

## **IMPORTANT**

1. These Guidelines apply to all Legislative Council general elections and by-elections conducted under the Legislative Council Ordinance (Cap. 542) to be held after publication, subject to any subsequent revisions.
2. The law stated in these Guidelines is that prevailing as at the date of publication (unless otherwise specified).
3. All specified forms referred to in these Guidelines are obtainable from the Registration and Electoral Office (tel: 2891 1001; fax: 2891 1180; e-mail: [reoeng@reo.gov.hk](mailto:reoeng@reo.gov.hk)) and its website at <https://www.reo.gov.hk>.
4. Electioneering, campaigning and canvassing activities referred to in these Guidelines include any positive and negative campaigning conducted for the purpose of promoting or prejudicing the election of a candidate or candidates at the election.
5. In the event that future amendments to these Guidelines are necessary, the updated Guidelines will be made available at the website of the Electoral Affairs Commission at <https://www.eac.hk>.

## **Message from the Chairman**

### **The Proposed Guidelines on Election-related Activities in respect of the Legislative Council Election for Public Consultation**

The 2025 Legislative Council General Election (“2025 LCGE”) will be held on 7 December 2025. 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 and 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 2025 LCGE and all Legislative Council (“LegCo”) by-elections that may be held afterwards. The proposed guidelines are prepared on the basis of the existing guidelines for the LegCo Election (October 2021 edition) with the following major changes:

- (a) reflect the relevant amendments to the subsidiary legislation under the EACO and other legislation in relation to electoral matters, including the vote counting procedures for the LegCo Functional Constituencies election if electronic counting arrangements are adopted;

- (b) reflect the latest electoral arrangements by making use of information technology to make the arrangements more convenient, reliable and user-friendly. These include, among others, enabling voters, via “iAM Smart”, to enquire about their particulars as registered voters and logging on to the Online Voter Information Enquiry System to check their allocated polling stations and other polling information. Candidates can also use the Faster Payment System (“FPS”) to pay election deposit, and submit information on the Introduction to Candidates and other forms through electronic means;
- (c) further elaborate the contents of the guidelines to enable candidates and relevant persons to more easily grasp the areas which they should pay attention to, such as adding real example to illustrate how to make proper use of voters’ information, adding the “Frequently Asked Questions & Answers for Completing the Election Return”, etc.; and
- (d) by making reference to the guidelines on election-related activities issued by the EAC for the 2022 Chief Executive Election, the 2023 Rural Representative Election and the 2023 District Council Ordinary Election, revise where appropriate the proposed guidelines with a view to bringing it in line with the above-mentioned guidelines on election-related activities.

In addition, to enable the public to better understand the requirements of the relevant electoral legislation and the code of conduct formulated by the EAC for the conduct of election-related activities, we have also enhanced the proposed guidelines by, for example, removing obsolete or repetitive content, explaining the relevant electoral arrangements in the form of lists and flowchart, consolidating the contents of the chapters, etc., with a view to making the proposed guidelines more concise and easy to comprehend and thereby enhancing the public’s reading experience.

The major changes proposed, as compared with the existing LegCo guidelines, are set out in the **Appendix**.

Before finalising and publishing the guidelines, we shall, in accordance with section 6(2) of the EACO, consult the public on the proposed guidelines for a period of 30 days from **3 July to 1 August 2025**, 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 consultation exercise.

During the public consultation period, members of the public may make written representations on the proposed guidelines which 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 e-mail (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.** Members of the public may also make oral representations to the EAC at the public forum on the proposed guidelines to be held at the School Hall, 4/F, Kowloon Tong Government Primary School, 6 Tim Fuk Road, Kowloon Tong **from 7:00 pm to 9:00 pm on 18 July 2025 (Friday)**. For enquiries, please contact the EAC Secretariat at 3847 7891.

Members of the public may make oral representations at the public forum. However, due to the limited time thereof, written representations are suggested if members of the public wish to make detailed representations.

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 2025 LCGE. 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,

A handwritten signature in black ink, appearing to read 'David Lok', with a stylized, flowing script.

(David Lok)

Chairman

Electoral Affairs Commission

(With enclosure)

**Major Changes in the Proposed Guidelines  
on Election-related Activities in respect of  
the Legislative Council Election  
as Compared with the Guidelines Issued in October 2021**

<b>Relevant Chapter</b>	<b>Major Changes</b>
<b>Chapter 1</b> <i>Introduction</i>	<ul style="list-style-type: none"><li>● Illustrating with a diagram the composition of the 90 seats of the Legislative Council (“LegCo”) as set out in Annex II to the Basic Law (<b>para. 1.3</b>); and</li><li>● Reminding candidates that they should also refer to the Action Checklist for Candidates issued by the Registration and Electoral Office (“REO”) (<b>para. 1.11</b>).</li></ul>
<b>Chapter 2</b> <i>Composition, Registration of Electors And Voting System For Geographical Constituencies</i>  <i>and</i> <b>Chapter 3</b> <i>Composition, Registration of Electors And Voting System For Functional Constituencies</i>  <i>and</i>	<ul style="list-style-type: none"><li>● Reorganising where appropriate the chapter structure and content to make the content more concise and easy to understand;</li><li>● Reflecting the arrangements for enquiry of electors’ information through “iAMSmart” (<b>paras. 2.16, 3.22 and 4.6</b>);</li><li>● Using a table to illustrate the corresponding arrangements to be adopted under s 46 of the Legislative Council Ordinance (“LCO”) (Cap. 542) in the event that the number of validly nominated candidates of Geographical Constituencies (“GC”), Functional Constituencies (“FC”) and Election Committee Constituency (“ECC”) is the same as/different from the number of the LegCo Members to be returned (<b>paras. 2.22, 3.28 and 4.7</b>);</li></ul>

Relevant Chapter	Major Changes
<p><b>Chapter 4</b>  <i>Composition,  Eligibility To Vote  And Voting System  for The Election  Committee  Constituency</i></p>	<ul style="list-style-type: none"> <li>● Illustrating with flowcharts the arrangements of drawing of lots for determining the results of GC, FC and ECC elections as set out under ss 49(4), 51(6) and 52A(7) of the LCO (<b>paras. 2.24, 3.30 and 4.10</b>);</li> <li>● Using a table to illustrate the corresponding arrangements under the LCO and the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (“EAC(EP)(LC) Reg”) (Cap. 541D) in the event of death or disqualification of a candidate in respect of GC, FC and ECC (<b>paras. 2.26, 3.32 and 4.12</b>);</li> <li>● Including “has been convicted of an offence endangering national security” as one of the grounds for disqualifying a member of the EC from voting at an election for the ECC under the Safeguarding National Security Ordinance which came into effect on 23 March 2024 (<b>para. 4.5(d)</b>); and</li> <li>● Using a table to illustrate the conditions to be satisfied for the valid ballot papers and the candidates to be returned in the ECC election under s 52A of the LCO (<b>para. 4.8</b>).</li> </ul>
<p><b>Chapter 5</b>  <i>Nomination of  Candidates</i></p>	<ul style="list-style-type: none"> <li>● Reorganising where appropriate the chapter structure and content, and using a table to illustrate the eligibility for nomination in the LegCo election (<b>para. 5.3</b>) and the nomination threshold (<b>para. 5.9</b>), with a view to making the content more concise and easy to understand;</li> <li>● Including “has been convicted of an offence endangering national security” as one of the grounds for disqualifying a person from being</li> </ul>

Relevant Chapter	Major Changes
	<p>nominated as a candidate and from being returned as a member of the LegCo under the Safeguarding National Security Ordinance which came into effect on 23 March 2024 (<b>para. 5.5(d)</b>);</p> <ul style="list-style-type: none"> <li>● Including the payment method of election deposit by means of Faster Payment System (“FPS”), and reminding candidates that they should pay attention to the transfer limit of their bank accounts and retain the original receipt of the election deposit (<b>para. 5.26</b>); and</li> <li>● Including a guideline on electronic submission of information for the Introduction to Candidates and encouraging candidates to use the electronic form so as to facilitate production of a text version of the Introduction to Candidates which is readable by visually impaired electors on computers or smart phones (<b>paras. 5.54 and 5.55</b>).</li> </ul>
<p><b>Chapter 6</b>  <i>Polling And Counting Arrangements</i></p>	<ul style="list-style-type: none"> <li>● Reorganising where appropriate the chapter structure and content to make the content more concise and easy to understand;</li> <li>● Setting out the new arrangement that other than poll cards, electors could log on to the Online Voter Information Enquiry System (<a href="http://www.voterinfo.gov.hk">www.voterinfo.gov.hk</a>) to check their allocated polling stations and relevant polling information (<b>para. 6.13</b>);</li> <li>● Setting out the vote counting procedures for the LegCo FC election if electronic counting arrangements are adopted (<b>para. 6.97</b>); and</li> <li>● Updating the circumstances under which a FC ballot paper is invalid pursuant to the amendments</li> </ul>

Relevant Chapter	Major Changes
	to the EAC(EP)(LC) Reg in May 2025 ( <b>para. 6.99(e)</b> ).
<b>Chapter 8</b> <i>Appointment And Roles Of Election Agents, Election Expense Agents, Polling Agents And Counting Agents</i>	<ul style="list-style-type: none"> <li>● Reorganising where appropriate the chapter structure and content to make the content more concise and easy to understand.</li> </ul>
<b>Chapter 9 and Appendix 6</b> <i>Election Advertisements</i>	<ul style="list-style-type: none"> <li>● Reorganising where appropriate the chapter structure and content to make the content more concise and easy to understand;</li> <li>● Revising the deadline for candidates to upload or submit the relevant documents and information after the publication of Election Advertisements (“EAs”) for public inspection (<b>paras. 9.2 and 9.45, and Appendix 6</b>);</li> <li>● Reminding candidates that they should notify the owners or occupiers of private land/properties concerned and the owners or managers of public service vehicles to arrange removal of all EAs as soon as possible after the election, so as to avoid misunderstanding or complaints from the public due to display of outdated EAs (<b>para. 9.39</b>); and</li> <li>● Including the prohibition under the Safeguarding National Security Ordinance which came into effect on 23 March 2024 that anything the publication of which would constitute an offence endangering national security shall not be contained in the election mails sent free of postage (<b>para. 9.62(g)</b>).</li> </ul>

Relevant Chapter	Major Changes
<p><b>Chapter 10 and Appendix 10</b>  <i>Electioneering Activities in Buildings Where Electors Reside, Work Or Frequent</i></p>	<ul style="list-style-type: none"> <li>● Reorganising where appropriate the chapter structure and content to make the content more concise and easy to understand;</li> <li>● Including the Light Public Housing managed by the Housing Bureau within the scope of the specific guidelines that candidates should observe when conducting electioneering activities in public housing estates (<b>para. 10.13 and Appendix 10</b>); and</li> <li>● On the protection of personal data, including a complaint case on the misuse of electors' email addresses after an election with a view to reminding candidates that the information of electors (including electors' email addresses) obtained from REO shall only be used for purposes related to electioneering activities for that election concerned (<b>para. 10.16</b>).</li> </ul>
<p><b>Chapter 11 and Appendix 10</b>  <i>Election Meetings</i></p>	<ul style="list-style-type: none"> <li>● Including the Light Public Housing within the scope of the specific guidelines that candidate should observe when conducting election meetings in public housing estates (<b>para. 11.21 and Appendix 10</b>); and</li> <li>● Illustrating specifically that if candidate wishes to raise funds for non-charitable purposes (including election-related purposes) at electioneering activities or election meetings held in public places, they should first apply to the Secretary for Home and Youth Affairs (<b>para. 11.22</b>).</li> </ul>

Relevant Chapter	Major Changes
<b>Chapter 12</b> <i>Election Broadcasting, Media Reporting And Election Forums</i>	<ul style="list-style-type: none"> <li>● Reorganising where appropriate the chapter structure and content to make the content more concise and easy to understand; and</li> <li>● Reminding the media that they should not announce the results of exit polls or make specific comments or predictions on the performance of individual candidates before the close of poll, so as to avoid undue influence on electors' voting behavior (<b>para. 12.5</b>).</li> </ul>
<b>Chapter 13</b> <i>Use Of Sound Amplifying Device And Vehicles</i>	<ul style="list-style-type: none"> <li>● Reminding candidates and their supporters that when using sound amplifying device for electioneering activities, they should stay away from locations with audible signaling facilities so as not to cause interference with the audible signals generated by those facilities and undermine the travel safety of the visually impaired persons (<b>para. 13.5</b>).</li> </ul>
<b>Chapter 17 and Appendix 18</b> <i>Election Expenses And Election Donations</i>	<ul style="list-style-type: none"> <li>● Setting out in point form the definitions of candidate, election expense and election donation under s 2 of the Elections (Corrupt and Illegal Conduct) Ordinance ("ECICO") (Cap. 554) with a view to making the content more concise and easy to understand (<b>para. 17.5</b>);</li> <li>● Using a table to illustrate the principles for reporting election donations in the form of payment in kind so as to make the content more concise and easy to understand (<b>para. 17.21</b>); and</li> <li>● Adding "Frequently Asked Questions &amp; Answers for Completing the Election Return" to facilitate candidates for completing election returns, in view of the fact that candidates were more prone to confusion in do so in the past (<b>Appendix 18</b>).</li> </ul>

Relevant Chapter	Major Changes
<b>Chapter 18</b> <i>Corrupt And Illegal Conduct</i>	<ul style="list-style-type: none"> <li>● Reorganising where appropriate the chapter structure and content to make the content more concise and easy to understand; and</li> <li>● 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, so as to safeguard the fairness and impartiality of the election (<b>para. 18.24</b>).</li> </ul>
<b>Chapter 19</b> <i>Namedropping</i>	<ul style="list-style-type: none"> <li>● Reorganising where appropriate the chapter structure and content to make the content more concise and easy to understand;</li> <li>● Reminding candidates that pursuant to s 26 of the Personal Data (Privacy) Ordinance (Cap. 486), they should take all practicable steps to erase personal data which are no longer required for the purpose for which the personal data are to be used (<b>para. 19.12</b>); and</li> <li>● Reminding candidates that if a supporter is under the age of 18, for prudence's sake, the candidate should arrange for the supporter's parent or guardian to countersign the consent form (<b>para. 19.15</b>).</li> </ul>

Relevant Chapter	Major Changes
<b>Chapter 20</b> <i>Participation Of Civil Servants, Non-Civil Service Government Staff And Politically Appointed Officials In Election-related Activities And Attendance Of Public Functions With Candidates</i>	<ul style="list-style-type: none"> <li>● Reorganising where appropriate the chapter structure and content to make the content more concise and easy to understand;</li> <li>● Specifying that the guidelines on participating in electioneering activities and attending public functions with candidates in this chapter are applicable to civil servants, non-civil service government staff and politically appointed officials (<b>paras. 20.1 to 20.5</b>).</li> </ul>
<b>Chapter 21</b> <i>Complaints Procedure</i>	<ul style="list-style-type: none"> <li>● Reorganising where appropriate the chapter structure and content to make the content more concise and easy to understand;</li> <li>● To handle complaints more efficiently, including a new recommendation to complainants on using the designated complaint form available on the EAC website (<b>para. 21.7</b>); and</li> <li>● Reminding complainants that they should reveal their identity and provide their correspondence address, email address, telephone number of other means of contact, otherwise the EAC may not be able to inform the complainant of the relevant investigation result (<b>para. 21.8</b>).</li> </ul>

## ABBREVIATIONS

AR, ARs	authorised representative, authorised representatives
ARO, AROs	Assistant Returning Officer, Assistant Returning Officers
Basic Law	Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China
Candidate's Platform	an open platform maintained by the candidate(s)
Cap.	Chapter of the Laws of Hong Kong
CE	Chief Executive
CEEEO	Chief Executive Election Ordinance (Cap. 569)
Central Platform	an open platform maintained by the CEO
CEO	Chief Electoral Officer
CERC	Candidate Eligibility Review Committee
CFA	Court of Final Appeal
CFI	Court of First Instance
CMLS	Candidate Mailing Label System
CPPCC	National Committee of the Chinese People's Political Consultative Conference

CPPCC members	Hong Kong Special Administrative Region members of the National Committee of the Chinese People's Political Consultative Conference
CRO	Chief Returning Officer
CSD	Correctional Services Department
DC	District Council
DCO	District Councils Ordinance (Cap. 547)
DLO, DLOs	District Lands Office, District Lands Offices
DO, DOs	District Office, District Offices
EA, EAs	election advertisement, election advertisements
EAC or the Commission	Electoral Affairs Commission
EAC (EP) (LC) Reg	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D)
EAC (FA) (APP) Reg	Electoral Affairs Commission (Financial Assistance for Legislative Council Elections and District Council Elections) (Application and Payment Procedure) Regulation (Cap. 541N)
EAC (NAC) (LC) Reg	Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) Regulation (Cap. 541C)

EAC (ROE) (FCSEC) Reg	Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541B)
EAC (ROE) (GC) Reg	Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541A)
EACO	Electoral Affairs Commission Ordinance (Cap. 541)
EC	Election Committee
ECC	Election Committee constituency
ECICO	Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554)
election	general election or by-election as appropriate
election return	return and declaration of election expenses and election donations
electors	electors/authorised representatives
EPR	Electronic Poll Register
ERO	Electoral Registration Officer
FAQs	Frequently Asked Questions
FC, FCs	functional constituency, functional constituencies
FPS	Faster Payment System

FR	final register
GC, GCs	geographical constituency, geographical constituencies
HKID	Hong Kong Identity Card
HKPF	Hong Kong Police Force
HKSAR	Hong Kong Special Administrative Region
ICAC	Independent Commission Against Corruption
LC Subscribers & Deposit Reg	Legislative Council (Subscribers and Election Deposit for Nomination) Regulation (Cap. 542C)
LCO	Legislative Council Ordinance (Cap. 542)
LegCo	Legislative Council
NAC, NACs	Nominations Advisory Committee, Nominations Advisory Committees
National Security Committee	Committee for Safeguarding National Security of the Hong Kong Special Administrative Region
NBPSs	Near Boundary Polling Stations
NCO	Noise Control Ordinance (Cap. 400)
NCZ, NCZs	no canvassing zone, no canvassing zones
NPC	National People's Congress

NPC deputies	Hong Kong Special Administrative Region deputies to the National People's Congress
NSZ	no staying zone
OL	omissions list
OVIES	Online Voter Information Enquiry System ( <a href="http://www.voterinfo.gov.hk">www.voterinfo.gov.hk</a> )
para., paras.	paragraph, paragraphs
PCBP (LC & DC) Reg	Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) Regulation (Cap. 541M)
PCPD	Office of the Privacy Commissioner for Personal Data
PD(P)O	Personal Data (Privacy) Ordinance (Cap. 486)
PHMSO	Public Health and Municipal Services Ordinance (Cap. 132)
POBO	Prevention of Bribery Ordinance (Cap. 201)
POO	Public Order Ordinance (Cap. 245)
PR	provisional register
PRO, PROs	Presiding Officer, Presiding Officers
REO	Registration and Electoral Office
RO, ROs	Returning Officer, Returning Officers

RTO	Road Traffic Ordinance (Cap. 374)
S, s, Ss, ss	section, sections
SOO	The Summary Offences Ordinance (Cap. 228)
TD	Transport Department
the Hong Kong National Security Law	the Law of the People's Republic of China on Safeguarding National Security in the HKSAR

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## PROLOGUE

### **ROLE OF THE ELECTORAL AFFAIRS COMMISSION AND THE GUIDELINES**

1. Under the Electoral Affairs Commission Ordinance (Cap. 541) (“EACO”), the Electoral Affairs Commission (“EAC”) is an independent, impartial and apolitical body responsible for conducting and supervising public elections in accordance with the electoral law and strives to conduct public elections under the principles of openness, honesty and fairness. Although the EAC is responsible for making the subsidiary legislation on electoral procedures, guidelines on election-related activities, and related practical arrangements, it is not part of the Government. All along, the EAC does not formulate electoral policies nor take into account any political considerations, but considers whether the relevant arrangements do comply with the law and are reasonably practicable and will facilitate the smooth operation of the election. Under the EACO, the EAC shall perform its function through the Chief Electoral Officer (“CEO”). The Registration and Electoral Office (“REO”) is the executive arm of the EAC. Apart from making the practical arrangements for the elections, the REO also advises the EAC on the practicality on various electoral arrangements.

2. All electoral arrangements in Hong Kong are regulated under the relevant primary legislation and subsidiary legislation. The EAC must conduct and supervise the conduct of elections in strict compliance with the subsisting law. Under the present institution, matters relating to electoral policies and the system are under the purview of the executive authorities, whereas the legislature is responsible for the enactment and amendment of the primary legislation. On the other hand, pursuant to the principles and provisions in the primary legislation, the EAC makes the corresponding

subsidiary legislation to set out the detailed electoral procedures for the various elections. The EAC cannot act beyond the power conferred by the primary legislation. Where necessary, the EAC would provide its advice from practical and operational points of views for reference of the Government. Under the existing arrangement, any enactment or amendment of the primary legislation must be introduced by the Government in the form of bills to the Legislative Council (“LegCo”) for deliberation and resolution. Subsidiary legislation must also be submitted by the Government to the LegCo by way of the negative vetting procedure.

3. The EAC is empowered by the law to issue guidelines on election-related activities. The electoral guidelines are not law, and cover the following two aspects: (1) to explain in simple language the subsisting electoral law so as to remind candidates and other stakeholders of the provisions and requirements under the electoral law. The EAC is not a court of law. It has no authority to make judicial interpretation for disputed provisions of the statutes; and (2) with regard to election-related activities not stipulated by the law, to promulgate a code of conduct based on the principle of fairness and equality.

### **Legislation Aspect**

4. With regard to the legislation aspect, all relevant provisions are enacted by the legislature. The guidelines only explain in simple language the relevant provisions under the electoral law, and where applicable illustrate with examples the best practices.

5. In order to ensure the fairness of an election, safeguarding the autonomy and secrecy of the vote are the most important principles of the electoral law. Electors must mark the ballot papers by themselves inside the voting compartments, and are not required to disclose their voting preference.

It is a criminal offence to influence the voting preference of electors by corrupt conduct such as the use of force, threat, coercion, inducement, deception or obstruction; or by the illegal conduct of making false statements about a candidate. It is also a criminal offence to require an elector to disclose his/her voting preference. In any case, the voting choice is ultimately made by the elector voluntarily and under the protection of secrecy. Electors may well discuss among themselves their voting preference, but in no case involving any corrupt or illegal conduct.

6. Nomination of candidates is an important part of an election. According to Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China ("Basic Law"), the Candidate Eligibility Review Committee ("CERC") shall be responsible for reviewing and confirming the eligibility of candidates for the LegCo members (for details of the CERC, please refer to Section 6 of Chapter 5). The CERC may request the Returning Officers ("ROs") to provide advice to the CERC regarding the nomination of candidates. It may also make decisions pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region ("National Security Committee"). The National Security Committee shall, on the basis of the review by the National Security Department of the Hong Kong Police Force ("HKPF"), make findings regarding candidates' compliance with the legal requirements and conditions on "upholding the Basic Law and pledging allegiance to the Hong Kong Special Administrative Region ("HKSAR") of the People's Republic of China" and will issue an opinion to the CERC for those who fail to meet such legal requirements and conditions. According to Article 14 of the Law of the People's Republic of China on Safeguarding National Security in the HKSAR ("the Hong Kong National Security Law"), no institution, organisation or individual in the Region shall interfere with the work of the National Security Committee. Information relating to the work of the National Security Committee shall not be subject to disclosure. As stipulated in Annex II to the

Basic Law and the electoral law, 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 National Security Committee. For details, please refer to Chapter 5.

7. Whether the nomination of a candidate is valid or not is solely determined by the CERC. The EAC is neither empowered nor involved in the making of such decision, and will not provide any advice. The EAC will only make practical arrangements for the election according to the validly nominated candidates determined by the CERC. If any person is disqualified from being a candidate at an election, he/she may make an election petition to question the result of the election in accordance with s 61 of the Legislative Council Ordinance (Cap. 542) (“LCO”). However, as mentioned in para. 6 above, by virtue of Annex II to the Basic Law and the electoral law, 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 National Security Committee.

8. Another important aspect of the law is to prescribe the maximum limit for election expenses. The setting of a maximum limit of election expenses is to ensure that the candidates do compete on a level playing field within a reasonable level of expenditures. According to the law, election expenses mean the expenses in promoting or prejudicing the election of a candidate. The definition of “candidate” means a person who stands nominated as a candidate at an election and includes a person who has publicly declared an intention to stand for election before the close of nominations. The public declaration of the intention to stand as a candidate is a legal issue which must be determined on the basis of actual facts and intention, rather than on the face of any statement alone. It is a criminal offence for a candidate to incur election expenses in excess of the prescribed maximum limit. Hence, the candidate must, in accordance with the law, submit an election return after

the election to rigorously declare all the election expenses incurred by him/her; otherwise, he/she commits an offence.

9. For the effective sanction of the maximum limit on election expenses, the law also stipulates that only candidates and their authorised election expense agents may incur election expenses. It is a criminal offence for other unauthorised persons, no matter it is for the purpose of promoting or prejudicing the election of a candidate, to incur election expenses. Nevertheless, with regard to the opinions published on the Internet, even though they are to promote or prejudice the election of a candidate and amount to election advertisements (“EAs”), if the publisher is a third party (i.e. a person other than a candidate and his/her election expense agents) and the only election expenses incurred are electricity charges and/or charges necessary for accessing the Internet, he/she is exempted from the relevant criminal liability. However, if the publisher is a candidate or his/her election expense agent, the exemption does not apply. As such, the candidate should declare all election expenses in his/her election return (i.e. including election expenses incurred in relation to the Internet and all other media).

10. EA has always been an important part of election expenses, and therefore it is necessary to regulate the publication of EAs for calculation of election expenses. Notwithstanding that EAs are regulated, the paramount principles of freedom of speech, press freedom and the dissemination of election information must be guaranteed. In determining whether certain statements are EAs and whether election expenses are involved, consideration must be given to the overall circumstances and evidence, including the nature of those statements, the expenses involved and the intention of promoting or prejudicing any candidate from being elected.

11. As the EAC is not a law enforcement agency, if a complaint involves any offence, the EAC will refer to the law enforcement agencies for

follow-up and investigation. Any disputes over the law or fact will ultimately be a matter for the adjudication of the Court.

12. The EAC will seek to provide a statement of principle on the compliance of the electoral law. However, the EAC is not the legal advisor for candidates. Any person who has any questions on any particular matter should seek independent legal advice.

### **Code of Conduct**

13. Apart from the electoral law, the EAC has promulgated guidelines on election-related activities based on the principle of fairness and equality. However, the guidelines promulgated by the EAC are not legally binding. Any breaches of the guidelines will not constitute a legal offence. However, where necessary, the EAC will issue a public **reprimand** or **censure** in order to inform the electors and the general public of important matters that have occurred during the elections. An important application of the principle of fairness and equality is concerned with the utilisation of the public resources, for example:

- (a) The guidelines prescribe a fair and equal system in allocating the designated spots for display of EAs on Government land, premises and roadways;
- (b) Licensed radio and television stations as well as registered newspapers and magazines should uphold the fair and equal treatment principle in their treatment of the candidates;
- (c) Building management organisations, owners' corporations and mutual aid residents' associations should observe the principle of fairness and equality in handling the requests of the candidates for

the display of EAs and conducting electioneering activities in the common parts of the buildings under their management; and

- (d) A candidate must not make use of any public resources for electioneering.

The management organisations mentioned under (c) above should handle the applications from the candidate fairly and equally. If a management organisation decides to allow a particular candidate to conduct electioneering activities in the common parts of the buildings under its management, it should also allow other candidate(s) in the same geographical constituency (“GC”)/functional constituency (“FC”)/the Election Committee constituency (“ECC”) to do so (if other candidate(s) make(s) the same request). On the contrary, if it is decided to reject an application from a particular candidate, the same applications (if any) from other candidate(s) in the same constituency should also be rejected. However, this principle does not apply to election activities and EA concerning private properties.

14. It is noteworthy that Hong Kong is a pluralistic society with different sectors of people who may have different pursuits. There are often conflicting views on whether a particular matter is fair or not. Achieving absolute fairness is ideal, but that is not always feasible. The bottom line is to guard against serious and critical unfairness.

15. The EAC will solemnly handle complaints against any breach of the principle of fairness and equality as set out in the electoral guidelines. Investigation must be based on factual evidence and be in accordance with the principle of procedural justice. The parties concerned must be given the opportunity to make representations in defence, and the EAC will make a decision after duly taking into account of all relevant matters and circumstances. If the conduct does not contravene any law, when considering

whether the conduct concerned is unfair, the EAC would not make a judgement lightly without careful consideration of all relevant matters and circumstances. Furthermore, while complaints are often made shortly before the polling day, the EAC would not circumvent or compress the established procedure because of the time constraint so as to avoid any unfairness.

16. If a complaint is substantiated, the EAC may, where necessary, issue a public **reprimand** or **censure** in order to inform the electors and the general public of important matters that have occurred during the elections. The EAC may also issue press statements on matters of principle which have attracted widespread public concern in order to set the record straight. Apart from that, the EAC, as a long-standing practice, does not comment on the political platforms of candidates, individual comments and reporting, or hearsays.

17. Electors rely on fair and orderly elections to elect their representatives. Election is a solemn matter. The electoral procedures are strictly sanctioned by the relevant electoral law. Persons who wish to run for an election and other stakeholders must understand and comply with the requirements of the electoral law so as to avoid committing any criminal offence inadvertently.

18. Apart from the legislation aspect, candidates and stakeholders should also make reference to the good practices provided in the Guidelines in order to ensure that the elections are conducted in an open, honest and fair manner.

19. The EAC appeals to members of the public to be acquainted with and to uphold the electoral law and electoral guidelines in order to carry on the good election culture in Hong Kong, so that an election can be conducted smoothly in a fair and equal manner.

