

Legislative Council Panel on Constitutional Affairs

**Practical arrangements of the 2022 Chief Executive Election and
Guidelines on Election-related Activities in respect of
the Chief Executive Election to be issued by the Electoral Affairs Commission**

PURPOSE

The 2022 Chief Executive (“CE”) Election will be held on 27 March 2022. This paper sets out the key electoral arrangements proposed by the Electoral Affairs Commission (“EAC”) for the election and the Guidelines on Election-related Activities in respect of the CE Election (“the Guidelines”) to be published by the EAC.

BACKGROUND

2. The EAC is an independent statutory body responsible for the conduct and supervision of elections. The EAC, supported by the Registration and Electoral Office (“REO”), is making preparations for the 2022 CE Election. Paragraphs 3 to 35 in Section (I) below elaborate the key electoral arrangements regarding polling stations, voting system, vote counting, security and contingency planning, while paragraphs 36 to 39 in Section (II) briefly set out the key updates and changes to the Guidelines.

(I) Proposed Electoral Arrangement

(A) Polling Date and Nomination Period

3. The Election for the sixth term Chief Executive will be held on 27 March 2022. In accordance with sections 10 and 12 of the Chief Executive Election Ordinance (“CEEO”) (Cap. 569), the polling date shall be published by notice in the Gazette

4. Section 15 of the CEEO provides that the nomination period is to be determined by the Chief Electoral Officer (“CEO”), and that the nomination period shall not be less than 14 days and shall terminate on a day earlier than the 21 days before the polling date. It is an established practice to set a 16-day nomination period. Following this practice, the CEO plans to set the nomination period for the coming CE Election from 15 February (Tuesday) to 2 March (Wednesday)

2022, lasting a total of 16 days. The said period will be published in the Gazette in due course.

5. In accordance with the law, candidates are required to deliver the nomination forms in person to the Returning Officer¹ (“RO”)’s office during the nomination period, except where the RO has authorised any other manner of delivery.

(B) Polling Stations

(a) Main Polling Station

6. For the 2022 CE Election, the Main Polling Station (“MPS”) will be set up at the Hong Kong Convention and Exhibition Centre (“HKCEC”). Similar to other elections, the RO for the election will designate an area outside the MPS as the No Canvassing Zone (“NCZ”) and No Staying Zone² (“NSZ”).

(b) Dedicated Polling Station

7. Apart from the MPS at the HKCEC, we shall set up dedicated polling stations (“DPSs”) at the penal institutions, so that registered electors who are imprisoned or remanded under the custody of the Correctional Services Department (“CSD”) can cast their votes. The number of DPSs to be set up depends on the number and distribution of such electors on the polling day. We also plan to set up one DPS at one police station for registered electors who are remanded or detained on the polling day by law enforcement agencies other than CSD, such as the Police, Independent Commission Against Corruption and the Customs and Excise Department, to cast their votes.

(C) The Voting System

8. Generally speaking, in a CE Election, a candidate who obtains more than 750 valid votes is elected at the election. A poll will be held irrespective of whether it is a contested election or an uncontested election, but different voting systems will be adopted for these two different scenarios. When there are two or more validly nominated candidates contesting in the election, each elector can cast

¹ In accordance with section 41 of the CEEO, the EAC shall appoint a judge of the Court of First Instance (or above) to be the RO of the CE Election.

² In accordance with section 23(2) of the Electoral Procedure (Chief Executive Election) Regulation (Cap. 541J) (“EP(CEE)Regulation”), the RO shall give a notice indicating the boundaries of the NCZ and NSZ to every candidate at least seven days before the polling date.

a single vote by marking the candidate of his/her choice with the chop with a “✓” provided. If there is only one validly nominated candidate in an uncontested election, each elector can cast either a “SUPPORT” vote or a “NOT SUPPORT” vote. Details of the two different systems are set out in paragraphs 9 to 17 below.

(a) Contested Election

When there are three or more validly nominated candidates

9. In an election with three or more validly nominated candidates, the candidate who obtains more than 750 valid votes in the first round of the election is elected. Otherwise, the candidate who obtains the highest number of valid votes and those candidate(s) who obtain(s) the next highest and the same number of valid votes, or those candidates who obtain the highest and the same number of valid votes shall remain and all other candidates shall be eliminated. Then another round of voting will be conducted. The aforesaid voting and elimination process shall be repeated until at the end of any subsequent round of voting, a candidate obtains more than 750 valid votes; or until there are only two remaining candidates and one single round of voting is conducted for the two candidates as described in paragraphs 10 to 12 below.

When there are two validly nominated candidates

10. When there are two validly nominated candidates or two remaining candidates after the elimination of all other candidates at the end of all the necessary rounds of voting as described in paragraph 9 above, only one single round of voting will need to be conducted for them.

