal data. A complainant enrolled in a course organised by a political party. After the completion of the course, the complainant was asked to fill in a questionnaire and provided her personal data for “communication purpose”. Subsequently, the political party used the complainant's personal data in canvassing her to vote for a candidate in an election.

The PCPD relayed the complainant’s concern to the political party. In response, the party revised the personal information collection statement in the questionnaire by stating explicitly that personal data collected would be used for “electioneering purpose” and deleted the complainant’s personal data. The PCPD accepted the remedial actions taken but warned the political party that enforcement notice may be issued if similar circumstances occur again.

[Added in October 2012 and amended in October 2014]

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 9 Part II of the ‘Guidelines on Election-related Activities in respect of the Rural Representative Election’ 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/her 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 10 Part IV of the ‘Guidelines on Election-related Activities in respect of the Rural Representative Election’, 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 8 of the ‘Guidelines on Election-related Activities in respect of the Rural Representative Election’ relates to the conduct of electioneering activities at the living or working places of electors, 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 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 owners’ corporation which has the right to control or manage the common parts of the building 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.

[Added in October 2004; amended in October 2010, October 2011 and October 2014]

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. : _____

Email Address: _____

5. If this application is made on behalf of an organisation, please complete the following details :

i) Name of organisation (English) : _____

Name of organisation (Chinese) : _____

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 (English) : _____

Name of organisation (Chinese) : _____

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.

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. The number of non-charitable fund-raising activities by the same person or organisation will not be excessive so as to avoid undue inconvenience to the public. As a general rule, each approved activity should not last for more than five days in any two consecutive weeks and that each applicant (by an individual or an organisation) would not be allowed to conduct more than 20 fund-raising activities within a 12-month period. For an activity to be conducted in more than one location, a permit will be required for each location; 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.

Upon approval of the application, the relevant details about the fund-raising activity including the name of the activity and the date, time and venue for conducting it will be uploaded on the GovHK website (<http://www.gov.hk/fundraising>) and Data.One (<http://data.one.gov.hk>).

July 2016

Observations made by the Court in an Election Petition relating to a Television Programme on 2010 Legislative Council By-election

1. A candidate of the 2010 Legislative Council By-election made an election petition relating to a multi-episode television 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 television 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 Rural Area in the case of RR election) 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 Rural Area in the case of RR election) even if they watch only one single episode instead of all episodes on the same constituency (or Rural Area in the case of RR election) 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 and amended in October 2014]

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 Rural Area. 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 Rural Area. 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 Rural Area alike.
5. If there is fair and equal treatment of all candidates competing in the same Rural Area 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.

[Amended in October 2014]

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. *[Amended in October 2010]*
2. The application should be accompanied by 3 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 (Cap. 374G) 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 **1 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 1 week's time upon notice.

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

**Observations made by the Court of Final Appeal
in a case touching upon Election Expenses
(FACV No. 2 of 2012)**

Expenses are likely to qualify as “election expenses” if they meet the following five criteria:

1. They have been incurred by or on behalf of a candidate (as such a person is defined under s 2(1) of the ECICO).
2. Having identified the activities or matters to which the relevant expenses relate, such activities or matters are referable to a specific election.
3. Such activities or matters go to the conduct or management of the election; in particular to the machinery of the election.
4. The expenses were incurred for the purpose of promoting the election of the relevant candidate or prejudicing the election of another candidate.
5. The activities or matters financed by the expenses have taken place or occurred either during the election period (as defined in s 2(1) of the ECICO) or during the period when the relevant person was a candidate.

There are two further inquiries as well:

1. The date when the relevant expenses were incurred should be ascertained (although this is not a critical question since election expenses may be incurred before, during or after an election period).
2. In relation to the relevant activities or matters of which the expense may be incurred for more than one purpose, it should be considered whether an apportionment exercise appropriate between election expenses and non-election expenses is necessary.

Notes:

1. If there is any inconsistency or ambiguity between the English version and the Chinese version of this Appendix, the English version shall prevail.
2. If you have doubt as to whether an election expense falls within the criteria as mentioned above or whether an expense should be regarded as an election expense, you should consult independent legal advisor, and any legal fees so incurred will not be regarded as election expenses.

[Added in October 2012 and amended in October 2018]

**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 :
 - (a) banners
 - (b) signboards
 - (c) placards
 - (d) posters
 - (e) handbills
 - (f) publicity pamphlets
 - (g) video and audio recordings
 - (h) electronic messages
 - (i) various forms of literature or publicity material for promoting the election of a candidate or candidates or prejudicing the election of another candidate or candidates.

[Note: Costs incurred for publicity materials to give thanks to electors for their support after the election will not be counted as election expense.]

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 Home Affairs Department/Returning Officer, the removal costs for the election advertisements charged by the government departments should also be included. *[Amended in October 2004 and October 2011]*
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. Costs of stationery used in connection with the election campaign.
8. Operation/miscellaneous costs in connection with the election campaign, e.g. 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
10. Costs incurred for the hire of transport in connection with the election.
11. Costs incurred for publicity by vehicles. (Remarks: If vehicle is lent to the candidate by any person(s) without charging the candidate, the candidate is also required to declare the estimated market value of rental of similar vehicles in his/her election return apart from reporting the free service or goods as election donation.)
[Amended in October 2006]
12. Costs of advertisements in media, 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 materials for election agents and assistants.
15. Costs incurred for refurbishing as well as the estimated value of old publicity boards.
16. Costs incurred in the publication by a candidate during the election period (i.e. from the commencement of the nomination period to the day on which a declaration is made under s 29 of the RREO or s 19 of the EP (RRE) Reg; or the day on which the polling ends) of a document that gives details of work done by the candidate in the capacity of:
 - (a) the Chief Executive;
 - (b) a member of the Legislative Council, a District Council or the Heung Yee Kuk;
 - (c) the Chairman, Vice-chairman or a member of the Executive Committee of a Rural Committee; or
 - (d) a Rural Representative.