## **CHAPTER 1**

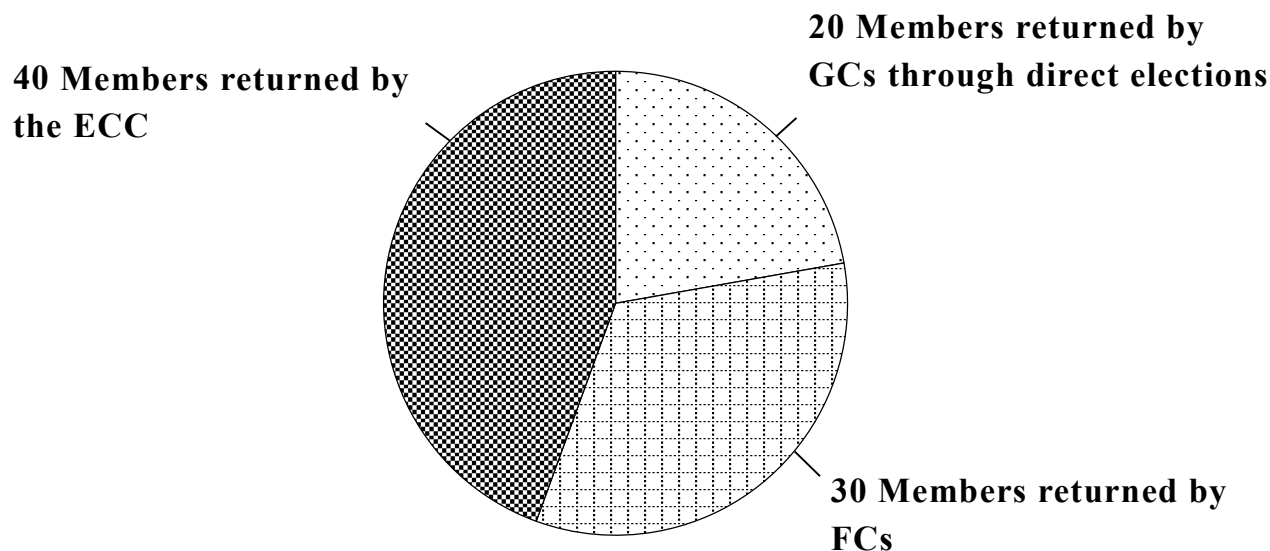
### **INTRODUCTION**

#### **PART I : THE LEGISLATIVE COUNCIL ELECTION**

1.1 In accordance with the Basic Law and the LCO, the term of office of the LegCo is four years, commencing on a date specified by the Chief Executive (“CE”) in Council. On 19 November 2021, the CE in Council, published in the Gazette and specified 1 January 2022 as the commencement date for the seventh term of the LegCo.

1.2 A person returned as a Member at a general election holds office from the beginning of the term of office of the LegCo following that election and vacates office at the end of the term. A by-election will be held to fill the vacancy in membership of LegCo as far as possible, having regard to the actual circumstances. However, the aforesaid by-election shall not be held within the four months preceding the end of the LegCo’s current term of office, or if the CE has published in the Gazette an order dissolving the LegCo in accordance with the Basic Law. [Ss 12(1) and 36(2) of the LCO]

1.3 In accordance with Annex II to the Basic Law, the LegCo shall be composed of 90 Members and the composition shall be as follows:



### **Geographical Constituency**

1.4 The HKSAR is divided into 10 GCs, each having two seats and a total of 20 LegCo Members will be returned. The LegCo elections for GCs adopt the “double seats and single vote” voting system, whereby each elector in a GC may vote for one candidate, and the two candidates who obtain the greatest numbers of votes shall be returned as members for the respective GC. Details are set out in Chapter 2. [Ss 18, 19, and 49 of the LCO]

### **Functional Constituency**

1.5 The 28 FCs adopt the “first past the post” voting system to return 30 members. The Labour FC is to return three members while the remaining 27 FCs are to return one member each. Details are set out in Chapter 3. [Ss 20, 21, and 51 of the LCO]

### **Election Committee Constituency**

1.6 The ECC adopts the “block vote” system to return 40 members, whereby each Election Committee (“EC”) member shall vote for not more than or less than 40 candidates on the ballot paper. The 40 candidates who obtain the greatest numbers of votes will be returned in the election. Details are set out in Chapter 4. [Ss 21A, 21B, and 52A of the LCO]

## **PART II : GOVERNING LEGISLATION**

1.7 LegCo elections are governed by the following ordinances:

- (a) The EACO provides that the EAC is responsible for making recommendations regarding the delineation of boundaries and names of GCs for LegCo elections, conducting and supervising LegCo elections and matters incidental thereto, and regulating the printing of candidates’ particulars on ballot papers and matters concerning financial assistance for candidates;
- (b) The LCO provides for the constitution and membership of LegCo, the election of LegCo members and related matters, such as the establishment of GCs, FCs, and the ECC, voter registration, election procedures, financial assistance for candidates and election petitions; and

- (c) The Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) (“ECICO”) provides for prohibition of election-related corrupt and illegal conduct, and is administered by the Independent Commission Against Corruption (“ICAC”).

1.8 In addition, the following subsidiary legislation provides the detailed procedures for the conduct of LegCo elections:

- (a) The Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541A) (“EAC (ROE) (GC) Reg”) regulates the registration of electors for GCs;
- (b) The Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541B) (“EAC (ROE) (FCSEC) Reg”) regulates the registration of electors for FCs and the ECC;
- (c) The Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) Regulation (Cap. 541C) (“EAC (NAC) (LC) Reg”) stipulates the appointment and functions of the Nominations Advisory Committees (“NAC”) and the procedures for seeking advice from NAC on whether the prospective candidates are eligible for nomination in LegCo elections;

- (d) The Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D) (“EAC (EP) (LC) Reg”) provides for the electoral procedures for conducting LegCo elections;
- (e) The Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) Regulation (Cap. 541M) (“PCBP (LC & DC) Reg”) sets out the procedures for printing specified particulars of candidates on ballot papers for use in LegCo elections for GCs and FCs;
- (f) The Electoral Affairs Commission (Financial Assistance for Legislative Council Elections and District Council Elections) (Application and Payment Procedure) Regulation (Cap. 541N) (“EAC (FA) (APP) Reg”) stipulates the implementation procedures for the Financial Assistance Scheme for candidates standing in LegCo elections;
- (g) The Legislative Council (Subscribers and Election Deposit for Nomination) Regulation (Cap. 542C) (“LC Subscribers & Deposit Reg”) sets out the requirements for subscribers, payment and refund of election deposits in LegCo elections;
- (h) The Legislative Council (Election Petition) Rules (Cap. 542F) set out the procedures for lodging an election petition against the result of LegCo elections to the High Court; and

- (i) The Maximum Amount of Election Expenses (Legislative Council Election) Regulation (Cap. 554D) prescribes the maximum amount of election expenses that can be incurred by a candidate or by another person on behalf of a candidate in a LegCo election.

### **PART III : THE GUIDELINES**

1.9 The EAC is empowered by the legislation to issue guidelines on the following matters related to an election:

- (a) the conduct, supervision of, or procedure at an election;
- (b) the activities of a candidate, an agent of a candidate, any other person assisting a candidate, or any other person;
- (c) election expenses;
- (d) the display or use of EAs or other publicity materials; and
- (e) the procedure for lodging of a complaint.

[S 6 of the EACO]

1.10 The aims of this set of Guidelines are: (1) to explain in simple language the subsisting electoral law so as to remind candidates and other stakeholders of the provisions and requirements under the electoral law; and (2) with regard to election-related activities not stipulated by the law, such as media report and conduct of electioneering activities in buildings, to promulgate a code of conduct based on the principles of fairness and equality, and provide standard of good practices as regulations. The Guidelines are also issued for reference by members of the public, so as to enable them to give play to the role of monitoring the elections, and ensure that elections are conducted in an open, honest and fair manner.

1.11 This set of Guidelines applies to LegCo general elections and by-elections. For the 2025 LegCo general election, candidates should also refer to the Action Checklist for Candidates at **Appendix 1** issued by the REO, which details what candidates should do.

1.12 In the context of this set of Guidelines, the term “election” means a general election or a by-election, as appropriate.

## **PART IV : SANCTION**

1.13 Electors, candidates and their agents, government officials engaging in election-related duties, and other persons involved in election-related activities should strictly observe the Guidelines.

1.14 If the EAC comes to know that a candidate or a person has breached the Guidelines, in addition to notifying the relevant authorities for action, the EAC would make a **reprimand** or **censure** in a public statement and publish the name of the candidate and/or the person concerned in the public statement. Should the candidate and/or the person concerned commits an offence under electoral law, they will incur criminal liability accordingly.

## **CHAPTER 2**

### **COMPOSITION, REGISTRATION OF ELECTORS AND VOTING SYSTEM FOR GEOGRAPHICAL CONSTITUENCIES**

#### **PART I : COMPOSITION OF GEOGRAPHICAL CONSTITUENCIES**

2.1 There are 10 GCs in Hong Kong, namely Hong Kong Island East, Hong Kong Island West, Kowloon East, Kowloon West, Kowloon Central, New Territories South East, New Territories North, New Territories North West, New Territories South West, and New Territories North East. Each GC shall return two members. In a LegCo general election, the GCs shall return a total of 20 LegCo members.

#### **PART II : REGISTRATION OF ELECTORS**

2.2 Any person who is eligible to be registered as an elector may submit an application to the REO. The REO will assign a GC to each elector according to the residential address provided by him. A registered elector<sup>1</sup> may only vote for the GC for which he is registered as an elector. [S 48(1) of the LCO]

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<sup>1</sup> A registered elector is a person whose name appears on the final register ("FR") of GCs that is in force at the time of election as compiled and published by the Electoral Registration Officer ("ERO") under the LCO.

**Qualifications for Registration**

2.3 To qualify for registration as an elector for a GC, a person has to satisfy all of the following requirements:

- (a) he is a permanent resident of Hong Kong;
- (b) (i) he ordinarily resides in Hong Kong and the residential address in his application for registration is his only or principal residence in Hong Kong;  
  
(ii) if he is a person serving a sentence of imprisonment, his only and principal residence will be handled in accordance with ss 28(1A) and (1B) of the LCO;
- (c) he has reached 18 years of age or will reach 18 years of age by 25 September next following his application for registration;
- (d) he holds an identity document or has applied for a new identity document or a replacement identity document; and
- (e) he is not disqualified from being registered as an elector by virtue of s 31 of the LCO.

[Ss 27, 28(1), (1A) and (1B), 29, 30 and 31 of the LCO]

2.4 Applicants must provide true and accurate information in his application for new registration or change of registration particulars. Any person making any statement which he knows to be false in a material particular or recklessly makes any statement which is incorrect in a material particular or knowingly omits any material particular from such an application commits an offence and is liable to a fine at level 3 (\$10,000) and to imprisonment for 2 years. If that person does vote at an election, he may also contravene s 16 of the ECICO and shall be liable to a more serious penalty. [Ss 4, 10A, and 22 of the EAC (ROE) (GC) Reg]

2.5 For application for new voter registration, application for change of registration particulars, inspection of voter registration particulars and other matters relating to voter registration, please visit the Voter Registration website ([www.voterregistration.gov.hk](http://www.voterregistration.gov.hk)).

### **Key Dates in Voter Registration**

2.6 The law sets out clear registration procedures and deadlines for the publication of the final register (“FR”) every year, with key dates as follows:

<b>Voter Registration Procedures</b>	<b>Statutory Deadline</b>
Submission of application for change of registration particulars	2 June

<b>Voter Registration Procedures</b>	<b>Statutory Deadline</b>
Application for de-registration	2 June
Submission of application for new registration	
Electors to respond to inquiry letters to retain their voter registration	
Publication of provisional register (“PR”) of electors for GC and omissions list (“OL”)	1 August
Claims and objections period	1 to 25 August
Publication of the FR for electors of GCs	25 September

Although eligible persons may submit applications for voter registration at any time of the year, applications submitted after the statutory deadline of 2 June and accepted by the Electoral Registration Officer (“ERO”) will only be included in the register of electors for the following year.

2.7 A person may, by completing the specified form<sup>2</sup>, submit his application for voter registration to the ERO at any time of the year. A person who was previously de-registered (e.g. due to failure to respond to the inquiry letter from the REO after relocation) but is presently eligible for voter registration may submit an application for new registration again as an elector. When submitting an application for voter registration, the applicant is required to provide address proof at the same time to prove that the address stated in the application is the applicant's principal residential address. The address proof must comply with specified requirements, as detailed in the specified form<sup>3</sup>. If the information in an application form is incomplete and the applicant fails to submit the required supplementary information, the REO will reject the application. If an applicant knowingly provides incorrect information in an application, the REO will take appropriate action against him. [S 4(1A) of the EAC (ROE) (GC) Reg]

### **Disqualifications**

2.8 A person is disqualified from being registered as an elector and voting at an election for a GC if he:

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<sup>2</sup> The form of "Application for New Registration/Report on Change of Particulars by an Elector in a Geographical Constituency" (REO-GC) may be downloaded from the website of the REO ([www.reo.gov.hk](http://www.reo.gov.hk)).

<sup>3</sup> For applicants who are authorised occupants of public rental housing under the Housing Department or registered residents in the tenancy of subsidised housing under the Hong Kong Housing Society, and that the address in the tenancy records match the residential address provided by the applicants, the address proof requirement for such applicants may be exempted.

- (a) has ceased to be eligible to be registered as an elector for that GC (see para. 2.3 of this chapter);
- (b) is found to be incapable, by reason of mental incapacity, of managing and administering his property and affairs<sup>4</sup> under the Mental Health Ordinance (Cap. 136); or
- (c) is a member of any armed forces.

[Ss 31(1)(d) and (e), 53(1)(a), 53(5)(d) and (e) of the LCO]

### **De-registration**

2.9 An elector who wishes to de-register as an elector may visit the REO in person or submit a written request for de-registration as an elector. The REO has not prescribed a specified form for de-registration. If the elector chooses to request for de-registration in writing, he must submit a signed written notice containing his personal particulars (including name, Hong Kong Identity Card (“HKID”) number, contact phone number, and address). The elector’s name will be included in the OL only after the REO receives and verifies the request for de-registration. The elector so included in the OL may inspect his voter registration particulars during the period from the day of publication of the PR

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<sup>4</sup> Except for the condition stipulated in this para., the law does not impose restrictions on the voting rights of persons who are incapacitated from voting due to other physical conditions, provided that each elector must cast the vote on his own. If an elector is unable to mark the ballot paper on his own, the elector may request the Presiding Officer (“PRO”) or the PRO’s deputy to mark the ballot paper on his behalf according to his voting preference in the presence of one polling staff as a witness (see Part X of Chapter 6).

and OL to the end of the inspection period. If necessary, the elector may lodge a claim with supporting proof to request for reinstatement of his elector status. If the REO is unable to complete the verification process for the de-registration request, the name of the elector will remain on the FR in that year, and the elector may choose to vote or not on the polling day in that year. The REO will continue to process the requests concerned in the next voter registration cycle.

### **Change of Residential Address and Other Registered Particulars**

2.10 Registered electors are not required to re-apply for registration every year. However, if a registered elector would like to change his principal address as contained in the FR, he should notify the ERO of his **new principal residential address** in Hong Kong and provide address proof<sup>5</sup> that complies with specified requirements, in order to update his registration particulars in the register for the next year. If the change of an elector's principal residential address has not been completed by the statutory deadline specified in para. 2.6 of this chapter and his name remains on the register of electors, he may still vote at the GC according to his original registered address in that year. [S 10A(3) of the EAC (ROE) (GC) Reg]

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<sup>5</sup> For electors who are authorised occupants of public rental housing under the Housing Department or registered residents in the tenancy of subsidised housing under the Hong Kong Housing Society, and that the address in the tenancy records match the residential address provided by the electors, the address proof requirement for such electors may be exempted.

### **Inquiry Procedure**

2.11 If it comes to the knowledge of the ERO that an elector's registered address may no longer be his principal residential address, the ERO will initiate the statutory inquiry procedure to ascertain whether the address recorded in the existing register is still the elector's only or principal residential address in Hong Kong. In the event that:

- (a) the elector fails to respond to the inquiry; or
- (b) the elector fails to provide the ERO with the information requested in respect of the inquiry; or
- (c) the ERO, based on the information so received or otherwise obtained, is satisfied on reasonable grounds that the elector is no longer eligible to be registered;

**the elector's name and other registration particulars will be entered on the OL and may be removed from the next register of electors.** A person whose name is recorded in the existing register of electors is still a registered elector for the relevant GC at any election held before the publication of the next register.

[Ss 7(1) and 9 of the EAC (ROE) (GC) Reg and s 33 of the LCO]

## **Provisional Register and Omissions List**

2.12 The content of the PR for GCs includes:

- (a) the names and principal residential addresses of those eligible electors in the FR for GCs in force at the time. Such information will be updated or corrected by the ERO based on information reported or obtained from other sources (if applicable); and
- (b) the names and principal residential addresses of the eligible persons who have applied for new registration in the constituency concerned on or before the statutory deadline for new registration.

A copy of the PR is **available for inspection by specified persons** during ordinary business hours at specified offices of the REO (see **Appendix 2**). Only the first character/word of the elector's name (whether in Chinese or English) and his registered residential address will be shown on the register for inspection.  
[Ss 12 and 13 of the EAC (ROE) (GC) Reg]

2.13 When publishing the PR for GCs, the ERO will also publish a copy of the OL for inspection by specified persons (see **Appendix 2**). The list includes persons who are disqualified from or no longer eligible for registration as GC electors (such as persons who have died, persons who have requested for de-registration as electors, discharged prisoners who have not informed the ERO of their new residential addresses, and persons who have failed to respond to statutory inquiry or failed to provide a valid reply to such inquiries). However,

the inclusion of an elector in the OL does not mean that the elector status is invalidated with immediate effect. If the elector lodges a claim to the ERO and the Revising Officer accepts the grounds submitted by him and approves his claim, his elector status will be retained. [Ss 9(1) and (2) of the EAC (ROE) (GC) Reg and ss 32(4)(a) and (b) of the LCO]

2.14 The REO will issue reminding letters to electors on the OL. A message in red that reads “Immediate action required – Your voting right is at stake” will be printed on the envelope, so as to remind the electors that they must, by the specified deadline, submit a notice of claim or send back the reply slip to confirm the validity of the existing registered addresses or to update their registered addresses (submission of address proof is required for the update of registered address). Additionally, when an elector logs on to the Online Voter Information Enquiry System (“OVIES”) ([www.voterinfo.gov.hk](http://www.voterinfo.gov.hk)) to inspect his registration particulars, the system will remind him to respond to the reminding letter from the REO as soon as possible.

2.15 The time and place(s) for inspection of the copy of the PR and the OL will be published in the Gazette and newspapers. Publication of the Gazette will be deemed as the publication of the PR. [Ss 10 and 13 of the EAC (ROE) (GC) Reg]

### **Inquiry of Voter Information**

2.16 Registered electors may check their latest registration particulars including their registered addresses and respective constituencies, and find out

whether they are included in the statutory inquiry procedure via “iAM Smart”, the OVIES ([www.voterinfo.gov.hk](http://www.voterinfo.gov.hk)), or by calling the REO hotline (2891 1001).

### **Appeals – Claims and Objections**

2.17 Within the period for making claims or objections, electors may make a claim in respect of his own entry or an objection in respect of another elector’s entry in the PR for the matters specified below by submitting in person<sup>6</sup> at the office of the ERO a notice of claim or objection in the specified form. Detailed procedures for making claims or objections are available on the REO website ([www.reo.gov.hk](http://www.reo.gov.hk)) during the inspection period. Claimable matters include:

- (a) an applicant who claims that he is eligible to be registered as an elector and has applied for registration but his name has not been listed in the PR; or
- (b) an applicant’s name has been included in the OL; or
- (c) an elector whose particulars have not been correctly recorded in the PR;

and any person may make an objection on the following matter if he:

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<sup>6</sup> To facilitate a person who is imprisoned or held in custody by a law enforcement agency and wishes to make such a claim, he may deliver a notice of objection or claim to the ERO by post. [Ss 14(2A) and 15(7A) of the EAC (ROE) (GC) Reg]

- (d) opines that a registered elector is ineligible to be registered as an elector.

[Ss 14(1) and (2) and 15(1), (2), and (7) of the EAC (ROE) (GC) Reg]

2.18 Cases of claims and objections will be referred to the Revising Officer for consideration. The Revising Officer will deliberate on each case of claim or objection and make a ruling on the addition, deletion or correction of the entry concerned in the relevant FR. The claimant or objector must provide sufficient information so as to let the Revising Officer know the grounds of the claim or objection, and attend the hearing<sup>7</sup>, otherwise the Revising Officer may dismiss the claim or objection. [Part 3 of the EAC (ROE) (GC) Reg, ss 34 and 77 of the LCO, and s 2 of the Registration of Electors (Appeals) Regulation (Cap. 542B)]

### **Final Register**

2.19 The FR for GCs consists of entries shown in the PR and incorporates, for the relevant year, all revised names and principal residential addresses of electors based on new registration applications and reports on change of registration particulars, as well as those updated or corrected in accordance with the Revising Officer's decisions on claims and objections. The ERO will also take the opportunity to delete entries of electors who are known to have died and to amend any incorrect information in the PR. The FR shall remain in force

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<sup>7</sup> The Revising Officer has the authority to determine the claim or objection on the basis of written submissions only without a hearing. [S 34 of the LCO and s 2A of the Registration of Electors (Appeals) Regulation (Cap. 542B)]

until the publication of the next FR in the following year. [S 19(1) of the EAC (ROE) (GC) Reg]

2.20 The time and place(s) for inspection of the copy of the FR will be published in the Gazette and newspapers. Publication of the Gazette will be deemed as the publication of the FR. [S 20 of the EAC (ROE) (GC) Reg]

### **PART III : THE VOTING AND COUNTING SYSTEM FOR GEOGRAPHICAL CONSTITUENCIES**

2.21 The “double seats and single vote” voting system is adopted in GC elections. Each GC will return two members, and each elector of a GC may vote for one candidate. The two candidates who obtain the greatest and the next greatest numbers of votes shall be returned as members for the respective GC. [Ss 49(1) and (2) of the LCO]

2.22 The LCO stipulates corresponding arrangements for the following situations in GC elections:

<b>Number of Validly Nominated Candidates</b>	<b>Corresponding Arrangement(s)</b>
Exceeds the number of members to be returned for a GC	<ul style="list-style-type: none"> <li>• A poll will be held for that GC.</li> </ul>

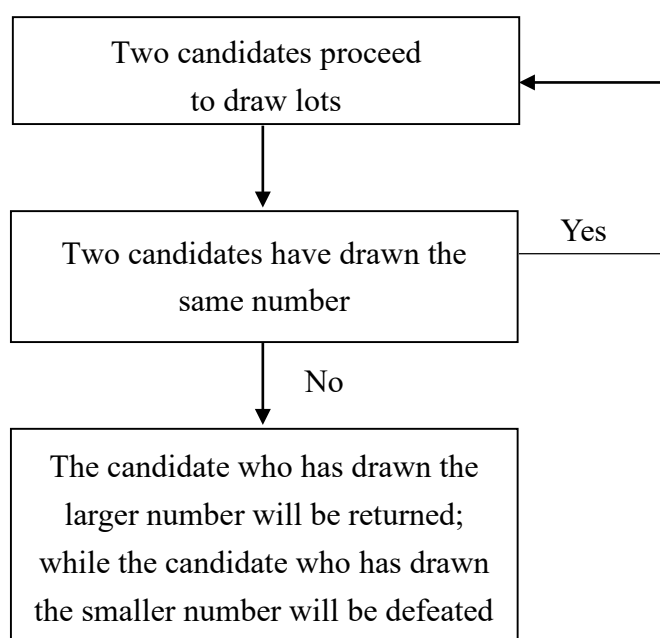
<b>Number of Validly Nominated Candidates</b>	<b>Corresponding Arrangement(s)</b>
Equals the number of members to be returned for a GC	<ul style="list-style-type: none"> <li>• The RO declares the candidates elected and a poll will no longer be necessary for that GC.</li> </ul>
Less than the number of members to be returned for a GC	<ul style="list-style-type: none"> <li>• The RO declares the candidate elected and further declares the election for that GC has failed to the extent that the number of candidates validly nominated was less than the number of members to be returned; and</li> <li>• A by-election will be held for that GC.</li> </ul>
No validly nominated candidates for a GC	<ul style="list-style-type: none"> <li>• The RO declares that the election for that GC has failed; and</li> <li>• A by-election will be held for that GC.</li> </ul>

[S 46 of the LCO]

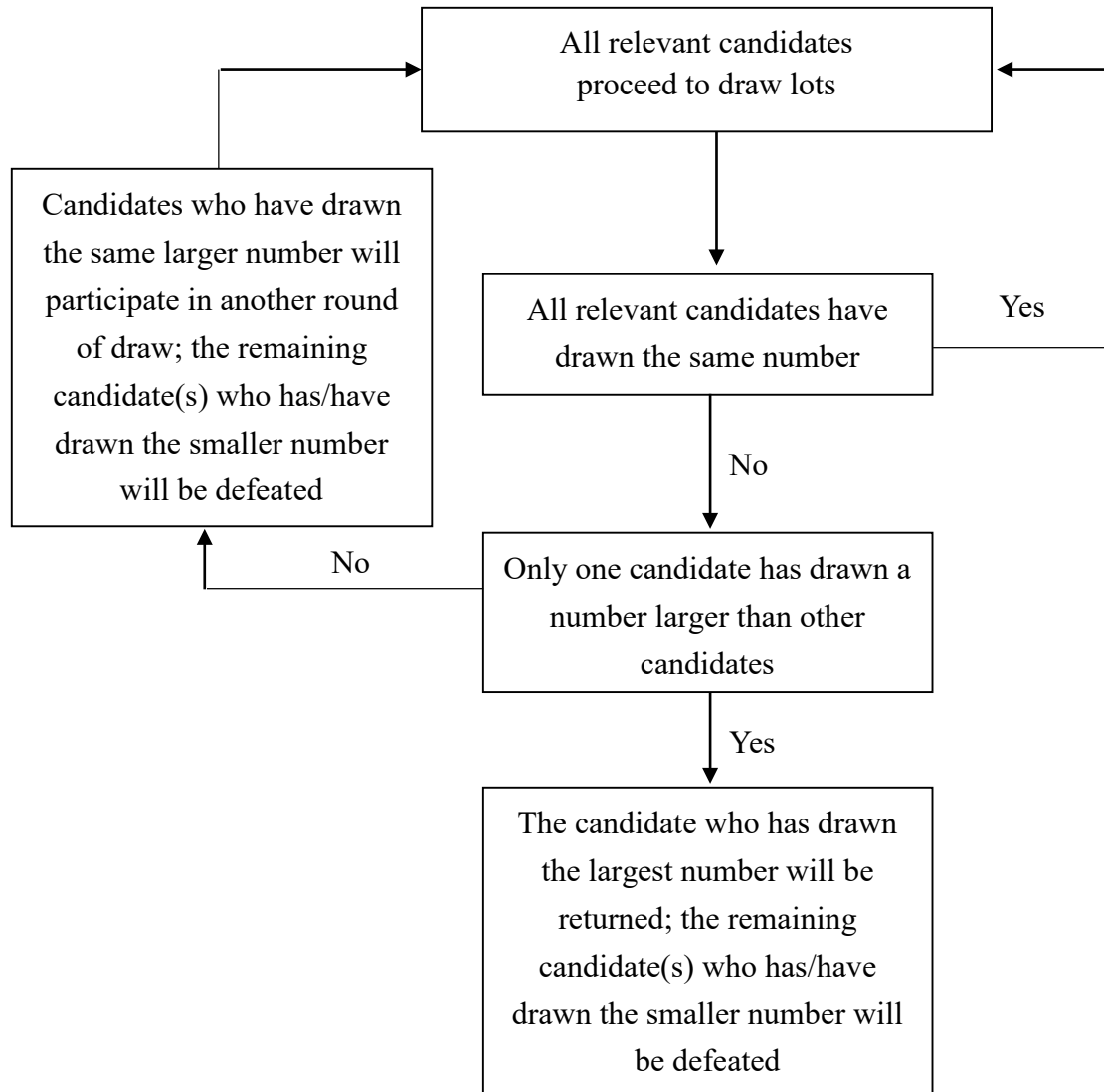
2.23 After the counting is finished at an election for a GC, if the number of candidates having an equal greatest number of votes exceeds the number of members to be returned for the constituency, the RO must determine the result of the election by drawing lots and the candidate(s) on whom the lot falls is/are to be returned. [S 49(4) of the LCO]

2.24 When the election result has to be determined by the drawing of lots, the RO will provide 10 table-tennis balls each marked with a number from 1 to 10 (1 being the smallest and 10 the largest), and then put all the table-tennis balls into an empty opaque bag. One of the candidates will first draw one ball from the bag, and then give the ball to the RO to note the relevant number. The ball should be put back into the bag. The procedures are repeated for the other candidates with an equal number of votes until all candidates have drawn the tennis-ball. The RO will draw the lot on behalf of the candidate if the candidate is absent at the time of the draw. The arrangements for the result of the draw are as follows:

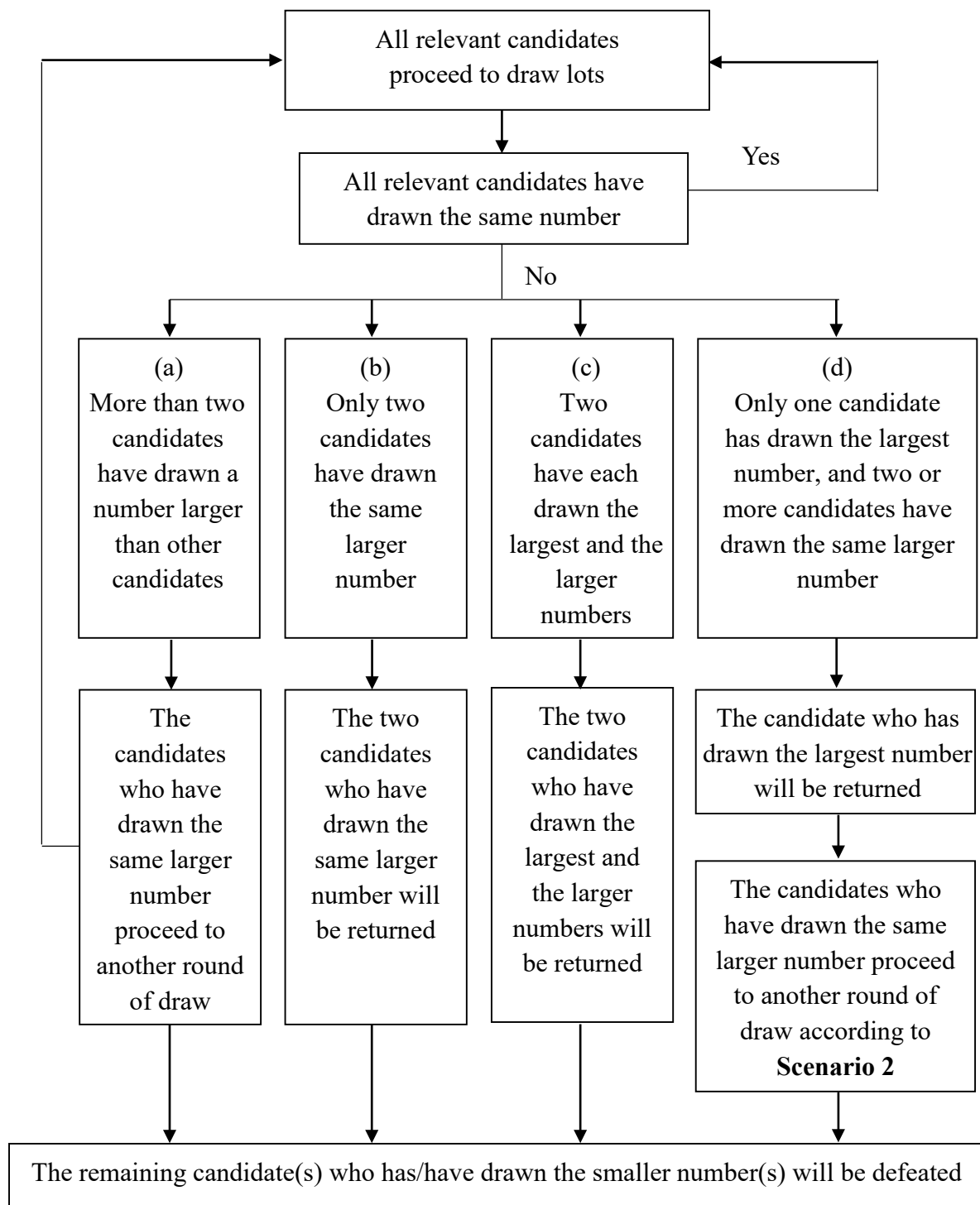
**Scenario 1: Where there is only one vacancy to be filled but there are two candidates with equal number of votes**



**Scenario 2: Where there is only one vacancy to be filled but there are more than two candidates with equal number of votes**



**Scenario 3: Where there are two vacancies to be filled but there are three or more candidates have the equal number of votes**



Note: The same drawing principle applies to scenarios where “N” number of candidates have the same largest number of votes, and the number of vacancies to be filled is less than N.