11. If a candidate obtains more than 750 valid votes in that single round of voting, the candidate is elected at the election. The RO shall then publicly declare the candidate as elected at the election, and publish the result of the election in the Gazette.

12. However, if no candidate obtains more than 750 valid votes in that single round of voting, no candidate is returned at the election and the RO must publicly declare that no candidate is returned at the election, and publish the declaration and result of the poll as well as a notice of termination of the proceedings for the election in the Gazette. There will be another round of nomination and voting and, if necessary, the electoral process will be repeated until a candidate is returned.

Polling date for another round of election

13. In accordance with the CEEO, the new polling date shall be on the 42nd day after the termination of the proceedings for the election, i.e. 8 May 2022³.

Polling hours for different rounds of voting

14. The time of different rounds of voting will be designated as follows –

Round of voting	Time of voting
(a) First round of voting	9:00 am to 11:00 am
(b) Second round of voting (if necessary)	3:00 pm to 4:00 pm
(c) Third round of voting (if necessary)	7:00 pm to 8:00 pm

In the event that a second round or further rounds of voting is required, an announcement will be made at the Central Counting Station⁴ (“CCS”) to inform electors of the date and time for the next round of voting. The REO will also collect contact information of electors in advance and inform the electors of the date and time for the next round of voting by Short Message Service (“SMS”). In the event that there is a need for the fourth round or further rounds, it will be held on 28 March 2022 at the same polling stations.

15. For the DPS(s) at CSD penal institutions, if required to be set up, the polling hours will last an hour for each round of voting (i.e. 9:00 a.m. to 10:00 a.m. for the first round, 3:00 p.m. to 4:00 p.m. for the second round and 7:00 p.m. to 8:00 p.m. for the third round) as the number of elector(s) should be minimal and one hour is considered sufficient for them to cast their votes.

³ It is assumed that the proceedings are terminated on 27 March 2022. According to section 11(2) of the CEEO, the new polling date shall, where the 42nd day after the termination of the proceedings for the election – (i) is a Sunday, be that Sunday; or (ii) is not a Sunday, be the Sunday immediately following that day.

⁴ The CCS will be set up at the HKCEC (Please see paragraph 29 below).

(b) Uncontested Election

16. In an uncontested election, an elector may cast either a “SUPPORT” or “NOT SUPPORT” vote. If the candidate obtains more than 750 “SUPPORT” votes, he/she is elected at the election. The RO shall then publicly declare him/her as elected at the election and publish the result of the election in the Gazette. The polling hours of an uncontested election shall be designated to run from 9:00 am to 11:00 am on the polling day (i.e. the same with the first round of voting under the scenario of a contested election).

17. If the number of “SUPPORT” votes obtained by the sole candidate does not exceed 750 in the poll, the candidate shall not be returned at the election. The RO shall publicly declare that no candidate is returned and the proceedings for the election be terminated. There will be another round of nomination and voting and, if necessary, the electoral process will be repeated until a candidate is returned (please see paragraphs 12 and 13 above).

(D) Polling Notice

18. At least ten days before the polling date, a polling notice for the election will be sent to every registered elector, stating the polling date, the address of the polling station and the polling hours. The polling notice will be accompanied by a location map of the polling station, detailed voting instructions and details of the polling and counting procedures.

(E) Arrangements of Issuing Ballot Papers at the Polling Station

19. To enhance workflow efficiency and accuracy in the ballot paper issuance process, the Electronic Poll Register (“EPR”) system will be implemented in the 2022 CE Election. At the ballot paper issuance desks, polling staff will retrieve records of electors from the centralised servers hosted on the Government Cloud Infrastructure Services for verification. After issuing the ballot paper, the elector’s record in the centralised server will be updated to reflect that the elector had obtained the ballot paper he/she is entitled to.

(F) Ballot Papers and Ballot Box

20. The design of the ballot papers will follow the form as set out in the Schedule to the EP(CEE) Regulation. In a contested election where more than one round of voting may be required, ballot papers to be used in different rounds will be differentiated by different colours. We will use the ballot boxes used in

the 2017 CE Election for the 2022 CE Election.

(G) Vote Counting Arrangements

21. The vote counting arrangements for the 2022 CE Election will largely follow those adopted in the 2017 CE Election, with votes to be counted centrally in the CCS. After the close of poll, polling staff (including those in DPS(s)) will deliver the ballot boxes to the CCS under police escort and accompanied by not more than two candidates and/or their agents.

22. A counting zone will be set up within the CCS for the counting of votes. The RO will take charge of the counting zone. Questionable ballot papers will first be separated during the counting process for subsequent determination by the RO. Candidate(s) or his/her/their agent(s) may make representations during the determination process. The decision of the RO on the validity of ballot papers is final.

