

CHAPTER 14

PROHIBITION AGAINST CANVASSING ACTIVITIES OUTSIDE POLLING STATIONS

PART I : GENERAL

14.1 This chapter provides guidelines on canvassing activities **outside polling stations** on the polling day. To ensure voters/ARs can access polling stations without interference, an NCZ will be designated outside each polling station. No canvassing activities or activities that may constitute disguised canvassing are allowed within the NCZ. In addition, to avoid any obstruction at the entrance/exit of a polling station, an NSZ will be designated immediately adjacent to the entrance/exit of a polling station, where no person is allowed to stay or loiter without the express permission of the PRO.

PART II : AREA AS NO CANVASSING ZONE AND NO STAYING ZONE

14.2 The RO will consider the characteristics and special environment of the polling stations for each subsector to designate an area outside the polling station as an NCZ and an area within the NCZ immediately adjacent to the entrance/exit (sometimes the entrance is the same as the exit) of the polling station as an **NSZ**. [S 40(1) of the EAC (EP) (EC) Reg]

14.3 After determining the NCZ and NSZ, the RO must, at least **seven days** before the polling day, give a written notice to the following persons:

- (a) the candidates, election agents or polling agents of the subsector for which the RO is responsible; and
- (b) the relevant ROs of other subsectors using the same polling station for voting.

Thereafter, each RO for the relevant subsector must, as soon as practicable, give the written notice by hand, post, email or fax transmission to the candidates, election agents or polling agents of the subsector for which he is responsible. [Ss 40(3), (4), (5), (6), (12) and 95(2) of the EAC (EP) (EC) Reg]

14.4 The RO may vary the area of NCZ or NSZ according to the circumstances. However, a written notice of variation must be issued as soon as practicable after the variation in the manner referred to in para. 14.3 of this chapter. If issuance of the notice of variation in the manner referred to in para. 14.3 of this chapter is not practicable or suitable, the RO may issue the notice of variation orally. If it is not reasonably practicable to notify candidates, election agents or polling agents before the close of poll, the RO is not required to give notice of variation to them. [Ss 40(7), (11) and 95(3) of the EAC (EP) (EC) Reg]

14.5 On the polling day, the RO must display the notice of determination or variation, together with the indication of the boundaries of the prohibited zones, at or near the polling station to inform candidates of the decision or variation. In addition, the RO authorised to determine the prohibited zones may delegate to his ARO or the PRO the authority to vary the prohibited zones and perform the related duties on the polling day so as to inform candidates of the decision or variation. [Ss 40(8), (9), (9A), (10) and 89 of the EAC (EP) (EC) Reg]

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

14.6 Except for the static display of EAs authorised by the RO (e.g. EAs at designated spots) and the permitted activities described in para. 14.7 of this chapter, no person may engage in canvassing activities within the NCZ (including displaying or wearing any promotional materials, or suggesting voting/not voting for any candidate). On the polling day, the PRO will make an effort to ensure that no person engages in any activities to persuade or induce any voters/ARs to vote or not to vote within the NCZ of his polling station (except those permitted activities as described in para. 14.7 of this chapter). [Ss 40(14) and 41(1) of the EAC (EP) (EC) Reg]

14.7 Within the NCZ, provided that permission has been obtained to enter a building other than the one housing the polling station for canvassing votes, candidates may conduct door-to-door canvassing on storeys above or below street level without obstructing others or using sound amplifying systems or devices. During door-to-door canvassing, candidates may display or wear any promotional materials (e.g. badge, emblem, clothing or head-dress that may promote or prejudice the election of a candidate or candidates) or any materials making direct reference to a body any member of which is standing as a candidate at the relevant subsector election or to any political body in Hong Kong. However, no canvassing activities may be conducted at the street level (i.e. ground floor) within the NCZ, and the above-mentioned materials must not be displayed at street level within the NCZ under any circumstances. [S 40(14), (15) and (16) of the EAC (EP) (EC) Reg]

14.8 On the polling day, the following canvassing activities are strictly prohibited within the NCZ, including (but not limited to):

- (a) displaying EAs within the NCZ;
- (b) displaying EAs on the windows or bodywork of public service vehicles (e.g. public light buses or taxis) travelling through or parked within the NCZ;
- (c) using sound amplifying systems or devices, or conducting any activities (e.g. lion dance) within the NCZ or conducting the above-mentioned activities in the vicinity where the sound can be heard within the NCZ; or
- (d) staying, loitering, smiling, and showing goodwill to voters/ARs within the NCZ for the purpose of canvassing votes.

There are many forms of canvassing activities. For the common canvassing activities that are strictly prohibited within the NCZ, see **Appendix 6**. [S 40(14) of the EAC (EP) (EC) Reg]

14.9 In addition, within the NCZ or NSZ, no person may:

- (a) obtain or attempt to obtain information from a voter/AR in the polling station about which candidate he is about to vote for or has voted for by any means (unless express permission of the EAC or the PRO has been obtained); or
- (b) misconduct himself, engage in strictly prohibited activities, or fail to obey the lawful orders of the PRO or the RO who determined the NCZ or NSZ.

[Ss 41(2), 45(4) and 93(7) of the EAC (EP) (EC) Reg]

14.10 The RO or PRO shall not exercise his powers to order a voter/AR to leave or remove a voter/AR from the NCZ or NSZ so as to prevent him from voting at his allocated polling station. [Ss 41(5), 44(14) and 46(5) of the EAC (EP) (EC) Reg]

PART IV : PENALTY

14.11 Any unauthorised display of EAs within the NCZ will be removed by the RO or other persons authorised by him. Any person who engages in any canvassing activities within the NCZ (except permitted activities) or conduct prohibited under para. 14.9(b) of this chapter commits an offence and is liable to a fine at level 2 (\$5,000) and imprisonment for 3 months. In addition, the related person may also be ordered by the RO or PRO to leave the NCZ or NSZ. If he fails to leave immediately, he may be removed by a police officer, an officer of the CSD or any other law enforcement agencies, or any other person authorised in writing by the RO or PRO. A person so removed may not re-enter the prohibited zone on that day without the permission of the RO or PRO. [Ss 41(2), (3), (4), 45(7) and 110 of the EAC (EP) (EC) Reg]

14.12 Besides, any person who attempts to obtain information as described in para. 14.9(a) of this chapter without necessary permission commits an offence under s 93(10) of the EAC (EP) (EC) Reg and is liable to a fine at level 2 (\$5,000) and imprisonment for 6 months.