2.25 After the result of the elections has been determined, the RO must, as soon as practicable, publicly declare the successful candidates as elected.

### **Death or Disqualification of a Candidate for Geographical Constituency**

2.26 The subsisting electoral legislation stipulates corresponding arrangements for the following situations:

	<b>Death of a Candidate</b>	<b>Disqualification of a validly nominated candidate from being nominated</b>
After the CERC has decided that a candidate is validly nominated and the polling day not yet arrived	<ul style="list-style-type: none"> <li>The RO must give notice of the death of the candidate.</li> </ul> <p>Where the notice of validly nominated candidates has already been published by the CERC:</p> <ul style="list-style-type: none"> <li>the RO must publicly declare that the candidate has died and further declare which candidate(s) is/are</li> </ul>	<ul style="list-style-type: none"> <li>The CERC must vary its decision to the effect that the candidate is not validly nominated; and</li> <li>The RO should issue a notice to the CEO and each candidate who remains validly nominated for the relevant GC election.</li> </ul> <p>Where the notice of validly nominated candidates has</p>

	<b>Death of a Candidate</b>	<b>Disqualification of a validly nominated candidate from being nominated</b>
	validly nominated for the relevant GC election.	<p>already been published by the CERC:</p> <ul style="list-style-type: none"> <li>the CERC must publicly declare to vary the notice and further declare a list of validly nominated candidates.</li> </ul>
On the polling day but before the election result is declared	<ul style="list-style-type: none"> <li>The proceedings for the GC election shall continue; and</li> <li>After the counting of votes is finished, if the candidate concerned is found to be successful at the election, the RO should not declare that candidate as elected and must publicly declare that the election for that constituency has failed or has failed to the extent that the number of candidates returned at the election for that GC is less than the number of members to be returned for that GC.</li> </ul>	

[Ss 42B, 46A, 49(6) and (7) of the LCO, and ss 22A, 22B, 83(2), 83(3), and 97A of the EAC (EP) (LC) Reg]

## **CHAPTER 3**

### **COMPOSITION, REGISTRATION OF ELECTORS AND VOTING SYSTEM FOR FUNCTIONAL CONSTITUENCIES**

#### **PART I : COMPOSITION OF FUNCTIONAL CONSTITUENCIES**

3.1 In a LegCo general election, except the Labour FC that is to return three members, the other 27 FCs will return one member each. The 28 FCs are to return 30 members in total. Details of each FC and its electors are provided in **Appendix 3**. [S 21 of the LCO]

#### **PART II : REGISTRATION OF ELECTORS**

3.2 Only a registered individual elector or a corporate elector<sup>8</sup> for an FC is entitled to vote at an election for the respective FC. [S 48(1) of the LCO]

#### **Qualifications for Registration**

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<sup>8</sup> A registered elector refers to an individual elector or an AR of a corporate elector whose name is listed in the FR of FC that is in force at the time of the election. The FR also indicates the FC to which the registered elector belongs. <sup>9</sup> Except for the condition stipulated in this paragraph, the law imposes no restrictions on the rights to vote for persons who are incapacitated from voting due to other physical conditions, provided that each elector must cast the vote on his own. If an elector is unable to mark the ballot paper on his own, the elector may request the PRO or the PRO's deputy to mark the ballot paper on his behalf according to his voting preference in the presence of one polling staff as a witness (see Part X of Chapter 6).

3.3 Pursuant to ss 25 and 26 of the LCO, an individual elector must be a registered elector for a GC, or be eligible to be registered as an elector for a GC and has made an application to be so registered, and he will only be qualified for registration as an FC elector if he:

- (a) meets the eligibility requirements for registration in the relevant FC as specified in the LCO; and
- (b) is not disqualified from being registered as an elector under s 31 of the LCO.

3.4 A body specified in items 3, 11, 20, 21(1), or 27 of **Appendix 3** is eligible to be registered as a corporate elector for the relevant FC only if it has been operating as such a body for the three years immediately before making its application for registration as a corporate elector. [S 25(4) of the LCO]

3.5 A corporate member of a body specified in items 2(1), 13 to 19, 21(2), 22(1) or (3), 23, 24(1) or (2), or 25 of **Appendix 3** is eligible to be registered as a corporate elector for the relevant FC only if it has been a corporate member of the body and has been operating for the three years immediately before making its application for registration as a corporate elector. [S 25(5) of the LCO]

3.6 Any person/body can only be registered as an elector in one FC. If a person or a body is eligible to be registered in two or more FCs, he/it can only choose to be registered in any one of the FCs, **unless** he/it is eligible to be registered in the following FCs as an elector:

## **Individuals**

If a person is at the same time eligible to be registered in the following FCs:

- (a) the Heung Yee Kuk FC as well as other FCs, he can only be registered in the former and not in the other FCs; or
- (b) the “Hong Kong Special Administrative Region deputies to the National People’s Congress (“NPC deputies”), Hong Kong Special Administrative Region members of the National Committee of the Chinese People’s Political Consultative Conference (“CPPCC members”) and Representatives of Relevant National Organisations FC” , as well as other FCs (except the Heung Yee Kuk FC), he can only be registered in the former and not in the other FCs.

## **Bodies**

If a body is at the same time eligible to be registered in one of the following seven FCs as well as other FCs, the body can only be registered in one of the seven FCs specified below and not in the other FCs:

- (a) Agriculture and Fisheries FC;
- (b) Insurance FC;
- (c) Transport FC;

- (d) Finance FC;
- (e) Sports, Performing Arts, Culture, and Publication FC;
- (f) Technology and Innovation FC; and
- (g) Catering FC.

[Ss 25(2) and (3) of the LCO]

### **Authorised Representatives of Corporate Electors**

3.7 Every corporate elector is required to appoint an eligible individual to be its authorised representative (“AR”) for the purpose of casting its vote at an election; otherwise, the corporate elector cannot vote. The AR of a corporate elector must be registered, or eligible to be and has applied to be registered, as an elector for a GC, and also meets the following conditions:

- (a) has a substantial connection with the corporate elector;
- (b) is not registered, and has not applied to be registered, as an elector for the same FC of the corporate elector;
- (c) is not disqualified from being registered or voting under ss 31 or 53 of the LCO (see para. 3.15 of this chapter); and

(d) is not appointed as the AR of another corporate elector.

[Ss 26(1), (2), and (3) of the LCO]

3.8 A corporate elector must register its AR with the ERO. **The corporate elector must notify the ERO the appointment of its AR in its application form for registration as a corporate elector.** A decision to appoint, replace, or substitute an AR of a corporate elector may only be made by the governing authority (by whatever name called) of the corporate elector. Corporate electors may from time to time replace its AR by submitting a specified form, which must reach the ERO at least 14 days before the polling day of the FC election. This 14-day deadline may be relaxed to not later than 3 working days before the relevant polling day if the ERO is satisfied that the original AR has died, has suffered a serious illness, or has suffered physical or mental incapacity.

3.9 Any person must provide true and accurate information when submitting an application for new registration or report on change of particulars. It is an offence for any person to make any statement which the person knows to be false in a material particular, or recklessly make any statement which is incorrect in a material particular, or knowingly omit any material particular from the application, and is liable to a fine at level 3 (\$10,000) and to imprisonment for 2 years. If that person does vote at an election, he may also contravene s 16 of the ECICO and could be liable to a more serious penalty. [Ss 19, 26A, and 42 of the EAC (ROE) (FCSEC) Reg]

### **Key Dates in Voter Registration**

3.10 The registration of FC electors is carried out in accordance with the provisions of the EAC (ROE) (FCSEC) Reg. Any individual or body may, at any time, submit a completed specified form to the ERO to apply for voter registration. However, if they wish to have their names and addresses to be included in the register of electors for a particular year, the form must be submitted on or before the statutory deadline of that year (i.e. 2 June of that year). For applications received by the REO after the statutory deadline, their names and addresses will be registered in the publication of register of electors for the following year.

3.11 The law sets out clear registration procedures and deadlines for the annual publication of the FR for FC, with key dates as follows:

<b>Voter Registration Procedures</b>	<b>Statutory Deadline</b>
Submission of application for change of registration particulars	2 June
Application for de-registration	
Submission of application for new registration	
Electors to respond to inquiry letters to retain their voter registration	

<b>Voter Registration Procedures</b>	<b>Statutory Deadline</b>
Publication of the PR of electors for FCs and OL	1 August
Claims and objections period	1 August to 25 August
Publication of the FR for electors of FCs	25 September

3.12 Upon the ERO received application forms for registration, in case of incomplete or incorrect information on an application, the ERO will send written requests to the applicants for further particulars or proof. An applicant that qualifies for registration as an elector will be allocated to an FC based on his/its qualification and choice (if applicable), and the REO will notify him/it of the result by post. Applicants not qualified for registration will also be informed by the REO of the result accordingly. [S 21 of the EAC (ROE) (FCSEC) Reg]

3.13 Registered electors (an individual/a body) and ARs may log on to the OVIES ([www.voterinfo.gov.hk](http://www.voterinfo.gov.hk)) to check their/their bodies' registration particulars, including their registered addresses and respective FCs, and find out whether they are included in the statutory inquiry procedure. Individual electors and ARs may also check their registration status and particulars via "iAM Smart".

3.14 Registered electors (an individual/a body) and ARs should notify the ERO in a specified form if they have changed their particulars or information such as name, address, or phone number.

## **Disqualifications**

3.15 A natural person is disqualified from being registered as an FC elector and from voting or voting as an AR at an FC election if he:

- (a) is registered as a GC elector but is no longer eligible to be registered as an elector for that GC (see para. 2.3 of Chapter 2);
- (b) has ceased to be eligible to be registered as an elector for the FC (this does not apply to an AR or a GC elector);
- (c) is found by the Court to be incapable, by reason of mental incapacity, of managing and administering his property and affairs under the Mental Health Ordinance<sup>9</sup>; or
- (d) is a member of any armed forces.

[Ss 31(1)(d) and (e), 53(1), (4), 53(5)(d), and (e) of the LCO]

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<sup>9</sup> Except for the condition stipulated in this paragraph, the law imposes no restrictions on the rights to vote for persons who are incapacitated from voting due to other physical conditions, provided that each elector must cast the vote on his own. If an elector is unable to mark the ballot paper on his own, the elector may request the PRO or the PRO's deputy to mark the ballot paper on his behalf according to his voting preference in the presence of one polling staff as a witness (see Part X of Chapter 6).

### **De-registration**

3.16 For de-registration as an FC elector, the elector may make an application in person at the REO or submit a written request. The REO has not prescribed a specified form for de-registration. If an elector prefers to apply for de-registration in writing, he must submit a written notice containing the elector's particulars including name and respective FC, and signed by the individual elector or the responsible person of the corporate elector. The elector's name will be included in the OL for the relevant FC only after the REO receives and verifies the relevant request for de-registration. The elector so included in the OL for the FC may inspect his/its voter registration particulars starting from the day of publication of the PR and OL till the end of the inspection period. If necessary, the elector can lodge a claim, and provide supporting proof to request for reinstatement of his/its elector status. If the REO is unable to complete the verification process of request for de-registration, the name of the elector will remain on the FR of the relevant FC in that year. The REO will continue to process the relevant request in the next voter registration cycle.

### **Inquiry Procedures**

3.17 **If it comes to the knowledge of the ERO or the ERO is satisfied on reasonable grounds that an elector is no longer eligible to be registered in the relevant FC**, the ERO will initiate the statutory inquiry procedure to ascertain whether the elector is still eligible to be registered as an elector of the relevant FC. If the elector fails to provide the information requested by the ERO in response to the inquiry, or if the ERO, based on the information so received

or otherwise obtained, is satisfied on reasonable grounds that the elector is no longer eligible to be registered, **then the elector's name will be entered on the OL for the relevant FC and may be removed from the next register of electors.** Before the publication of the next register, a person whose name is recorded in the existing register of electors is still a registered elector for the relevant FC. [Ss 22(1) and (2), 24(1) and (3) of the EAC (ROE) (FCSEC) Reg and s 33 of the LCO]

### **Provisional Register and Omissions List**

3.18 The content of the PR for FCs shall include:

- (a) the names and principal residential addresses/business addresses of those eligible electors whose names appear in the FR for FCs in force at the time, with appropriate updates or correction have been made by the ERO based on information reported or otherwise received (if applicable);
- (b) the names and principal residential addresses/business addresses of the individual and body applicants respectively who are eligible and have applied for registration in the FC concerned on or before the statutory deadline for registration in that year; and
- (c) the names of the ARs of corporate electors.

3.19 A copy of the PR for the 28 FCs is **available for inspection by specified persons** during ordinary business hours at specified offices of the REO (see **Appendix 2**). Only the first character/word of the name of an individual elector (whether in Chinese or English) and his registered residential address will be shown on the registers for inspection. The public may inspect the copy of the register of electors concerning the entries of corporate electors as mentioned in paras. 3.18(b) and (c) of this chapter. [Ss 27 and 29 of the EAC (ROE) (FCSEC) Reg]

3.20 When publishing the PR for FCs, the ERO will also publish a copy of the OL for inspection by specified persons. The OL includes individual electors and ARs who are disqualified from or no longer qualified for registration (such as persons who have died, individuals/bodies that have applied for de-registration as electors, individuals do not inform the ERO of their new addresses, or individuals/bodies that are no longer an eligible member of a listed body in the relevant FC). However, inclusion of an elector in the OL does not mean that the elector status is invalidated with immediate effect. If the elector lodges a claim to the ERO and the Revising Officer accepts his grounds submitted and approves the claim, the elector status will be retained. [Ss 24(1) and (3) of the EAC (ROE) (FCSEC) Reg and ss 32(4)(a) and (b) of the LCO]

3.21 The REO will issue reminding letters to electors on the OL. A message in red that reads “Immediate action required – Your voting right is at stake” will be printed on the envelope, so as to draw the electors’ attention to the requirement that they must submit a notice of claim or provide valid documentary proof by the specified deadline to confirm the concerned

persons'/bodies' are still eligible for registration in the relevant FC. Additionally, when an elector logs on to the OVIES ([www.voterinfo.gov.hk](http://www.voterinfo.gov.hk)) to inspect his registration particulars, the system will prompt the elector to respond to the reminding letter from the REO as soon as possible.

### **Inquiry of Voter Information**

3.22 Registered individual electors, corporate electors, and ARs of corporate electors may inspect their/their bodies' latest registration particulars, including registered addresses and respective FCs, and find out whether they are included in the statutory inquiry procedure via "iAM Smart", the OVIES ([www.voterinfo.gov.hk](http://www.voterinfo.gov.hk)), or by calling the REO hotline (2891 1001).

### **Appeals – Claims and Objections**

3.23 Within the claims or objection period, members of the public may deliver in person<sup>10</sup> at the office of the ERO a claim/notice of objection in the specified form to lodge a claim in respect of his own entry or an objection in respect of another elector's entry in the PR. Detailed procedures for lodging claims or objections are provided on the REO website ([www.reo.gov.hk](http://www.reo.gov.hk)) during the inspection period. Claimable matters include:

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<sup>10</sup> Imprisoned persons or persons held in custody by law enforcement agencies may deliver a notice of objection or claim to the ERO by post. [Ss 30(2A) and 31(8A) of the EAC (ROE) (FCSEC) Reg]

- (a) an applicant who claims that he/the relevant body is entitled to be registered as an elector/AR and has applied for registration but his name and/or the body's name has not been listed in the PR; or
- (b) an applicant's name and/or the relevant body's name has been included in the OL; or
- (c) an individual and/or a body whose particulars have not been correctly recorded in the PR.

Any person may lodge an objection on the following matter if he:

- (d) believes that a registered elector/AR is not eligible to be registered as an elector, or that a person registered as an AR has been wrongly registered.

[Ss 30(1) and (2), 31(1), (2), (3), and (8) of the EAC (ROE) (FCSEC) Reg]

3.24 Cases of claim and objection will be referred to the Revising Officer for consideration. The Revising Officer will deliberate on each claim or objection and make a ruling on whether there should be an inclusion, exclusion or revision of the entry concerned in the relevant FR. The appellant must provide sufficient information so that the Revising Officer is aware of the

grounds of the claim or objection. The appellant should attend the hearing<sup>11</sup>, otherwise the Revising Officer may dismiss the claim or objection. [Part VI of EAC (ROE) (FCSEC) Reg, ss 34 and 77 of the LCO, and s 2 of the Registration of Electors (Appeals) Regulation]

### **Final Register**

3.25 The FR for FCs consists of entries shown in the relevant PR, including for the relevant year, all the names and principal residential addresses/business addresses of electors based on new registration applications and reports on change of registration particulars, as well as those updated and corrected in accordance with the Revising Officer's decisions on claims or objections. The ERO will also take the opportunity to delete entries of electors who are known to have died y and to revise any incorrect information in the PR. The FR may also contain notations to show if a person registered for a GC is also registered in an FC. The FR for FCs shall remain in force until the publication of the next FR in the following year. [S 35(1) of the EAC (ROE) (FCSEC) Reg]

3.26 The times and place(s) for inspection of the copy of the FR for FCs will be published in a notice in the Gazette and newspapers. Publication of the notice is to be treated as the publication of the register. [S 38 of the EAC (ROE) (FCSEC) Reg]

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<sup>11</sup> The Revising Officer has the authority to direct that the claim or objection be determined without a hearing on the basis of written submissions only. [S 34 of the LCO and s 2A of the Registration of Electors (Appeals) Regulation (Cap. 542B)]

### **PART III : THE VOTING AND COUNTING SYSTEMS FOR FUNCTIONAL CONSTITUENCIES**

3.27 The “first past the post” voting system is adopted in FC elections. An elector may vote for as many candidates as there are vacancies and no more. The candidate who obtains the greatest number of votes shall be deemed elected, followed by the candidate with the next greatest number of votes, and so on, until all vacancies are filled. Among the 28 FCs, only the Labour FC has three seats and electors of that FC can therefore vote for up to three candidates. In each of the remaining 27 FCs, there is only one seat and thus the elector can only vote for one candidate. [Ss 51(2), (3), and (4) of the LCO]

3.28 The LCO stipulates corresponding arrangements for the following situations in FC elections:

<b>Number of Validly Nominated Candidates</b>	<b>Corresponding Arrangement(s)</b>
Exceeds the number of members to be returned for an FC	<ul style="list-style-type: none"> <li>• A poll will be held for that FC.</li> </ul>
Equals the number of members to be returned for an FC	<ul style="list-style-type: none"> <li>• The RO declares the candidate(s) elected and a poll will no longer be necessary for that FC.</li> </ul>

<b>Number of Validly Nominated Candidates</b>	<b>Corresponding Arrangement(s)</b>
Less than the number of members to be returned for an FC	<ul style="list-style-type: none"> <li>• The RO declares the candidate(s) elected and further declares the election for that FC has failed to the extent that the number of candidates validly nominated was less than the number of members to be returned; and</li> <li>• A by-election will be held for that FC.</li> </ul>
No validly nominated candidates for an FC	<ul style="list-style-type: none"> <li>• The RO declares that the election for that FC has failed; and</li> <li>• A by-election will be held for that FC.</li> </ul>

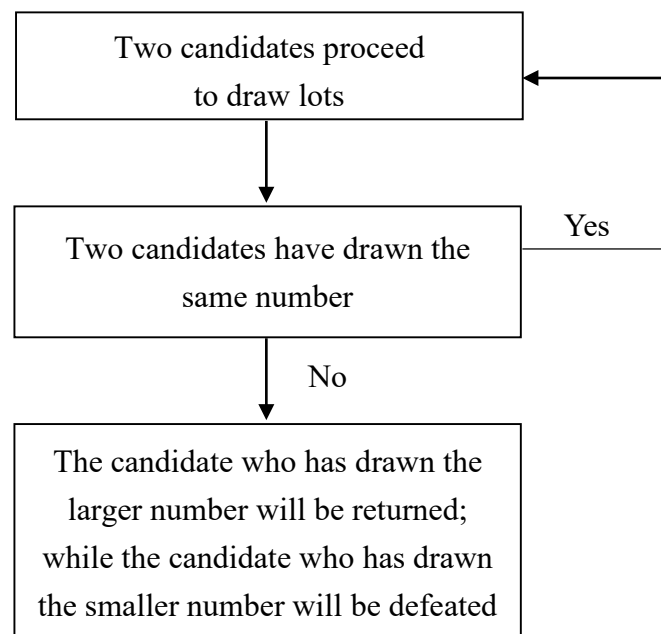
[S 46 of the LCO]

3.29 After the counting is finished at an election for an FC, if the number of candidates having an equal greatest number of votes exceeds the number of members to be returned for the FC, the RO must determine the result of the election by drawing lots and the candidate(s) on whom the lot falls is/are to be returned. [S 51(6) of the LCO]

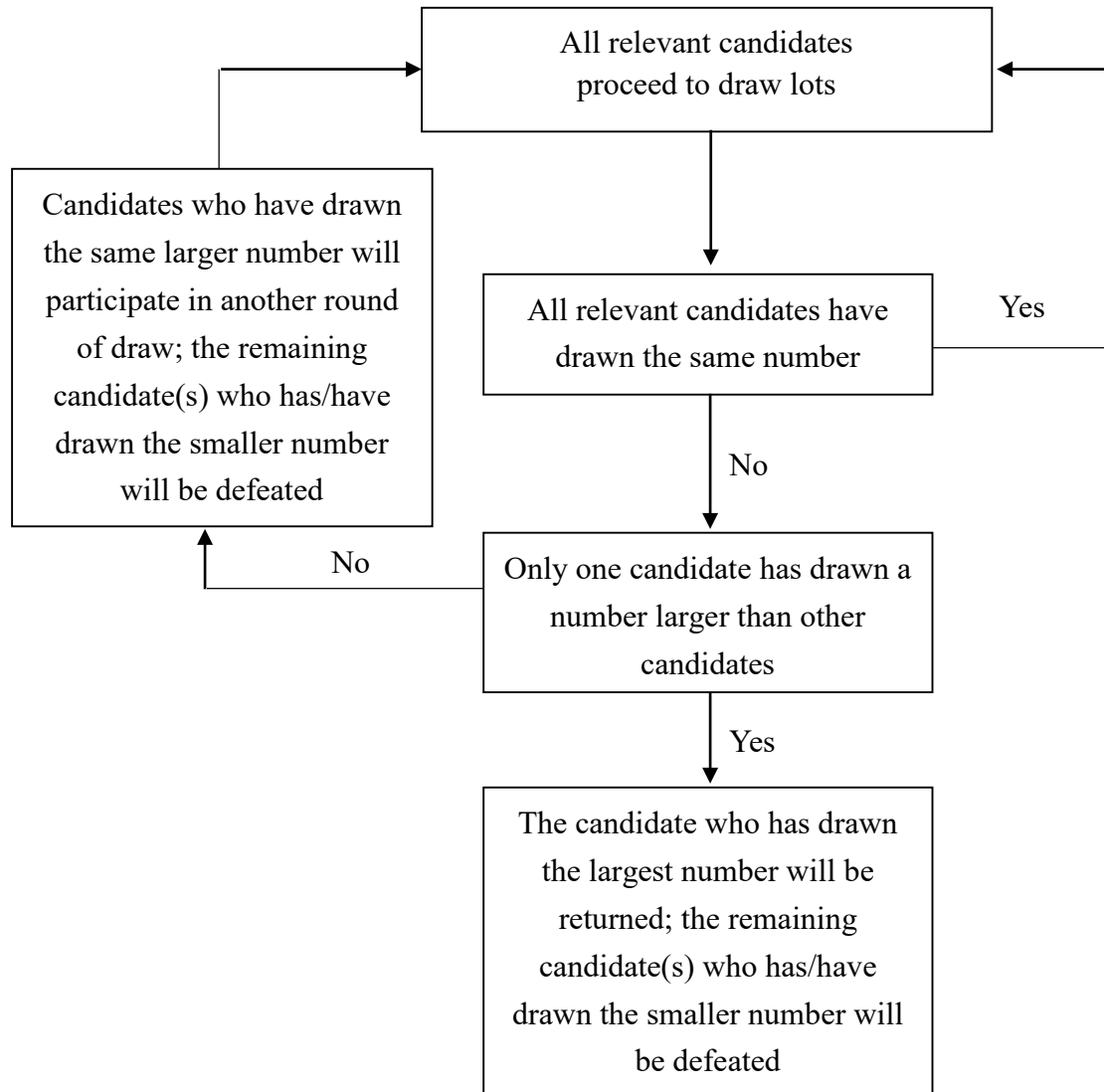
3.30 When the election result has to be determined by the drawing of lots, the RO will provide 10 table-tennis balls each marked with a number from 1 to 10 (1 being the smallest and 10 the largest), and then put all table-tennis balls

into an empty opaque bag. One of the candidates will first draw one ball from the bag, and then give the ball to the RO to note the relevant number. The ball should be put back into the bag. The procedures are repeated for the other candidates with an equal number of votes until all candidates have drawn the table-tennis ball. The RO will draw the lot on behalf of the candidate if the candidate is absent at the time of the draw. The arrangements for the result of the draw are as follows:

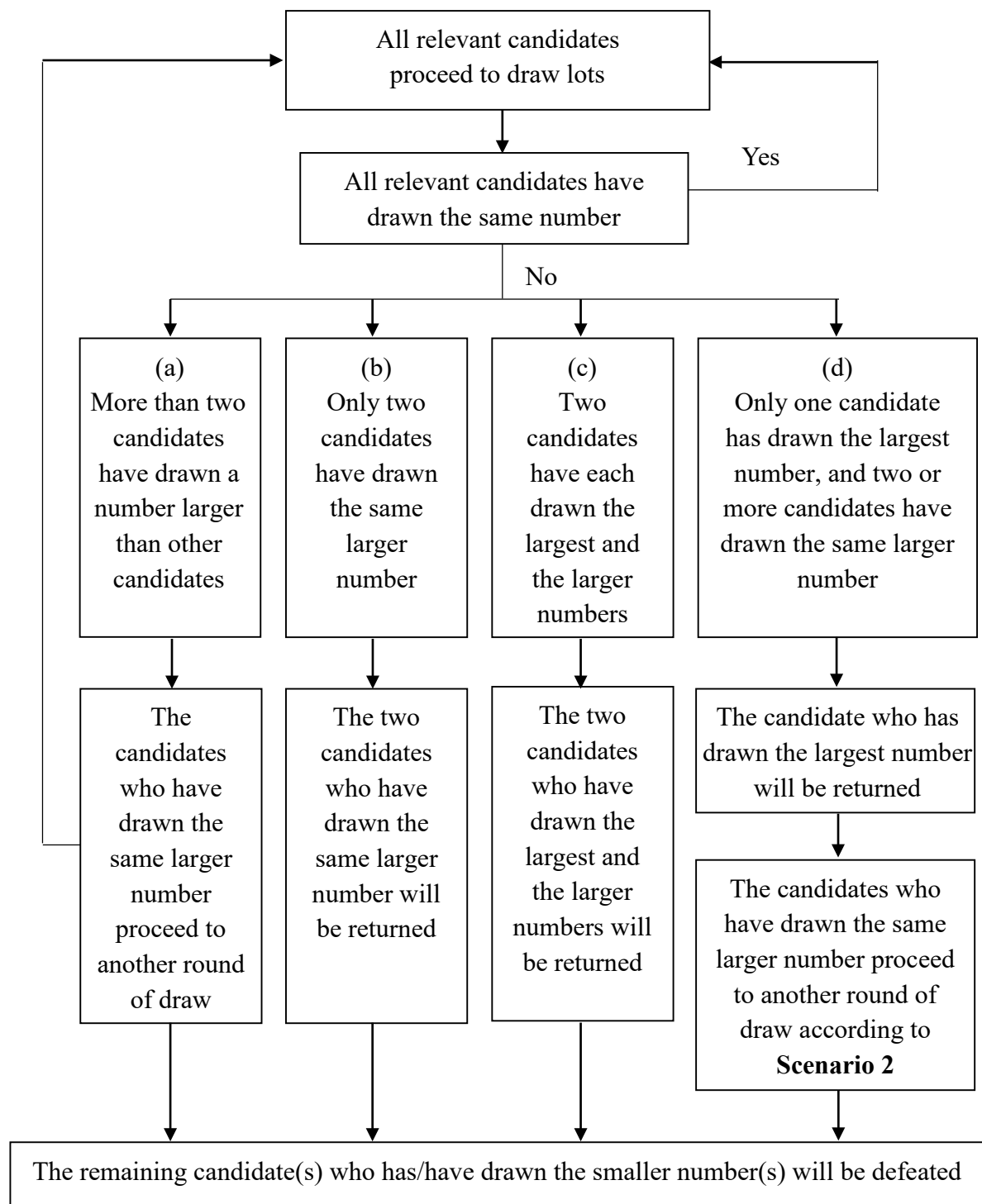
**Scenario 1: Where there is only one vacancy to be filled but there are two candidates with equal number of votes**



**Scenario 2: Where there is only one vacancy to be filled but there are more than two candidates with equal number of votes**



**Scenario 3: Where there are two vacancies to be filled but there are three or more candidates with equal number of votes**



Note: The same drawing principle applies to scenarios where “N” number of candidates have the same largest number of votes, and the number of vacancies to be filled is less than N.