17. Costs incurred by the political body or organisation of the candidate in promoting his/her 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. Separately, for the avoidance of doubt, costs of electioneering activities (e.g. 造勢大會) participated by an uncontested candidate after declaration of the election result in respect of his/her Rural Area to promote other contested candidates will not be counted as election expenses of the uncontested candidate.]
18. Costs for obtaining legal advice incurred in respect of the conduct or management of an election (e.g. where a candidate asks his/her lawyer to vet an election publicity pamphlet to make sure that statements contained in it do not amount to libel). [Note: Fees incurred for obtaining (a) 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 “election donations”, and (b) professional advice on the apportionment of expenses between purposes related to an election and any other purposes, will not be regarded as election expenses.]
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 an election donation and correspondingly as an election expense. A reasonable amount should be assessed by reference to the market interest rate.] *[Added in October 2004]*
20. Subsidy of activities organised for promoting one’s candidature is a form of election donation which is counted as election expense (e.g. (a) allowance paid to the workers in the activities organised by an organisation for promoting the candidate and/or (b) the sponsorship made by the organisation for the said activities).
21. Although some people may not charge the candidate for the goods supplied or work, labour and services rendered (except voluntary services), a reasonable sum estimated for such charges, over any allowance or discount usually given to customers, is an election expense (which is correspondingly an election donation made by these people).
22. Goods given incidental to the provision of voluntary service.

23. Costs for charities undertaken for the purpose of promoting one's candidature.
24. Costs for any negative publicity launched against one's opponent.

[Amended in October 2011, October 2012, October 2014 and October 2018]

Collection of Election Donations

Any person or organisation³¹ (including a political party) acting as an agent to solicit, receive or collect election donations for a candidate or some candidates is advised to:

1. have the prior consent/authorisation of the candidate(s);
2. set up a dedicated ledger account for receiving and handling the election donations;
3. state the apportionment of the donations between candidates or other parties if more than one candidate or other parties are involved;
4. comply with all the requirements under the ECICO in respect of election donations as if the donations are received by the candidate(s) direct. For example, if the donation is more than \$1,000, a receipt to the donor by the concerned candidate instead of the agent should be issued to the donor;
5. ensure that clear information is provided to donors so that they are fully aware of the purpose/use of their donations; and
6. apply to the Secretary for Home Affairs for permission if the donations are collected through fund-raising activities in a public place for non-charitable purposes.

On the other hand, while candidates would not be prohibited to solicit donations on the behalf of political parties or any other organisations, they must make sure that the message is clear enough so that members of the public are adequately advised of the purpose and nature of the donation and would in no circumstances be misled to believe that the donation was solicited and used for the election of the candidates themselves.

[Added in October 2018]

³¹ All costs incurred by the person or organisation during the process of rendering the relevant service to the candidate(s) in this regard should be counted towards election expenses and the relevant requirements governing authorisation of election expenses agents as set out in Chapter 6 must be complied with. If the person renders his/her service for the candidate free of charge, voluntarily, personally and in his/her own time, the service is regarded as "voluntary service" according to section 2 of the ECICO. The candidate is, therefore, not required to include such service costs in his/her election expenses (this exemption does not apply to the service rendered by an organisation).

**Guidelines for Mutual Aid Committees
Participating in Electioneering Activities**

1. Chapter 17 of the Electoral Affairs Commission's Guidelines on Election-related Activities in respect of the Rural Representative Election provides that a candidate must obtain the 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/her election advertisements or activities as an indication of support from that person or organisation.
2. In this respect, Mutual Aid Committees ("MACs") should comply with the following procedures:
 - (a) If the support is to be given to a candidate in the name of the MAC, the written consent should be approved at a general meeting convened in accordance with the Model Rules for the MAC, and signed by the incumbent Chairman of the MAC.
 - (b) If the support to a candidate is to be given in the official capacity of an office-bearer of a MAC, that office-bearer should first obtain the approval of the MAC at a general meeting convened in accordance with the Model Rules for the MAC. Otherwise, that office-bearer should be careful not to give any impression or cause misunderstanding that the support in his/her official capacity represents the support of the MAC.
 - (c) If the support to a candidate is to be given in the personal capacity of an office-bearer of the MAC and his/her official title will not be mentioned in the election advertisements of the candidate, it will not be necessary for that office-bearer to seek approval from the MAC or its executive committee.
3. All general meetings of the MAC should be convened in accordance with the procedures laid down in the Model Rules for the MAC.
4. Decisions made at the meetings of MACs must be properly recorded and the record must be prominently displayed in the block within 7 days after the meeting.

[Added in October 2004 and amended in October 2014]

**Guidelines for Candidates on Sending Election Advertisements to
Registered Electors
in the Custody of the Correctional Services Department**

(Note: The following guidelines serve to illustrate some of the articles which, if possessed by electors 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 election advertisements (“EA”) mailed to registered electors 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 electors in the custody of the CSD;
- (d) is of such a nature as to encourage the commission of any offence enumerated in Prison Rules (Cap. 234A) or of any criminal offence by any of the electors 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 (Penal Operations)3 of CSD at 2582 4023.

Correctional Services Department
January 2015

INDEX

Index

(The numbers indicate paragraph numbers)

a

action checklist for candidates.....	Appendix A
actors, during election period.....	10.15
address, change of an elector's residential address.....	2.24
admission	
- counting station (see also <i>counting station</i>).....	4.55, 4.58, 6.16
- polling station (see also <i>polling station</i>).....	4.14-4.16
advance return of donations (see also <i>donation</i>).....	15.35-15.37
advertising	
- through the electronic media.....	7.1-7.2
- through the printing media.....	7.58, 10.18-10.20
agent	
- counting (<i>see counting agent</i>)	
- election (<i>see election agent</i>)	
- election expense (<i>see election expense agent</i>)	
- polling (<i>see polling agent</i>)	
allocation of designated spots (see <i>designated spots</i> under <i>election advertisement</i>)	
allocation of polling station (see also <i>polling station</i>).....	4.2, 4.5
amplifying device (see <i>loudspeaker</i>)	
anonymous donations (see <i>donation</i>)	
appeal against provisional register (see also <i>provisional register</i>).....	2.33
appeal against the decision of the Court of Final instance.....	5.5
application for registration as an elector (see also <i>elector</i>).....	2.2-2.16
appointment	
- counting agent (<i>see also counting agent</i>).....	6.42-6.43
- election agent (<i>see also election agent</i>).....	6.6-6.8
- election expense agent (<i>see also election expense agent</i>).....	6.17-6.18
- polling agent (see also <i>polling agent</i>).....	6.23-6.25
assistance to incapacitated elector (see also <i>mobility difficulty of electors and elector</i>).....	4.33-4.34, 6.38-6.39
authorisation of election expense agent.....	6.17-6.19, 15.12-15.15

b

badge, emblem, clothing or head-dress (see also *propaganda material*).....
4.7, 4.40, 6.34, 6.40, 13.10

ballot box

- delivery.....4.44-4.47
- locking and sealing
 - at the close of poll.....4.44, 6.33
 - before commencement of poll.....4.11, 6.33
- opening.....4.59-4.60

