

2022 Legislative Council Election Committee Constituency By-election
Action Checklist for Candidates

<u>Time</u>	<u>Action</u>
Before and during the Nomination Period (Up to 14 November 2022)	<p>1. Obtain the following from the Returning Officer (“RO”), any District Office (“DO”) of the Home Affairs Department or the Registration and Electoral Office (“REO”):</p> <ul style="list-style-type: none">(a) Nomination Form, including:<ul style="list-style-type: none">(i) a declaration to the effect that the candidate will uphold the Basic Law and bear allegiance to the HKSAR; and(ii) a declaration made by the candidate that he/she is a Chinese citizen who is a permanent resident of Hong Kong with no right of abode in any country other than the People’s Republic of China;(b) designated form requested by the Candidate Eligibility Review Committee (“CERC”) for completion (if applicable);(c) grid paper for the production of the “Introduction to Candidates” and the “Guide on Completion of Grid Paper”; and(d) the form of “Intention to Display Election Advertisements at Designated Spots”.
During the Nomination Period (1 November to 14 November 2022)	<p>2. Except where the Chief Electoral Officer (“CEO”) authorizes otherwise, hand in the following to the RO by the candidate in person <u>before the end of the Nomination Period</u>:</p> <ul style="list-style-type: none">(a) the duly completed Nomination Form, including:<ul style="list-style-type: none">(i) a declaration to the effect that the candidate will uphold the Basic Law and bear

allegiance to the HKSAR; and

- (ii) a declaration made by the candidate that he/she is a Chinese citizen who is a permanent resident of Hong Kong with no right of abode in any country other than the People's Republic of China;
- (b) an election deposit in cash or by cashier order or crossed cheque made payable to "The Government of the Hong Kong Special Administrative Region".

In order to avoid the risk of invalidation of the nomination due to dishonoured cheques, candidates should submit the election deposit in cash or cashier order as far as practicable.

Note: The candidate should submit the duly completed designated form and requested information (if applicable) to the CERC before the close of the nomination period.

3. Apply to Hongkong Post for written approval of their election mail specimens for free postage. Candidates should:

- (a) carefully study the requirements governing free postage for election mail before deciding on the contents of their election mail and seek advice from Hongkong Post relating to the postal requirements and the REO on other relevant matters; and
- (b) make every effort to submit their postage-free election mail specimens to Hongkong Post for written approval as early as possible to allow sufficient time for revising the contents of their election mail specimens, if necessary.

4. Obtain from the RO a Candidate Folder containing various forms and reference materials for use by candidate participating in the election.

5. 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

6. (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/authorization have been obtained from individual(s) in personal/official capacity or organizational capacity concerned before the publication of EAs and lodged with the RO (or CEO if RO has not yet been appointed), if applicable.

(c) (i) Candidates who choose to post the electronic copy of the EAs and relevant information/documents onto the open platform maintained by the candidate(s) or a person authorized by the candidate(s) (“Candidate’s Platform”) for public inspection should provide the CEO 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.** The Candidate’s Platform, as well as the attachments uploaded, should be maintained and kept by the candidate(s) till the end of the period during which copies of the “Return and Declaration of Election Expenses and Election Donations” (hereafter referred to as “election return”) are available for public inspection under section 41 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) (“ECICO”).

(ii) Candidates who choose to post the electronic copy of the EAs and relevant information/documents onto the open platform maintained by the CEO or a person authorized by the CEO (“Central Platform”) for public inspection should submit to the CEO 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”.

The CEO will provide each candidate with a username and 2 sets of passwords **within 3 working days** upon receipt of the duly completed application and undertaking.

- (d) Make available a copy of each of the EAs and relevant information/documents in the following manners, including publication information and permission/authorization/consent of support in relation to EAs, for public inspection **within 1 working day** after the publication of the EA by:
- (i) posting an electronic copy of each of his/her EAs and relevant information/documents onto the Central Platform in accordance with the procedures set out in **Appendix 6** “Submission Method, Formats and Standard on Posting Electronic Copy of Election Advertisement and Relevant Information onto an Open Platform for Public Inspection” of the **Guidelines on Election-related Activities in respect of the Legislative Council Election (“Guidelines”)**;
 - (ii) posting an electronic copy of each of his/her EAs and relevant information/documents onto the Candidate’s Platform and providing the CEO with the **electronic address** of the platform **at least 3 working days before publication of the first EA (for details, please see Appendix 6 of the Guidelines)**;
 - (iii) if it is technically impracticable to comply with (i) or (ii) above for EAs published through an open platform on the Internet (for example, when messages are exchanged on social network or communication websites on the Internet, such as Instagram, Twitter, Facebook, or blogs in a real-time

interactive manner), posting a hyperlink of each of the EAs that is published through the open platform (the hyperlink to the specific EA published should be provided, rather than the hyperlink to the entire election website or page of the social media) 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 6 of the Guidelines**;

- (iv) providing 2 hardcopies of each of the EAs (or 2 identical full colour photographs/printouts/photocopies of each EA which cannot be practically or conveniently produced in actual form) and 1 hardcopy of information/documents in relation to the EA to the RO; or
- (v) providing 2 identical copies of a CD-ROM or DVD-ROM each containing the EAs and 1 hardcopy of information/documents in relation to the EA to the RO.