3.31 After the result of the elections has been determined, the RO must, as soon as practicable, publicly declare the successful candidates as elected.

### **Death or Disqualification of a Candidate for Functional Constituency**

3.32 The subsisting electoral legislation stipulates corresponding arrangements for the following situations:

	<b>Death of a Candidate</b>	<b>Disqualification of a validly nominated candidate from being nominated</b>
After the CERC has decided that a candidate is validly nominated and the polling day not yet arrived	<ul style="list-style-type: none"> <li>The RO must give notice of the death of the candidate.</li> </ul> <p>Where the notice of validly nominated candidates has already been published by the CERC:</p> <ul style="list-style-type: none"> <li>the RO must publicly declare that the candidate has died and further declare which candidate(s)</li> </ul>	<ul style="list-style-type: none"> <li>The CERC must vary its decision to the effect that the candidate is not validly nominated; and</li> <li>The RO should issue a notice to the CEO and each candidate who remains validly nominated for the relevant FC election.</li> </ul> <p>Where the notice of validly nominated candidates has</p>

	<b>Death of a Candidate</b>	<b>Disqualification of a validly nominated candidate from being nominated</b>
	is/are validly nominated for the relevant FC election.	<p>already been published by the CERC:</p> <ul style="list-style-type: none"> <li>the CERC must publicly declare to vary the notice and further declare a list of validly nominated candidates.</li> </ul>
On the polling day but before the election result is declared	<ul style="list-style-type: none"> <li>The proceedings for the FC election shall continue; and</li> <li>After the counting of votes is finished, if the candidate concerned is found to be successful at the election, the RO should not declare that candidate as elected and must publicly declare that the election for that constituency has failed or has failed to the extent that the number of candidates returned at the election for that FC is less than the number of members to be returned for that FC.</li> </ul>	

[Ss 42B, 46A, 51(8), and (9) of the LCO, and ss 22A, 22B, 83(2), 83(3), and 97A of the EAC (EP) (LC) Reg]

## **CHAPTER 4**

### **COMPOSITION, ELIGIBILITY TO VOTE AND VOTING SYSTEM FOR THE ELECTION COMMITTEE CONSTITUENCY**

#### **PART I : COMPOSITION OF THE ELECTION COMMITTEE CONSTITUENCY**

4.1 According to ss 21A and 21B of the LCO, in a LegCo general election, 40 members are to be returned for the ECC by all members of the EC.

##### **Election Committee**

4.2 The Schedule to the Chief Executive Election Ordinance (Cap. 569) (“CEEEO”) stipulates that the EC comprises 1 500 members from 5 sectors. Each sector consists of a number of subsectors (40 in total) as set out in **Appendix 4**.

4.3 For details on the methods of returning EC members and the compilation of registers, please refer to Chapter 2 of the Guidelines on Election-related Activities in respect of the Election Committee Subsector Elections ([www.eac.hk/en/elections/ecse.html](http://www.eac.hk/en/elections/ecse.html)).

4.4 Annex I to the Basic Law stipulates that the term of office of the EC is 5 years. In accordance with s 9(4) of the CEEO, the current EC was constituted on 22 October 2021, and its term shall end on 21 October 2026.

## **PART II : ELIGIBILITY TO VOTE**

4.5 Only EC members whose names appear on the FR of EC members and have not been disqualified from being eligible to vote because of the following reasons are entitled to vote at an election for the ECC of the LegCo:

- (a) except for an ex-officio member, he has resigned from the membership of the EC by giving written notice of resignation to the ERO;
- (b) he has ceased to have a substantial connection with the subsector concerned;
- (c) he has ceased to be registered or eligible to be registered as an elector for a GC;
- (d) he has been convicted of any offence endangering national security;
- (e) he is found to be incapable, by reason of mental incapacity, of managing and administering his property and affairs under the Mental Health Ordinance;

- (f) he is a member of the armed forces of the People's Republic of China or any other country or territory;
- (g) he has breached the written oath of EC members;
- (h) he has failed, or has been declared or decided in accordance with any law to have failed, to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the HKSAR of the People's Republic of China; or
- (i) his functions as an EC member are suspended under s 43A(2) of the Schedule to the CEEO.

[S 53(3A) of the LCO, s 26 and s 18(1)(ca) of Schedule to the CEEO]

4.6 EC members may inspect their registration status and particulars via “iAM Smart” or the OVIES ([www.voterinfo.gov.hk](http://www.voterinfo.gov.hk)).

### **PART III : THE VOTING AND COUNTING SYSTEMS FOR THE ELECTION COMMITTEE CONSTITUENCY**

4.7 The LCO stipulates corresponding arrangements for the following situations in ECC elections:

<b>Number of Validly Nominated Candidates</b>	<b>Corresponding Arrangement(s)</b>
Exceeds the number of members to be returned for the constituency	<ul style="list-style-type: none"> <li>• A poll will be held for the constituency.</li> </ul>
Equals to the number of members to be returned for the constituency	<ul style="list-style-type: none"> <li>• The RO declares the candidate(s) elected and a poll will no longer be necessary for the constituency.</li> </ul>
Less than the number of members to be returned for the constituency	<ul style="list-style-type: none"> <li>• The RO declares the candidate(s) elected and further declares the election for the constituency has failed to the extent that the number of candidates validly nominated was less than the number of members to be returned; and</li> <li>• A by-election will be held for the constituency.</li> </ul>
No validly nominated candidates for the constituency	<ul style="list-style-type: none"> <li>• The RO declares the election for the constituency has failed; and</li> <li>• A by-election will be held for the constituency.</li> </ul>

[S 46 of the LCO]

4.8 The “block vote” system is adopted in the ECC election, i.e. the valid votes and the candidates to be returned shall meet the following conditions:

<b>The ECC Election</b>	<b>Valid Votes</b>	<b>Conditions to be elected</b>
General Election	Not more than and not less than 40 candidates shall be voted on the ballot paper.	The 40 candidates who obtain the greatest numbers of votes shall be returned.
By-election	The number of candidates to be voted on the ballot paper shall be the same as the number of members to be returned at the by-election.	If the number of members to be returned at the by-election is N, then the N candidates who obtain the greatest numbers of votes shall be returned.

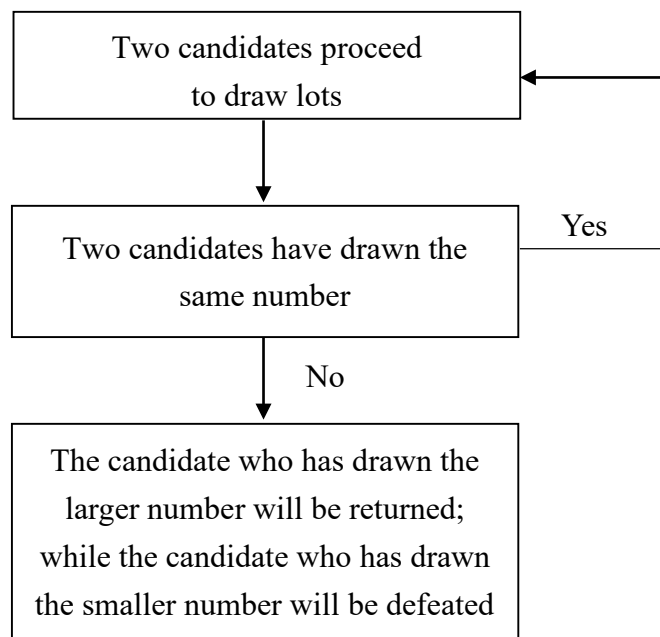
[S 52A of the LCO]

4.9 After the counting of votes is finished at an election for the ECC, if there is still one or more than one vacancies to be filled for the constituency but the candidates remaining have an equal greatest number of votes, then the RO must determine the result of the election by drawing lots and the candidate(s) on whom the lot falls is/are to be returned. [S 52A of the LCO]

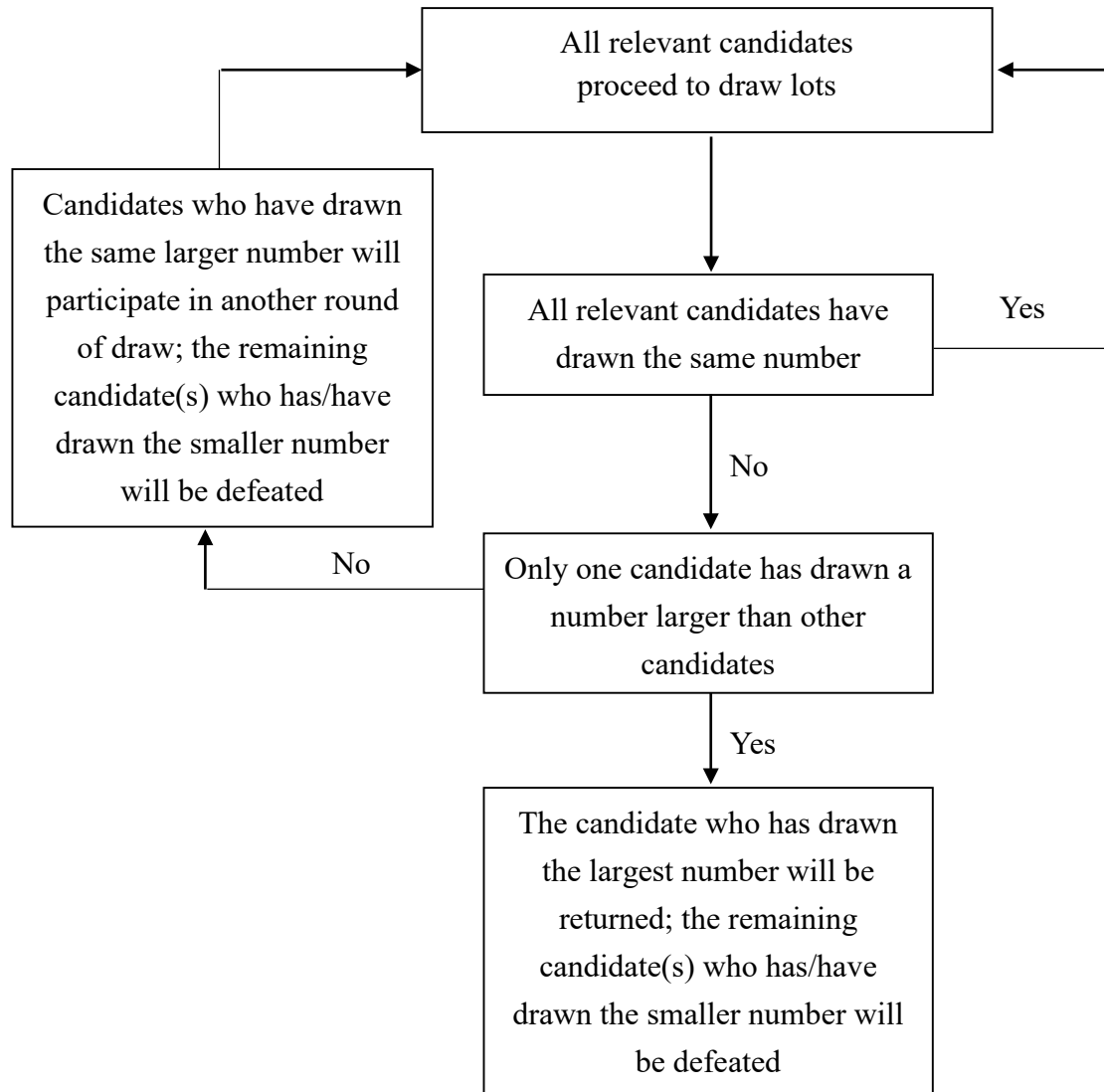
4.10 When the election result has to be determined by the drawing of lots, the RO will provide 10 table-tennis balls each marked with a number from 1 to 10 (1 being the smallest and 10 the largest), and then put all table-tennis balls into an empty opaque bag. One of the candidates will first draw one ball from the bag, and then give all the ball to the RO to note the relevant number. The ball should be put back into the bag. The procedures are repeated for the other candidates with an equal number of votes until all candidates have drawn the

table-tennis ball. The RO will draw the lot on behalf of the candidate if the candidate is absent at the time of the draw. The arrangements for the result of the draw are as follows:

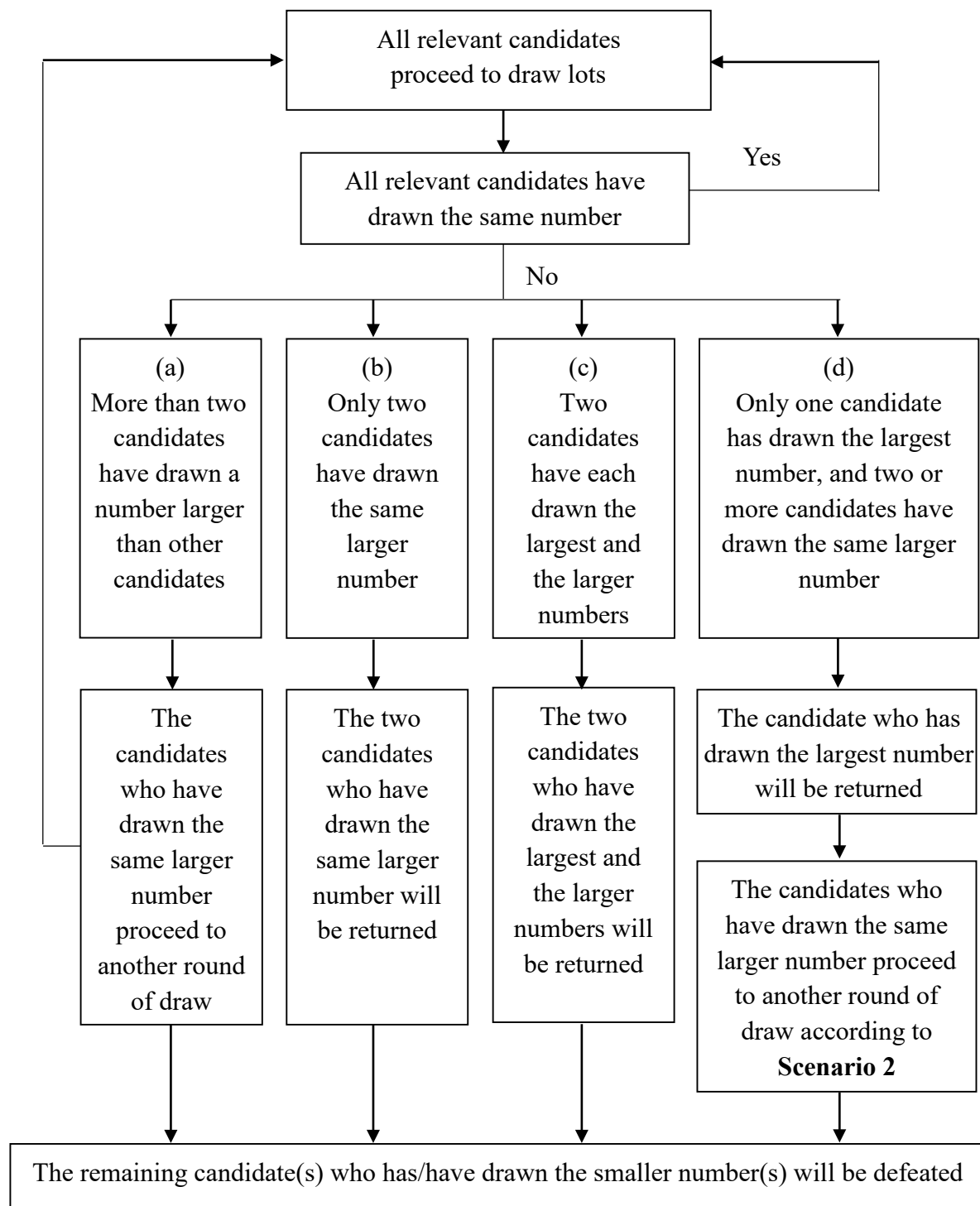
**Scenario 1: Where there is only one vacancy to be filled but there are two candidates with equal number of votes**



**Scenario 2: Where there is only one vacancy to be filled but there are more than two candidates with equal number of votes**



**Scenario 3: Where there are two vacancies to be filled but there are three or more candidates with equal number of votes**



Note: The same drawing principle applies to scenarios where “N” number of candidates have the same largest number of votes, and the number of vacancies to be filled is less than N.

4.11 After the result of the election has been determined, the RO must, as soon as practicable, publicly declare the successful candidates as elected.

### **Death or Disqualification of a Candidate for Election Committee Constituency**

4.12 The subsisting electoral legislation stipulates corresponding arrangements for the following situations:

	<b>Death of a Candidate</b>	<b>Disqualification of a validly nominated candidate from being nominated</b>
After the CERC has decided that a candidate is validly nominated and the polling day not yet arrived	<ul style="list-style-type: none"> <li>The RO must give notice of the death of the candidate.</li> </ul> <p>Where the notice of validly nominated candidates has already been published by the CERC:</p> <ul style="list-style-type: none"> <li>the RO must publicly declare that the candidate has died and further declare which</li> </ul>	<ul style="list-style-type: none"> <li>The CERC must vary its decision to the effect that the candidate is not validly nominated; and</li> <li>The RO should issue a notice to the CEO and each candidate who remains validly nominated for the election for the constituency.</li> </ul>

	<b>Death of a Candidate</b>	<b>Disqualification of a validly nominated candidate from being nominated</b>
	candidate(s) is/are validly nominated for the election for the constituency.	<p>Where the notice of validly nominated candidates has already been published by the CERC:</p> <ul style="list-style-type: none"> <li>the CERC must publicly declare to vary the notice and further declare a list of validly nominated candidates.</li> </ul>
On the polling day but before the election result is declared	<ul style="list-style-type: none"> <li>The proceedings for the election for the constituency shall continue; and</li> <li>After the counting of votes is finished, if the candidate concerned is found to be successful at the election, the RO should not declare that candidate as elected and must publicly declare that the election for that constituency has failed or has failed to the extent that the number of candidates returned at the election for the constituency is less than the number of members to be returned for the constituency.</li> </ul>	

[Ss 42B, 46A, 52A(9) and (10) of the LCO, and ss 22A, 22B, 83(2), 83(3) and 97A of the EAC (EP) (LC) Reg]

## **CHAPTER 5**

### **NOMINATION OF CANDIDATES**

#### **PART I : GENERAL**

5.1 This chapter outlines the eligibility for nomination as a candidate in a LegCo election, the nomination procedures, and related matters, as well as the legal provisions that candidates must comply with, including the LCO, EAC (NAC) (LC) Reg, EAC (EP) (LC) Reg, PCBP (LC & DC) Reg, LC Subscribers & Deposit Reg, and relevant guidelines issued by the EAC.

5.2 The EAC will make arrangements for the election according to the list of validly nominated candidates determined by the CERC. In accordance with s 19 of the EAC (EP) (LC) Reg, if the CERC decides that a nomination is invalid, the CERC must endorse on the nomination form the decision and the reason(s) for it, and the RO will make available a copy of the nomination form for public inspection pursuant to s 14 of the EAC (EP) (LC) Reg. By virtue of Annex II to the Basic Law and s 3B of the LCO, 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 National Security Committee.

#### **PART II : ELIGIBILITY AND DISQUALIFICATION FOR NOMINATION**

##### **Eligibility**

5.3 The eligibility requirements for nomination as a candidate in a GC, FC, or ECC election are as follows:

<b>GC Election Candidates<sup>12</sup></b>	<b>FC Election Candidates<sup>13</sup></b>	<b>ECC Election Candidates<sup>14</sup></b>
Be 21 years of age or over		
Be both registered and eligible to be registered as an elector for a GC		
Has ordinarily resided in Hong Kong for the three years immediately preceding the date of his nomination (see para. 5.4 of this chapter)		
Not be disqualified from being elected by virtue of s 39 of the LCO (see para. 5.5 of this chapter)		
Be 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 <sup>Note</sup>		
	<ul style="list-style-type: none"> <li>• be both registered and eligible to be registered as an elector for the relevant FC; or</li> <li>• satisfies the RO for the constituency that he has substantial connection with that FC.</li> </ul>	

Note : This condition does not apply to candidates for the following 12 FCs: Legal FC; Accountancy FC; Engineering FC; Architectural, Surveying, Planning and Landscape FC; Real Estate and Construction FC; Tourism FC; Commercial (first) FC; Industrial (first) FC; Finance FC; Financial Services FC; Import and Export FC; and Insurance FC.

<sup>12</sup> S 37(1) of the LCO

<sup>13</sup> S 37(2) and (3) of the LCO

<sup>14</sup> S 37(3A) of the LCO

### **“Ordinarily Residing in Hong Kong”**

5.4 For “ordinarily residing in Hong Kong,” one needs to take into account a host of factors and the specific situation of each case, and determine according to the relevant judgments of the Court, and the conclusion cannot be generalised. According to a court case<sup>15</sup>, if a person remains in that place legally, voluntarily, and for a settlement purpose (such as for education, employment, or residence), regardless of the duration, the person will be regarded as ordinarily residing in a place. The case also indicated that a person may ordinarily reside in two places at the same time. If a Hong Kong permanent resident has left Hong Kong to reside elsewhere, has not maintained connections with Hong Kong, does not intend to reside in Hong Kong again, or no longer has a sole or principal residence in Hong Kong, he no longer satisfies the eligibility requirements for nomination as a candidate under s 37 of the LCO. A prospective candidate who is doubtful about his eligibility for nomination should consult his independent legal adviser. In a LegCo general election, a prospective candidate may also seek the advice of the NACs within a specified period (see paras. 5.16 to 5.23 of this chapter).

### **Disqualification**

5.5 A person is disqualified from being nominated as a candidate at a LegCo election, and from being elected as a LegCo member, if he:

- (a) is a judicial officer or a prescribed public officer<sup>16</sup>;

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<sup>15</sup> *Lau San Ching v. Liu Apollonia* (1995) 5 HKPLR 23 citing *R v. Barnet London Borough Council, ex parte Shah* [1983] 2 AC 309

<sup>16</sup> A prescribed public officer means any of the following:

- (a) the Chairman of the Public Service Commission;
- (b) the Commissioner and Deputy Commissioner of the ICAC and the holder of any other office under the ICAC Ordinance (Cap. 204);
- (c) the Ombudsman and the holder of any appointment under s 6 of The Ombudsman Ordinance (Cap. 397);
- (d) a member of the EAC;
- (e) the chief executive of the Monetary Authority and any member of the senior management of that Authority, including divisional heads, executive directors, managers and counsel employed by that Authority;

- (b) is an officer of the LegCo or a member of staff of The LegCo Commission;
- (c) has, in Hong Kong or any other place, been sentenced to death or imprisonment (by whatever name called) and has not either served the sentence or any substitute sentence or received a free pardon<sup>17</sup>;
- (d) has been convicted of any offence endangering national security;
- (e) on the date of nomination or of the election, is serving a sentence of imprisonment;
- (f) has been or is convicted of the following offences within five years before the date of the election:
  - (i) any offence in Hong Kong or in any other place, and the sentence for which is imprisonment (suspended or not) for a term exceeding three months without the option of a fine;
  - (ii) having engaged in corrupt conduct or illegal conduct in contravention of the ECICO;
  - (iii) an offence against Part II of the Prevention of Bribery Ordinance (Cap. 201) (“POBO”); or

- 
- (f) the Privacy Commissioner for Personal Data and any person employed or engaged by him under the Personal Data (Privacy) Ordinance (Cap. 486);
  - (g) the Chairperson of the Equal Opportunities Commission and any person employed or whose services are engaged by the Commission under the Sex Discrimination Ordinance (Cap. 480); or
  - (h) any person holding an office, whether permanent or temporary, in a government department or bureau and employed in the department or bureau.

<sup>17</sup> On 21 June 2012, the Court of First Instance handed down a written judgment on *Wong Hin Wai & another v. Secretary for Justice* (HCAL 51 & 54/2012), declaring s 39(1)(b) of the LCO (i.e., para. 5.5(c) of this chapter) to be unconstitutional. On 12 July 2012, the Government announced its decision not to appeal against the judgment. Future LegCo elections will be conducted in accordance with the prevailing legislation. Any person who wishes to be nominated as a candidate for a LegCo election and is doubtful about his eligibility for nomination may seek independent legal advice and, where appropriate, apply to the NAC appointed by the EAC for advice in a LegCo general election.

- (iv) any offence prescribed by regulations in force under the EACO;
- (g) is ineligible or disqualified because of the operation of the LCO or any other law;
- (h) is a representative or a salaried functionary of the government of a place outside Hong Kong;
- (i) is a member of any national, regional, or municipal legislature, assembly, or council of any place outside Hong Kong, other than a people's congress or people's consultative body of the People's Republic of China, whether established at the national level or local level;
- (j) is an undischarged bankrupt or, within the previous five years, has either obtained a discharge in bankruptcy or has entered into a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap. 6) with the person's creditors, in either case without paying the creditors in full;
- (k) within the five years before the date of election, has vacated an office or has been disqualified from entering on an office under the law for declining or neglecting to take a specified oath<sup>18</sup>, or has been declared or decided in accordance with any law:
  - (i) to be in breach of a specified oath; or
  - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the HKSAR of the People's Republic of China;

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<sup>18</sup> Specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the HKSAR of the People's Republic of China.

- (l) is found to be incapable, by reason of mental incapacity, of managing and administering his property and affairs under the Mental Health Ordinance; or
- (m) at a by-election, has resigned or was taken to have resigned from office as a LegCo member within the six months ending on the date of the by-election and no general election was held after the relevant notice of resignation or notice of non-acceptance took effect.

[S 39 of the LCO]

5.6 In respect of FC elections, a person is disqualified from being elected as a LegCo member for an FC if, since the end of the nomination period, the person has ceased to have a substantial connection with the constituency. [S 39(4) of the LCO]

## **PART III : NOMINATION PERIOD AND NOMINATION FORM**

### **Nomination Period**

5.7 The nomination period will be published in the Gazette. The ROs shall receive nominations during ordinary business hours (i.e., from 9 am to 5 pm from Monday to Friday, and from 9 am to 12 noon on a Saturday) on each working day in the nomination period. Candidates must submit their nomination forms **in person** to the RO for the relevant constituencies during the nomination period. Late submissions will not be accepted. In exceptional circumstances, such as a candidate's incapacity due to illness, the CEO may authorise other manners of submission of the nomination form to the RO. **Candidates are advised to submit their nominations in good time before the end of the nomination period to allow time for any errors in their nomination forms to be corrected.** Prospective candidates should read carefully and comply with the "Notes on Submission of Nomination Form for Candidates" and the "Action Checklist for Candidates" which are uploaded to the dedicated election website ([www.elections.gov.hk](http://www.elections.gov.hk)). [Ss 4, 5, 6A, 10(12), 11(14), and 12A(13) of the EAC (EP) (LC) Reg]

### **Nomination Form**

5.8 Nomination forms are available free of charge at any District Office ("DO"), the RO's office, or the REO and may also be downloaded from the REO website ([www.reo.gov.hk](http://www.reo.gov.hk)).

#### ***(a) Nomination***

5.9 In accordance with s 7 of the LC Subscribers & Deposit Reg, the nomination thresholds for candidates in GC, FC, and ECC elections are as follows:

	<b>Nomination Threshold</b>	
	<b>Number of Subscribers from EC</b>	<b>Number of Subscribers from the Contested Constituency/GC</b>
<b>GC Election</b>	Nominated by no less than 10 but no more than 20 EC members, including no less than 2 but not more than 4 members from each of the 5 sectors of the EC <sup>Note 1</sup> ; and	Nominated by no less than 100 but no more than 200 electors of that the respective GC <sup>Note 2</sup>
<b>FC Election</b>		Nominated by no less than 10 but no more than 20 electors of the respective FC <sup>Note 3</sup>
<b>ECC Election</b>		

Note 1: An EC member, in his capacity as an EC member, is entitled to subscribe only one nomination form for each of an ECC election, an FC election, and a GC election.

