

## CHAPTER 11

### ELECTION MEETINGS

#### PART I : GENERAL

11.1 An **election meeting** is a meeting held to promote or prejudice the election of a particular candidate<sup>53</sup> or particular candidates. Expenses incurred before, during, or after an LegCo election on account of an election meeting organised for these purposes are election expenses. For the avoidance of doubt, election forums organised for all candidates in the same constituency are not regarded as election meetings (see Part III of Chapter 12), and related expenses are not regarded as election expenses. [Ss 2 and 12(5) of the ECICO]

11.2 There may be cases where a meeting is not organised for the above purposes but is used for such purposes by a candidate or any other person on his behalf. In such cases, the candidate must assess the expenses incurred for these purposes by himself and include them in his election expenses (see Chapter 17).

11.3 If a candidate is invited to a non-election-related meeting, but someone acts of his own volition to promote the candidate's election or prejudice other candidates' election during the meeting, the candidate should immediately

---

<sup>53</sup> "Candidate" includes any person who, at any time before the close of the nomination period for a Legislative Council Election, has publicly declared an intention to stand for the election, whether or not he has submitted a nomination form, he has withdrawn his nomination after submission, or his nomination has been decided as invalid by the CERC.

clarify that the meeting has nothing to do with him and request the organiser to stop any election-related activities. If the organiser fails to comply, the candidate should leave the meeting immediately. Otherwise, the meeting will be regarded as an election meeting, and the candidate must include the related expenses in his election expenses. The organiser may also contravene s 23 of the ECICO for incurring election expenses on behalf of the candidate without prior authorisation as an election expense agent. For details on election expenses, see Chapter 17.

11.4 Election meetings may take place in public places or private premises, including but not limited to public processions and exhibitions held for election campaigning purposes. In addition to election expenses incurred, candidates are responsible for the election meetings they organise, including maintaining order and safety, controlling noise level, ensuring cleanliness, and bearing other legal liabilities.

11.5 Candidates should note that individual government departments and management authorities may have guidelines governing whether election meetings are permitted in premises under their control. **Candidates should consult the relevant government departments / authorities in advance to ensure prior permission is obtained.**

## **PART II : ELECTION-RELATED “TREATING”**

11.6 Any person who provides or pays for food, drink, or entertainment (e.g. singing performances) for another person at an election meeting to induce or reward that person or a third person to vote or not to vote for a particular candidate or candidates commits a corrupt act in an election. However, serving only non-alcoholic drinks at an election meeting will not be deemed corrupt, unless the act intends to influence the electors’ voting preferences. [S 12 of the ECICO]

11.7 If participants at a candidate’s election meeting consume food and drink and share the costs, the amount paid by each participant should be regarded as both election expenses and election donations. The candidate must comply with the requirements of the relevant electoral legislation (see Chapters 17 and 18).

## **PART III : ELECTION MEETINGS AND PROCESSIONS IN PUBLIC PLACES**

### **Election Meetings**

11.8 Any person organising an election meeting in a public place must notify the Commissioner of Police in writing **not later than 11 am on a day (if a general holiday, the first preceding day that is not a general holiday) at least seven days prior to the day the meeting is intended to be held.** “Public

place” means any place to which the public or any section of the public is entitled or permitted to have access, whether on payment or otherwise, and includes any place that is or will be a public place for the purposes of the meeting. [Ss 2 and 8(1) of the Public Order Ordinance (Cap. 245)(“POO”)]

11.9 The written notification must be **handed in** in person to the officer in charge of any police station by the organiser of the election meeting or his representative and should contain the following particulars:

- (a) the name, address, and phone number of the organiser of the meeting, any society or organisation promoting or connected with the meeting, and a person who is 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 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, along with guidance notes from HKPF, will be provided to candidates upon his submission of nomination.

11.10 Notification to the Commissioner of Police of an election meeting in the public place is not required if the meeting is to be:

- (a) attended by no more than 50 persons; or
- (b) held at a school registered or provisionally registered or exempted under the Education Ordinance (Cap. 279), a 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.

[Ss 7(2)(a) and (c) of the POO]

Where in doubt, a candidate should consult HKPF.

11.11 The Commissioner of Police may prohibit the holding of a notified public meeting if he reasonably considers it necessary for national security, public safety, public order, or the protection of others' rights and freedoms (see paras. 11.8 and 11.9 of this chapter). In such cases, the Commissioner of Police must, not later than 48 hours before the meeting's commencement, notify in writing the person who gave the notice, his representative or the meeting's organiser, or publish or post a notice of the prohibition in a manner and such place, as the Commissioner of Police may think fit. On the other hand, the Commissioner of Police may give notice to the organisers and impose conditions for the meeting. The organisers must comply with such conditions and any directions given by police officers to ensure compliance with and fulfillment of the conditions and the requirements outlined in para. 11.12 of this chapter. [Ss 9 and 11(2) and (3) of the POO]

11.12 At every public meeting and throughout the meeting:

- (a) the organiser or his representative must be present;
- (b) good order and public safety must be maintained; and
- (c) control of any sound amplifying device causing noise intolerable to a reasonable person must, if required by a police officer, be surrendered to the police officer during the meeting.