Candidates may make submission as required from time to time. Candidates should keep records of all relevant information/documents and the EAs uploaded onto the Central Platform or lodged with the RO/the CEO.

- 7. (a) Record all election expenses incurred and all election donations received.
- (b) Keep all original invoices and receipts issued by the goods or service providers for each item of expenditure of \$500 or above.
- (c) Issue a receipt to the donor for any non-anonymous donation of more than \$1,000 and keep a copy of the receipt. (Candidates may use the "Standard Receipt for Election Donations" provided by the REO.)

- (d) Submit to the CEO an “Advance Return and Declaration of Election Donations” when an election donation is received (if required and as appropriate).

Any time before
handing in
Nomination Form
till the end of the
election period
(Up to 18
December 2022)

- 8. Appointment of Election Expense Agent(s):
 - (a) Lodge with the RO (or the CEO if the RO has not yet been appointed) “Authorization to Incur Election Expenses”.
 - (b) Each candidate may authorize 1 person or more as the election expense agent(s) to incur election expenses on his/her behalf (at a prescribed amount specified by the candidate). A candidate **may** also authorize his/her election agent as an election expense agent. These agents can only incur election expenses upon authorization by the candidate. It is important to note that the authorization is not effective until it has been received by the RO or the CEO (if the RO has not yet been appointed).
 - (c) An election expense agent must be a person who has attained the age of 18 years.

Any time after
handing in
Nomination Form

- 9. Appointment of Election Agent:
 - (a) Lodge with the RO a “Notice of Appointment of Election Agent”.
 - (b) Each candidate can only appoint 1 election agent. An election agent has the authority to handle all affairs a candidate is authorized to handle under the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D) for the purposes of the election, **except:**
 - (i) to sign the nomination form or make any declaration required in relation to a candidate’s nomination;
 - (ii) to withdraw the candidate’s candidature;
 - (iii) to incur election expenses (unless he/she has been so authorized by the candidate);

(iv) to authorize a person as an election expense agent to incur election expenses; and

(v) to be present at a dedicated polling station situated in a maximum security prison.

(c) An election agent must be a holder of the Hong Kong Identity Card and has attained the age of 18 years.

Any time after handing in Nomination Form, but before the end of the Nomination Period
(On or before 14 November 2022)

10. (a) If a candidate wishes to have his/her photograph and electoral message printed in the “Introduction to Candidates”, he/she should:

(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 taken within the last 6 months; and

(ii) provide 2 additional copies of the photograph identical to the one affixed to the grid paper with the candidate’s name label affixed on the back.

(If a candidate does not submit the grid paper, his/her “Introduction to Candidates” will only show the name and candidate number, with the sentence “Relevant information has not been provided by the candidate” printed in the space provided for the electoral message.)

(b) Lodge with the RO the form “Intention to Display Election Advertisements at Designated Spots”.

Any time after handing in Nomination Form, but around 2 weeks before the polling day
(On or before 5 December 2022)

11. Make a request to the CEO for obtaining 1 set of mailing labels in respect of electors’ addresses extracted from EC Final Register and/or a set of USB flash drives containing information of electors in the Candidate Mailing Label System (“CMLS”) (Candidates or their election agents are required to sign the “Undertaking on the Use of Electors’ Information”

when making the request).

(Note: Relevant information will only be provided to the validly nominated candidates. To protect the environment and respect the wish of the electors, the CEO will not provide mailing labels in respect of the electors who have provided their email addresses for receiving election mails and who have indicated that they do not wish to receive any election mails.)

Any time after
handing in
Nomination Form,
but at least 7 days
before the polling
day
(On or before
11 December 2022)

12. Lodge with the CEO the “Notice of Appointment of Polling Agents for a Polling Station not Situated in a Penal Institution” by hand, by electronic mail, by facsimile transmission or by post.
13. Lodge with the RO the “Notice of Appointment of Counting Agents for the Election Committee Constituency” by hand, by electronic mail, by facsimile transmission or by post.
14. Lodge with the CEO the “Notice of Appointment of Polling Agent for a Dedicated Polling Station Situated in a Penal Institution (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 Penal Institution (other than a Maximum Security Prison)” to seek consent from the Commissioner of Correctional Services to the presence of an election agent or a polling agent at a dedicated polling station situated in a penal institution (other than a maximum security prison).