Note 2: A GC elector, in his capacity as a GC elector, is entitled to subscribe only one nomination form for his own GC.

Note 3: An FC elector, in his capacity as an FC elector, is entitled to subscribe only one nomination form for his own FC (or up to three nomination forms in the case of the Labour FC).

5.10 Generally speaking, each **EC member** can subscribe up to five<sup>19</sup> nomination forms in different capacities, as illustrated below:

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<sup>19</sup> An EC member who is also the AR of a corporate elector may sign one more nomination form in his capacity as that corporate elector's AR.

<b>Constituency</b>	<b>Subscription as an EC member (a)</b>	<b>Subscription as a GC/ an FC elector (b)</b>	<b>Maximum number of nomination forms that an EC member may subscribe in different capacities (a) + (b)</b>
<b>GC</b>	for any GC: one	for his GC: one	two <sup>20</sup>
<b>FC</b>	for any FC: one	for his FC: one (Labour FC: three)	two <sup>21</sup> (EC member cum Labour FC elector: four)
<b>ECC</b>	one	--	one

5.11 Under the law, where the number of persons subscribing a nomination has exceeded the required number of qualified subscribers to effect the nomination of the candidate, the surplus subscribers over the required number will be regarded as not having subscribed the nomination concerned, and may subscribe another nomination form instead. In addition, if the nomination subscribed by an elector or EC member has been held to be invalid, or the candidate has withdrawn his nomination, the elector or EC member may subscribe another nomination instead before the end of the nomination period. On the other hand, if he subscribes more nomination forms than the number he is entitled to subscribe as an elector or EC member in contravention of the regulations, his signature shall be operative only on the first one delivered. [S 7(4) of the LC Subscribers & Deposit Reg]

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<sup>20</sup> An EC member can exclusively nominate one candidate only for his own GC by using both his capacities as an EC member and a GC elector to subscribe that single candidate's nomination form.

<sup>21</sup> An EC member can exclusively nominate one candidate only by using both his capacities as an EC member and an FC elector to subscribe that single candidate's nomination form.

**NOTE :**

- (a) A candidate who submits a nomination form on the last few days of the nomination period is advised to include more than the required number of subscribers for his nomination, so as to avoid the risk of invalidation of the nomination should any of the subscribers be subsequently found not qualified as subscribers.
- (b) A candidate should ensure that the electors and EC members subscribing his nomination form are eligible to do so and that the electors have not previously subscribed another GC or FC nomination in their capacity as GC or FC electors (except for the Labour FC) and the EC members have not previously subscribed in their capacity as EC members the nomination form of another candidate who runs for an election of the same type of constituency.
- (c) Each elector and EC member subscribing a nomination shall sign the nomination form **personally**. A candidate must not sign as a subscriber in his own nomination form.
- (d) No unlawful means shall be used to procure an elector or EC member to subscribe or not to subscribe a nomination. Intimidation is an offence under s 24 of the Crimes Ordinance (Cap. 200). Offenders are liable on summary conviction to a fine and to imprisonment for two years, or on conviction upon indictment to imprisonment for five years. Engaging in bribery, which is a corrupt conduct, is also liable to a fine and to imprisonment.
- (e) S 41 of the LCO provides that no person shall be nominated in an election as a candidate for more than one constituency. When a person submits his nomination form, he must first withdraw all his other prior nomination(s), if any.

- (f) Candidates are also required to observe Data Protection Principle 4 of Schedule 1 to the Personal Data (Privacy) Ordinance (Cap. 486) (“PD(P)O”) in safeguarding the personal data of subscribers to the nomination forms held by them. They should take all practicable steps to ensure that the aforesaid personal data are protected against accidental or unauthorised access, processing, erasure, loss, or use.

**(b) Candidate’s Consent to Nomination and Declaration of Eligibility**

5.12 According to the subsisting electoral legislation, a candidate must duly complete the nomination form and the declarations, which shall be attested by a witness<sup>22</sup>. The candidate must sign and make the following **declarations** and promissory oath:

- (a) a declaration to the effect that the candidate will uphold the Basic Law and pledge allegiance to the HKSAR;
- (b) a declaration as to the candidate’s nationality and as to whether or not he has a right of abode in a country other than the People’s Republic of China;
- (c) a promissory oath given by the candidate to the effect that, if elected, he will not do anything during his term of office that results in his disqualification as set out in s 40(1)(b)(iii) of the LCO;
- (d) a declaration to the effect that the candidate is eligible to be nominated as a candidate for the GC/FC concerned, or the ECC; and is not disqualified from being so nominated; and consents to being so nominated; and

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<sup>22</sup> A witness can be any person aged 18 years or above and in possession of an identity document.

- (e) a declaration to the effect that the candidate has ordinarily resided in Hong Kong for the three years immediately preceding the date of his nomination.

Otherwise, he is not validly nominated as a candidate. [Ss 37(1)(d) and 40(1)(b) of the LCO and ss 10(4) and (5), 11(4) and (5), and 12A(4) and (5) of the EAC (EP) (LC) Reg]

5.13 In the nomination form, a candidate may choose to disclose his occupation and/or political affiliation. If a candidate mentions the name of any organisation when disclosing his political affiliation, he must seek the consent of the organisation concerned beforehand. If a candidate provides information or occupation and/or political affiliation in the input form for the Introduction to Candidates or in the specified form for requesting to print particulars relating to the candidate on ballot papers, the relevant information should be true and should not be inconsistent with that in the nomination form, in particular, when a candidate claims to be an “independent candidate” or “non-affiliated candidate” (or other similar descriptions), he must ensure that the claim has a factual basis. Candidates may refer to the court’s opinion on an election petition case concerning the political affiliation of candidates (HCAL 3665/2019). Candidates are advised to seek independent legal advice if they are in doubt about the political affiliation information to be provided in their nomination form and Introduction to Candidates.

5.14 Until the relevant notice of the election result is published, members of the public could inspect copies of the nomination forms free of charge during ordinary business hours at the address specified by the RO. [S 14 of the EAC (EP) (LC) Reg]

### **Criminal Liability of Making False Declarations**

5.15 The RO may refuse to accept any nomination form bearing material alteration to its content. According to electoral legislation, a person who, in an election-related document, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is incorrect in a material particular, or omits a material particular, commits an offence. Moreover, making a false statement in any statutory document is in breach of s 36 of the Crimes Ordinance. A violation against the above electoral legislation provisions is a prescribed offence, i.e. a person will be regarded as having convicted of a corrupt or illegal conduct under the ECICO, and will therefore be disqualified from being nominated as a candidate or elected as a LegCo member (see Chapters 18 and 19 of the Guidelines). [S 103 of the EAC (EP) (LC) Reg]

## **PART IV : NOMINATIONS ADVISORY COMMITTEES**

5.16 The EAC may appoint NACs to tender advice, upon request, to prospective candidates and ROs on whether a candidate is eligible for nomination. In line with the established practice, each NAC is in the charge of a barrister or solicitor of not less than ten years' standing who, in the opinion of the EAC, is independent and impartial without any connection with any candidate or political organisation in Hong Kong. [Ss 2 and 3 of the EAC (NAC) (LC) Reg]

5.17 Any advice given by a NAC or a refusal on its part to give any such advice does not preclude a person from seeking nomination as a candidate or proceeding with a nomination. [S 9 of the EAC (NAC) (LC) Reg]

5.18 NACs are not empowered to advise on matters under s 40 of the LCO (including the declarations by candidates on upholding the Basic Law and pledging allegiance to the HKSAR, and the lodging of deposit by candidates). The advice provided by the NAC on the eligibility of a prospective candidate for nomination

does not indicate the validity of his nomination. The validity of the nomination is ultimately decided by the CERC. [S 1(2) of the EAC (NAC) (LC) Reg]

### **The Nominations Advisory Committee's Service to Prospective Candidates**

5.19 The NAC provides service to prospective candidates at a **LegCo general election only**. During a period specified by the EAC (which generally ends before the commencement of the nomination period), a prospective candidate may apply, by completing a specified form, for requesting NAC to give advice on whether he is eligible to be, or is disqualified from being, nominated as a candidate at a LegCo general election. The form can be obtained from the REO or any DOs, or downloaded from the dedicated election website ([www.elections.gov.hk](http://www.elections.gov.hk)). Each prospective candidate can only make one application each in respect of all GCs as a whole, each FC, and the ECC. For the avoidance of doubt, a prospective candidate may apply for the advice of the NAC in respect of more than one FC. [Ss 3(4) and 5(6) and (9) of the EAC (NAC) (LC) Reg]

5.20 The completed application must be submitted to **the CEO within the application period specified by the EAC**.

5.21 The NAC may, before giving its advice, require the applicant to provide information, particulars and evidence relating to his intended candidature, or to attend a meeting with the NAC to assist in the consideration of his application. [Ss 5(12) and (13) of the EAC (NAC) (LC) Reg]

5.22 Where an applicant does not respond to the NAC's requests, the NAC may:

- (a) refuse to consider the application or to give any advice; or
- (b) give qualified advice on the application having regard to the following:

- (i) the NAC has not been provided with (in part or in full) the information, particulars, or evidence; and/or
- (ii) the applicant does not attend the meeting with the NAC.

[S 5(14) of the EAC (NAC) (LC) Reg]

5.23 The NAC's advice to an applicant, including a decision of refusal to consider an application or to give advice, will be sent to the applicant in writing not later than a date specified by the EAC. [S 5(15) of the EAC (NAC) (LC) Reg]

### **The Nominations Advisory Committee's Service to Returning Officers**

5.24 The NAC provides service to the ROs at both **LegCo general elections and by-elections** during a period specified by the EAC (which generally spans from the commencement of the nomination period to one day after the end of the nomination period) by offering advice on the eligibility for nomination of the candidates who have submitted their nominations. [S 6 of the EAC (NAC) (LC) Reg ]

5.25 In forming an opinion on whether a person is eligible to be, or is disqualified from being, nominated as a candidate, the RO must take into account any advice given by the NAC. That said, the validity of the nomination is ultimately decided by the CERC. [S 6(5) of the EAC (NAC) (LC) Reg and ss 16 and 17 of the EAC (EP) (LC) Reg]

## PART V : ELECTION DEPOSIT

### Lodging of Election Deposit

5.26 When submitting a nomination form, each candidate must lodge an election deposit, otherwise the nomination form will not be accepted. The election deposits, prescribed by s 2 of the LC Subscribers & Deposit Reg, are as follows:

- |                        |            |
|------------------------|------------|
| (a) each GC candidate  | HK\$50,000 |
| (b) each FC candidate  | HK\$25,000 |
| (c) each ECC candidate | HK\$25,000 |

[Ss 40(3) and 82(2)(b) of the LCO]

### NOTE :

- (i) Candidates should pay their election deposits by **cash** or **cashier order** as far as practicable and should avoid using crossed cheques, since in the event that a cheque is dishonoured and the unpaid amount is not settled before the end of the nomination period, the nomination will be ruled invalid. In addition, candidates using the Faster Payment System (“FPS”) to pay the election deposit must note that banks have defined different limits for various types of payments or transfers. If the transfer limit of the candidate’s bank account is lower than the prescribed election deposit payable, the transaction of paying election deposit will fail, and the nomination form will not be accepted.

- (ii) Candidates must retain the original receipt of the election deposit (including that paid electronically) for the purpose of applying for its return.

### **Return of Election Deposit**

5.27 The deposit will be returned to the candidate if:

- (a) he is not validly nominated;
- (b) he withdraws his candidature;
- (c) he has died or has been disqualified from being validly nominated after his nomination is confirmed valid for the election and before the specified date of the election;
- (d) the election has failed;
- (e) he is duly elected; or
- (f) the number of votes received by the candidate in his favour is not less than 3% of the total number of valid ballot papers received in the constituency.

Candidates are required to, as soon as practicable, complete a specified form for the return of the election deposit, and submit it together with the original receipt of the election deposit to the relevant RO for action. RO will forfeit the deposit in accordance with ss 3 and 4 of the LC Subscribers & Deposit Reg, if none of the above conditions is satisfied.

## **PART VI : CANDIDATE ELIGIBILITY REVIEW COMMITTEE**

5.28 As stipulated in Annex II to the Basic Law and the LCO, the CERC is responsible for reviewing and confirming the eligibility of candidates for LegCo members. The CERC may request the ROs to provide advice regarding the nominations of candidates. It may also make decisions pursuant to the opinion of the National Security Committee, and the National Security Committee shall, on the basis of the review by the National Security Department of HKPF, make findings as to whether a candidate meets the legal requirements and conditions on “upholding the Basic Law and pledging allegiance to the HKSAR of the People’s Republic of China”, and issue an opinion to the CERC in respect of candidates who fail to meet such legal requirements and conditions. According to Article 14 of the Hong Kong National Security Law, no institution, organisation, or individual in the Region shall interfere with the work of the National Security Committee. Information relating to the work of the National Security Committee shall not be subject to disclosure.

5.29 The CERC consists of the chairperson, at least two but not more than four official members, and at least one but not more than three non-official members. Each member of the CERC is appointed by the CE by notice published in the Gazette. Only a principal official appointed pursuant to a nomination under Article 48(5) of the Basic Law is eligible for appointment as the chairperson or an official member. Only a person who is not a public officer is eligible for appointment as a non-official member. In addition, the CE shall report any appointment made to the Central People’s Government for record. [S 9A of the CEEQ]

## **PART VII : VALIDITY OF NOMINATIONS**

5.30 The CERC must make a decision on the validity of a nomination as soon as practicable after receipt of a nomination form and publish a notice stating which

persons are validly nominated as candidates within 14 days after the close of the nomination period. The notice will include the names and addresses<sup>23</sup> of all validly nominated candidates. [S 42A of the LCO and s 21 of the EAC (EP) (LC) Reg]

5.31 In determining whether a candidate is validly nominated, the CERC may request the RO to advise on whether the candidate is eligible to be nominated or disqualified from being nominated under the LCO. However, the RO is not to advise on whether a candidate has complied with s 40(1)(b)(i) of the LCO regarding the declaration on upholding the Basic Law and pledging allegiance to the HKSAR of the People's Republic of China. [Ss 16(3A) to (3C) of the EAC (EP) (LC) Reg]

5.32 If the RO discovers an error which may amount to a ground for deciding that the nomination form is invalid, and the error can be rectified in time during the nomination period, the RO may, before forming an opinion as to whether the nomination form is valid, as far as practicable, give the candidate a reasonable opportunity to rectify it. For example, if the qualification of a subscriber to a submitted nomination form is in doubt, the prospective candidate may, where possible, be allowed to find another subscriber in substitution as soon as practicable. No substitution of subscriber or re-submission of a nomination form is allowed after the close of the nomination period. A nomination may be ruled invalid if the errors on the nomination form are still not rectified. [S 18 of the EAC (EP) (LC) Reg]

5.33 To enable the CERC to be satisfied that the candidate of relevant constituency is eligible to be nominated or otherwise as to the validity of a nomination, the CERC or RO may require a candidate to furnish any supplementary information. [Ss 10(10), 11(11), 12A(10), and 16(3A) of the EAC (EP) (LC) Reg]

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<sup>23</sup> The candidate's name and address are those provided on the nomination form. For details, refer to the notes for completing the form.

5.34 A nomination will be invalid unless the nomination form contains all information and signatures required or supplementary information required by the RO and the candidate has made the declarations and oath mentioned in para. 5.12 of this chapter.

5.35 Without prejudice to ss 37, 39, and 40 of the LCO<sup>24</sup>, the CERC may determine a nomination of a candidate to be invalid only when:

- (a) the number and qualifications of subscribers on the nomination form do not meet the requirements under s 7 of the LC Subscribers & Deposit Reg;
- (b) the nomination form, including the parts on nomination, declarations, and oath thereof, has not been completed or signed as required under s 40 of the LCO and ss 10, 11, and 12A of the EAC (EP) (LC) Reg;
- (c) the CERC is satisfied that the candidate is not eligible to be, or has been disqualified from being, nominated as a candidate under the LCO;
- (d) the candidate has been nominated for another constituency in the same election, and the CERC is not satisfied that he has withdrawn that candidature;
- (e) the candidate has not lodged the appropriate election deposit (e.g. because the cheque for the payment of the candidate's election deposit is dishonoured and the unpaid amount has not been settled before the close of the nomination period); or
- (f) the RO is satisfied that the candidate has died.

[S 16 of the EAC (EP) (LC) Reg]

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<sup>24</sup> See paras. 5.3, 5.5, 5.6, 5.12 and 5.15.

## **PART VIII : WITHDRAWAL OF CANDIDATURE**

5.36 A candidate may withdraw his candidature only before the close of the nomination period, and must complete and sign a specified form entitled “Notice of Withdrawal of Candidature”, which must be delivered to the RO concerned by the candidate (or his election agent) in person. Under the subsisting law, candidates are not allowed to withdraw their candidature after the close of the nomination period, and there is no such mechanism as the so-called “abandonment of election.” Even if a candidate has made public his claim about the so-called “abandonment of election,” his name will still be shown on the ballot papers for electors to vote for, and the candidate concerned must comply with the election-related legislation, including reporting all election expenses. [S 42 of the LCO and s 20 of the EAC (EP) (LC) Reg]

### **NOTE :**

It is an offence for a person to bribe, or to use or threaten to use force or duress against a candidate, to induce him to withdraw his candidature; and for a candidate to solicit or accept a bribe to withdraw his candidature. [Ss 7 and 8 of the ECICO]

## **PART IX : NOTICE OF VALID NOMINATIONS**

5.37 In the case of a contested election, the RO will draw lots to determine the order of candidates’ names on the ballot papers and the list number of the designated spots allocated for displaying EAs. After the end of the nomination period, the RO will inform the relevant candidates of the date, time and place of the lots drawing session and the Candidates’ Briefing. [S 49 of the EAC (EP) (LC) Reg]

5.38 The CERC's notice of valid nominations will include the number allocated to each candidate by the drawing of lots, which will be shown on the ballot papers. In the case of an uncontested election, the RO must publish a notice in the Gazette to declare the candidates as being duly elected as LegCo members for that constituency. The RO must also send a notice to each validly nominated candidate for the constituency concerned as to whether a person is validly nominated as a candidate. [Ss 19, 21, and 22 of the EAC (EP) (LC) Reg]

5.39 The EAC will conduct a briefing for all validly nominated candidates on important matters related to the election.

## **PART X : PARTICULARS RELATING TO CANDIDATES ON BALLOT PAPERS**

### **Request to Print Particulars Relating to Candidates on Ballot Papers**

5.40 Under the PCBP (LC & DC) Reg, candidates for LegCo GCs or FCs may, **during the nomination period**, request the EAC to print on the ballot papers<sup>25</sup> his personal photo and one of the following particulars:

- (a) the registered names (or abbreviation of the registered names) and/or registered emblems relating to not more than three prescribed bodies<sup>26</sup>;
- (b) the registered emblem of a prescribed person<sup>27</sup> relating to the candidate;  
or

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<sup>25</sup> The basic form of the ballot paper is prescribed in Schedule 3 to the EAC (EP) (LC) Reg.

<sup>26</sup> A prescribed body means a prescribed political body or a prescribed non-political body.

<sup>27</sup> A prescribed person means a person that is registered in a FR of electors for GCs as compiled and published in accordance with the LCO and that is not disqualified from being so registered or from voting at an election.

- (c) the registered names (or abbreviation of the registered names) and/or registered emblems relating to not more than two prescribed bodies, and the registered emblem of a prescribed person relating to the candidate.

[S 3(2) and (3) of the PCBP (LC & DC) Reg]

Candidates can also choose to print the words “Independent Candidate” or “Non-affiliated Candidate” on ballot papers, provided they ensure there is a factual basis for the claim, and they are aware of the guidelines in para. 5.13 of this chapter.

5.41 A candidate to make the request above should complete and sign the specified form. Where a request relates to any prescribed body, the request must be accompanied by a written consent given by the relevant body during the nomination period. Where a request includes a candidate’s personal photo, the request must be accompanied by two photos with the candidate’s name and the name of the relevant GC or FC shown on the back of the photos. [S 3(4) of the PCBP (LC & DC) Reg]

### **Application by Prescribed Body for Registration of its Name and Emblem**

5.42 A prescribed body (hereafter referred to as applicant) intending to support a candidate in a LegCo GC or FC election may, according to the time frame for application set out in para. 5.45, apply to the EAC for the registration of all or any of the following particulars:

- (a) the Chinese name of the body;
- (b) an abbreviation of the Chinese name of the body;
- (c) the English name of the body;
- (d) an abbreviation of the English name of the body;

- (e) an emblem of the body.

[S 8(1) of the PCBP (LC & DC) Reg]

5.43 The applicant must:

- (a) complete and sign the specified form for making application;
- (b) indicate whether the applicant is a prescribed political or non-political body;
- (c) indicate that the applicant intends to consent to have the subject of his application printed on a ballot paper; and
- (d) submit together with a copy of the certificate or document bearing the body's name issued to the body by an authority or regulatory organisation that regulates the body.

[S 8(2) of the PCBP (LC & DC) Reg]

### **Application by Prescribed Person for Registration of Emblem**

5.44 A prescribed person (hereafter referred to as applicant) may apply to the EAC for the registration of an emblem. The applicant must:

- (a) complete and sign a specified form for making application; and
- (b) indicate that he is a prescribed person.

[Ss 9(1) and (2) of the PCBP (LC & DC) Reg]

### **Timing of Application**

5.45 Applications submitted on or before the statutory cut-off date (i.e. 15 June of a year) will be processed within that year's annual registration cycle (i.e. from 1 January to 31 December of that year). A register containing the particulars in respect of the names and emblems of prescribed bodies and emblems of prescribed persons, which have been approved by the EAC and published in the Gazette, is maintained by the CEO for public inspection. The register is updated annually to reflect any approved additions/deletions and only the approved particulars may be used by candidates in an election. [S 2 of the PCBP (LC & DC) Reg]

### **Processing of Application**

5.46 If an application is made by a prescribed body or a prescribed person on or before the cut-off date for that annual registration cycle, the EAC must, as far as practicable, process the application within that annual registration cycle. If an application is made after the cut-off date, the EAC will process the application in the next following annual registration cycle. [S 11 of the PCBP (LC& DC) Reg]

5.47 If the EAC is of the opinion that it may refuse to grant an application made by a prescribed body or a prescribed person, it must give the applicant a notice in writing. The applicant may, within 14 days from the issuance of the notice (inclusive of the issue date), vary the application or make representations in writing to the EAC on why the EAC should not refuse to grant the application. [Ss 12 and 13(1) and (2) of the PCBP (LC & DC) Reg]

5.48 If the EAC is of the opinion that it may grant the application, it must publish a notice in respect of the application in the Gazette:

- (a) specifying the name of the applicant and the subject of the application;
- (b) stating that the EAC may grant the application; and

- (c) inviting any person who objects to the granting of the application to make objection to the EAC in accordance with s 15 of the PCBP (LC & DC) Reg.

[S 14 of the PCBP (LC & DC) Reg]

5.49 Any person may, within 14 days after the publication of a notice in respect of an application in the Gazette (inclusive of the gazette date), by notice in writing given to the EAC, object to the granting of the application. In the event of an objection, the EAC will conduct a hearing, which must be held in public. If the EAC or the EAC member who conducts the hearing, on its or his own motion or on the application of the applicant or the objector, determines that the hearing or any part of the hearing must not be held in public, the hearing or the part thereof, as the case may be, may be held in private. The EAC will decide whether the application should be granted after hearing representations from all parties and examining the relevant information. [Ss 15 and 17 of the PCBP (LC & DC) Reg]

5.50 The EAC will, as soon as practicable, after a decision is made to grant an application made by a prescribed body or a prescribed person, publish a notice in respect of the application in the Gazette specifying the name of the applicant and the subject of the application. If a decision is made to refuse an application, the EAC will notify the applicant in writing of the EAC's decision with reasons for its refusal. [S 19 of the PCBP (LC & DC) Reg]

### **Registration and De-registration of Name, Emblem, etc.**

5.51 A register of the relevant particulars in respect of the registered names and emblems of prescribed bodies and the registered emblems of prescribed persons is established and maintained by the EAC. The CEO must make the register available at the REO for inspection, free of charge, by members of the public during ordinary business hours. [S 20 of the PCBP (LC & DC) Reg]

5.52 The EAC may de-register the name, the abbreviation of the name and the emblem that are registered in relation to a prescribed body, or the emblem of a prescribed person on the grounds that:

- (a) no request is made to print a particular registered name or emblem on ballot papers in the following elections:
  - (i) two consecutive LegCo general elections;
  - (ii) two consecutive DC ordinary elections, one of which is held between such LegCo general elections; and
  - (iii) any LegCo or DC by-election held between such LegCo general elections or DC ordinary elections;

or

- (b) the prescribed person has died or the body no longer exists.

[S 21(1) of the PCBP (LC & DC) Reg]

## **PART XI : INTRODUCTION TO CANDIDATES**

5.53 The REO will publish an **Introduction to Candidates**. The candidate number or letter of the alphabet allocated to each candidate by the drawing of lots, which are to be shown on the ballot papers, will also be printed on the Introduction to Candidates. The Introduction to Candidates will be sent to electors/ARs (“electors”) (including those imprisoned or held in custody by the Correctional Services Department (“CSD”) or other law enforcement agencies) together with poll cards before the polling day. The Introduction to Candidates will also be uploaded to the dedicated election website for electors’ reference.

5.54 Candidates who wish to make use of the Introduction to Candidates to promote their elections must submit the required information to the relevant RO or CEO **before the end of the nomination period** in one of the following manners:

<b>Hard Copy Submission</b> <sup>Note</sup>	<b>Electronic Submission</b> <sup>Note</sup>
<ul style="list-style-type: none"> <li>• A duly completed input form affixed with a colour photo of the candidate taken within the last six months in specified size; and</li> <li>• Two copies of photos identical to the one affixed to the input form, with the candidate's name label affixed on the back of each.</li> </ul>	<ul style="list-style-type: none"> <li>• Uploaded a digital photo of the candidate to the specified section of the electronic input form. The digital photo must comply with the file format specified in the electronic form (including image type, file size, and dimensions); otherwise it will not be accepted; and</li> <li>• The electronic input form must be uploaded to REO's designated electronic form submission platform.</li> </ul>

Note: If a candidate does not submit the input form, the Introduction to Candidates will only show his name and candidate number or letter of the alphabet allocated, with the statement "Relevant information has not been provided by the candidate" printed in the space provided for the electoral message.

5.55 Candidates should understand the different needs of electors (including those electors with visual impairments) and, in the course of their electioneering campaign, make their utmost efforts to ensure that electors can have fair access to the electoral messages. The EAC encourages candidates to submit an electronic version of the input form, including the text version part, by the specified deadline to enable the production of a text version of the Introduction to Candidates which

is readable by computers or smartphones for visually impaired electors. If a candidate does not provide the electronic version of text information, only an image-based version of the Introduction to Candidates will be available on the dedicated election website, and the text version will only show the candidate's name, personal particulars (if relevant information is provided in the input form), and the allocated number/letter of the alphabet, with a remark that the candidate has not provided a text version of his electoral message. The EAC appeals to all candidates to make use of the text version to convey their electoral messages to persons with visual impairment.

5.56 The contents, nature, and presentation of a candidate's electoral message in the Introduction to Candidates are exclusively the idea and work of the candidate himself. They will not be subject to alteration or editing by the REO unless the content is considered unlawful, obscene, immoral, indecent, offensive, defamatory or containing information irrelevant to the promotion of the candidature of the candidate concerned.

## CHAPTER 6

### POLLING AND COUNTING ARRANGEMENTS

#### PART I : GENERAL

6.1 An elector can only vote at the polling station allocated to him. In general, the REO will assign electors to vote at the polling station within their constituency and close to their registered residential addresses. For LegCo elections, a polling station for a GC<sup>28</sup> is normally situated within the boundaries of the constituency.

6.2 If electors with mobility difficulty are allocated to a polling station that is not accessible for them, the electors may apply to the REO for re-allocating to a barrier-free special polling station to cast their votes.

6.3 To ensure that electors can access polling stations without interference, a **No Canvassing Zone (“NCZ”)** will be designated for each polling station. No canvassing activities are allowed within the NCZ. Please refer to **Part V of this chapter** for details. In addition, to avoid any obstruction of entrance/exit of the polling station, a **No Staying Zone (“NSZ”)** will be designated

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<sup>28</sup> The retention of previously used polling stations is subject to various factors, such as the willingness of the venue owners or management to provide the location and whether other more suitable venues are identified by the REO.

immediately adjacent to the entrance/exit, where no person is allowed to stay or loiter without the express permission of the Presiding Officer (“PRO”).

6.4 Only electors and designated or authorised persons are allowed admitting to a polling station. If electors need assistance from others for entering a polling station, they may make a request to the PRO, who will exercise discretion.

6.5 Depending on the circumstances of individual polling stations, polling staff will issue ballot papers through the Electronic Poll Register (“EPR”) System or the printed copy of the FR of electors/EC members. Upon entry to a polling station, electors should follow the instructions on site to collect ballot papers at any of the ballot paper issuing desks. Please refer to **Parts VII and VIII of this chapter** for details.

6.6 The ballot is autonomous and secret. No one can use force or duress, or threaten to use force or duress, against a person to make him vote or not vote for any particular candidate at an election. No one is obligated to disclose which candidate he has voted for or is going to vote for.

6.7 After collecting the ballot paper, an elector should immediately proceed to a voting compartment to mark his vote on the ballot paper. Each voting compartment can only be used by one elector at any one time. Based on the principle of the autonomous and secret ballot, it is prohibited by the law to have anyone (not even the relative or friend of the elector) to accompany or assist the elector to vote. If an elector is unable to mark the ballot paper on his own,

he may, as stipulated under the law, request the PRO or the PRO's deputy to mark the ballot paper on his behalf according to his voting preference, in the presence of one polling staff as a witness. Please refer to paras. 6.39 to 6.43 of this chapter for details.