23. Upon completion of the count, the RO will notify the candidate(s) or his/her/their agent(s) of the counting results. If there is no request for a re-count, the RO will then declare the results publicly at the Media Centre.

(H) Introduction to Candidates

24. Under existing arrangement, candidates are free to make use of the Introduction to Candidates published by the REO for promoting their candidatures. Following the practice of the 2017 CE Election, the Introduction to Candidates for each candidate may take up approximately one A4-sized page.

(I) Address Labels and Candidate Mailing Label System (“CMIS”)

25. To facilitate candidates’ sending out election mail by free postage, the REO will provide, upon request, each validly nominated candidate with two sets of labels pertaining to the electors’ addresses.

26. The REO will also continue the practice of providing, upon request, each validly nominated candidate with the CMLS containing the mailing information of electors (including their names and addresses and, if provided by the electors, their email addresses). Candidates may make use of the information in the CMLS to send election mail by post or electronically to the electors’ email addresses. Reminder messages will be shown on/in the cover, the user guide and the programme of CMLS to remind candidates that the personal information of

electors may only be used for an election-related purpose for the 2022 CE Election, and to draw their attention to the legal consequences of non-compliance. Candidates are required to sign an undertaking on the proper use and disposal of electors' information before they are provided with the address labels and/or CMIS.

(J) Public Inspection of Election Advertisements (“EAs”)

27. To comply with the public inspection requirement stipulated in the electoral law, candidates may deposit copies of their EAs and the relevant information and documents with the RO, or upload the electronic copies onto an open platform maintained by the CEO (referred to as “Central Platform”) or an open platform maintained by the candidate (referred to as “Candidate’s Platform”) for public inspection within one working day after the publication of the EAs. For those EAs of which uploading on the Central Platform or Candidate’s Platform is not practicable (e.g. electioneering messages of interactive and spontaneous nature, video streaming or live broadcasting through social networking and communication websites on the internet), candidates may upload the hyperlinks of the EAs onto the Central Platform or Candidate’s Platform in order to comply with the public inspection requirement.

(K) Facilitation Measures for Electors with Special Needs

28. As in previous elections, the REO will continue to make best endeavours to facilitate electors with special needs to exercise their right to vote. The facilitation measures will include appealing to candidates to provide the text version of Introduction to Candidates for persons with visual impairment and provision of braille templates and braille list of candidates at the MPS, etc.

(L) Central Counting Station (“CCS”)

29. The CCS for the 2022 CEE will also be set up at the HKCEC. In addition to handling the counting process centrally, we will also set up a Central Command Centre, Statistical Information Centre and Media Centre at the CCS.

(a) Central Command Centre (“CCC”)

The CCC to be set up at the CCS will oversee the conduct of the poll and vote counting, and provide central command and helpdesk/support services.

(b) Statistical Information Centre (“SIC”)

A SIC will be set up in the CCS to collect and consolidate voter turnout statistics, and to check the counting results collected from CCS. The voter turnout figures will be made available to the public through press releases and the dedicated website for the 2022 CEE.

(c) Media Centre (“MC”)

A MC will be set up in the CCS to facilitate the dissemination of counting results to the candidates, the media and the public. Election result will be declared by the RO at the MC. Inside the MC, there will be designated areas for use by candidates and their agents, the media and the public. If needed, media announcements will be made through the MC.

(M) Security Planning

30. In accordance with section 27 and section 47 of the EP(CEE) Regulation, the PRO shall keep order at the polling station and RO in charge of the counting zone of the CCS shall keep order at the CCS. If, on the polling day, in the polling station or CCS, a person fails to comply with a lawful direction given by the PRO or the RO, disrupts the poll or the count, disturbs or causes inconvenience to any person or misconducts himself/herself, the PRO or the PO may order the person to leave the polling station or the CCS or its vicinity (as the case may be) immediately.

31. We will, in consultation with the law enforcement agencies and venue management, prepare security plan to ensure public order and safeguard government properties at the MPS, CCS and the MC.

(N) Contingency Planning

32. Section 21 of the CEEO and section 61 of the EP(CEE) Regulation provide for the postponement/adjournment of the election, the poll or the count under specified circumstances. We shall set up a Crisis Management Committee (“CMC”) to provide professional advice, where necessary, to the EAC on the handling of matters concerning postponement or adjournment of the election, the poll or the count under the specified circumstances. The EAC will decide how best the situation should be handled having regard to the circumstances at the material time and the advice of the CMC. The CMC is chaired by the EAC

Chairman and comprises the representatives of the relevant policy bureaux/departments depending on the issues under consideration.