ballot paper

- counting.....4.55
- disposal.....4.70-4.72
- invalid.....4.62
- marking.....4.28, 6.39
- chop.....4.28, 6.39
- questionable.....4.63-4.68
- removal from polling station.....Note under 4.32
- spoilt.....4.37, 4.44, 4.62
- tendered.....4.38, 4.62
- unissued.....4.13, 4.44
- unused.....4.44
- validity.....4.63-4.68

ballot paper account.....4.45-4.46, 4.54, 4.61

ballot paper sorting station

.....4.13, 4.46-4.54, 4.61, 6.16, 6.42, 6.45-6.47, 4.69-6.51, Appendix A

breach/non-compliance of the Guidelines

.....11.4, 11.11, 15.33, 16.29, 19.1, 19.4, 19.14

bribery (see also *corrupt conduct*).....16.5, 16.14

broadcasting (see also *election broadcasting*)

broadcasting vehicles (see also *loudspeaker*).....11.6-11.9

by-election.....1.3, 1.4, 4.48

c

candidate

- action checklist.....Appendix A
- appearing in commercial advertisements.....10.16-10.17
- attending public functions.....18.10
- definition.....Important Note
 under 7.1, Important Note under 10.1, Important Note under 15.2, 18.1

candidate (*Cont'd*)

- disqualification 3.6
- false statement (see also *false statement*) 7.15, 16.8-16.9
- incumbent candidates (see *incumbent candidates*)
- lodging of complaint inside polling station 6.41, 19.9
- nomination (see *nomination of candidates*)
- qualification 3.1-3.5
- request for re-count of votes 4.68
- withdrawal 3.21

canvassing activities

- canvassing messages 8.19
- in no canvassing zone 7.26, 13.10-13.12, 14.8, Appendix D
- in a prison or the premises of a law enforcement agency 8.14
- involving pupils 12.2-12.7
- joint canvassing 7.35
- outside a polling station (see also *polling station*) 4.7-4.8, 13.10-13.15
- using loudspeaker (see *loudspeaker*)
- using vehicles 11.6-11.9

cardboard

- colour 4.27

censure (see also *reprimand*)

- breach of time restriction when using loud-hailers 8.20, 11.4
- breach/non-compliance of the Guidelines 1.24, 7.64, 11.11, 16.30, 19.14
- corrupt and illegal conduct 16.30
- exit poll 14.7, 14.11
- false claim of support 16.30, 17.14
- involving youths of school age 12.2, 12.10
- namedropping 16.30
- opportunity to make representations 19.14
- unauthorised display of election advertisements 7.64
- unauthorised electioneering against the decision of an organisation or building 8.16
- unfair and unequal treatment 8.32, 8.41-8.42, 10.25-10.26

change of an elector's particulars (see also *provisional register*)

- other personal particulars (see also *elector*) 2.24
- residential address (see also *elector*) 2.24-2.29

Chief Electoral Officer (CEO)

- admission to a polling station 4.14
- admission to a counting zone 4.55
- reporting irregularities to EAC 19.17

chop (see also *ballot paper*) 4.27, 4.29, 4.32, 4.62, 6.39

claim of support 7.2, 7.56, 16.10-16.13, 17.1, 17.4-17.12

close of poll 4.44-4.47

columnist (see also *regular columnists, restrictions to contribute articles*)

commercial advertisements, candidates appearing in 10.16-10.17

common parts of building (see also *fair and equal treatment principle*)
..... 8.16-8.31, 8.34

complaints

- against conduct, behaviour or acts of RO or REO officers 19.5
- against criminal, illegal or corrupt activities 19.2
- containing false statement (see also *false statement*) 19. 19
- duties of PROs, Deputy PROs, Assistant PROs, ROs and REO
..... 19.10-19.11, 19.17
- hotline 19.7
- inside polling station 6.41, 19.9-19.10
- obligations of the RO, PRO and the REO 19.17
- period 19.6
- procedure 19.7-19.9
- processing 19.11-19.15
- relating to breach of Guidelines or Regulation 19.1, 19.4
- relating to display of election advertisements 7.64
- report to Chief Executive 19.16

Complaints Committee 15.39, 16.27, 19.3-19.5

Composite Indigenous Village (CIV)

- definition 1.5
- numbers 1.5
- voting system 2.36-2.38

conduct at

- ballot paper sorting station (see also *counting agent and ballot paper
sorting station*) 4.51-4.52, 6.50
- counting station (see also *counting agent and counting station*)
..... 4.51-4.52, 6.48-6.50
- polling station (see also *polling agent and polling station*)
..... 4.40-4.43, 6.33-6.35

consent of support (see also <i>namedropping</i>).....	7.56, 16.10-16.13, 17.1, 17.4-17.12
contributor (see <i>regular contributors, restrictions to appear in a programme</i>)	
corrupt and illegal conduct	
- election expenses and donations	15.10-15.11, 15.14, 15.35-15.40, 16.22- 16.26
- electioneering and voting.....	16.14-16.21
- non-compliance and sanction (see also <i>censure</i> and <i>reprimand</i>).....	16.27, 16.31
- penalty.....	16.3, 16.31
- power of court to excuse innocent acts.....	16.23-16.26
corrupt conduct	
- bribery.....	16.5, 16.14
- deception.....	16.5-16.6
- deface of nomination paper.....	16.7
- duress.....	16.5-16.6, 16.19
- election expenses and donations	15.41-15.4 16.17, 16.22
- force.....	16.5-16.6, 16.19
- nomination and withdrawal of candidates.....	16.5-16.7
- penalty.....	16.3, 16.31
- treating.....	9.3, 16.15-16.18
- undue influence.....	12.4, 16.19-16.20
- voting offences.....	16.21
counting, rules relating to	4.37-4.39
counting agent	
- appointment.....	6.42-6.43
- civil servants acting as agents.....	6.5
- conduct inside ballot paper sorting station.....	6.50-6.51
- conduct inside counting station.....	4.55-4.58, 6.47-6.50
- number.....	6.3
- qualification.....	6.4-6.5
- revocation.....	6.44
- role.....	6.45
counting of votes	
- presence.....	4.55-4.57, 6.48
- process.....	4.59-4.68
- re-count of votes.....	4.68-4.69
counting officer/staff.....	4.55, 6.5, 6.48