6.8 No one is allowed to display, circulate, share or discuss with others any material containing the name and/or number of a candidate inside the polling station or the NCZ. Such acts are against the law. Nevertheless, it is not prohibited by the law for an elector to enter the polling station with a memorandum containing the name or number of the candidate of his choice (such as a leaflet bearing the information of the candidate or a reminder note commonly known as “thunder in the palm (掌心雷)”) for that elector's own reference to mark the ballot paper inside the voting compartment.

## **PART II : TYPES AND ALLOCATION OF POLLING STATIONS**

6.9 The CEO must by notice in the Gazette specify the polling hours and designate places as polling stations, ballot paper sorting stations<sup>29</sup> or counting stations at least ten days before the polling day. The same may be designated to serve as both a polling station and a counting station.

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<sup>29</sup> A ballot paper sorting station may be set up by the REO to sort GC ballot papers received from dedicated polling stations or the ECC polling station according to GCs before the ballot papers are delivered to the respective main counting stations for counting of votes.

6.10 There are five types of polling stations:

- (a) **Ordinary Polling Stations** – for use by general electors to cast their votes. The ordinary polling stations will be converted to counting stations immediately after the close of poll for counting the GC ballot papers. The FC ballot papers will be delivered to the central counting station for counting<sup>30</sup>;
- (b) **ECC Polling Station** – for use by ECC electors (i.e. EC members) to cast their votes. The GC ballot papers cast in the polling station will be delivered to the designated main counting stations for the GC for counting, while the ECC ballot papers and FC ballot papers will be delivered to the central counting station for counting;
- (c) **Dedicated Polling Stations** – set up inside penal institutions or other suitable places (e.g. police stations) for registered electors who are imprisoned or held in custody by the law enforcement agencies on the polling day to cast their votes. Vote counting will not be carried out at dedicated polling stations. GC ballot papers cast therein will be delivered to the ballot paper sorting stations after the close of poll. After sorting, the GC ballot papers will be delivered to the designated main counting stations for the GC for counting. The ECC ballot

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<sup>30</sup> Ordinary polling stations include Near Boundary Polling Stations (“NBPSs”). NBPSs are ordinary stations set up near the boundary to facilitate voting by GC and FC electors who live in the Mainland or need to travel to and from the Mainland on the polling day. The NBPSs will also be converted to counting stations immediately after the close of poll for counting the GC ballot papers (For a GC in which less than 500 electors are allocated to vote, the counting proceedings for Small Polling Stations shall apply). The FC ballot papers will be delivered to the central counting station for counting.

papers and FC ballot papers will be delivered to the central counting station for counting. Please see **Part XIV of this chapter** for details;

- (d) **Special Polling Stations** – If electors with mobility difficulty are allocated to a polling station that is not accessible for them, they may apply for re-allocating to a barrier-free special polling station within the same GC to cast their votes. The votes cast by electors allocated to a special polling station will be counted together with the ballot papers of the same constituency in the ballot boxes; and
- (e) **Small Polling Stations** – referring to polling stations at which less than 500 electors are allocated to vote. The small polling stations are only designated for polling and no counting of votes will be conducted. After the close of poll, GC ballot boxes of a small polling station will be delivered to the designated main counting station and the GC ballot papers inside will be mixed with ballot papers in that main counting station before counting together. FC ballot papers will be delivered to the central counting station for counting.

6.11 Due to security reasons, there is a need for the penal institutions to separate some persons imprisoned or held in custody from others therein. The Commissioner of Correctional Services shall assign a time slot during the polling hours of a dedicated polling station situated in a penal institution to an elector allocated to that polling station to vote, and inform the elector of the time slot assigned. The Commissioner of Correctional Services must assign time slots

to electors so as to give them a reasonable opportunity to vote. An elector to whom a time slot is assigned may only cast his vote during that time slot.

6.12 The combined polling arrangements are adopted for the convenience of the electors. Whether an elector is entitled to vote only in a GC, FC or ECC election, or entitled to vote in GC, FC and ECC elections, he only needs to go to one polling station to cast all his votes. For details of the combined polling arrangements, please refer to **Appendix 5**.

### **PART III : POLL CARDS**

6.13 At least 10 days before the polling day, poll cards will be sent to electors of contested constituencies at their registered addresses or correspondence address (if applicable) to notify them of the poll date, time and location of the polling station. Electors may also log in to the OVIES ([www.voterinfo.gov.hk](http://www.voterinfo.gov.hk)) by themselves to check the allocated polling station and related polling information. If the CEO decides to change any polling station, the CEO must as early as practicable inform the electors, RO and PRO concerned in a manner he deemed appropriate. To allow electors serving a sentence of imprisonment on the polling day to receive the poll cards as early as possible, the REO will mail the poll cards to the penal institutions where the electors are serving their sentences insofar as practicable. [Ss 31(1), (3A) and (6) of the EAC (EP) (LC) Reg]

## **PART IV : HANDLING OF BALLOT BOXES**

6.14 About 30 minutes before the commencement of the poll (or 15 minutes for dedicated polling stations situated in penal institutions), the PRO will allow the candidates, their election agents and polling agents present to enter the polling station to observe the opening of the sealed packets of ballot papers and the locking and sealing of ballot boxes. For each candidate, among the candidate, election agents and polling agents, only one person, i.e. the candidate or his election agent or polling agent, may be present to observe the aforesaid procedures. Similarly, after the close of poll, the PRO will lock and seal the ballot boxes in the presence of the candidates and their agents (if any). The count will commence when polling at all polling stations of the same constituency has closed.

6.15 For dedicated polling stations situated in penal institutions, due to security reasons:

- (a) only a maximum of two candidates may be present to observe the opening of the sealed packets of ballot papers and the locking and sealing of ballot boxes at a dedicated polling station situated inside a maximum security prison; and
- (b) only a maximum of any two of the candidates, their election agents or polling agents may be present to observe the opening of the sealed packets of ballot papers and the locking and sealing of ballot boxes at a dedicated polling station situated in a penal institution if it is not a maximum security prison.

## **PART V: NO CANVASSING ZONE AND NO STAYING ZONE**

6.16 To ensure that electors can access polling stations without interference, the RO will designate an area outside the polling station for the constituency concerned as an NCZ according to the electoral legislation. **Electioneering activities are strictly prohibited within the NCZ. Otherwise, it will constitute an offence which may result in a fine and imprisonment.** A notice of the determination of an NCZ and a map or plan showing the boundary of the area will be displayed at or near the polling station. Please refer to **Chapter 15** for details.

6.17 To ensure that electors could enter and exit polling stations safely in an unobstructed manner, the RO will set up an NSZ adjacent to the entrance/exit (sometimes the exit is the same as the entrance) of each polling station inside the NCZ. **No person is allowed to stay or loiter inside the NSZ, except where a person has been expressly permitted to do so by the PRO. Otherwise, it will constitute an offence which may result in a fine and imprisonment.** Please refer to **Chapter 15** for details.

## **PART VI : PERSONS TO BE ADMITTED TO THE POLLING STATION**

6.18 In addition to electors, only the following persons may be admitted to a polling station:

- (a) the PRO and polling staff;
- (b) members of the EAC;
- (c) the Chief Returning Officer (“CRO”);
- (d) the ROs and Assistant Returning Officers (“AROs”) for the relevant constituencies;
- (e) public officers on duty at the polling station, including police officers, members of the Civil Aid Service (“CAS”), etc.;
- (f) officers of the CSD and other law enforcement agencies on duty at dedicated polling stations;
- (g) the CEO;
- (h) candidates and election agents of the relevant constituencies and polling agents appointed for the polling station (not applicable to dedicated polling stations situated in maximum security prisons) in accordance with para. 6.19 of this chapter;
- (i) public officers authorised in writing by the CEO;
- (j) any person authorised in writing by a member of the EAC;

- (k) a person authorised in writing by the RO for liaison duties; and
- (l) children accompanying an elector who enters the polling station for the purpose of voting (if the PRO considers that the children should not be left unattended while the elector is in the polling station and that the children will not disturb or cause inconvenience to any person in the polling station).

[Ss 44(4), (5) and (13) of the EAC (EP) (LC) Reg]

A notice will be displayed at the entrance to the polling station, and inside a dedicated polling station, stating that only electors and designated/authorised persons may be allowed to enter the polling station.

6.19 For the purpose of maintaining order in the polling station, the PRO may regulate the number of electors, candidates, election agents and polling agents allowed to enter the polling station at any one time. Details are as follows:

- (a) for each candidate, only one person among the candidate, election agent or polling agents may enter and be present in the polling station at any one time;
- (b) a notice will be displayed outside each polling station specifying the capacity of the designated area inside the polling station for candidates, election agents and polling agents. The PRO will arrange them to

enter the polling station on a **first-come-first-served basis**;

- (c) any candidate, election agent or polling agent who is allowed to enter the polling station may only stay for one hour each time. He must then leave the polling station on time unless there is no other candidate or his agents waiting for admission. He may apply for admission into the polling station again on a **first-come-first-served basis**;
- (d) if no one among a candidate or any of his agent has earlier entered the polling station to observe the poll on polling day, the PRO concerned will endeavour to give the candidate or his agent an opportunity to enter the polling station to observe the poll before the close of poll under a special arrangement. Under this special arrangement, if a candidate or any of his agent who has been allocated the last waiting slot for admission to the polling station has already observed the poll in that polling station, the person will have to yield his slot to the candidate or his agent who has not observed the poll in that polling station;
- (e) anyone who is allowed to enter a polling station has to sign and register his time of entry on a log sheet. A candidate, election agent or polling agent who has to queue outside the polling station for his turn to observe the poll at the designated area will be given a number chit that indicates the order of admission. A person who has lost his place due

to his absence will have to obtain a new number chit when he returns;  
and

- (f) for security reasons, only a maximum of two candidates may be present at any one time to observe the poll at a dedicated polling station situated inside a maximum security prison, and a maximum of two persons among the candidates, election agents or polling agents may enter a dedicated polling station situated in a penal institution other than a maximum security prison at any one time. Observers will have to take turn in case more than two candidates or their agents intend to observe the poll at the same time. Please see **Chapter 8** for details.

[Ss 44(2), (6), (7), (8) and (9) of the EAC (EP) (LC) Reg]

6.20 Except for electors, and those police officers, officers of the CSD, officers of any law enforcement agencies and members of the CAS who are on duty, all other persons permitted to enter a polling station are required to make a **Declaration of Secrecy**<sup>31</sup> on a specified form before entering the polling station and need to observe the regulations on the secrecy of voting. [S 95 of the EAC (EP) (LC) Reg]

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<sup>31</sup> The declaration can be made in the presence of a Commissioner for Oaths/a member of the EAC/the RO/the CEO (or a person whose official designation is that of a deputy to the CEO)/a Justice of the Peace/a solicitor with a practicing certificate.

## **PART VII : HOW TO ISSUE BALLOT PAPERS**

6.21 Polling staff will follow one of the procedures below when issuing ballot papers, depending on whether the EPR System or a printed copy of FR of electors/EC members is used in the polling station concerned:

(a) **Use of Electronic Poll Register System in Issuing Ballot Papers**

The polling staff will scan the HKID presented by the elector with a tablet, or, with the PRO's authorisation, manually input the elector's HKID number into the EPR System to verify whether the person is a registered and eligible elector allocated to the polling station concerned, so as to ascertain the number and types of ballot paper(s) to be issued.

Upon confirmation, the polling staff will softly read out the name of the elector as stated in the entry in the EPR System, show and issue the unmarked ballot paper(s) to the elector, and will record the number and types of ballot papers issued to the elector and the time of issuance in the EPR System, but will not record which particular ballot paper. The elector may view his name, partial HKID number and types of ballot paper(s) issued to him as shown on the screen of the EPR System during the issuance process.

(b) **Use of Printed Copy of Final Register of Electors/Election Committee Members in Issuing Ballot Papers**

The polling staff will check the elector's identity document against the entry in the printed copy of FR of electors/EC members to verify whether the person is a registered and eligible elector allocated to the polling station concerned, so as to ascertain the number and types of ballot paper(s) to be issued.

Upon confirmation, the polling staff will softly read out the name of the elector as stated in the entry in the printed copy of FR of electors/EC members, and, under observation of the elector, draw a line across the name and the identity document number therein to indicate that the ballot paper(s) has/have been issued. The polling staff will then show and issue the unmarked ballot paper(s) to the elector, but will not record which particular ballot paper. To safeguard the personal data privacy of the other electors, the polling staff will conduct the line-drawing under observation of the elector, while at the same time covering up the entries of other electors in the printed copy of FR of electors/EC members.

(c) **Use of Printed Copy of Final Register of Electors/Election Committee Members in the Event of Electronic Poll Register System Failure**

In case of the EPR System failure while in use on the polling day and

cannot continue to operate, the fallback arrangement will come into operation in polling stations and the polling staff will use the printed copy of the FR of electors/EC Members (as stated in (b) of this paragraph) to issue ballot papers to electors until close of poll. The polling staff should activate the fallback mode of the EPR System at the same time, and crosscheck against the “local storage device” inside the polling station before issuing the ballot paper(s), so as to confirm that the electors concerned have not collected any ballot papers when the EPR System was in use. The “local storage device” will only record in an encrypted form the HKID numbers of electors who have collected their ballot papers, but will not record their names and other personal particulars.

[S 53 of the EAC (EP) (LC) Reg]

6.22 To facilitate the verification of the total number of ballot papers issued, the counterfoil of each ballot paper bears a serial number on its front. However, the serial number will not appear on the ballot paper. Neither the polling staff nor the EPR System will record the serial number of the ballot paper issued to an elector. Only the quantity of ballot papers issued at the ballot paper issuing desks will be counted to estimate the voter turnout. Statistics of the hourly voter turnout and cumulative voter turnout will be posted outside the polling stations for the public’s reference. [Ss 49(15) and 53(8) of the EAC (EP) (LC) Reg]

6.23 In general, ballot papers are issued at the ballot paper issuing desks. However, “TENDERED” ballot papers and ballot papers issued to electors in

replacement of “SPOILT” ballot papers must be issued by the PRO at the PRO desk. Please see paras. 6.50 and 6.51 of this chapter for the arrangement.

## **PART VIII : QUEUING ARRANGEMENTS**

6.24 If electors have to queue up to enter the polling station, the PRO may make special arrangements for electors with specific needs, including:

- (a) persons aged 70 or above;
- (b) pregnant women; and
- (c) persons who are not able to queue for a long time or have difficulty in queuing because of illness, injury, disability or dependence on mobility aids.

[S 49A of the EAC (EP) (LC) Reg]

6.25 The PRO may, having regard to the actual situation, set up two queues outside the polling station, one for electors with special needs and the other for ordinary electors. Seats may also be provided in the polling station for electors in need to rest while waiting to join the special queue later for collecting ballot papers.

(a) **Queuing Arrangement When the Electronic Poll Register System is Used**

Each ballot paper issuing desk is installed with tablets to enable electors to flexibly collect their ballot papers at any one desk.

The PRO will assign a number of ballot paper issuing desks as special ballot paper issuing desks for use by electors with special needs (see para. 6.24 of this chapter) while other ballot paper issuing desks are available for use by ordinary electors.

The PRO may adjust the number of special ballot issuing desks according to the actual situation to shorten the waiting time.

[S 49A of the EAC (EP) (LC) Reg]

(b) **Queuing Arrangement When Printed Copy of Final Register of Electors/Final Register of Election Committee Members is Used**

To avoid duplicate issuance of ballot papers, the printed copy of FR of electors/FR of EC members will be split into parts and distributed to the ballot paper issuing desks according to the alphabetical prefixes of HKID number. The PRO may, having regard to the actual situation, set up a special queue for each ballot paper issuing desk to shorten the waiting time of the persons with special needs.

(c) **Queuing Arrangement When Printed Copy of Final Register of electors/Final Register of Election Committee members is Used in the Event of Electronic Poll Register System Failure**

The special queuing arrangement is the same as that stated in item (b) of this paragraph.

6.26 If polling staff need to go to vote, the PRO will arrange for them to leave their posts briefly. To enable polling staff to return to work as soon as possible, they may present to the staff of the allocated polling station their polling staff identification for priority queuing to collect ballot papers and cast their votes.

## **PART IX : COLLECTING BALLOT PAPERS**

6.27 An elector should show to the polling staff at the ballot paper issuing desk the original of any of the following documents, to the satisfaction of the PRO or polling staff, before he can be issued with the ballot paper(s):

- (a) the original of the elector's valid HKID;
- (b) alternative documents:

- (i) a document issued by the Commissioner of Registration to the elector certifying that the elector is exempt from registration;
- (ii) a document issued by the Commissioner of Registration acknowledging that the elector has applied:
  - (1) to be registered under the Registration of Persons Ordinance;
    - or
    - (2) for a new HKID and is awaiting its issuance;
- (iii) a valid HKSAR Passport;
- (iv) a valid HKSAR seaman's identity book;
- (v) a valid document of identity; or
- (c) a document evidencing the elector has reported to a police officer of the loss or destruction of document referred to in (a), (b)(i) or (ii) of this paragraph, together with the original of a valid passport or similar travel document (not being one referred to in (a), (b)(i) to (v) of this paragraph) issued to him showing his name and photo.

[Ss 13, 14, and 25 of the Registration of Persons Regulations (Cap. 177A), the Hong Kong SAR Passport Ordinance (Cap. 539), s 3 of the Immigration Regulations (Cap. 115A), and s 50 of the EAC (EP) (LC) Reg]

6.28 If there are reasonable grounds to doubt the true identity and eligibility of an elector, the PRO shall ask him the following questions when the elector apply for a ballot paper (but not after the ballot paper has been issued):

- (a) “Are you the person registered in the final register now in effect for this geographical constituency/the final register now in effect for this functional constituency/the Election Committee final register (as appropriate), as follows (the PRO to read out the whole entry as it is recorded in the register)?”
- (b) “Have you already voted for this or any other geographical constituency/this functional constituency/the Election Committee constituency (as appropriate) in this election?”

The elector will not be issued with any ballot paper unless he has answered the questions to the satisfaction of the PRO. [Ss 51(3) and (5) of the EAC (EP) (LC) Reg]

6.29 An elector applying for a ballot paper at a dedicated polling station situated in a penal institution is required to produce a document issued by the Commissioner of Correctional Services showing the elector’s name, photo and prisoner registration number allocated by the Commissioner to the elector for identification purpose.

6.30 Where there is reasonable cause to believe that a person has engaged in corrupt conduct by impersonating an elector, the PRO may request the police

to arrest that person. If the polling station is a dedicated polling station, the PRO may request the officer of the CSD or the law enforcement agency to remove the person concerned from the polling station and report the case to the police. [Ss 52(1), (2), and (2A) of the EAC (EP) (LC) Reg]

6.31 Polling stations are designated to serve simultaneously GCs, FCs and/or the ECC for the convenience of electors. A notice will be displayed inside each polling station to inform electors that polling for the relevant GC, all the FCs and/or the ECC is being held there concurrently and that an elector will be issued with one to four different ballot paper(s), depending on his entitlement.

## **PART X : VOTING METHODS**

6.32 There are two types of ballot boxes for GC votes and FC votes respectively in an ordinary polling station. There are three types of ballot boxes for the ECC votes, GC votes and FC votes respectively in the ECC polling station and the dedicated polling stations.

6.33 When issued with the ballot paper(s) for their respective constituencies, electors will be issued with one to two cardboard(s), depending on the number and type(s) of ballot paper(s) received. This arrangement helps the polling staff to ensure that an elector has cast all his votes before leaving the polling station, and that no elector will leave the polling station with any ballot paper. After inserting his ballot paper(s) into the ballot box(es), the elector must return all the cardboard(s) to the polling staff before leaving the polling station.

6.34 After collected the ballot paper(s) and the cardboard(s), the elector should immediately proceed to a voting compartment to mark the ballot paper(s). Different types of ballot papers, for the GC, FCs or the ECC, should be marked in the respective ways according to their respective voting systems. An elector should read carefully the instructions given on the ballot paper(s) and follow the instructions in marking the ballot paper(s). One compartment can only be used by one elector at one time.

6.35 The ballot papers for the GC, FCs and the ECC should be marked in the following manner:

- (a) the GC election adopts the “double seats and single vote” voting system. Each elector can only cast one vote to choose one candidate. On the ballot paper, the elector must use the chop provided by the polling station to mark a single “✓” in the circle opposite the name of that candidate;
- (b) the FCs election adopts the “first past the post” voting system. Except for the Labour FC, which has three seats, allowing electors to vote for up to three candidates, the electors of other FCs are only entitled to cast one vote. Unless otherwise instructed by the EAC, electors must use the black pen provided by the polling station to fill the ovals on the ballot paper opposite the name(s) of the candidate(s) of his choice. Also, the EAC may instruct the electors to use the chop provided by the polling station to mark a single “✓” in each of the circle(s) opposite the name(s) of the candidate of his choice; and

- (c) the ECC election adopts the “block vote” voting system. Each elector must vote for a number of candidates that is equal to the number of members to be returned for the ECC.
- (i) in the case of a LegCo general election, the elector must use the black pen provided by the polling station to fill the ovals on the ballot paper opposite the names of the candidates of his choice; or
- (ii) in the case of an ECC by-election, the elector must use the chop provided by the polling station to mark a single “✓” in each of the circle(s) opposite the name(s) of the candidate(s) of his choice, or follow the manner as described in (c)(i) of this paragraph (if applicable).

[Ss 55, 57 and 58A of the EAC (EP) (LC) Reg]

6.36 An elector should mark the ballot paper in the manner as described in para. 6.35 of this chapter and **there is no need to fold the ballot paper**. The elector should follow the instruction of polling staff, inserting the ballot paper(s) with the marked side facing down into the respective ballot box(es).

6.37 For ECC election, before putting the ballot paper into the ballot box, an elector may choose to use the ballot paper checking machine in the polling station to check whether the ballot paper was marked in accordance with the relevant electoral law, e.g. whether the number of candidates marked is equal to

the number of members to be returned with a view to avoiding invalidating the ballot paper if the number of candidates marked on it by the elector is less than or more than the number of members to be returned. The ballot paper checking machine shall not record or count electors' choices marked on their ballot papers, and whether or not an elector uses the machine is entirely voluntary.

6.38 The elector should leave the polling station without undue delay after putting his marked ballot paper(s) into the ballot box(es) and returning the cardboard(s) to the polling staff.

**NOTE :**

A person who fails to obey any order of the PRO or misconducts himself commits an offence, and is liable to a fine and imprisonment. The PRO may seek assistance from the police and order the person to leave the polling station immediately.

If the PRO has reason to believe that an elector deliberately makes an error in marking the ballot paper and asks the PRO to issue a new ballot paper to him repeatedly, the PRO may reject the request. If the PRO has reason to believe that a person impersonates an elector to apply for or having applied for a ballot paper, the PRO may request the police to arrest that person.

A person engages in corrupt conduct if he directly or indirectly, by a deception, induces another person not to vote at the election, or wilfully

(whether or not deception is involved) obstructs or prevents another person from voting at the election.

It is an offence for a person to take away a ballot paper from a polling station.

It will be a corrupt conduct if any person, without lawful authority, destroys, defaces, takes or otherwise interferes with a ballot paper in use or having been used at the election; or without lawful authority, destroys, removes, opens or otherwise interferes with a ballot box in use at the election.

Candidates or their agents and electors should lodge a complaint to PROs, ROs, law enforcement agencies or the EAC about any possible contraventions of the electoral law. All complaints will be treated in strict confidence. Any complaints of suspected violation of the law will be referred to the law enforcement agencies for follow-up action.

[Ss 45, 46(2) and (3), 52(2) and (2A), 54 of the EAC (EP) (LC) Reg, and ss 14, 17(1)(c), (d), and (e) of the ECICO]

**Electors Claiming That He Is Unable to Read or Is Incapacitated from Marking His Vote by Himself due to Visual Impairment or Other Physical Causes**

6.39 In general, an elector must mark his vote **by himself** as described in para. 6.35 of this chapter and **must not** ask other person to mark the vote for him. If an elector claims that he is unable to read or is incapacitated from casting his vote by himself due to visual impairment or other physical conditions, only the PRO, the Deputy PRO or an Assistant PRO may, in the presence of one of the polling staff as a witness, help marking the ballot paper. The responsible officer should inform the candidates or their agents who are present when such a request for assistance is received. A candidate or his agent in the polling station may suggest the PRO, the Deputy PRO or an Assistant PRO to choose a particular polling staff who is not working at the ballot paper issuing desk as the witness, but the final choice should be determined by the PRO, Deputy PRO or Assistant PRO. Other than the children accompanying an elector admitted by the PRO, an elector's relative, friend or any other person is in no circumstances allowed to accompany the elector in the course of voting. [S 59(1) and (2) of the EAC (EP) (LC) Reg]

6.40 An elector with visual impairment who so requests will be provided with a **braille template** to facilitate his marking of the ballot paper(s) by himself. The template should be returned to the polling staff after use. The features of the template are as follows:

- (a) the template is of the same width and length as the ballot paper for the relevant constituency;
- (b) the template contains numbers in braille and Arabic numerals printed in relief starting with the first numeral which represent the candidate numbers assigned to the candidates of the constituency and are arranged from the top downwards in ascending order; on the left hand side against each of the number is a round hole;
- (c) the **top left hand corner** of the ballot paper as well as that of the template are cut so as to guide the person with visual impairment to place the template on top of the front side of the ballot paper in the proper direction; and
- (d) when the template is placed properly over the ballot paper, each braille number corresponds with the candidate number in the constituency; and each of the holes on the template corresponds with the circle or the oval on the ballot paper against the candidate. The number of holes equals the number of candidates in the constituency.

[S 59(3) of the EAC (EP) (LC) Reg]

6.41 In the case of a GC election which adopts the “double seats and single vote” voting system, a person with visual impairment should affix the chop provided at the polling station to give a single “✓” in the circle through the holes of the braille template against the number of the candidate of his choice.

6.42 For an FC election which adopts the “first past the post” voting system or a ECC by-election which adopts the “block vote” voting system, a person with visual impairment may use the circular holes on the braille template to fill in the oval next to the number of the candidate of his choice with a black pen<sup>32</sup>, or if instructed otherwise by the EAC, affix the chop provided at the polling station to give a single “✓” in the circle against the candidate number of the candidate of his choice.

6.43 For the ECC which adopts the “block vote” voting system, due to the considerable number of candidates, it is not practical to produce braille templates due to the size and design of the ballot papers. As such, a person with visual impairment may request the PRO, the Deputy PRO or an Assistant PRO to mark the ballot paper of his choice on his behalf in the presence of a polling staff as witness.

6.44 **The ballot is secret. No one can use force or duress, or threaten to use force or duress, against a person to vote or not to vote for any particular candidate at an election. Also no one is required to tell which candidate he has voted for or is going to vote for.** A person who, without lawful authority, requires or purports to require an elector to disclose the candidate, or any particular relating to the candidate for whom the elector has voted commits an offence and will be liable to a fine at level 2 (\$5,000). The law also prohibits acts which may infringe the secrecy of the vote during the

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<sup>32</sup> A maximum of 30 candidate numbers can be embossed in a braille template. It is not practical to produce braille templates if there are more than 30 candidates in a constituency. A person with visual impairment may request the PRO, Deputy PRO or Assistant PRO to mark the ballot paper of his choice on his behalf in the presence of a polling staff as witness.

polling and counting process. If a person contravenes any of the acts prohibited under this section, he commits an offence and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months. [S 13 of the ECICO, ss 60 and 96 of the LCO]

6.45 To protect voting secrecy of elector, no one may, at any time, disclose whether an elector has received a ballot paper or voted, or disclose the identity of an elector at a dedicated polling station. Anyone who makes such disclosure, unless otherwise permitted by the law, commits an offence and is liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months. [Ss 96(1), (1A), (2), and (10) of the EAC (EP) (LC) Reg]

### **Issuance of “UNUSED”, “SPOILT”, or “TENDERED” Ballot Papers**

6.46 An elector who has been issued with a ballot paper but has left the polling station without casting his vote is not allowed to return to the polling station to cast the vote. The following situations are exceptions:

- (a) if the PRO considered that there is a justified reason for an elector not to mark the ballot paper(s) immediately, or has become incapacitated from completing the voting by physical illness, with the permission of the PRO, the elector should hand back the unmarked ballot paper(s) to the PRO and could return to the polling station later to cast his vote(s);  
or

- (b) at dedicated polling stations situated in penal institutions, an elector who has become incapacitated from completing the voting by physical illness should hand back the unmarked ballot paper(s) to the PRO and should return to the polling station within the existing or any newly assigned time slot to cast his vote(s).

[Ss 53A(1), (5) and (5B) of the EAC (EP) (LC) Reg]

6.47 If the above situations arise in a polling station other than a dedicated polling station, the PRO should follow the following procedures:

- (a) the PRO must keep the ballot paper(s) in his custody and, when the elector returns to the polling station to vote before the close of poll, the PRO should return such ballot paper(s) to the elector in the presence of a police officer; and
- (b) where the elector has not returned to the polling station at the close of poll, the PRO must endorse the ballot paper(s) with the words **“UNUSED”** and **“未用”** and show it/them to each candidate or his election agent or polling agent who is present at the time. Ballot papers endorsed as such must not be put into the ballot box and must be excluded from the counting of votes.

[Ss 53A(3), 61, and 80 of the EAC (EP) (LC) Reg]

6.48 For a dedicated polling station, the PRO and/or the Commissioner of Correctional Services or his officer must follow the following procedures:

- (a) the PRO must keep the ballot paper(s) in his custody and, when the elector returns to the dedicated polling station to vote before the close of poll, the PRO should return such ballot paper(s) to the elector in the presence of an officer of the CSD or any law enforcement agency;
- (b) where a dedicated polling station situated in a penal institution is concerned, the Commissioner of Correctional Services or his officer must as far as practicable assign a new time slot within the polling hours to the elector, and notify the elector of the new time slot; and
- (c) where the elector has not returned to the dedicated polling station at the close of poll, the PRO must endorse the ballot paper(s) with the words “**UNUSED**” and “**未用**” and show it/them to each candidate or his election agent or polling agent who is present at the time. Ballot papers endorsed as such must not be put into the ballot box and must be excluded from the counting of votes.