[S 11(1) of the POO]

11.13 A guidance note on the safe conduct of election-related activities is at **Appendix 9**. It offers general advice to candidates and organisers of election-related activities, to enable them to conduct such activities safely.

### **Public Processions**

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

- (a) it consists of not more than 30 persons;
- (b) it is held at a place other than a public highway, public thoroughfare, or public park;
- (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]

11.15 In all other cases, written notification of a public procession, including a vehicle procession, must be given to the Commissioner of Police by the organiser or his representative, who should hand in the written notification in person to the officer in charge of any police station **not later than 11 am on a day (if a general holiday, the first preceding day that is not a general holiday) at least seven days prior to the day the procession is intended to be held.**

The written notification must contain the following particulars:

- (a) the name, address, and phone number of the organiser of the procession, any society or organisation promoting or connected with the procession, and a person who is 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) the location, time of commencement and duration of any meeting held in conjunction with the procession; and
- (e) an estimate of the number of people expected to attend the procession.

The notification form mentioned in para. 11.9 should be used. [Ss 13A(1) and (4) of the POO]

11.16 The Commissioner of Police may object to the holding of a public procession if he reasonably considers that the objection is necessary for national security, public safety, public order, or the protection of others' rights and freedoms. In such cases, the Commissioner of Police must, within the time limit specified under the POO and as soon as reasonably practicable:

- (a) notify in writing the person who gave the notice or his representative, or the procession's organiser, of the objection and reasons;

- (b) publish a written notice of objection and reasons in a manner the Commissioner of Police thinks fit; or
- (c) post a written notice of objection and reasons in a place the Commissioner of Police thinks fit.

[Ss 14(1), (2) and (3) and 15(2) of the POO]

11.17 At every public procession and throughout the procession:

- (a) the organiser or his representative must be present;
- (b) good order and public safety must be maintained; and
- (c) control of any sound amplifying device causing noise intolerable to a reasonable person must, if required by a police officer, be surrendered to the police during the procession.

[S 15(1) of the POO]

#### **PART IV : ELECTION MEETINGS IN PRIVATE PREMISES**

11.18 Any person who organises an election meeting in private premises should consult the owner, occupier, owners' corporation, or building management in advance in order to obtain prior permission from them. When

making decision regarding election meetings in the common areas of such premises, persons and organisations must accord fair and equal treatment to all candidates. Specific guidelines for conducting election meetings in estates managed by the Housing Department and the Hong Kong Housing Society, and Light Public Housing by the Housing Bureau are set out in **Appendix 10**.

11.19 If the attendance at an election meeting in private premises exceeds 500 persons, written notification to the Commissioner of Police is required. The relevant procedures for issuance of notification are outlined in paras. 11.8 and 11.9 of this chapter. [S 7(2) of the POO]

## **PART V : ELECTIONEERING EXHIBITIONS**

### **General**

11.20 If an exhibition for election campaigning purposes is to be held, the candidate should obtain prior permission from the estate manager or officer-in-charge, owner, occupier, owners' corporation, or building management, etc. Candidates should also comply with the guidelines in this chapter and any regulations and conditions imposed by relevant authorities.

**Estates Managed by the Housing Department, the Hong Kong Housing Society, and Light Public Housing by the Housing Bureau**

11.21 Where approval has been given by an estate manager, project manager, or officer-in-charge for an electioneering exhibition in estates managed by the Housing Department, the Hong Kong Housing Society, or Light Public Housing by the Housing Bureau, the candidate concerned may display EAs at the exhibition venue, provided that the EAs are normally related to the exhibition activity and displayed for less than one day. Candidates should also comply with the guidelines in Chapter 9. The estate manager, project manager, or officer-in-charge should send a copy of the approval letter to the relevant RO for record and public inspection (see **Appendix 10** for details).

**PART VI : FUND RAISING ACTIVITIES AT ELECTION**

**MEETINGS**

11.22 A permit is required for organising, participating in, or providing equipment for any fund raising activity, or selling badges, tokens, or similar articles for donations, or exchanging such items for donations in a public place. Any person wishing to raise funds at an electioneering activity or election meeting in a public place for non-charitable purposes, including election-related purposes should apply to the Secretary for Home and Youth Affairs. Application forms and details are available on the Home Affairs Department's website. [S 4(17) of the Summary Offences Ordinance (Cap. 228) ("SOO") ]