counting station	
- admission	4.55-4.56, 4.58, 6.13, 6.16, 6.46-6.47
- conduct inside (see also <i>conduct at</i> and <i>counting agent</i>)	4.57-4.58, 6.48-6.50
- display of notice of result	4.69
- photographing, filming and recording	4.57
- public observation	4.57
counting zone	4.57
Court of Final Appeal	5.5, Appendix M
Court of First Instance	5.3-5.5, 15.29-15.30, 15.34, 16.24-16.26
court, power to excuse innocent acts	16.23-16.26
 <i>d</i>	
date	
- allocation of number to candidates by drawing of lots	3.23-3.25
- appeal against provisional register	2.33
- application for re-allocation of polling station by electors with mobility difficulty	4.5
- application for registration as an elector	2.19, 2.24, 2.35
- nomination	3.7
- publication of final register	2.35
- publication of provisional register and omissions lists	2.30-2.31
- sending in material for inclusion in introductory leaflet	3.23-3.25
- sending polling notices	4.3
- suggestions of designated spots to reach Director of Home Affairs	Note under 7.19
declaration	
- election advertisement (see also <i>election advertisement</i>)	7.36, 7.51, 7.59, 7.62
- result of election	4.69
Declaration of Secrecy	
- ballot paper sorting station	4.50, 6.46-6.47
- counting station	4.56-4.57, 6.47
- polling station	4.16, 6.30-6.31
dedicated polling station	4.2, 4.6-4.15, 6.12, 6.15, 6.23-6.27, 6.35, 6.45, Appendix A
delivery of ballot box (see also <i>ballot box</i>)	4.41-4.43

delivery of return and declaration of election expenses and donations (see also <i>return and declaration of election expenses and donations</i>).....	15.25
deposit, consent of support (see also <i>consent</i>).....	7.56, 16.10-16.12, 17.13
deposit, election advertisement with RO (see also <i>election advertisement</i>).....	7.56, 7.50-7.52
deposit, permission or authorisation to display election advertisement (see also <i>election advertisement</i>).....	7.20, 7.25, 7.30, 7.56
designated spot for displaying election advertisement (see <i>election advertisement</i>)	
designation of	
- no canvassing zone (see also <i>no canvassing zone</i>).....	4.7, 13.3
- no staying zone (see also <i>no staying zone</i>).....	4.7, 13.3
- polling station (see also <i>polling station</i>).....	4.1-4.2, 4.5
Director of Home Affairs (DHA)	
- appointing counting staff.....	6.5
- designating polling stations.....	4.1-4.2
- keeping sealed packets of documents for safe custody.....	4.70-4.71
- publishing rural by-election notice.....	1.4
- reporting irregularity to the EAC.....	19.11, 19.18
dismounting of election advertisement (see also <i>election advertisement</i>).....	7.26, 7.45
display of election advertisement (see <i>election advertisement</i>)	
disposal of documents and ballot papers.....	4.70-4.72
disposal of donation (see also <i>donation</i>).....	15.19, 15.21, 15.27
disqualification	
- candidate (see also <i>candidate</i>).....	3.6
- elector (see also <i>elector</i>).....	2.17
distribution of election advertisement (see also <i>election advertisement</i>).....	7.5-7.8, 7.49-7.56, 8.1, 12.4, 16.10
donation	
- advance return.....	15.28, 15.35-15.37
- anonymous.....	15.21
- definition.....	15.4
- disposal.....	15.19, 15.21
- in kind.....	15.18, 15.20, 15.23-15.24
- purpose.....	15.4, 15.16-15.17
- receipt.....	15.21, 15.28
- return (see <i>return and declaration of election expenses and donations</i>)	

drawing of lots

- allocation of number to candidate.....3.22-3.23
- allocation of designated spots.....7.23, 7.29, 7.31
- allocation of venue for conducting election meeting.....Appendix E
- determination of election result.....2.38

duress (*see force or duress*)*e*

e-mail.....6.7, 6.9, 6.13, 6.17, 6.19, 6.23-6.24, 6.26, 6.43-6.44, 8.19, 13.6

election

- by-election.....1.3, 1.4, 4.48
- declaration of result.....4.69
- ordinary.....1.3

election advertisement

- corrective declaration.....7.59
- declaration.....7.36, 7.51, 7.59, 7.62
- definition.....7.1-7.8
- deposit with RO.....7.50-7.52
- designated spots.....7.17-7.19, 7.23-7.25, 7.27-7.29, 7.31-7.33
 - allocation.....7.23-7.25, 7.27-7.29
 - outside the village in which a candidate stands.....7.32
 - re-allocation.....7.31
 - suggestions by prospective candidates.....7.19
- dismounting.....7.40-7.42, 7.45, 7.62, 7.64
- distribution.....7.5-7.8, 7.49-7.56, 8.1, 12.4, 16.10
- joint display.....7.33
- joint declaration and submission.....7.33
- mailing
 - addressing.....7.72-7.73
 - conditions.....7.71
- mounting and installation.....7.38-7.44
- negative campaigning.....15.13
- no-display areas.....4.7, 7.26
- penalty.....7.25, 7.60, 7.62
- performance reports.....7.7-7.9
- permission/authorisation of display.....7.16, 7.20, 7.25, 7.30, 7.53, 7.69
- political advertising relating to broadcasting.....10.2, 10.12

election advertisement (*Cont'd*)

- print media.....7.58, 10.18-10.21
- printed election materials.....7.54, 7.57-7.59, 9.9
- printing details.....7.57, 7.59
- private spots.....7.17, 7.20, 8.34
- promoting or prejudicing a candidate.....7.11-7.12
- public inspection.....7.56
- published materials by organisations.....7.66
- quantity.....7.14
- removal.....7.40-7.42, 7.45, 7.61
- re-use of old publicity boards.....7.36
- size.....7.27-7.28, 7.37, 8.32, 11.7
- unauthorised display and consequence.....7.25, 7.62, 13.11

election agent

- appointment.....6.6-6.8
- civil servants acting as agents.....6.5
- lodging of complaint inside polling station.....6.41
- number.....6.3
- qualification.....6.4-6.5
- request for re-count of votes.....4.68
- revocation.....6.9-6.10
- role.....6.12-6.13

election broadcasting

- election advertisements.....10.2
- equal time principle.....10.7-10.8
- fair and equal treatment.....10.3, 10.12
- no unfair advantage principle.....10.12-10.13, 10.22
- participation by candidates.....10.14-10.17
- political advertising.....10.2, 10.13
- restrictions on presenters, regular contributors, actors, musicians, singers or other entertainers who are candidates.....10.14-10.17

election campaigning.....9.5, 9.14, 9.21, 10.6, 10.21, 12.9

election donation (see also *donation*).....7.20, 15.2, 15.4, 15.16, 15.19-15.25

election expenses

- corrupt and illegal conduct (see also *corrupt and illegal conduct* and *illegal conduct*).....6.8, 6.20, 15.11, 15.14, 15.35-15.40, 16.22, 16.25
- definition.....7.13, 15.2, 15.4

election expenses (*Cont'd*)