(O) Proposed Safety Measures for Election amid COVID-19 Pandemic

33. Although the Coronavirus Disease 2019 (“COVID-19”) situation in Hong Kong has slightly stabilised recently, we anticipate that chances are slim that it will be over when the 2022 CE Election is conducted. To prevent the spread of COVID-19 pandemic, after consultation with the Food and Health Bureau and Centre for Health Protection (“CHP”), we shall implement the following arrangements -

(a) Ordinary electors, candidates, agents, electoral staff and the public

Before entering the MPS and CCS, all persons should wear masks, have their body temperature checked, use instant hand sanitizers provided to clean their hands, and keep social distancing of one metre. If electoral staff, candidates, agents or members of the public are confirmed to have fever or are reported to have respiratory symptoms or sudden loss of taste/smell, the electoral staff will not be allowed to discharge their electoral duties, while candidates and agents will not be allowed to enter the stations (though the candidates may appoint other agents to observe the poll or the count), and members of the public will not be allowed to enter CCS to observe the count.

(b) Electors with fever or respiratory symptoms or sudden loss of taste/smell

Electors with fever, respiratory symptoms or sudden loss of taste/smell will be assigned to vote at designated compartments at the MPS, which will be segregated from other electors as far as possible. The compartments will be suitably disinfected after each use.

(c) Electors returning to Hong Kong (i.e. those under quarantine at designated places (home, self-arranged accommodation or in designated quarantine hotels))

Having considered the public health risks arising from COVID-19 cases with mutant strains of COVID-19 virus of high transmissibility, if these electors returning to Hong Kong wish to cast their votes in the election, they should return to Hong Kong at least 21 days before the polling day to ensure that they can complete the quarantine duration in time and

proceed to the assigned polling station to vote. We would strengthen the publicity of the relevant messages ahead of the polling day.

(d) Confinees in Quarantine Centres (“QCs”)

Unlike electors returning to Hong Kong in (c) above, confinees in QCs are quarantined without being given any prior notice and they would not be able to make plans or arrangements ahead to exercise their voting right. Having implemented measures to mitigate the risk of infection in consultation with the CHP, the REO will set up a polling station inside the Penny’s Bay QC.

34. The REO will continue to closely monitor the development of COVID-19 in Hong Kong, and draw up details of the electoral arrangements and safety measures in consultation with the CHP in order to ensure electors’ safety and prevent the spread of COVID-19 in the MPS and the CCS.

(P) Experience in the 2021 Election Committee Subsectors Ordinary Elections

35. Regarding the issues in the voting and counting processes of the 2021 Election Committee Subsectors Ordinary Elections, the Constitutional and Mainland Affairs Bureau is following up the relevant work with the EAC and the REO by comprehensively reviewing and improving the various relevant electoral arrangements, so as to ensure that the two upcoming important elections (including the CE Election to be held in March next year) would be conducted smoothly, with a view to enhancing the efficiency, accuracy and security of electoral arrangements as well as the convenience to the electors.

(II) Guidelines on Election-related Activities in respect of the CE Election

36. In addition to the electoral arrangement set out above, under section 6(1)(a) of the Electoral Affairs Commission Ordinance (Cap. 541) (“EACO”), the EAC may issue guidelines relating to the conduct or supervision of an election, providing a code of conduct based on the principle of fairness and equality for conducting election-related activities. The Guidelines are published for such purposes, and aim to give guidance in layman’s language on compliance with the relevant electoral legislation.

37. It has been the established practice of the EAC to update and publish the Guidelines before a CE election for adoption in the election. The updated Guidelines will incorporate changes in the electoral legislation and take into account revisions which are needed in the light of past experience to enhance and align the provisions therein.

38. The EAC has been updating the Guidelines on the basis of the edition issued in October 2016. The alterations and adaptations made are mainly to reflect the relevant legislative amendments relating to the electoral arrangements of the CE election since October 2016, including the following -

- (a) reflecting the amendments on the conduct of the CE election under the improved electoral system, for example –
 - (i) to expand the size of the Election Committee (“EC”), which shall be responsible for nominating candidates for the CE election and electing the CE designate, from 1 200 seats to 1 500 seats;
 - (ii) to specify that a nomination form must be subscribed by not less than 188 members of the EC, with not less than 15 members of the EC from each of the five sectors;
 - (iii) to specify that a candidate who obtained more than 750 valid votes (at a contested election) or “SUPPORT” votes (at an uncontested election) is elected at the election;
 - (iv) to set out the composition of the Candidate Eligibility Review Committee (“CERC”) and specify that the CERC is responsible for reviewing and confirming the eligibility of CE candidates, that it may request the opinion of RO and may also make a decision based on the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region (“CSNS”), and that no legal proceedings may be instituted in respect of a decision made by the CERC on the eligibility of a candidate pursuant to the opinion of the CSNS; and
 - (v) to provide for the relevant workflow and arrangement of the EPR system to be used for issuing ballot papers;