[Ss 53A(2A), (3), (5A), (6), 61 and 80(1)(d) of the EAC (EP) (LC) Reg]

6.49 If any issued ballot paper (whether marked or unmarked) is found abandoned or left behind in a voting compartment or any areas inside the polling station, it must be handed in to the PRO. The PRO should endorse the ballot

paper with the words “**UNUSED**” and “**未用**” on the front and the ballot paper should be kept by the PRO. Ballot papers endorsed as such must not be put into the ballot box and must be excluded from the counting of votes. [Ss 61 and 80(1)(d) of the EAC (EP) (LC) Reg]

6.50 Any elector who has inadvertently torn or damaged any ballot paper or has made an error in marking any ballot paper issued to him may ask the PRO to exchange it for a new ballot paper. If the PRO considers the request reasonable, he will issue a new ballot paper in exchange for the spoilt ballot paper. The spoilt ballot paper will be endorsed with the words “**SPOILT**” and “**損壞**” on the front and be kept by the PRO. Spoilt ballot papers will be excluded from the counting of votes. [Ss 62 and 80(1)(c) of the EAC (EP) (LC) Reg]

6.51 If a person, claiming to be a particular elector on the FR of electors/EC members, applies for a ballot paper after a person has already been issued with a ballot paper as such an elector, the PRO may issue a tendered ballot paper to the elector **only if** the PRO is not certain that the latter person is the former person who has been issued with a ballot paper earlier, and the latter person has answered the questions set out in para. 6.28 of this chapter to the satisfaction of the PRO. The PRO may in such circumstances issue a ballot paper with the words “**TENDERED**” and “**重複**” endorsed on the front. Ballot papers endorsed as such will be excluded from the counting of votes. [Ss 60(1) and 80(1)(b) of the EAC (EP) (LC) Reg]

**PART XI : ACTS PROHIBITED INSIDE THE POLLING STATION**

6.52 Inside a polling station, no person is allowed to interfere with or attempt to influence other electors. In particular, no one is allowed to:

- (a) communicate with any elector in contravention of the direction of the RO, ARO, PRO or any polling staff;
- (b) attempt to obtain or disclose information on the vote of electors;
- (c) display or distribute any canvassing material;
- (d) display or wear any promotional material, e.g. any badge, emblem, clothing, or head-dress, which:
  - (i) may promote or prejudice the election of a candidate or candidates at the election; or
  - (ii) makes direct reference to a body any member of which is standing as a candidate in the election or to a prescribed body the registered name or registered emblem of which has been printed on any ballot paper for the election; or
- (e) use a mobile phone, paging machine or any other form of electronic communication device in contravention of the direction of the RO, ARO, PRO or any polling staff.

Any person who contravenes the above regulations commits an offence, and is liable to a fine at level 2 (\$5,000) and to imprisonment for 3 or 6 months (as the case may be). [Ss 45 and 96 of the EAC (EP) (LC) Reg]

6.53 Inside a polling station, only the following persons may communicate with electors and use a mobile phone, paging machine or any other form of electronic communication device:

- (a) the PRO and polling staff;
  - (b) the ROs and AROs for the relevant constituencies;
  - (c) members of the EAC;
  - (d) the CEO;
  - (e) police officers and members of the CAS on duty at the polling station;
  - (f) officers of the CSD or other law enforcement agencies on duty at the dedicated polling station;
  - (g) any person authorised in writing by the ROs to perform liaison duties;
- and

- (h) any person authorised in writing by a member of the EAC.

[Ss 45(1) and (6) of the EAC (EP) (LC) Reg]

6.54 The RO and the PRO should not exercise the power conferred to them to order an elector to leave or remove an elector from the polling station for the purpose of preventing the elector from voting at the polling station allocated to him. However, any person who misconducts himself in or in the vicinity of a polling station (including disrupting the voting process or disturbing or causing inconvenience to other persons in the polling station), or votes with undue delay, or fails to obey the lawful orders of the RO or the PRO, commits an offence. He may be ordered by such officers to leave the polling station or the vicinity of the polling station. Any person who fails to leave the polling station immediately as ordered by the RO or the PRO may be removed by:

- (a) a police officer (if the polling station is not a dedicated polling station);
- (b) an officer of the CSD or other law enforcement agencies (if the polling station is a dedicated polling station); or
- (c) any person authorised in writing by the RO or the PRO to do so.

The person so removed is not allowed to re-enter the polling station on that day except with the permission of the RO or the PRO. [Ss 46(2), (2A), (3), (4) and (5) of the EAC (EP) (LC) Reg]

6.55 A person commits an offence if he takes photos, films or makes any video or audio recording within a polling station without the express permission of the PRO, the relevant RO or a member of the EAC. Offenders are liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months. Generally speaking, such permission is only granted to government photographers for performing publicity duties. [Ss 45(2) and (7)(a) of the EAC (EP) (LC) Reg]

## **PART XII : CLOSE OF THE POLL AND PREPARATIONS FOR COUNTING**

6.56 If an elector has not arrived at the designated entrance of the polling station by the close of the poll, he will not be allowed to enter the polling station. When the close of poll approaches but there is a long queue of electors outside the polling station waiting to vote, the PRO will arrange for polling staff to hold up a signboard to direct electors to proceed to the end of the queue. If there are still electors queuing outside the entrance of the polling station at the close of the poll, polling staff will stand at the end of the queue to stop latecomers from joining the queue and, as far as practicable, let electors already in the queue enter the polling station to queue and close the entrance of the polling station. The PRO will close the entrance of the polling station only when all relevant electors have entered the polling station.

6.57 In short, all electors who have arrived and queued up outside the polling station before the close of the poll may enter the polling station to cast their votes. However, some polling stations are located at a place inside a

building. If an elector has arrived at the building by the close of the poll but has not arrived at the entrance of the polling station or has not queued up outside the entrance, he will not be allowed to enter the polling station to vote.

### **A Polling Station which is also a Counting Station**

6.58 Except for small polling stations, dedicated polling stations and the ECC polling station, all other polling stations will be designated as counting stations for the counting of GC votes. At the close of the poll, the PRO will display a notice in a prominent place outside the polling stations as soon as practicable to inform the public that the poll has been closed and the polling station is being converted as counting station. Also, if the EPR System is used in the polling station, the PRO must also confirm the close of the poll through the system. The candidates, their election agents, counting agents and polling agents may stay inside the station to observe the process of locking and sealing of ballot boxes for the preparation of converting the polling station into a counting station. The ballot boxes will be locked and sealed by the PRO in the presence of the candidates or their agents (if any). The PRO will also inform them of the numbers of un-issued ballot papers, spoilt ballot papers and unused ballot papers in his possession. All such ballot papers will then be packed into separate sealed packets for according to the respective constituencies, and the marked printed copies of FR (if used) will also be packed into a separate sealed packet. The PRO will prepare a ballot paper account to show the total number of ballot papers issued by the polling station, the number of unused ballot papers, the number of spoilt ballot papers and the number of tendered ballot papers.

The counting station will be opened to the public when the preparations are completed. [Ss 63(1), (1A), (2), (3), and 64 of the EAC (EP) (LC) Reg]

6.59 The locked and sealed GC ballot boxes mentioned in para. 6.58 of this chapter will be kept by the PRO until the counting of the GC votes begins. At that time, the polling staff will open all GC ballot boxes (if necessary, ballot papers from at least one ballot box will be retained to mix with ballot papers from small polling stations, ballot paper sorting stations or dedicated polling stations) and all ballot papers inside will be put on the counting table. With regard to the GC electoral documents, they will be kept by the PRO and delivered to the district collection centre after the close of count.

6.60 For the counting of the FC votes, the ballot paper account prepared according to para. 6.58 of this chapter, sealed FC ballot boxes, and any misplaced FC ballot papers found in GC ballot boxes (see para. 6.81 of this chapter), will be delivered to the central counting station by the Assistant PRO under police escort. Up to two persons among the FC candidates, their election agents and polling agents may accompany in the delivery if they so wish. If more than two such persons are interested in accompanying the delivery, the PRO will draw lots to determine the accompanying persons. FC candidates and their agents are allowed to stay in the polling station until the arrival of police officers for escorting the delivery. Thereafter, FC candidates and their agents must leave the polling station, but they may enter the public area in the counting station to observe the counting of the GC votes. Regarding the sealed FC packets prepared according to para. 6.58 of this chapter, they will be processed after the PRO has handled the ballot paper account and the sealed FC ballot boxes. The

sealed FC packets, together with the GC ballot papers and the GC electoral documents prepared according to para. 6.59 of this chapter, will be delivered to the designated district collection centre, and eventually be delivered to the central counting station by the Assistant PRO (District Collection Centre).

### **A Polling Station which is not a Counting Station**

6.61 **Small polling stations, dedicated polling stations and the ECC polling station will not be converted to counting stations after the close of poll.** The PROs of small polling stations and the ECC polling station will, as soon as practicable, display a notice in a prominent place outside the polling station to inform members of the public that the poll has been closed.

6.62 After the close of poll, candidates, their election agents and polling agents may stay in the polling stations to observe the process of locking and sealing ballot boxes. As for dedicated polling stations, persons who meet the following requirement may stay behind to observe the process:

- (a) a candidate, his election agent and polling agent may stay in a dedicated polling station not situated in a penal institution;
- (b) a maximum of only two persons among the candidates, their election agents or polling agents may stay in a dedicated polling station situated in a penal institution (other than a maximum security prison); and

- (c) a maximum of only two candidates may stay in a dedicated polling station situated in a maximum security prison.

[Ss 63A(2) and (2A) of the EAC (EP) (LC) Reg]

6.63 The PRO will lock and seal the ballot boxes in the presence of the candidates, their election agents and polling agents (if any). The PRO will also inform them of the numbers of un-issued ballot papers, spoilt ballot papers and unused ballot papers in his possession. All such ballot papers and the marked printed copies of FR of electors/EC members (if used) will then be packed into separate sealed packets. [S 63A(1) of the EAC (EP) (LC) Reg]

**NOTE :**

Under the principle of secrecy of the ballot, votes cast at the small polling stations and dedicated polling stations will not be counted therein. After the close of poll, the GC ballot box (locked and sealed) in a small polling station will be delivered to the designated main counting station. The GC ballot papers from the small polling station will then be mixed with the GC ballot papers at the main counting station before counting. For the ECC polling station and a dedicated polling station, the GC ballot boxes will be delivered to the designated ballot paper sorting station. In the ballot paper sorting station, the staff will open the GC ballot box, and placing the ballot papers from the same GC into the same receptacle. The ballot papers will be delivered to a designated main counting station and mixed with the GC

ballot papers there before counting. The ECC and FC ballot boxes will, on the other hand, be delivered to the central counting station for counting.

6.64 The PRO of a dedicated polling station will deliver the locked and sealed GC, FC and ECC ballot boxes, sealed packets of relevant electoral documents (if any) and ballot paper accounts under police escort to:

- (a) the PRO of the relevant ballot paper sorting station (in the case of a LegCo general election, or by-election in which a ballot paper sorting station has been set up);
- (b) the PRO of the relevant main counting station (in the case of a LegCo general election, or a by-election in respect of a GC in which no ballot paper sorting station has been set up); or
- (c) the RO of the relevant counting station (in the case of a LegCo by-election in respect of FCs or ECC).

The FC or ECC ballot boxes at main counting stations and ballot paper sorting stations, together with any misplaced FC or ECC ballot papers found in GC ballot boxes, will then be delivered to the central counting station for counting. For details, see paras. 6.81, 6.96 and 6.104 of this chapter.

6.65 Only not more than two persons among the candidates, election agents or counting agents may accompany the PRO in the delivery of the locked and

sealed ballot boxes and ballot paper accounts prepared by the PRO from the polling station to the relevant ballot paper sorting station/main counting station/central counting station (as the case may be) under the police escort. If more than two such persons are interested in accompanying the delivery, the PRO will draw lots to determine which persons can join the delivery. Candidates and their agents are allowed to stay in the polling station until the arrival of police officers for escorting the delivery. Thereafter, all other persons must leave the polling station.

## **PART XIII : SORTING OF BALLOT PAPERS**

### **Conduct at the Ballot Paper Sorting Station**

6.66 In a LegCo general election or, where the CEO considers it appropriate, in a LegCo by-election, REO will set up ballot paper sorting stations for sorting by GCs the GC ballot papers received from dedicated polling stations or the ECC polling station. Thereafter, the GC ballot papers are delivered to the respective main counting stations for counting. The PRO of a ballot paper sorting station may determine the time at which the sorting of ballot papers is to begin, which must be a time after the poll has closed at all the dedicated polling stations situated in penal institutions but may be a time before the poll has closed at all the other polling stations. Before the polling day, candidates will be informed of the expected time of the commencement of the sorting of ballot papers at the ballot paper sorting station. [Ss 2(6), 28(1)(c), 63A(4) and 65(2A) of the EAC (EP) (LC) Reg]

6.67 Only the following persons may be present during the sorting of ballot papers:

- (a) the ROs, AROs, PROs, Deputy PROs, Assistant PROs and counting staff for the relevant GCs;
- (b) the CRO;
- (c) members of the EAC;
- (d) the CEO;
- (e) candidates and their election agents and counting agents for the relevant GCs;
- (f) police officers and members of the CAS on duty at the ballot paper sorting station;
- (g) public officers authorised in writing by the CEO;
- (h) any person authorised by the CRO, the RO or the PRO; and
- (i) any person authorised in writing by a member of the EAC.

The PRO will designate an area of restricted zone for the staff of the ballot paper sorting station to sort the ballot papers. Candidates and their agents are

prohibited from entering the restricted zone. Members of the public may observe the sorting of ballot papers from the public area designated by the PRO, unless the PRO considers that the presence of a person may cause disorder or disturbance in the ballot paper sorting station or prejudice the secrecy of individual votes. [Ss 2(6), 68(1) and (2) of the EAC (EP) (LC) Reg]

6.68 Except for police officers and members of the CAS on duty, every person permitted to stay in a ballot paper sorting station must make a **Declaration of Secrecy**<sup>33</sup> on a specified form before entering the ballot paper sorting station and observe the regulations on the secrecy of voting. Members of the public staying in the public area are not required to make a Declaration of Secrecy. [Ss 2(6) and 95 of the EAC (EP) (LC) Reg]

6.69 Except with the express permission of the PRO, the CRO, the ROs for the GCs for which the ballot paper sorting station is used or a member of the EAC (as the case may be), it is an offence for anyone to take photos, films or make any video or audio recording inside a ballot paper sorting station during the period commencing from the time at which the sorting of GC ballot papers is to begin and ending upon the completion of the sorting. [Ss 2(6), 68A(1) and (2) of the EAC (EP) (LC) Reg].

6.70 Any person who misconducts himself or fails to obey any lawful order of the PRO in or in the vicinity of a ballot paper sorting station commits an

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<sup>33</sup> The declaration can be made in the presence of a Commissioner for Oaths/a member of the EAC/the RO/the CEO (or a person whose official designation is that of a deputy to the CEO)/a Justice of the Peace/a solicitor with a practising certificate.

offence, and is liable to a fine at level 2 (\$5,000) and to imprisonment for 3 months. He may be ordered by the PRO to leave the area immediately. A person misconducts himself if he disrupts the sorting of GC ballot papers or disturbs or causes inconvenience to other persons in the ballot paper sorting station. The PRO may also order a person to leave the ballot paper sorting station if the person's conduct in the venue is not in line with the purpose authorised or permitted for his entry to or presence in the ballot paper sorting station. If the person fails to leave immediately, he may be removed by a police officer or by any other person authorised in writing by the PRO. Any person so removed is not allowed to enter the relevant ballot paper sorting station again on that day except with the permission of the PRO. [Ss 2(6), 68A and 69 of the EAC (EP) (LC) Reg]

### **Sorting of Ballot Papers**

6.71 The PRO of a ballot paper sorting station will, in the presence of the candidates, election agents or counting agents, sort the GC ballot papers received from dedicated polling stations or the ECC polling station. The PRO will check whether the GC ballot boxes and sealed packets (if any) are properly sealed. Afterwards, the PRO will break the seal on each ballot box in the presence of the candidates and their agents, and then open the ballot box immediately, dumping all the contents in the ballot box onto a sorting table. After the ballot box is opened by the PRO, the candidates and their agents may request to inspect any paper other than the ballot papers taken out from the ballot box before it is disposed of by the PRO. **At no time should a candidate and his agent touch any of the ballot papers.**

6.72 The PRO of a ballot paper sorting station shall:

- (a) open the GC ballot boxes received from dedicated polling stations or the ECC polling station;
- (b) for each ballot box, sort the GC ballot papers inside according to each GC;
- (c) count and record the number of GC ballot papers for each GC;
- (d) verify the ballot paper account by comparing it with the number of GC ballot papers recorded under item (c) of this paragraph;
- (e) prepare a statement in writing as to the result of the verification;
- (f) prepare a statement in writing as to the number of GC ballot papers recorded under (c) of this paragraph;
- (g) make into separate bundles the sorted GC ballot papers together with the statement prepared under (f) of this paragraph;
- (h) place each bundle in a separate receptacle and seal it in the presence of those present at the counting zone;
- (i) arrange for each of the receptacles to be delivered to the PRO of the main counting station for the corresponding GC;

- (j) send to the CEO the ballot paper accounts, the verification of number of ballot papers and the GC sealed packets received from dedicated polling stations or the ECC polling station; and
- (k) arrange for the FC and ECC ballot boxes, the sealed packets containing un-issued FC and ECC ballot papers (if any) etc. and the relevant ballot paper accounts received from dedicated polling stations to be delivered to the central counting station

[Ss 70 and 73E(1) of the EAC (EP) (LC) Reg]

6.73 If the PRO of a ballot paper sorting station finds any FC ballot papers or ECC ballot papers in a GC ballot box, he must:

- (a) sort the FC ballot papers according to each FC;
- (b) count and record the number of ballot papers for each FC and the ECC found in the GC ballot box from the dedicated polling station or the ECC polling station;
- (c) prepare a statement in writing as to the number of ballot papers recorded for each FC and the ECC under (b) of this paragraph;
- (d) make into separate bundles the sorted FC and ECC ballot papers together with the relevant statement prepared under (c) of this paragraph;

- (e) place each bundle in a separate receptacle and seal it in the presence of those present at the counting zone of the ballot paper sorting station; and
- (f) pass the receptacles to an Assistant PRO on duty at the counting zone of the ballot paper sorting station. The Assistant PRO shall deliver the receptacles to the central counting station and hand over each of them to the RO(s) for the relevant FC or the ECC.

[S 73E of the EAC (EP) (LC) Reg]

## **PART XIV : COUNTING ARRANGEMENTS**

### **Conduct at the Counting Station and the Central Counting Station**

6.74 Only the following persons may be present during the counting of votes at the counting zone of a counting station or the central counting station:

- (a) the ROs, AROs, PROs, Deputy PROs, Assistant PROs and counting staff for the relevant GCs, FCs or ECC;
- (b) the CRO;
- (c) members of the EAC;

- (d) the CEO;
- (e) police officers and members of the CAS on duty at the counting station;
- (f) candidates and their election agents and counting agents of the relevant GCs, FCs or ECC;
- (g) public officers authorised in writing by the CEO;
- (h) any person permitted by the CRO, the RO or the PRO; and
- (i) any person authorised in writing by a member of the EAC.

The PRO, the CRO or the RO (as the case may be) will designate a restricted zone inside the counting zone for the counting staff to count the votes. Candidates and their agents are prohibited from entering the restricted zone. The PRO, the CRO or the RO will also designate an area (“the public area”) at the counting station for members of the public to observe the counting of votes, unless the PRO, the CRO or the RO considers that the presence of a person may cause disorder or disturbance in the counting station or prejudice the secrecy of individual votes. [S 68 of the EAC (EP) (LC) Reg]

6.75 Members of the public and the media are allowed to observe the counting of votes inside the public area but not allowed to enter the counting zone. In order to maintain order inside the counting station, the PRO, the CRO or the RO will also set a maximum capacity of the public area and display a

notice setting out such capacity outside the counting station. When the public area reaches the maximum capacity, the PRO, the CRO or the RO will reject further entrants.

6.76 Besides, members of the public, including the media, can take photos and/or shoot videos inside the public area (but not inside the counting zone). For record purposes, video recording systems will be installed in each counting station (including inside the counting zone) to record the actual situation of the counting station (including the public area).

6.77 Except with the express permission of the relevant PRO, the CRO, the RO or a member of the EAC (as the case may be), a person commits an offence if he takes photos, films or makes any audio or video recording within a counting zone during the period commencing from the time at which the counting of votes is to begin at the zone and ending upon the completion of the counting and re-count, if any, at the zone. [Ss 68A(1) and (2) of the EAC (EP) (LC) Reg]

6.78 Except for police officers and members of the CAS on duty, every person permitted to enter a counting zone must make a **Declaration of Secrecy**<sup>34</sup> on the specified form before entering the zone, and observe the regulations on the secrecy of voting. Members of the public and the media inside the public area are not required to make a Declaration of Secrecy. [S 95 of the EAC (EP) (LC) Reg]

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<sup>34</sup> The declaration can be made in the presence of a Commissioner for Oaths/a member of the EAC/the RO/the CEO (or a person whose official designation is that of a deputy to the CEO)/a Justice of the Peace/a solicitor with a practising certificate.

6.79 Any person who misconducts himself or fails to obey any lawful order of the PRO (for a counting station other than the central counting station) or the CRO/RO (for the central counting station) in or in the vicinity of a counting station commits an offence, and is liable to a fine at level 2 (\$5,000) and to imprisonment for 3 months. He may be ordered by the PRO, the CRO or the RO (as the case may be) to leave the area immediately. A person misconducts himself if he disrupts the counting of votes or disturbs or causes inconvenience to other persons in the counting station. The PRO, the CRO or the RO may also order a person to leave the counting station immediately if the person's conduct in the venue is not in line with the purpose authorised or permitted for the entry to or presence in the counting station. If the person fails to leave immediately, he may be removed by a police officer or by a person authorised in writing by the PRO, the CRO or the RO. Any person so removed is not allowed to enter the relevant counting station again on that day except with the permission of the PRO, the CRO or the RO. [Ss 68A and 69 of the EAC (EP) (LC) Reg]

### **Counting of Geographical Constituency Votes**

6.80 After the poll, polling stations (except for small polling stations, dedicated polling stations and the ECC polling station) will be converted to counting stations immediately where the GC votes will be counted and the counting results will be announced to the candidates, their election agents and counting agents present. If the same place is designated as both a polling station and a counting station, the PRO of the polling station is to be regarded as the PRO of the counting station. The PRO, assisted by the staff at the polling station, is responsible for converting the polling station to a counting station and

conducting the count. Before the counting of votes begins, a notice will be displayed outside the counting station specifying at what time the counting station is expected to be open to members of the public to observe the counting. The phone number of the counting station should be provided on the notice, so that the candidates or their agents will be able to contact the counting staff. [Ss 34(4) and 65(5A) of the EAC (EP) (LC) Reg]

6.81 The PRO of a counting station will conduct the counting of the GC votes in the presence of the candidates, their election agents or counting agents. The PRO will first check whether all the ballot boxes and sealed packets are properly sealed. Then, the PRO will, in the presence of the candidates, their agents (if present), break the seal on each GC ballot box one by one, and open all the GC ballot boxes, dumping the contents in the ballot box onto the counting table. After a ballot box is opened by the PRO, the candidates and their agents may request to inspect any paper other than ballot papers taken out from the ballot box before the paper is disposed of by the PRO. If the PRO identifies any FC ballot papers misplaced inside the GC ballot boxes, the PRO should seal and deliver the misplaced FC ballot papers to the relevant RO at the central counting station for counting in accordance with the delivery arrangements for FC ballot boxes (see para. 6.60 of this chapter). **At no time should a candidate or his agents touch any of the ballot papers.** [S 73(A) of the EAC (EP) (LC) Reg]

6.82 The PRO of a counting station shall:

- (a) **[Main counting stations only]** count the number of GC ballot papers in the ballot boxes received from designated small polling stations, or in the receptacles received from ballot paper sorting stations or the ECC polling station, and verify the number of ballot papers by comparing with the ballot paper accounts sent along with it;
- (b) **[Main counting stations only]** mix the ballot papers in at least one of the GC ballot boxes from the main counting station with the ballot papers from the small polling stations, ballot paper sorting stations or the ECC polling station;
- (c) separate and put aside the invalid and questionable ballot papers (if any);
- (d) sort the ballot papers according to the choices marked by the electors on the ballot papers and place them in separate transparent plastic boxes on the counting table;
- (e) determine the validity of questionable ballot papers;
- (f) count the valid votes obtained by each candidate;

- (g) upon completing the counting of votes, verify the number of all ballot papers (including valid, invalid and questionable ballot papers) taken from the ballot boxes of the polling station concerned by comparing with the ballot paper accounts prepared by the PRO as referred to in para. 6.58 of this chapter. Please note: For main counting stations, the total number of ballot papers should first deduct the number of ballot papers received from small polling stations, ballot paper sorting stations or the ECC polling station mentioned in item (a) of this paragraph, in order to calculate the number of ballot papers taken from the ballot boxes of the polling station concerned; and
- (h) compile the final counting results.

[Ss 73D and 75 of the EAC (EP) (LC) Reg]

6.83 The cumulative voter turnout announced on the polling day is an estimate based on the statistics on ballot papers issued to electors by polling staff at the ballot paper issuing desks (see para. 6.22 of this chapter). The cumulative voter turnout may not tally with the number of ballot papers in the ballot boxes due to different reasons, for instance, it does not take into account the numbers of ballot papers endorsed as “TENDERED”<sup>35</sup> issued at the PRO desk, the “UNUSED”<sup>36</sup> ones which were found abandoned in the polling station instead

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<sup>35</sup> “TENDERED” ballot papers are issued at the PRO desk. They are not counted in the cumulative voter turnout, but were put into the ballot box and included in the number of ballot papers actually counted from the ballot box.

<sup>36</sup> Ballot papers are occasionally found abandoned or left behind in the polling station. The PRO will endorse such ballot papers with the word “UNUSED”, and keep them in his custody. These ballot papers have been counted in the cumulative voter turnout although they were not put in the ballot box.

of being put into the ballot boxes (see paras. 6.49 and 6.51 of this chapter), etc. After adding the number of “TENDERED” ballot papers and deducting the number of “UNUSED” ballot papers, the cumulative voter turnout should, in principle, tally with the number of ballot papers in the ballot boxes<sup>37</sup>. In addition, a discrepancy may also occur between the two numbers if any ballot paper was misplaced. In any event, the counting results shall be based on the number of ballot papers actually in the ballot boxes, while the cumulative voter turnout is for reference only.

### Invalid Ballot Papers

6.84 A ballot paper is invalid if:

- (a) no vote has been marked on it;
- (b) it is not marked with the chop provided by the polling station;
- (c) it is endorsed on the front with the words “**TENDERED**” and “重複”;
- (d) it is endorsed on the front with the words “**SPOILT**” and “損壞”;

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<sup>37</sup> See para. 6.23 of this chapter. Ballot papers issued to electors in replacement of “SPOILT” ballot papers are also issued at the PRO desk. The “SPOILT” ballot papers to be kept by the PRO were issued at the ballot paper issuing desks, so they have been counted in the cumulative voter turnout. On the other hand, ballot papers issued to electors by the PRO in replacement of “SPOILT” ballot papers were put into the ballot box and hence subsequently included in the number of ballot papers actually counted from the ballot box.

- (e) it is endorsed on the front with the words **“UNUSED”** and **“未用”**;
- (f) the vote recorded on it is for a deceased or disqualified candidate whose name and other information on the ballot paper are crossed out;  
or
- (g) votes are given for more than one candidate (e.g. by marking a “✓” each against two candidates).

These ballot papers will not be counted and will not be treated as questionable ballot papers. A candidate, an election agent or a counting agents may inspect these ballot papers but is not entitled to make representations to the PRO concerning these ballot papers. [Ss 37(2) and 80(1) and (4) of the EAC (EP) (LC) Reg]

#### Questionable Ballot Papers

6.85 Ballot papers which appear to fall under the following categories are considered as questionable ballot papers, and must be separated and forwarded to the RO or the PRO (as appropriate, referred to by the abbreviation “the PRO” in paras. 6.86 to 6.88 of this chapter) to decide whether the votes are to be considered as valid and to be counted. A questionable ballot paper will be decided as invalid if in the opinion of the PRO:

- (a) it has any writing or mark by which the identity of the elector can possibly be identified;
- (b) it is not marked by affixing the chop to give a single “✓” in the circle opposite the name of the candidate of the elector’s choice on the ballot paper, and the elector’s intention is unclear. However, the PRO may count the vote on that ballot paper if he is satisfied that the elector’s intention is clear even though the “✓” mark is not placed inside the circle;
- (c) it is substantially mutilated; or
- (d) it is void for uncertainty.

[Ss 55(2), 75(7), 80(1)(g), (2) and 81(3) of the EAC (EP) (LC) Reg]

6.86 The validity of all questionable ballot papers shall be decided by the PRO. The PRO will invite the candidates, election agents or counting agents present to participate in the determination process of questionable ballot papers. If GC ballot papers are found to have been misplaced in FC ballot boxes, the misplaced ballot papers will be counted by the RO at the central counting station, who will also determine the validity of any questionable ballot papers with the participation of the candidates, election agents or counting agents present. [Ss 81(1) and (2) of the EAC (EP) (LC) Reg]

6.87 When deciding on the validity of the ballot papers as mentioned in item (a) of this paragraph, the PRO should make reference to the judgment made by the Court on an election petition case (HCAL 127/2003). In that case, the Court ruled that the handwritten tick (“✓”) found on the ballot paper in question in the said election petition was considered a mark by which the identity of the elector could possibly be identified. The validity of ballot papers with any other writings or marks will remain to be determined by the PRO on a case-by-case basis. The specific determination process will be conducted in the following manner:

- (a) the PRO will inform the candidates, election agents or counting agents of his initial decision on the validity of a questionable ballot paper. The candidates and their agents (if present at the counting zone) may inspect and make representations concerning the questionable ballot paper;
- (b) the PRO will then consider their representations and make a final decision on the validity of the questionable ballot paper (see para. 6.88 in this chapter);
- (c) if the PRO decides that a questionable ballot paper is invalid and therefore not to be counted, he must endorse the words “不獲接納” and “rejected” on the front of it. In that case, if any candidate or his agent objects to the PRO’s final decision, the PRO must also endorse the words “反對此選票不獲接納” and “rejection objected to” on that ballot paper;

- (d) if any candidate, election agent or counting agent objects to the decision of the PRO to count a questionable ballot paper, the PRO must endorse the words “反對此選票獲接納” and “acceptance objected to” on that ballot paper; and
- (e) the PRO shall prepare a statement to record his decisions made in respect of all questionable ballot papers.