- items also counted.....6.18-6.19, 7.20, 7.45, 7.62-7.63, 7.66, 7.69-7.70, 8.22, 9.2, 15.4-15.5, 15.7, 15.23-15.25, 16.17, Appendix N
- liability of a candidate.....6.8, 6.21, 15.10, 15.14, 15.26, 15.35
- maximum amount.....7.14, 15.9-15.11
- return (see *return and declaration of election expenses and donations*)
- who may incur.....6.8, 6.12, 6.20, 7.11, 7.33, 15.12-15.15,

election expense agent

- appointment.....6.17-6.18
- authorisation.....6.18, 15.12
- civil servants acting as agent.....6.5
- illegal conduct.....6.20, 15.41
- number.....6.3
- qualification.....6.4-6.5
- revocation.....6.19
- role.....6.20, 15.11

election forums.....9.1, 10.14, 10.22-10.24, Appendix H

election meeting

- at private premises.....9.19-9.20
- definition.....9.1
- in a public place.....9.8, 9.11-9.12
- liability of candidates.....9.4
- notification to the Police.....9.8-9.10, 9.20
- responsibility of organiser.....9.12
- safe conduct, guidance note on election-related activities.....9.13, Appendix H

election petitions.....5.1-5.3

electioneering activities

- at government premises.....8.13
- at private premises.....8.1
 - declare to the management body.....8.39
 - identification of canvassers.....8.22
 - management bodies.....8.1, 8.16, 8.23-8.34, 8.41
 - management company.....8.9, 8.31
 - mutual aid committee.....8.10, 8.31
 - notification of decision to RO.....8.33
 - owners' committee.....8.8-8.9, 8.31
 - owners' corporation.....8.8-8.9, 8.25-8.26, 8.30-8.31, 8.38

electioneering activities (*Cont'd*)

- owners' right..... 8.11, 8.31-8.32
- residents' association..... 8.10, 8.31
- sanction..... 8.41-8.42
- tenants' association..... 8.10, 8.31
- tenants' right..... 8.26-8.29
- corrupt and illegal conduct (see also *corrupt and illegal conduct* and *illegal conduct*)..... 16.8, 16.14-16.18
- in public housing estates..... Appendix E
- in schools..... 12.8-12.9
- participated by school pupils (see also *pupil involvement*)..... 12.2-12.7
- safe conduct, guidance note on election-related activities..... 9.13, Appendix H
- using loud-hailers..... 11.2-11.10

electioneering on TV and radio (see *election broadcasting*)

elector

- application for registration..... 2.18-2.23
- change of other particulars..... 2.24
- change of residential address..... 2.24
- disqualification..... 2.17
- eligibility to vote..... 2.1
- identification at polling station..... 4.19
- imprisoned or held in custody..... 4.2, 6.14, 6.25, 7.73-7.74
- qualification for registration..... 2.2-2.16
- with mobility difficulty (see also mobility difficulty of *electors* and *incapacitated elector*)..... 4.5, 4.34, 6.38

Electoral Registration Officer (ERO)

..... 2.1, 2.6, 2.7, 2.10, 2.16, 2.25, 2.30-2.33, 2.35

eligibility

- nomination of candidates (see *nominations of candidates*)
- to vote..... 2.1

empty opaque bag (see *voting system*)..... 2.38

entertainers, during election..... 10.15

entrance intercom system..... 8.19, 8.21

equal time principle..... 10.7, 10.22

existing village (EV)

- boundary maps 1.5
- definition 1.5
- number 1.5
- voting system 2.36-2.38

exit poll

- application 14.6
- approval 14.7
- identification of interviewers 14.9-14.10
- list conducting exit polls 14.7
- restrictions 13.14, 14.4, 14.8
- sanction (see also *censure* and *reprimand*) 14.11
- secrecy of the vote 14.3
- time for publication of result 14.4

f

fair and equal treatment principle

- common parts of building 8.30-8.31, 8.34-8.35
- display of election advertisement at private premises 7.21, 8.34
- election forums 10.21
- electioneering activities at private premises 8.1, 8.13, 8.30
- electioneering activities in schools 12.9
- electronic media 10.5-10.12
- print media 10.18-10.19, Appendix K
- sanction (see also *censure and reprimand*) 8.16, 8.41-8.42

false claim of support 16.10-16.13, 17.1, 17.14

false statement

- about a candidate 16.8-16.9
- about a complaint 19.19
- in return and declaration of election expenses and donations
..... 15.30-15.34, 15.44
- of withdrawal of candidature 16.8
- penalty 15.44, 15.46

fax 4.5, 6.7, 6.9, 6.13, 6.17, 6.19, 6.23-6.24, 6.26, 6.43-6.44, 7.2, 13.6

filming inside

- ballot paper sorting station (see also *ballot paper sorting station*) 4.51
- counting station (see also *counting station*) 4.57
- polling station (see also *polling station*) 4.43

final register (FR)

- abuse or misuse of information.....Important Note under 2.35
- contentsImportant Note under 2.35
- date of publication2.35
- inclusion of an elector's name.....2.35
- public inspection2.35
- reflection of changes of electors' particulars.....2.35
- validity2.35

first past the post system

- drawing of lots2.38
- equality of votes2.38
- invalid vote.....4.62
- marking of ballot papers.....4.29, 6.39
- mechanism2.38

float design.....11.9, Appendix L

force or duress (see also *corrupt conduct*).....