- (b) reflecting the amendments made to the CEEO to disqualify persons who have vacated an office/been disqualified from entering on an office for declining or neglecting to take an oath, breached an oath or failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region of the People's Republic of China, from being nominated as a candidate or being elected in the CE election held within five years;
- (c) reflecting the amendments made to the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) to specify that any person who incites another person not to vote or to cast an invalid vote by way of public activity during an election period engages in illegal conduct, as well as other amendment such as the arrangements for lodging election returns by candidates and an exemption from criminal liability for a third party publishing an election advertisement on the Internet and the only election expenses thus incurred are merely electricity and/or Internet access charges; and
- (d) reflecting the amendments made to the Maximum Amount of Election Expenses (Chief Executive Election) Regulation (Cap. 554A) to increase the limit on the maximum amount of election expenses which can be incurred by candidates.

39. In drawing up the Guidelines, the EAC has taken into account the experience in past elections and has suggested revisions to align, where appropriate, with the amendments already made to other electoral guidelines. Opportunity is also taken to include new electoral arrangements and the amendments suggested by relevant government bureaux/departments and organisations. For Members' easy reference, the major changes in the updated Guidelines as compared with the last edition are summarised at **Annex**. The EAC is refining the content of the Guidelines and preparing its English version, and will publish the final Guidelines after the 2021 Legislative Council General Election to be held on 19 December 2021.

ADVICE SOUGHT

40. Members are invited to express views on the proposed arrangements set out in this paper.

**Registration and Electoral Office
October 2021**

**Major Changes in the Guidelines on
Election-related Activities in respect of the
Chief Executive Election
as Compared with the Previous Version Issued in October 2016**

Relevant Chapter	Major Changes
<p>Chapter 1 <i>Introduction</i></p>	<ul style="list-style-type: none"> ● in accordance with the newly amended Annex I to the Basic Law, updating the required number of nominations from members of the Election Committee (“EC”) a person has to secure for being nominated as a Chief Executive (“CE”) candidate and the required number of votes a CE candidate has to obtain to be elected. (para. 1.3).
<p>Chapter 2 and Appendix 2 <i>The Election Committee</i></p>	<ul style="list-style-type: none"> ● specifying that in respect of the new term of EC elected in 2021, the term of office shall be from 22 October 2021 to 21 October 2026 in accordance with the amendment made to section 9 of the Chief Executive Election Ordinance (Cap. 569) (“CEEEO”) in May 2021 (para. 2.1); ● updating the composition of the EC in accordance with the amendment made to section 2 of the Schedule to the CEEEO in May 2021 (paras. 2.2, 2.3 and Appendix 2); ● specifying the circumstances where a member of the EC shall be disqualified from making nomination at a CE election in accordance with the amendment made to sections 16(5) and (5A) of the CEEEO which will come into operation in October 2021 (para. 2.6); and ● specifying the circumstances where a member of the EC shall be disqualified from voting at a CE election in accordance with the amendment made to sections 26(1) and (2) of the CEEEO which will come into operation in October 2021 (para. 2.7).
<p>Chapter 3 <i>Nomination of candidates</i></p>	<ul style="list-style-type: none"> ● specifying that in respect of eligibility for being nominated as a candidate, in determining whether or not a person is “ordinarily resident in Hong Kong”, multiple factors and the circumstances of

Relevant Chapter	Major Changes
	<p>the case should be taken into consideration with reference to the relevant court cases (paras. 3.7 to 3.9);</p> <ul style="list-style-type: none"> ● updating the circumstances in which a person shall be disqualified from being nominated as a candidate in accordance with the new provision under section 14(2) of the CEEO added in May 2021. It is specified that any person who, within 5 years before the date of nomination, vacates an office or is disqualified from entering on an office under the law for declining or neglecting to take a specified oath; or is declared or decided in accordance with any law to be in breach of a specified oath, or to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China, shall be disqualified from being nominated as a candidate (para. 3.10); ● specifying that a nomination form must be subscribed by not less than 188 members of the EC in accordance with the amendment made to section 16(2) of the CEEO which will come into operation in October 2021, with not less than 15 members of the EC from each of the 5 EC sectors (para 3.13(a)); ● setting out the composition of the Candidate Eligibility Review Committee (“CERC”), specifying that the CERC will review and confirm the eligibility of CE candidates, and that it may request the opinion of Returning Officer (“RO”) and may also make decision based on the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region (“Committee on National Security”). According to Article 14 of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region, no institution, organisation or individual in the Region shall interfere with the work of the Committee on National Security. Information relating to the work of the Committee on National Security shall not be subject to disclosure. No legal proceedings may be instituted in respect of a decision made by the CERC on the eligibility of a candidate pursuant to the opinion of the Committee on National Security in accordance with