(Note:(a) No consent will be given to the presence of an election agent at a dedicated polling station situated in a penal institution (other than a maximum security prison) if a polling agent has been appointed for that polling station. Similarly, if consent has been given by the Commissioner of Correctional Services to the presence of an election agent at a dedicated polling station situated in a penal institution, no polling agent may be appointed for that polling station.

(b) No polling agent may be appointed nor

may election agent be present at a dedicated polling station situated in a maximum security prison.)

Around 9 working days after the end of the Nomination Period

(25 November 2022)

15. (At a contested by-election) Attend the lots drawing session held by the RO to determine the order in which the names of candidates appear on a ballot paper and the designated spots allocated for the display of EAs.

Candidate should note that, after the determination of the order in which the names of candidates appear on a ballot paper by lots drawing, the RO will allocate Candidate Number to each validly nominated candidate according to the decision of the Candidate Eligibility Review Committee on the validity of the nomination of the candidate. The names of the validly nominated candidates and their Candidate Numbers will be promulgated in the Notice of Valid Nominations. The Notice of Valid Nominations will be published in the Gazette and uploaded to the election website no later than 28 November 2022 (Monday). (Please note that the order of the names of candidates appear on a ballot paper determined at the lots drawing session may not be the same as the Candidate Number. Candidates should print his/her Candidate Number on the election advertisement.)

16. (At a contested by-election) Receive from the RO a copy of the permission/authorization for the display of EAs at designated spots allocated to the candidate (except for uncontested by-election where all candidates will not be allocated with designated spots).

28 November 2022

17. (At a contested by-election) Attend the briefing session for candidates (which will be conducted online).

After the end of the Nomination Period

18. 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 Election Committee Constituency, if any).

- Within 10 days after the end of the Nomination Period (On or before 24 November 2022)
19. Receive from the RO information about the election agents appointed by other candidates, if any.
- Around 16 days after the end of the Nomination Period (Around 30 November 2022)
20. Before the deadline specified by the REO, send the completed e-form of the text version of the “Introduction to Candidates” (available on website) by electronic mail to e-intro_to_can@reo.gov.hk for uploading onto the dedicated election website for the electors (especially the electors with visual impairment) to listen to the contents of the “Introduction to Candidates” through computer programme.
- (If a candidate fails to submit the electronic file by the said deadline, his/her “Introduction to Candidates” on the dedicated election website will only include his/her name and candidate number, with the sentence “Relevant information has not been provided by the candidate” being shown in the appropriate space.)
- At least 10 days before the polling day (On or before 8 December 2022)
21. Receive notification from the RO of the time and place for the counting of votes.
- Not later than 7 days before the polling day (On or before 11 December 2022)
22. Receive from the RO information regarding the delineation of no canvassing zones and no staying zones for the polling stations (including dedicated polling stations), location maps and layout plans of the polling and counting stations; and name badges for the candidate(s) and his/her agents.
- During the week before the polling day (11 December to 17 December 2022)
23. Lodge with the CEO the “Notice of Appointment of Polling Agent for a Dedicated Polling Station Situated in a Penal Institution (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 Penal Institution (other than a Maximum Security Prison)” **only if** –

- (a) during the week before the polling day, an elector imprisoned or held in custody at the aforesaid dedicated polling station situated in a penal institution is admitted or transferred to the penal institution; and
- (b) the application is lodged without undue delay after the admission or transfer.

At least 2 clear working days before posting postage-free election mail

24. Notify Hongkong Post of the date of posting postage-free election mail by submitting the “Notice of Posting of Election Mail” (in duplicate), and submit 3 specimens of unsealed election mail to the designated manager(s) of Hongkong Post for inspection and approval.

Send postage-free election mail before the deadline as specified by Hongkong Post (On or before 13 December 2022)

25. Post the postage-free election mail and present to Hongkong Post a “Declaration for Posting of Election Mail” (in duplicate). Furnish a copy of the election mail for the attention of the designated manager(s) of Hongkong Post for record purpose. The election mail must comply with the requirements specified in the “Guidelines” and “Summary on Free Postage for Election Mail”.

(Note: Election mail sent after the deadline may fail to reach the electors before the polling day.)

Before entering the polling station, counting station or the ballot paper sorting station

26. Complete the “Declaration of Secrecy” (a declaration of secrecy should be made by all candidate(s), their election agents, polling agents and counting agents).

Any time before the polling day (On or before 17 December 2022)

27. Lodge with the CEO or RO, as the case may be, the “Notice of Revocation of Appointment of Agent”, if applicable, by hand, by electronic mail, by facsimile transmission or by post.