.....Note under 3.21, 12.2, 16.5-16.6, 16.19

form

- advance return of donations.....6.21, 15.35-15.37
- authorisation for display/distribution of election advertisements at private premises.....8.33
- consent of support.....17.2, 17.12
- corrective declaration of election advertisements.....7.51
- declaration of election advertisements7.50
- Declaration of Secrecy (see *Declaration of Secrecy*)
- nomination (see also *nomination of candidates*).....3.8-3.11
- notice of appointment of counting agents6.43
- notice of appointment of election agent.....6.7
- notice of appointment of polling agents.....6.24
- notice of authorisation of persons to incur election expense.....6.17-6.18
- notice of revocation of appointment of agents.....6.9, 6.19, 6.26-6.27, 6.44
- notice of withdrawal of candidature.....3.21
- notification for public meeting or procession (see also *notification to the Police*).....9.9
- notification of decision on electioneering activities in a building.....8.33
- permission to raise funds.....9.23, Appendix I
- return and declaration of election expenses and donations.....15.26-15.28
- standard receipt for donations.....6.21, 15.21

fund raising activities.....	9.23, Appendix I
------------------------------	------------------

g

government officials (see also *Officials under the Political Appointment System*)

- attending public functions.....18.5-18.9
- civil servants acting as agents for candidates.....6.5
- supporting electioneering activities of a candidate.....6.5, 18.3

h

Home Affairs Department (HAD)

- allocation of polling station4.5
- keeping sealed packets of documents for safe custody4.70
- re-allocation of a polling station4.5
- registration of electors2.19-2.20, 2.22-2.23
- reporting irregularities to EAC19.11
- publishing provisional register and omissions list2.30
- publishing final register2.35

hotline

- complaints.....19.7
- enquiry on designation of polling station.....4.5
- enquiry on information of candidates by school principals.....12.9

hours of poll (see also *polling hours* and *voting*).....4.11

i

identification of

- canvassers conducting electioneering activities in a building.....8.21
- electors at polling stations.....4.17
- interviewers conducting exit poll.....14.9-14.10

illegal conduct

- court to excuse innocent acts.....16.23-16.26
- election advertisement.....7.15
- election expenses exceed maximum amount.....15.10-15.11, 16.22
- false claim of support.....16.10, 16.13, 17.1, 17.14
- false or misleading statement about a candidate.....16.9, 16.13
- incurring election expenses without authority.....7.3, 7.11, 7.33, 7.67, 8.38, 9.2, 15.14

illegal conduct (<i>Cont'd</i>)	
- namedropping	17.1
- penalty	15.41-15.46, 16.3
- voting offences	16.21
impersonation	4.22, 6.33
incapacitated elector (see also <i>mobility difficulty of electors and elector</i>)	3.27, 4.5, 4.23, 4.34, 6.38-6.39
incumbent candidates	7.6-7.7, 15.35
indigenous inhabitant	
- maximum no. of votes	1.8
- registration as an elector	2.7
Indigenous Village (IV)	
- definition	1.5
- number	1.5
- boundary maps	1.5
- voting system	2.36-2.38
inspection	
- election advertisement (see also <i>election advertisement</i>)	7.49
- final register (see also <i>final register</i>)	2.35
- provisional register (see also <i>provisional register</i>)	2.30
- return and declaration of election expenses and donations (see also <i>return and declaration of election expenses and donations</i>)	6.22, 15.38
introduction to candidate	
- contents	3.23-3.25
- submission of message and photograph to RO	3.23-3.25
- to whom it will be sent	3.23
invalid ballot paper (see also <i>ballot paper</i>)	4.62
invalid nomination (see also <i>nomination of candidates</i>)	3.13-3.15, 3.18, 3.20

I

law enforcement agency	2.33-2.35, 4.16, 4.22, 6.30, 6.35, 8.14, 13.15
locking of ballot box (see <i>ballot box</i>)	
loud-hailer (see <i>loudspeaker</i>)	
loudspeaker	
- restrictions	4.7-4.8, 6.40, 8.1, 8.20, 8.24, 9.9, 11.2, 11.4, 11.10, 13.10, 13.12, 14.8
- sanction by EAC	11.4

loudspeaker (*Cont'd*)

- time restriction 11.4
- vehicles 11.4

mmailing of election advertisement (see *election advertisement*)

management bodies 8.1, 8.16, 8.22-8.30, 8.34

management company 8.9, 8.30

marking of ballot paper (see also *ballot paper*) 4.28, 6.39

Market Town (MT)

- definition 1.5
- number 1.5
- voting system 1.8

maximum amount of election expenses (see also *election expenses*)
..... 7.14, 15.9-15.11

media

- print
 - advertisements 7.58, 10.18
 - relating to exit poll results 14.4
 - fair and equal treatment 10.18-10.19, Appendix K
 - restrictions on regular columnists 10.20
- TV and radio (see also *election broadcasting* and *election forums*)
..... 10.2-10.12, 10.22

misconduct

- in or in the vicinity of ballot paper sorting station 4.52
- in or in the vicinity of counting station 4.58, 6.50
- in or in the vicinity of polling station 4.40-4.43, 6.34-6.35

mobile exhibitions 9.21-9.22

mobile telephone 4.40-4.41, 6.34, 8.19

mobility difficulty of electors

- marking of ballot paper 4.30, 6.38-6.39
- re-allocation of polling station 4.5
- template (see *template*)

mounting and installation of election advertisement (see also *election advertisement*) 7.38-7.44

musicians, during election period 10.15

mutual aid committee 7.2, 7.66, 8.10, 8.31, 9.19, 9.21, 17.5, Appendix P

n

namedropping

- form of consent 17.12-17.13
- guidelines for mutual aid committees 17.5, Appendix P
- illegal conduct (see also *false claim of support* and *illegal conduct*) 17.1-17.11
- penalty (see also *censure* and *reprimand*) 17.14

negative campaigning 15.12

no canvassing zone (NCZ)

- canvassing activities allowed/forbidden (see also *canvassing activities*) 4.8, 7.26, 13.10-13.12, 13.15, 14.8, Appendix D
- designation 4.7, 13.3-13.4
- notice of declaration 4.7, 13.5-13.9
- penalty 13.15, 13.17
- purpose 4.7, 13.2
- variation 13.7-13.9

no-display areas (see also *election advertisement*) 4.7, 13.3-13.4

no staying zone (NSZ)

- canvassing activities forbidden 4.7-4.8, 13.13-13.15
- designation 4.7, 13.3
- notice of declaration 13.5-13.9
- penalty 13.15, 13.17
- purpose 4.7, 13.2
- variation 13.7-13.9

no unfair advantage principle 10.6-10.13, 10.22-10.25

noise nuisance 11.2, 11.4

nomination of candidates

- corrupt conduct 16.5-16.7
- disqualifications 3.6
- false declaration 3.12
- form 3.8-3.10
- invalid 3.11, 3.14-3.15, 3.18, 3.20
- notice of validly nominated candidates 3.22
- period 3.7
- procedure 3.8-3.10
- qualifications 3.2
- subscriber 3.9, 3.14, 3.18
- validity 3.13-3.20
- withdrawal 3.21

notification to RO regarding electioneering activities in a building 8.33

notification to the Police

- public meeting (see also *public meeting*).....9.8-9.10

- public procession (see also *public procession*).....9.15

notice of

- declaration of no canvassing zone (see also *no canvassing zone*).....4.7, 13.5-13.9
- nomination (see also *nomination of candidates*).....3.7, 3.13
- result of election (see also *counting station and result*).....4.69
- validly nominated candidates (see also *nomination of candidates*).....3.22

oOfficials under the Political Appointment System (see also *government officials*)