Relevant Chapter	Major Changes
	<p>the new provisions under sections 9A and 9B of the CEEO added in May 2021 (paras. 3.17 and 3.18);</p> <ul style="list-style-type: none"> ● specifying the circumstances where the CERC may decide a nomination of a candidate to be invalid in accordance with the amendment made to sections 4A(4) and (5) of the Electoral Procedure (Chief Executive Election) Regulation (Cap. 541J) (“EP (CEE) Reg”) which will come into operation in October 2021 (para. 3.24); and ● specifying that the CERC must, within 7 days after the close of the nomination period, publish a notice in the Gazette declaring the name(s) of candidate(s) who is/are validly nominated, together with the names of those members of the EC nominating such candidate(s). Besides, should the CERC determine that a nomination is invalid, it is required to endorse on the nomination form the determination and the reasons for it, inform the RO of the decision and return the nomination form to the RO for retention in accordance with the amendment made to sections 6 and 18(1) of the EP (CEE) Reg which will come into operation in October 2021 (para. 3.26).
<p>Chapter 4 <i>The voting system</i></p>	<ul style="list-style-type: none"> ● updating the voting systems of contested elections and uncontested elections, and specifying that a candidate who obtains more than 750 valid votes (at a contested election) or “SUPPORT” votes (at an uncontested election) is returned at the election in accordance with the amendment made to sections 26A and 27 of the CEEO which will come into operation in October 2021 (the whole Chapter 4).
<p>Chapter 5 <i>Polling and counting arrangements</i></p>	<ul style="list-style-type: none"> ● specifying the polling hour for any required second round of voting at a contested election (para. 5.14); ● specifying the procedures, arrangements and measures for issuing ballot papers at the polling stations, including verification of electors’ information, making record that a ballot paper has been issued, and the back-up storage device, both under normal

Relevant Chapter	Major Changes
	<p>situations where the electronic poll register (“EPR”) system is used and in the event of a EPR system failure upon which we will switch to using the printed registers of electors. These are provided for in the amendment made to section 34 of the EP (CEE) Reg which will come into operation in October 2021. (para. 5.31);</p> <ul style="list-style-type: none"> ● specifying the practical arrangements of applying for ballot paper at the ballot paper issuing desks having regard to different ways of issuing ballot papers (para. 5.34); ● setting out the identity document(s) that an elector should produce when applying for a ballot paper in accordance with the amendment made to section 34 of the EP (CEE) Reg in December 2017 and December 2018 (paras. 5.35 and 5.36); ● specifying that a notice will be displayed outside the counting station by the RO to show the capacity of the area where members of the public and the media can enter to observe the count, and that closed-circuit televisions will be installed in the counting station to record the situation inside for record purpose (paras. 5.60 and 5.61); ● updating the types of invalid ballot papers, and specifying that a ballot paper will be regarded as invalid if the number of candidates voted for is more than one candidate (for a contested election) or both “SUPPORT” and “NOT SUPPORT” are recorded thereon (for an uncontested election) in accordance with the amendment made to section 50 of the EP (CEE) Reg in January 2019 (para. 5.67(e)); and ● setting out the provisions on the postponement or adjournment of the polling or counting of votes of a CE election in accordance with the requirements of CEEO and EP (CEE) Reg (paras. 5.77 to 5.79).

Relevant Chapter	Major Changes
<p>Chapter 6 <i>Election petition and judicial review</i></p>	<ul style="list-style-type: none"> ● updating the persons who may lodge an election petition in accordance with the amendment made to section 33(1) of the CEEO which will come into operation in October 2021 (para. 6.2).
<p>Chapter 8 <i>Election advertisements</i></p>	<ul style="list-style-type: none"> ● reminding candidates to ensure they have a factual basis for the content of any election advertisement (“EA”) published by them in order to avoid disputes and lawsuits in accordance with a previous court case (para. 8.5); ● specifying that a person (other than a candidate or his/her election expense agent) who publishes an EA on the Internet will be exempted from the criminal liability under section 23(1) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) (“ECICO”) if the only expenses incurred are electricity charges and/or charges necessary for accessing the Internet in accordance with the amendment made to section 23(1A) of the ECICO in January 2019 (para. 8.11); ● specifying, in accordance with the amendment made to section 86(4) of the EP (CEE) Reg in May 2021, that a document published by a candidate during the election period is regarded as an EA if it contains the details of the work done by the candidate in the capacity of the CE, a member of the EC, a member of the Legislative Council, a member of a District Council, a member of the Heung Yee Kuk, the Chairman/Vice-Chairman or a member of the Executive Committee of a Rural Committee or a Rural Representative (para. 8.14); ● highlighting that any person who needs to incur election expenses in excess of the prescribed maximum amount for reasons other than bad faith should, before incurring such election expenses, seek independent legal advice to ascertain compliance with the statutory requirement under section 31 of the ECICO for applying a court relief order (para. 8.22); ● revising the deadline for candidates’ posting of amended