On the polling day (18 December 2022)

28. Attend and observe the poll and the count if so wishes, bringing along the “Declaration of Secrecy”.

29. If the “Notice of Appointment of Polling Agents for a Polling Station not Situated in a Penal Institution” and “Notice of Revocation of Appointment of Agent” are not submitted in manners specified in paras. 12 and 27 above respectively, candidates or their election agents should lodge such notices with the Presiding Officer (“PRO”) (except for the PROs at dedicated polling stations situated in penal institutions) in person.
30. If it is necessary to revoke the appointment of a polling agent for a dedicated polling station situated in a penal institution but the “Notice of Revocation of Appointment of Agent” is not lodged in manners specified in para. 27, the notice must be delivered to the CEO by hand, by electronic mail or by facsimile transmission.
31. If the “Notice of Appointment of Counting Agents for the Election Committee Constituency” and “Notice of Revocation of Appointment of Agent” are not lodged in the manners specified in paras. 13 and 27 above respectively, candidates or their election agents must deliver the notices to the relevant PRO (or to the relevant RO if the counting agents are appointed for the central counting station) in person.
- Within 3 working days after the polling day
(On or before 21 December 2022)
32. Post the corrected EA particulars onto the Candidate’s Platform or the Central Platform and place them next to the original version, together with the date of correction, or submit the “Notification of Corrected Information in relation to Election Advertisements” to the RO.
- Within 10 days after the polling day
(On or before 28 December 2022)
33. Remove all EAs displayed on government land/property.
- Within 2 weeks after the polling day
(On or before 3 January 2023)
34. Destroy the USB flash drives containing the CMLS, unused mailing labels (if any), and all the electors’ information copied (candidates are advised to use a data erasure software to erase the information completely), **and** return the reply slip on “Confirmation of Destruction of CMLS in the USB

Flash Drives and the Relevant Electors” Information”
to the REO.

Before the statutory 35. deadline for the submission of election returns as required under section 37 of the ECICO

(On or before 21 February 2023)
(The REO will issue letters to inform candidates of the deadline for lodging election returns)

- (a) Lodge with the CEO an election return setting out all election expenses incurred by the candidate and the election expense agents on his/her behalf and all election donations received by or on behalf of the candidate.

Candidates should note that they are required to submit an election return even if no election expenses have been incurred or no election donation has been received.

- (b) As required under section 37 of the ECICO, candidates should ensure that the election return is accompanied by the original copy of invoices and receipts for each election expense of \$500 or more, copies of standard receipts issued to donors for each election donation of more than \$1,000 in value, and copies of receipts 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 and election donations exceeding the limit of election expenses (see Chapter 17 of **the Guidelines** for details).

- (c) Candidates must make a declaration /supplementary declaration(s) verifying the contents of the election return before a Commissioner for Oaths (at DOs), or a Justice of the Peace or solicitor holding a practising certificate.

- (d) Any candidate who is unable/fails to lodge the election return before the deadline may apply to the Court of First Instance (“CFI”) for an order allowing him/her to lodge the election return within an extended period as specified by the CFI.

- (e) Any candidate who has submitted an election return and wishes to make amendments to the election return before the deadline may lodge with the CEO before the deadline a supplementary declaration stating the amendments and the relevant supporting documents (e.g. receipts)(if applicable).
- (f) Any candidate who wishes to correct any error or false statement in his/her election return (including any document accompanying his/her election return) after the deadline must apply to the CFI for an order allowing him/her to do so. Nevertheless, if the aggregate value of the error or false statement in the election return does not exceed the prescribed relief limit for election as stipulated in section 37A of the ECICO, the candidate may, upon receipt of notification from the CEO of the error and/or false statement in the election return, rectify the error or false statement in the election return within a specified period in accordance with the simplified relief arrangement for minor errors or false statements in section 37A of the ECICO (see Chapter 17 of **the Guidelines for details**).

36. Eligible candidates who wish to apply for financial assistance should complete a Claim for Financial Assistance. The completed claim form, together with the candidate's election return and an auditor's report should be presented in person by the candidate or his/her agent (i.e. any other person on behalf of the candidate) to the CEO before the statutory deadline for submission of election return.

Until the end of the period for which copies of election returns are available for public inspection under section 41 of the ECICO

(On or before 23 December 2023)

37. Maintain the Candidate's Platform for public inspection of the EAs and relevant information/documents. If the hyperlink of a website on which an EA is published has been uploaded onto the Central Platform, candidates should ensure that the hyperlink is valid and the relevant website continues to operate.

Note:

Most of the forms mentioned in this checklist can be downloaded from the REO website at <https://www.reo.gov.hk>.