

11 June 2026

Message from the Chairman

The Proposed Guidelines on Election-related Activities in respect of the Election Committee Subsector Elections for Public Consultation

The 2026 Election Committee Subsector (“ECSS”) Ordinary Elections will be held in the end of 2026. The Electoral Affairs Commission (“EAC”) is empowered under section 6(1)(a) of the Electoral Affairs Commission Ordinance (“EACO”) (Cap. 541) to issue guidelines to facilitate the conduct or supervision of an election. These guidelines aim to explain in simple language the provisions under current electoral legislation with a view to reminding candidates and other relevant persons of the regulations and requirements of the electoral legislation; and to promulgate a code of conduct based on the fair and equal treatment principles in respect of election-related activities which are not covered by the legislation.

The EAC has at all times made its best endeavours to refine and improve the electoral arrangements for public elections. To this end, the EAC has drawn up a new set of the proposed guidelines for the 2026 ECSS Ordinary Elections and all subsequent ECSS by-elections that may be held. Based on the existing guidelines for the ECSS elections (July 2021 edition), the proposed guidelines were prepared by incorporating appropriate amendments with reference to the relevant guidelines and supplementary information issued by the EAC for 2025 ECSS By-elections and 2025 Legislative Council General Election. The amendments mainly include:

- (a) amendments to the subsidiary legislation under the EACO and other legislation in relation to electoral matters, including:
 - (i) in accordance with the amendments made to section 4 of the Schedule to the Chief Executive Election Ordinance (Cap. 569)

and section 24 of the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541B), updating the criterion for the Electoral Registration Officer to compile and publish a provisional register of members of the Election Committee (“EC”) (para. 2.11);

- (ii) in accordance with the Safeguarding National Security Ordinance which came into effect on 23 March 2024, adding “has been convicted of an offence endangering national security” as a ground for disqualifying a person from being registered as an ex-officio member/being nominated as a candidate at the ECSS election(s)/being a nominee and from being elected as a member of the EC (paras. 3.11(b) and 4.4(d)), and adding a prohibition that election mails sent by free postage service should not contain anything which would constitute an offence endangering national security (para. 8.59(g));
 - (iii) in accordance with the amendments made to Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541I), updating the purpose of the ballot paper account prepared by the Presiding Officers (para. 5.49), and updating the arrangement of ballot counting by the Returning Officers (“ROs”) (para. 5.54); and
 - (iv) in accordance with the amendment made to section 13B of the Independent Commission Against Corruption Ordinance (Cap. 204), updating the penalty for false reporting from \$20,000 to \$25,000 (para. 20.18).
- (b) new or enhanced election-related arrangements, including:

- (i) voters/authorised representatives (“ARs”) can check their latest registration particulars via “iAM Smart” (para. 3.29);
- (ii) candidates can pay the election deposit through the Faster Payment System (para. 4.27);
- (iii) candidates can submit information for the Introduction to Candidates by electronic means and use the electronic version of the input form (paras. 4.45 and 4.46);
- (iv) voters/ARs may access the Online Voter Information Enquiry System (www.voterinfo.gov.hk) via “iAM Smart” to check their allocated polling stations and relevant polling information (para. 5.11);
- (v) if there is a ballot paper checking machine in the polling station, voters/ARs may choose to use the ballot paper checking machine to check whether the ballot paper was marked in accordance with the relevant electoral law (para. 5.33);
- (vi) the EAC could, depending on the circumstances, decide whether the votes of a subsector would be counted by an electronic counting system or manually, and the related procedures (para. 5.53);
- (vii) revising the deadline for candidates to upload or submit the relevant documents and information for public inspection after the publication of election advertisements (“EAs”) (paras. 8.2, 8.39 and Appendix 4);
- (viii) revising the deadline for ROs to allocate the designated spots for EAs (para. 8.26);
- (ix) to protect the personal data privacy of the voters/ARs, candidates must sign the “Undertaking on Proper Use of Voters’

Information”, undertaking that the relevant personal data will be used solely for the relevant electioneering activities of the election, and all relevant personal data will be properly safeguarded and duly destroyed after the election (para. 9.16); and

- (x) to handle complaints more effectively, adding a recommendation to complainants on using the designated complaint form on the EAC website (para. 20.7).
- (c) further elaborating the contents of the guidelines to enable candidates and relevant persons to more easily grasp the areas which they should pay attention to, including:
- (i) stating that the joint election mails arrangement does not apply to subsector(s) with only one vacancy (para. 8.57);
 - (ii) adding “Frequently Asked Questions and Answers for Completing the Return and Declaration of Election Expenses and Election Donations (“election return”)” to facilitate candidates to understand the requirements for completing election returns (Appendix 15); and
 - (iii) adding a court case to reiterate to candidates that the court shall impose severe penalties on persons who commit corrupt or illegal conduct at an election, to safeguard the fairness and impartiality of the election (para. 17.24).
- (d) reorganising where appropriate the structure and content of all chapters and appendices by removing obsolete or repetitive content, explaining the relevant electoral arrangements in the form of lists and flowcharts, consolidating the content of the chapters, etc., with a view to making the content more concise and easier to comprehend and thereby enhancing the public’s reading experience.

Before finalising and publishing the guidelines, we shall, in accordance with section 6(2) of the EACO, consult the public on the proposed guidelines from **11 June to 10 July 2026** (both dates inclusive). At this stage, the EAC has not made any decision with respect to the issues addressed in the proposed guidelines (except for those under the requirements of the relevant legislation). The EAC will make a final decision in the light of the responses received in this public consultation.

During the consultation period, members of the public may submit written representations on the proposed guidelines. Written representations could be sent to the EAC Secretariat at 8/F, Treasury Building, 3 Tonkin Street West, Cheung Sha Wan, Kowloon by post, by facsimile transmission (fax no.: 2511 1682) or email (eacenq@eac.hk). For written representations submitted by post, **the postmark date will be taken as the submission date. Late submissions will not be considered.** For enquiries, please call 2891 1001.

The EAC has always made its best endeavours to ensure that all public elections are held in an open, honest and fair manner. Formulating electoral guidelines plays an important role in the conduct of the 2026 ECSS Ordinary Elections. The EAC wishes members of the public could actively participate.

All written representations will be treated as open information for public perusal unless otherwise specified. If you wish to keep your name or views confidential, please indicate so clearly in your representations.

Yours faithfully,



(David Lok)

Chairman

Electoral Affairs Commission