Relevant Chapter	Major Changes
	<p>information in relation to EAs after the polling day (para. 8.55);</p> <ul style="list-style-type: none"> ● informing candidates of previous court judgments on applications for relief of liability for EAs. If an applicant did not place enough significance on the obligation to file an election return, the court would require some good reason before it could exercise its discretion to grant relief. It is important that the discretion should be exercised in a manner which is consistent with the integrity of the election legislation (para. 8.68); ● setting out the new technical requirements for postage-free election mail that may be sent by candidates in accordance with the amendment made to section 80 of the EP (CEE) Reg which came into operation in December 2019 (para. 8.75 (d) and (e)); and ● reminding candidates that any commercial advertisement in physical form showing the portrait and/or name of a candidate may give extra publicity to the candidate concerned. In order to avoid such unfair publicity, the candidate should make his/her best endeavours to request the person(s)-in-charge not to display the advertisement in question after his/her declaration of intention to stand for the election or during the election period (para. 8.101).
<p>Chapter 9 and Appendix 8 <i>Electioneering activities at premises or buildings where electors reside, work or frequent</i></p>	<ul style="list-style-type: none"> ● informing candidates, by attaching the latest version of the “Guidance on Election Activities for Candidates, Government Departments, Public Opinion Research Organisations and Members of the Public” issued by the Office of the Privacy Commissioner for Personal Data, of the importance of complying with the requirements under the Personal Data (Privacy) Ordinance (Cap. 486) when they conduct electioneering activities that may involve the collection and use of personal data of an individual (para. 9.14 and Appendix 8); ● reminding candidates that to prevent an election mail from being mistakenly detected as a spam email and blocked by the email system, candidates may take note of the sending limit imposed by the relevant email service provider before sending election mails

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	<p>to their electors through email in bulk. If necessary, candidates may consider first applying to their email service providers for raising the daily sending limit of their email accounts (para. 9.15); and</p> <ul style="list-style-type: none"> ● reminding candidates that any information relating to an individual contained in any final register of members of the EC or extract of the register can only be used for the election-related purposes specified under the electoral legislation. Any abuse or misuse of such information, use of such information for other purposes, or disclosure of any personal data relating to a data subject without the relevant consent of the data subject by a discloser with an intent to cause any specified harm to or being reckless as to whether any specified harm would be, or would likely be, caused to the data subject or any family member of the data subject is an offence (para. 9.16).
<p>Chapter 10 <i>Election meetings</i></p>	<ul style="list-style-type: none"> ● specifying that in respect of “treating” relating to election meetings, if an election meeting held by a candidate involves consumption of food and drink, where the participants have shared the costs of the food and drink and no intention to influence the participants’ voting preference is involved, then it may not fall within the scope of corrupt conduct under section 12 of the ECICO (“Treating”). Nevertheless, since an election meeting is for the purpose of promoting or prejudicing the election of a candidate or candidates, the costs borne by each participant should be treated as election expenses and election donations. Candidates are reminded to comply with the legal requirements in this regard (para. 10.8).
<p>Chapter 11 <i>Election broadcasting, media reporting and election forums</i></p>	<ul style="list-style-type: none"> ● elaborating on the requirement of the fair and equal treatment principle which broadcasters licensed under the Broadcasting Ordinance (Cap. 562) and the Telecommunications Ordinance (Cap. 106) as well as the print media must follow when producing and publishing election-related programmes and reports. In determining whether there is a breach of the principle, the Electoral Affairs Commission (“EAC”) will take into consideration the overall reporting by the media organisation

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	<p>during the election period (the whole Chapter 11); and</p> <ul style="list-style-type: none"> ● specifying that in this Chapter, “candidate” means a person whose nomination form has been received by the RO (para. 11.5).
<p>Chapter 12 <i>Use of sound amplifying device and vehicles</i></p>	<ul style="list-style-type: none"> ● reminding any person who intends to stand as a candidate at an election to, for the sake of prudence, remove the publicity materials previously published before he/she is nominated as a candidate or has publicly declared his/her intention to stand for the election. Such publicity materials, in particular posters or banners bearing his/her name or photograph with the intent to promote his/her election at the election in public places or common areas in buildings, may be regarded as EAs (para. 12.8).
<p>Chapter 14 and Appendix 6 <i>Prohibition against canvassing activities outside polling station</i></p>	<ul style="list-style-type: none"> ● reminding candidates that no canvassing activities are allowed within the No Canvassing Zone (“NCZ”) (para. 14.2 and Appendix 6); and ● reminding candidates to arrange to remove the EAs on the windows or the bodywork of any public service vehicles before the polling day if the vehicles will pass through or be parked within the NCZ on the polling day (para. 14.12).
<p>Chapter 15 <i>Exit Poll</i></p>	<ul style="list-style-type: none"> ● reminding persons or organisations applying for conducting exit polls that approval would normally not be granted if the applicant organisation, the person(s) responsible for the exit poll or the conduct of the proposed exit poll may cause embarrassment to the EAC given its role, cause disturbance or disorder at the polling station, compromise public perception of the credibility of the election, or lead to any public order or public health concerns, etc. (para. 15.10); ● reminding the persons or organisations conducting exit polls that collection and retention of any personal data of electors are not allowed (para. 15.12); and ● reminding candidates that, as regards exit polls and other opinion polls related in an election, exit polls approved by the EAC may