.....18.11-18.13

omissions list.....2.31

opening of ballot box (see also *ballot box*).....4.53-4.54

ordinarily resided in Hong Kong.....2.24, 2.26, 3.3, 3.5

owners' committee.....7.2, 7.66, 8.8-8.9, 8.31

owners' corporation.....7.2, 7.66, 8.6-8.9, 8.25-8.27, 8.31, 8.37, 8.38, 9.19, 9.21, 17.4

p

paging machine.....4.40, 6.34

performance report.....7.7-7.9

period for nomination (see also *nomination of candidates*).....3.7

permission/authorisation of display

- display of election advertisement at private premises.....7.16-7.17, 7.20, 7.25
- display of election advertisement on designated spots.....7.16-7.17, 7.25, 7.27

personal data privacy, guidance note on electioneering activities.....8.18, 17.10, Appendix F

photograph, introductory leaflet.....3.25

photographing inside

- ballot paper sorting station (see also *ballot paper sorting station*).....4.51
- counting station (see also *counting station*).....4.57
- polling station (see also *polling station*).....4.43

polling agent

- appointment 6.23-6.25
- civil servants acting as agents 6.5
- conduct inside polling station 6.34-6.35
- lodging of complaint inside polling station 6.41
- number 6.3
- qualification 6.4-6.5
- revocation 6.26
- role 6.28, 6.33

polling day 4.3

polling hours 4.11

polling notices

- contents 4.3
- date of sending 4.3

polling station

- admission 4.41-4.16, 6.29-6.31
- allocation 4.2, 4.5
- a cluster of designated polling stations 4.2
- canvassing activities forbidden 4.40
- communication with electors inside 4.41
- conduct inside 4.40-7.43, 6.33-6.35
- conduct outside 4.7-4.8, 13.10-13.15
- dedicated polling station
..... 4.2, 4.6-4.14, 6.12-6.15, 6.23-6.26, 6.35, 6.45, Appendix A
- designation 4.1-4.2
- persons with a mobility difficulty 4.5
- photographing, filming and recording 4.43
- re-allocation 4.5
- situated in maximum security prison 4.11, 4.14, 6.12-6.13
- specially designated polling station 4.5

posting arrangement of election advertisement (see *election advertisement*)

presenters of TV, radio and movie

- guest presenter 10.14
- restrictions to appear in a programme 10.14-10.15

Presiding Officer (PRO)

- after the close of poll 4.44
- assistance to incapacitated electors 4.34, 6.39
- before commencement of poll 4.11

Presiding Officer (PRO) (*Cont'd*)

- overseeing no canvassing zone.....	13.11, 14.8
- questioning electors before issuing ballot paper.....	4.21, 6.33
- recording complaint.....	19.9-19.10
- regulating number of persons inside polling station.....	4.15, 6.16
- reporting irregularities to the EAC.....	19.11, 19.17-19.18
print media (see also <i>media</i>)	
- advertising through.....	7.58, 10.18-10.21
- fair and equal treatment (see also <i>fair and equal treatment principle</i>).....	10.19, 10.21, Appendix K
printed election materials (see also <i>election advertisement</i>).....	7.64, 7.50, 7.54, 7.57-7.59, 9.9
printing details of election advertisement (see also <i>election advertisement</i>).....	7.50, 7.57, 7.59-7.65, 7.64,
privacy of electors.....	8.18
private premises	
- display of election advertisement (see <i>election advertisement</i> and <i>fair and equal treatment principle</i>)	
- election meeting (see also <i>election meeting</i>).....	9.5-9.7, 9.10, 9.19-9.19
- electioneering activities (see <i>electioneering activities</i> and <i>fair and equal treatment principle</i>)	
private spots for displaying election advertisement (see also <i>election advertisement</i>).....	7.17, 7.20, 8.33
procedure	
- complaints (see also <i>complaints</i>).....	19.7-19.9
- nomination (see also <i>nomination of candidates</i>).....	3.8-3.10
propaganda material (see also <i>badge, emblem, clothing or head-dress</i>).....	4.40, 13.10
provisional register (PR)	
- appeals.....	2.33
- contents.....	2.30
- date of publication.....	2.30
- electors to change particulars.....	2.24-2.29
- inclusion of an elector's name.....	2.35
- public inspection.....	2.30
- reflection of changes of electors particulars.....	2.30
public area inside counting station (see also <i>counting station</i>).....	4.50-4.51
public function.....	18.1-18.8
public fund-raising permits (see also <i>fund raising activities</i>).....	9.23, Appendix I

public housing estates (see also <i>electioneering activities</i>).....	Appendix E
public meeting (see also <i>election meeting</i>)	
- notification.....	9.8-9.10
- prohibition.....	9.11
- responsibility of organiser.....	9.12
public observation inside counting station (see also <i>counting station</i>).....	4.51
public procession.....	9.14-9.18
- notification to the Police.....	9.9
public statement.....	7.64, 8.41, 10.25-10.26, 11.11, 12.10, 14.7, 14.11
pupil involvement	
- canvassing activities (see also <i>canvassing activities</i>).....	12.2-12.7
- sanction (see also <i>censure</i> and <i>reprimand</i>).....	12.2, 12.10
- undue influence (see also <i>force or duress</i>).....	12.2, 12.4

q

qualification

- candidate (see also <i>candidate</i>).....	3.2
- counting agent (see also <i>counting agent</i>).....	6.4-6.5
- election agent (see also <i>election agent</i>).....	6.4-6.5
- election expense agent (see also <i>election expense agent</i>).....	6.4-6.5
- elector (see also <i>elector</i>).....	2.2-2.16
- polling agent (see also <i>polling agent</i>).....	6.4-6.5
- subscriber (see also <i>subscriber</i>).....	3.9
questionable ballot paper (see also <i>ballot paper</i>).....	4.63-4.66

r

re-allocation of polling station (see also <i>polling station</i>).....	4.5
recording (video or audio) inside	
- ballot paper sorting station (see also <i>ballot paper sorting station</i>).....	4.51
- counting station (see also <i>counting station</i>).....	4.57
- polling station (see also <i>polling station</i>).....	4.43
re-count of votes (see also <i>counting of votes</i>).....	4.68-4.69
register	
- final register (see <i>final register</i>)	
- provisional register (see <i>provisional register</i>)	
- use of information obtained.....	Important Note under 2.35

Registration and Electoral Office (REO)

- reporting irregularities to EAC	19.11, 19.17
regular columnists, restrictions to contribute articles	10.20
regular contributors, restrictions to appear in a programme	10.14
reprimand (see also <i>censure</i>)	
- breach of time restriction when using loud-hailers	8.20, 11.4
- breach/non-compliance of the Guidelines	1.24, 7.64, 11.11, 16.30, 19.14
- corrupt and illegal conduct	16.30
- exit poll	14.7, 14.11
- false claim of support	16.30, 17.14
- involving youths of school age	12.2, 12.10
- namedropping	16.30, 17.14
- opportunity to make representations	19.14
- unauthorised display of election advertisements	7.64
- unauthorised electioneering against the decision of an organisation or building	8.16
- unfair and unequal treatment	8.32, 8.41-8.42, 10.25-10.26
residents' association	8.10, 8.31
restricted zone	6.34, 13.3-13.5, 13.8-13.9
restrictions on	
- canvassing activities in no canvassing zone and no staying zone	4.7-4.8, 7.26, 13.10-13.15, 14.8, Appendix D
- presenters	10.14
- regular columnists	10.20
- regular contributors	10.14
- use of loud-hailers	4.7-4.8, 6.40, 8.1, 8.20, 8.24, 9.9, 11.2, 11.4, 11.10, 13.10, 13.12, 14.8
result	
- declaration	4.69
- notice	4.69
- publication in Gazette	4.69
return and declaration of election expenses and donations	
- court power to excuse innocent acts	16.23-16.26
- delivery	15.26
- false statement	15.30-15.34, 15.44
- omissions and mistakes	15.29-15.31
- penalty for non-compliance	15.43-15.46
- public inspection	6.22, 15.38

return and declaration of election expenses and donations (*Cont'd*)

- requirement.....15.26

Returning Officer (RO)

- allocation of designated spots.....3.23, 7.18, 7.23, 7.25, 7.27-7.29, 7.31
- authorising other form of delivery of nomination form to RO.....3.10
- authorising public officers to enter counting station.....4.55
- authorising public officers to enter polling station.....4.14
- conduct of a re-count.....4.68-4.69
- decision on a ballot paper.....4.65-4.66
- declaration of election result.....4.69
- designation and declaration of no canvassing zone and no staying zone...
.....4.7, 13.3-13.9
- designation of designated spots.....7.18-7.19, 7.23
- displaying notice of result.....4.65
- handling complaints.....7.64, 19.4-19.5, 19.9, 19.11-19.13
- keeping order at polling and counting stations.....4.42, 4.58
- opening of ballot box at counting station.....4.59, 4.61
- providing sketch maps of polling station and no canvassing zones....7.26
- reporting irregularities to EAC.....19.11, 19.17-19.18

Revising Officer.....2.34-2.35

revocation

- counting agent (see also *counting agent*).....6.44
- election agent (see also *election agent*).....6.9
- election expense agent (see also *election expense agent*).....6.19
- polling agent (see also *polling agent*).....6.26

role

- counting agent (see also *counting agent*).....6.45
- election agent (see also *election agent*).....6.12
- election expense agent (see also *election expense agent*).....6.20
- polling agent (see also *polling agent*).....6.28

roll-up banner.....7.2, 7.46

Rural Areas

- types and numbers.....1.5-1.8

s

schools, electioneering activities.....12.8-12.9

school pupils (see *pupil involvement*)sealing of ballot box (see *ballot box*)

secrecy of the vote

- exit poll (see also *exit poll*) 14.3
- inside a ballot paper sorting station 4.50, 6.46-6.47
- inside counting station 4.56, 6.46-6.47
- inside polling station 4.16, 4.28, 4.35, 6.30

secrecy of voting (see *secrecy of the vote*)

Secretary for Home Affairs (SHA)

- appointing date of election 1.3-1.4
- appointing Electoral Registration Officer 2.1

singers, during election period 10.15

spoilt ballot paper, replacement (see also *ballot paper*) 4.37

subscriber (see also *nomination of candidates*)

- number required 3.9
- qualification 3.9

t

telephone (see *mobile telephone*)

template (see also *visually impaired electors*) 4.33, 6.39

tenants' association 8.10, 8.31

tendered ballot paper (see also *ballot paper*) 4.38, 4.62, 6.32

treating (see also *corrupt conduct*) 9.3, 16.15-16.18

TV and radio (see also *election broadcasting* and *election forums*) 10.2-10.13

types and numbers of agents 6.3

u

undue influence (see also *corrupt conduct*) 12.4, 16.22-16.23

unissued ballot paper (see also *ballot paper*) 4.13, 4.44-4.45

unused ballot paper (see also *ballot paper*) 4.44

v

validity

- ballot paper (see also *ballot paper*) 4.63-4.65
- nomination (see also *nomination of candidates*) 3.13-3.20

vehicles (see also *loudspeaker*) 11.6-11.9

video or audio recording inside (see also recording (video or audio) inside)

visual deficiency (see also *incapacitated elector*) 4.34, 6.38

visually impaired electors	
- assistance to mark a ballot paper.....	4.34, 6.38
- template.....	4.33, 6.39
voluntary service.....	15.4, 15.20, 15.25
voting	
- corrupt conduct (see also <i>corrupt conduct</i>).....	4.32, 6.33, 16.19, 16.21
- disqualification.....	2.17
- eligibility.....	2.1
- empty opaque bag.....	2.38
- marking of ballot paper (see also <i>ballot paper</i>).....	4.29, 6.38-6.39
- number of vote allowed.....	1.8
- secrecy (see <i>secrecy of the vote</i>)	
- time.....	4.11
- where.....	4.2-4.6
voting compartment.....	4.29, 4.32, 4.39, 6.34
voting offences (see also <i>corrupt conduct</i>).....	16.21
voting preference (see also <i>corrupt conduct</i>).....	16.14-16.15
voting system	
- empty opaque bag.....	2.38
- first past the post system (see also first past the post system).....	2.36, 2.38
w	
website(s) of	
- candidates.....	7.2
- ICAC.....	16.2
withdrawal of candidate (see also <i>candidate</i> ; <i>corrupt conduct</i> and <i>false statement</i>).....	3.21, 16.5-16.8