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	<p>not be used for electioneering purpose under any circumstances. If a candidate makes use of the results of other opinion polls for the purpose of promoting himself/herself or prejudicing the election of other candidate(s), the expenses incurred for conducting the polls will be regarded as his/her election expenses. If persons other than candidates or the authorised election expense agents make use of the results of the exit polls or other opinion polls for the purpose of promoting or prejudicing the election of any candidate, they will commit the relevant offence of incurring election expenses without being authorised as an election expense agent (paras. 15.17 to 15.19).</p>
<p>Chapter 16 and Appendix 1 <i>Election expenses and election donations</i></p>	<ul style="list-style-type: none"> ● reminding persons who intend to stand for the election to pay attention to the definition of “candidate” under the electoral legislation. It covers, inter alia, anyone having publicly declared an intention to stand as a candidate at an election at any time before the close of nominations for the election. Illustration as to whether a particular item of expense would be counted as election expenses is also provided by citing the points made by the court in a relevant case (para. 16.8); ● specifying the permitted maximum amount of election expenses to be incurred by candidates in accordance with the amendment made to section 2 of the Maximum Amount of Election Expenses (Chief Executive Election) Regulation (Cap. 554A) in May 2021 (para. 16.14); ● specifying the deadline for a candidate to submit an election return to the Chief Electoral Officer in accordance with the amendment made to section 37(1A) of the ECICO which came into operation in December 2019 (para. 16.31); ● revising the threshold regarding submission of invoices and receipts giving particulars of the election expenses to accompany a candidate’s election return in accordance with the amendment made to section 37 of the ECICO which came into operation in December 2019 (para. 16.32 and item 37(b) of Appendix 1);

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	<ul style="list-style-type: none"> ● specifying the limit regarding relief for minor errors in election returns which allows correction by candidates in accordance with the amendment to Item 1 of the Schedule to the ECICO which came into operation in December 2019 (para. 16.37 and item 37(f) of Appendix 1); and ● reminding candidates that those who fail to submit an election return as required by the law are liable to a fine and to imprisonment, and may be disqualified as with a person convicted of illegal conduct (para. 16.53).
<p>Chapter 17 <i>Corrupt and illegal conduct</i></p>	<ul style="list-style-type: none"> ● specifying that a person engages in illegal conduct if he/she carries out any activity in public during the election period that incites another person not to vote or to cast an invalid vote, and setting out the activities that are regarded as “activity in public” in accordance with the amendment made to section 27A of the ECICO in May 2021 (paras. 17.16 and 17.17); ● reminding candidates to, during the election period, avoid engaging in any financial dealing which may be perceived as having an influence on a person’s voting preference and any act that may be perceived as electoral bribery (para. 17.19); and ● specifying, in accordance with the amendment made to section 14 of the ECICO in May 2021, that a person engages in corrupt conduct if he/she, by means of deception, induces another person (or gets another person to induce a third person) not to vote at an election, or to vote or not to vote for a particular candidate or particular candidates at an election. Besides, a person also engages in corrupt conduct if he/she willfully obstructs or prevents another person (or gets another person to obstruct or prevent a third person) from voting at an election. In addition, it is also an offence to aid, abet, incite or attempt the said offence (para. 17.26).
<p>Chapter 18 <i>Namedropping</i></p>	<ul style="list-style-type: none"> ● reminding candidates, by citing judgments of relevant court cases as reference, to obtain before the publication of EAs the written consent from their supporters if the names of the supporters are to

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	<p>be included in the EAs. Besides, to comply with section 27(1A) of the ECICO, the written consent has to be a single document expressly stating the supporter's consent to include his/her/its name, logo or pictorial representation in the candidate's EAs. Regardless of the number of supporters, the written consent has to be a single document rather than a composite document comprising multiple letters, documents or a chain of correspondence messages (para. 18.4);</p> <ul style="list-style-type: none"> ● reminding candidates to comply with the requirements under the Personal Data (Privacy) Ordinance when handling the personal data of their supporters (paras. 18.5 and 18.11); and ● setting out clear guidelines on seeking prior written consent from the supporters concerned if candidates intend to publish EAs or live broadcast of electioneering activities through online platforms (para. 18.6).