[Ss 81(1), (2), (4), (5), and (6) of the EAC (EP) (LC) Reg]

6.88 The decision of the PRO or RO (as may be appropriate) in regard to any question arising in respect of any ballot paper **shall be final**, subject to an election petition lodged by the candidate. See Part II of Chapter 7. [S 82 of the EAC (EP) (LC) Reg and s 61 of the LCO]

6.89 The vote counting will proceed continuously, as far as possible, until the counting of all the votes is completed.

#### Request for a Re-count

6.90 After the vote counting at an individual counting station for a GC is completed, the PRO of the counting station will make known the counting results to the relevant candidates, election agents or counting agents (if present). Candidates and their agents may request the PRO to re-count the votes, and the PRO shall comply with such request unless in his opinion the request is unreasonable. If there is no request for a re-count, or the request for a re-count

is rejected, or the re-count is completed and there is no request for a further re-count, or the request for a further re-count is rejected by the PRO, then the PRO shall report the counting results to the ARO for the relevant constituency at the central counting station. [Ss 79A and 82 of the EAC (EP) (LC) Reg]

6.91 After the ARO has been notified of the results of the counting of votes and re-count (if any) of all counting stations for the GC in his charge, he shall inform the RO for the constituency of the results. The RO shall inform the candidates, election agents or counting agents who are present at the central counting station of the results. If a candidate or his agent at the central counting station requests the RO to re-count the votes of all the counting stations for the constituency, the RO will decide whether the request should be acceded to. If the RO decides that such a re-count is reasonable in the circumstances, he will inform the PROs of all the counting stations for the constituency of the decision so that a re-count at the respective counting stations can be conducted. [Ss 79A(5) and (6) of the EAC (EP) (LC) Reg]

6.92 When the RO makes known to the candidates, their election agents or counting agents the counting results of all the counting stations for the GC, he must also make known to them the estimated number of GC ballot papers misplaced in FC/ECC ballot boxes (the estimated number will be based on the information in the ballot paper account). Candidates and their agents may at that point request a re-count of the votes of all counting stations for the GC without having to wait for the counting results of any misplaced GC ballot papers (see para. 6.91 of this chapter). Alternatively, they may at that point request a re-count of the votes of all the counting stations for the GC together with the

votes of the misplaced GC ballot papers after the latter votes are counted. The RO will not entertain the alternative request if the estimated number of misplaced GC ballot papers is **less than** the difference between the numbers of remaining votes cast for any two candidates (in which case the counting results of the misplaced GC ballot papers will not affect the overall election results of the GC in question). [Ss 79A(7) and (14) of the EAC (EP) (LC) Reg]

6.93 The PRO of each of the counting stations must make known the result of the re-count at his counting station to the candidates, their election agents or counting agents present at that counting station, and report the same to the ARO for the GC at the central counting station. The ARO shall inform the RO for the GC of the results of the re-count of all the counting stations in his charge. The RO shall add together such results and the result of the counting of the votes recorded on the misplaced GC ballot papers found in FC/ECC ballot boxes, and make known the aggregate result to the candidates or their election agents or counting agents present at the central counting station. If a candidate or his agent makes a request to the RO for a re-count of the votes of the misplaced GC ballot papers, the RO shall comply with the request unless in his opinion the request is unreasonable. [Ss 79A(10) and (12) of the EAC (EP) (LC) Reg]

#### Transfer to Another Counting Station

6.94 If at any time it appears to the EAC that a counting station (“first counting station”) assigned for the counting of votes cast at a polling station (“polling station concerned”) in respect of a GC is no longer suitable for the counting to take place or continue to take place for reasons other than those

referred to in s 2(3) of Schedule 2 to the EAC (EP) (LC) Reg (i.e. the occurrences of a typhoon or other climatic condition of a serious nature; riot, open violence or any danger to public health or safety; or an occurrence which appears to the EAC to be a material irregularity relating to the election, the poll or count), then the EAC may direct that the counting is to take place or continue to take place at another counting station (“new counting station”) specified by the CEO. The RO must give notice to each candidate for the constituency of the time and place for such counting. Where such direction is given by the EAC, the PRO of the first counting station must arrange the ballot boxes (whether opened or unopened) and receptacles, if any, together with the ballot papers (whether counted or not), any un-issued ballot papers, tendered ballot papers, ballot paper accounts, verification of number of ballot papers and any other relevant election materials to be transferred to the new counting station. Any person who is entitled to be present at the first counting station or the polling station concerned may also be present when the PRO makes any of the aforesaid arrangement. [Ss 65(7A), 75A(1), (3), and (4) of the EAC (EP) (LC) Reg]

### **Counting Functional Constituency Votes**

6.95 A central counting station will be set up to conduct the count of FC votes and announce the election results.

6.96 The FC ballot boxes, and any misplaced FC ballot papers found in GC/ECC ballot boxes, will be delivered to the central counting station and given to the relevant RO. The RO will break the seal on the ballot box in the presence of the candidates, election agents or counting agents, if any, will open all the ballot boxes. The candidates or their agents may request to inspect any paper other than ballot papers taken out from the ballot boxes before the paper is disposed of. **At no time should a candidate and his agent touch any of the ballot papers.** [Ss 70(1), 72(1) and 73 of the EAC (EP) (LC) Reg]

6.97 The EAC will, depending on the circumstances<sup>38</sup>, indicate whether the counting of FC votes is to be conducted by an electronic counting system or manually. If electronic counting is adopted, the counting staff will count the total number of FC ballot papers in the ballot boxes collected from each polling station after they have been opened, and compare and verify the total number of FC ballot papers with the ballot paper account. The FC ballot papers from not less than two polling stations will be mixed. Without the need to first sort the ballot papers into respective FCs, the counting staff will put the mixed ballot papers into the electronic counting machines for counting. The RO will then examine the clearly invalid ballot papers and determine the validity of the questionable ballot papers (see paras. 6.99 and 6.100 of this chapter). With the assistance of the counting staff, the RO will count the valid votes obtained by each candidate in accordance with the “first past the post” voting system and compile the final counting results. In case the system fails to operate normally,

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<sup>38</sup> For example, electronic vote counting may not be adopted, considering that there is relatively small number of voters in a FC by-election.

the counting staff will activate the contingency plan, using either a backup electronic counting system or a manual method (as the case may be) to conduct the count. The counting of the votes will proceed continuously, as far as possible, until the counting of all the votes is completed.

6.98 If manual counting is adopted, after opening the ballot boxes collected from each polling station, the counting staff will sort the ballot papers by constituencies, count and record the number of ballot papers for each constituency, and then compare and verify the total number of ballot papers recorded with the ballot paper account. The counting staff will then transfer the ballot papers to the counting zones of the respective FCs for the ROs to conduct the counting. Ballot papers from not less than two polling stations of the same FC will be mixed before counting. Similar to electronic counting, the RO will examine the invalid ballot papers and determine the validity of the questionable ballot papers.

#### Invalid Ballot Papers

6.99 A ballot paper is invalid if:

- (a) no vote has been marked on it;
- (b) it is endorsed on the front with the words “**TENDERED**” and “重複”;

- (c) it is endorsed on the front with the words “**SPOILT**” and “損壞”;
- (d) it is endorsed on the front with the words “**UNUSED**” and “未用”;
- (e) in the case where the EAC has given further directions, the vote is not marked with the chop provided by the polling station;
- (f) the vote recorded on it is for a deceased or disqualified candidate whose name and other information on the ballot paper are crossed out, or endorsed with a marking as directed by the EAC; or
- (g) votes are marked for more than the number of vacancies to be filled (in respect of the Labour FC, a ballot paper is invalid if more than three votes are marked on it; in respect of the other 27 FCs, a ballot paper is invalid if more than one vote is marked on it).

These ballot papers will be set aside as invalid on the spot. They will not be counted and will not be treated as questionable ballot papers. A candidate, an election agent or a counting agent may inspect these ballot papers but is not entitled to make representations to the RO regarding these ballot papers. [Ss 37(2), 80(1) and (4) of the EAC (EP) (LC) Reg]

### Questionable Ballot Papers

6.100 Ballot papers in the following categories will be treated as questionable ballot papers, which will be separated and forwarded to the RO to decide whether the votes are valid and should be counted. The RO will decide the ballot paper is invalid if the questionable ballot paper falls into one of the following categories:

- (a) the ballot paper has any writing or mark by which the elector can possibly be identified;
- (b) the ballot paper is not marked by filling the ovals on it opposite the name(s) of the candidate(s) of the elector's choice with the black pen or in the case where the EAC has given further directions, the ballot paper is not marked by affixing the chop to give a single "✓" in the circle opposite the name(s) of the candidate(s) of the elector's choice, and the intention of the elector is unclear. However, the RO may count the vote(s) on that ballot paper if he is satisfied that the intention of the elector is clear even though the way in which the ballot paper is marked deviates from the aforesaid requirements;
- (c) the ballot paper is substantially mutilated; or
- (d) the ballot paper is void for uncertainty.

The validity of all questionable ballot papers shall be decided by the RO. The RO will invite the candidates, election agents or counting agents present to participate in the determination process of questionable ballot papers.

[Ss 57(2), 77(7), 80(1)(g), (2), 81(1), (2), and (3) of the EAC (EP) (LC) Reg]

6.101 For the process of determining the validity of questionable ballot papers, see para. 6.87 of this chapter.

6.102 The decision of the RO in regard to any question arising in respect of any ballot paper shall be final, subject to an election petition lodged by a candidate. Please see Part II of Chapter 7. [S 82 of the EAC (EP) (LC) Reg and s 61 of the LCO]

6.103 After the vote counting for a particular FC is completed, the RO for the relevant counting zone will make known the counting result to the candidates, election agents or counting agents present. Candidates or their election agents may request the RO to re-count the votes, and the RO shall comply with such request unless in his opinion the request is unreasonable. If there is no request for a re-count, or the request for a re-count is rejected, or the re-count is completed and there is no request for a further re-count, or the request for a further re-count is rejected by the RO, then the RO shall inform the candidates or their agents of the counting results. [S 79 of the EAC (EP) (LC) Reg]

### **Counting of Election Committee Constituency Votes**

6.104 The ECC ballot boxes, and any misplaced ECC ballot papers found in GC or FC ballot boxes, will be delivered to the central counting station and given into the charge of relevant RO. The RO will break the seal on the ballot box in the presence of the candidates, election agents or counting agents, if any, and open all the ballot boxes. The candidates and their agents may request to inspect any paper other than ballot papers taken out from the ballot boxes before the paper is disposed of. **At no time should a candidate and his agent touch any of the ballot papers.** [Ss 70(4), 72(2) and 73 of the EAC (EP) (LC) Reg]

6.105 Unless otherwise directed by the EAC<sup>39</sup>, ECC ballot papers will be automatically counted using the electronic counting system. After opening all the ballot boxes collected from the ECC polling station, the counting staff will count the total number of ballot papers and compare and verify them with the ballot paper account. The counting staff will then put the ballot papers into the electronic counting machine for counting (the ballot papers from the dedicated polling stations will be mixed first, if any). The RO will eventually examine the clearly invalid ballot papers and determine the validity of the questionable ballot papers (see paras. 6.106 and 6.107 of this chapter). With the assistance of the counting staff, the RO will count the valid votes received by each candidate under the “block vote” system and the “first past the post” voting system, and compile the final counting results. In the case the system fails to operate normally, the counting staff will activate the contingency plan and use a backup

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<sup>39</sup> For example, in an ECC by-election, electronic counting may not be used if the number of vacancies to be filled is relatively small.

electronic counting system for automatic counting of votes or input the votes on each ballot paper manually into an independent computer system for vote counting (as the case may be). If the votes are input manually, the counting staff will work in pairs and perform “double entry” to ensure data accuracy.

### Invalid Ballot Papers

6.106 A ballot paper is invalid if:

- (a) no vote has been marked on it;
- (b) it is endorsed on the front with the words “**TENDERED**” and “重複”;
- (c) it is endorsed on the front with the words “**SPOILT**” and “損壞”;
- (d) it is endorsed on the front with the words “**UNUSED**” and “未用”;
- (e) in the case where the EAC has given further directions, the vote is not marked with the chop provided by the polling station;
- (f) the vote recorded on it is for a deceased or disqualified candidate whose name and other information on the ballot paper are crossed out or endorsed with a marking as directed by the EAC; or

- (g) the number of votes marked on the ballot paper is not equal to the number of members to be returned.

These ballot papers will be set aside as invalid on the spot. They will not be counted and will not be treated as questionable ballot papers. A candidate, an election agent or a counting agent may inspect these ballot papers but is not entitled to make representations to the RO concerning these ballot papers. [Ss 37(2), 80(1), and (4) of the EAC (EP) (LC) Reg]

### Questionable Ballot Papers

6.107 If a ballot paper appears to fall under any of the following circumstances, it shall be handled as a questionable ballot paper, and shall be separated, and referred to the RO for determination on whether it should be considered valid and counted. The RO will decide the ballot paper is invalid if the questionable ballot papers falls into one of the following categories:

- (a) the ballot paper has any writing or mark by which the elector can possibly be identified;
- (b) the ballot paper is not marked by filling in black the ovals on it opposite the name(s) of the candidate(s) of the elector's choice; or, in the case where the EAC has given further directions, the ballot paper is not marked by affixing the chop to give a single "✓" in the circle opposite the name(s) of the candidate(s) of the elector's choice, and the intention of the elector is unclear. However, the RO may count the votes on

that ballot paper if he is satisfied that the intention of the elector is clear, even though the way in which the ballot paper is marked deviates from the aforesaid requirements;

(c) the ballot paper is substantially mutilated; or

(d) the ballot paper is void for uncertainty.

[Ss 58A(1), (2), (3), 78A(5), 80(1)(g), (2), and 81(3) of the EAC (EP) (LC) Reg]

6.108 The RO shall decide the validity of all questionable ballot papers, and will invite the candidates, their election agents or counting agents present to participate in the determination process of questionable ballot papers. [Ss 81(1) and (2) of the EAC (EP) (LC) Reg]

6.109 The procedures for determining the validity of questionable ballot papers is detailed in para. 6.87 of this chapter.

6.110 The decision of the RO in regard to any question arising in respect of any ballot paper at the counting of votes shall be final, which may be questioned by an election petition. Please see Part II of Chapter 7. [S 82 of the EAC (EP) (LC) Reg and s 61 of the LCO]

6.111 After the vote counting for the ECC is completed, the RO for the constituency will make known the counting result to the relevant candidates, their election agents or counting agents present. Candidates or their agents may

request the RO to re-count the votes, and the RO shall comply with such request unless in his opinion the request is unreasonable. If there is no request for a re-count, or the request for a re-count is rejected, or the re-count is completed and there is no request for a further recount, or the request for a further re-count is rejected by the RO, the RO must inform the candidates and their agents of the counting results. [S 79 of the EAC (EP) (LC) Reg]

## **PART XV : DECLARATION OF RESULT**

### **For Geographical Constituencies**

6.112 When the counting of votes and re-counts, if any, are completed and a result is obtained, the PRO of each of the counting stations shall report to an ARO for the relevant GC the final counting or re-count result of his counting station. After tallying the total of the final counting or re-count results with all the final counting or re-count results reported from individual counting stations/counting zones for the GC, the RO for the GC shall declare the successful candidate(s) elected for the GC. In the event that one or two vacancies are still to be filled for a GC and the number of the most successful candidates having an equal number of votes is more than the number of vacancies, the RO will determine the result of the election by drawing lots at the central counting station (see **Part III of Chapter 2** of these Guidelines for details about the drawing of lots). The candidate(s) on whom the lot fall(s) is/are to be returned at the election. The RO shall display a notice of the result of the GC election at a prominent place outside the central counting station. The result of

the election shall also be published in the Gazette within 10 days of the declaration of the result. [Ss 83 and 84 of the EAC (EP) (LC) Reg]

### **For Functional Constituencies and the Election Committee Constituency**

6.113 When the counting of votes and re-counts, if any, are completed and a result is obtained, the RO for the relevant FC/the ECC shall declare the successful candidate(s) elected for the constituency. In the event that one or more than one vacancies are still to be filled for a constituency and the number of the most successful candidates having an equal number of votes is more than the number of vacancies, the RO will determine the result of the election by drawing lots at the central counting station (see **Part III of Chapter 3 and Part III of Chapter 4** of these Guidelines respectively for details about the drawing of lots for the FCs and the ECC). The candidate(s) on whom the lot fall(s) is/are to be returned at the election. The RO of the relevant FC/the ECC shall display a notice of the result of the FC/the ECC election at a prominent place outside the central counting station. The result of the election shall also be published in the Gazette within 10 days of the declaration of the result. [Ss 83 and 84 of the EAC (EP) (LC) Reg]

## **PART XVI : DISPOSAL OF DOCUMENTS AND BALLOT PAPERS**

6.114 After ascertained the result of the poll, the RO/PRO shall pack all the relevant documents and ballot papers into sealed packets as soon as possible. Candidates and their agents may be present to observe the relevant process.

These sealed packets and other documents including nomination forms, notices of appointment of agents, etc. will then be deposited with the CEO for safe custody for at least six months from the date of the LegCo election to which they relate before destruction. **Except pursuant to a court order** in relation to an election petition or criminal proceedings, **no person may inspect any ballot paper in the custody of the CEO.** [Ss 85(1) and (3), 86(1), 87, and 88 of the EAC (EP) (LC) Reg]

## **PART XVII : POSTPONEMENT OR ADJOURNMENT OF THE ELECTION, THE POLL OR THE COUNT**

6.115 The LCO and the EAC (EP) (LC) Reg provide for the postponement or adjournment of the election, the poll or the count for a LegCo general election as well as such cases in respect of an individual constituency or an individual polling/counting station.

6.116 Regarding the postponement or adjournment of a **general election as a whole and the poll at all polling stations and/or the count at all counting stations**, if, before the holding of a general election or during the poll or the count in respect of a general election, the CE is of the opinion that the election, the poll or the count is likely to be or is being obstructed, disrupted, undermined or seriously affected by riot, open violence or any danger to public health or safety, then the CE may, by order, direct the postponement or adjournment of the election, the poll or the count. Besides, if it appears to the EAC that the election, the poll or the count is likely to be obstructed, disrupted, undermined

or seriously affected by (a) a typhoon or other climate condition of a serious nature; or (b) an occurrence which appears to the EAC to be a material irregularity relating to the election, the poll or the count, then the EAC may postpone or adjourn the election, the poll or the count. [Ss 44(1) and (2) of the LCO and s 1 of Schedule 2 of the EAC (EP) (LC) Reg]

6.117 Regarding **an individual constituency**, if, during or before a general election or by-election or at any time during the poll or the count in respect of the election, it appears to the EAC that the election, the poll at all the polling stations or the count at all the counting stations for a particular constituency is likely to be obstructed, disrupted, undermined or seriously affected by any of the prescribed occurrences including (a) a typhoon or other climate condition of a serious nature, (b) riot, open violence or any danger to public health or safety; or (c) an occurrence which appears to the EAC to be a material irregularity relating to the election, the poll or the count, then the EAC may postpone or adjourn the election or by-election, the poll at the polling stations or the count at all the counting stations for that constituency. [S 2 of Schedule 2 of the EAC (EP) (LC) Reg]

6.118 Regarding the **poll or the count at an individual polling/counting station**, if, at any time during the poll or the count of a general election or by-election, it appears to the PRO that the poll at the polling station or the count at the counting station is likely to be obstructed, disrupted, undermined or seriously affected by any of the prescribed occurrences mentioned in para. 6.117 of this chapter, then the PRO may adjourn the poll at that polling station or the count at that counting station. [S 3 of Schedule 2 of the EAC (EP) (LC) Reg]

6.119 If a general election or by-election or the poll or count has to be postponed or adjourned, the CE or the EAC must appoint a date for holding the election, the poll or the count as soon as practicable after the postponement or adjournment. The date appointed must not be later than 14 days after the date originally scheduled. Pursuant to the established contingency measures of the EAC, the election, the poll or the count will usually be postponed or adjourned to the fallback polling day (i.e. the following Sunday). There is no provision in the relevant electoral law and regulations regarding further postponement or adjournment of an already postponed or adjourned election, poll or count. [S 44(4) of the LCO and s 7 of Schedule 2 of the EAC (EP) (LC) Reg]

## **PART XVIII : LEGISLATIVE COUNCIL BY-ELECTION TO BE HELD**

6.120 In respect of LegCo by-elections, the EAC must, in accordance with regulations in force under the LCO, arrange for a by-election to be held in the following circumstances and not otherwise:

- (a) on the making of a declaration by the Clerk to the LegCo as to the existence of a vacancy in the membership of the LegCo;
- (b) on the making of a declaration by an RO that the election for a constituency has failed;
- (c) on the Court of First Instance's ("CFI's") making of a determination that a person whose election is questioned was not duly elected and

that no other person was duly elected instead; or

- (d) if an appeal against the CFI's determination is lodged to the Court of Final Appeal ("CFA"), on the CFA's determination that a person whose election is questioned was not duly elected and that no other person was duly elected instead, or on the termination of the appeal proceedings in other circumstances.

[S 36 of the LCO]

6.121 There is no provision in the subsisting law regarding the holding of any by-election to cater for the event that a LegCo general election, poll or count has to be postponed or adjourned due to the circumstances mentioned in paras. 6.116 to 6.118 of this chapter but cannot be held within the 14 days after the scheduled date as stipulated in the law.

## **CHAPTER 7**

### **ELECTION PETITIONS**

#### **PART I : GROUNDS FOR LODGING AN ELECTION PETITION**

7.1 The result of the LegCo election may be questioned only by an election petition filed on the following grounds, yet 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 National Security Committee:

- (a) the RO in accordance with regulations in force declared that the candidate was not duly elected because:
  - (i) he was not eligible to be, or was disqualified from being, a candidate at the election; or
  - (ii) corrupt or illegal conduct was engaged in by or in respect of that person at or in connection with the election; or
  - (iii) corrupt or illegal conduct was generally prevalent at or in connection with the election; or
  - (iv) material irregularity occurred in relation to the election, or to the polling or counting of votes at the election; or

- (b) a ground specified in any other enactment that enables an election to be questioned.

[Ss 3B and 61 of the LCO]

## **PART II : WHO COULD, AND WHEN TO, LODGE ELECTION PETITIONS**

7.2 An election petition may be lodged, in the case of an election for a GC, FC or ECC:

- (a) by ten or more electors entitled to vote at the election for the GC/FC/ECC; or
- (b) by a person claiming to have been a candidate in the election for the GC/FC/ECC.

[Ss 62(1) and (3) of the LCO]

7.3 An election petition questioning an election may be lodged with the CFI only during the period of two months following the date on which the RO has published the result of the election in the Gazette. If the office of the CFI is closed on the last day of the deadline for lodging election petitions, the relevant deadline will be extended to the date that the office resumes operation. [S 65(1)]

of the LCO and s 71(1A)(a) of the Interpretation and General Clauses Ordinance (Cap. 1)]

7.4 An election petition is triable in open court and before a judge. At the end of the trial of an election petition, the CFI must determine questions of the validity of a nomination or whether the person was or was not duly elected, as appropriate, and announce its determination by means of a written judgment. [Ss 64(2) and 67(1), (2) and (3) of the LCO]

7.5 An appeal against the decision of the CFI may be lodged by the applicant to the CFA direct, subject to leave being granted by the Appeal Committee of the CFA. Notice of a motion for applying for leave to the CFA to appeal must be filed within 14 working days after the date on which the written judgment of the CFI to be appealed against is handed down, and the applicant must give the opposite party three days' notice of his intended application at any time during above-mentioned deadline. At the end of the hearing of an appeal against the determination of the CFI, the CFA must determine questions of the validity of a nomination or whether the person was or was not duly elected, as appropriate and announce its determination by means of a written judgment. [Ss 65(2) and 70B of the LCO]

## **CHAPTER 8**

### **APPOINTMENT AND ROLES OF ELECTION AGENT, ELECTION EXPENSE AGENTS, POLLING AGENTS AND COUNTING AGENTS**

#### **PART I : GENERAL**

8.1 This chapter deals with the appointment of the following four types of agents at an election and their roles:

- (a) election agent;
- (b) election expense agent;
- (c) polling agent; and
- (d) counting agent.

The REO will remind all candidates of the deadline for appointing agents about ten days before the polling day and will also provide all candidates with name lists of all types of agents received by the REO for their reference about two days before the polling day.

8.2 To ensure the secrecy of voting, except for an elector, a police officer, an officer of the CSD, an officer of any law enforcement agency or a member of the CAS on duty, every person authorised to enter a polling station, a counting station, or a ballot paper sorting station must make a Declaration of Secrecy on a specified form before entering the station and observe the provisions governing the secrecy of voting. [Ss 95(1), (2), and (5) of the EAC (EP) (LC) Reg]

## **PART II : TYPES AND NUMBERS OF AGENTS**

8.3 A candidate may appoint the following four types of agents to assist him in an election:

- (a) election agent: **one**;
- (b) election expense agents: **any number**;
- (c) polling agents:
  - (i) a maximum of **two** for **each polling station**, other than a dedicated polling station situated in a penal institution, for the constituency for which he is nominated;
  - (ii) **one for each dedicated polling station** situated in a penal institution other than a maximum security prison; and

- (d) counting agents: Not more than the number specified by the EAC<sup>40</sup>.

[Ss 23(3), 42(2), (3), (8A), and 66(2) of the EAC (EP) (LC) Reg]

### **PART III : QUALIFICATIONS OF AGENTS**

8.4 The election, polling and counting agents should be holders of HKID and have attained the age of 18 years, while an election expense agent must have attained the age of 18 years. [Ss 23(5), 25(5), 42(7), and 66(4) of the EAC (EP) (LC) Reg]

### **PART IV : CIVIL SERVANTS ACTING AS AGENTS**

8.5 When acting as an agent for a candidate or participating in his electioneering activities, civil servants and non-civil service government staff<sup>41</sup> should take note of Part I of Chapter 20 of the Guidelines.

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<sup>40</sup> The number of counting agents to be specified by the EAC will be stated in the specified form for the appointment of counting agents.

<sup>41</sup> For the purposes of these Guidelines, non-civil service government staff refer to the following types of staff appointed on non-civil service terms directly employed by the HKSAR Government –

- (a) those employed under the Non-Civil Service Contract Staff Scheme pursuant to Civil Service Bureau (CSB) Circular No. 2/2001;
- (b) those employed under the Post-Retirement Service Contract Scheme pursuant to CSB Circular No. 13/2015; and
- (c) those employed on non-civil service terms holding public offices that do not fall under the categories of (a) or (b) above.

## **PART V : ELECTION AGENT**

### **Appointment and Revocation**

8.6 When appointing an election agent, a candidate should take note of the following:

- (a) after submitted his own nomination form, a candidate may appoint **one** election agent to assist him and to act on his behalf at an election;
- (b) the notice of appointment of an election agent must be made in the specified form, signed by both the candidate and the election agent, and delivered by hand, by post, by email or by fax transmission to the RO for the constituency for which the candidate is nominated. If the notice of appointment is given on the polling day, it should not be delivered to the RO by post;
- (c) if a candidate wishes to replace or revoke the appointment of his election agent, he must complete the specified form for the revocation and/or the appointment and deliver it to the RO in the manner as described in (b) of this paragraph; and
- (d) the appointment or revocation of an appointment of an election agent will not be effective until such notice is received by the RO.

[Ss 23(3), (6), (7), (9), (10), (11), (12), (13), (14), (15), and (16) of the EAC (EP) (LC) Reg]

## **Notification**

8.7 Not later than 10 days after the end of the nomination period (unless the appointment of the election agent is made 10 days after the notification deadline), each validly nominated candidate will receive from the RO a notice containing the particulars of all the election agents (such as names and correspondence addresses) appointed by all candidates for the constituency concerned. The RO must also display outside his office a notice of the particulars of the election agents. [Ss 24(2), (5), and (7) of the EAC (EP) (LC) Reg]

## **Role of an Election Agent**

8.8 An election agent ranks in the **most important position** amongst all types of agents of a candidate. He has the **authority to handle all matters a candidate is authorised to handle for the election** under the EAC (EP) (LC) Reg, **but he is not permitted to handle the following matters on behalf of a candidate:**

- (a) to sign the nomination form or make any requisite declaration or promissory oath;
- (b) to withdraw the candidate's candidature;
- (c) to incur election expenses (save where he has been appointed as an election expense agent by the candidate);

- (d) to authorise an election expense agent to incur election expenses; and
- (e) to enter a dedicated polling station situated in a maximum security prison.

[Ss 23(17) and (18) of the EAC (EP) (LC) Reg, s 23(1) of the ECICO]

**NOTE :**

An election agent and the candidate should share the responsibility for managing the election campaign. A candidate is responsible for all the acts of his election agent. If the election agent fails to perform his duties, contravenes the ECICO or commits other criminal offences, the candidate may also be held responsible for serious consequences.

8.9 Candidates and their election agents are allowed admission to the polling stations, counting stations and ballot paper sorting stations in respect of the constituency concerned and have the right to observe the counting of votes. However, they must comply with the provisions applicable to polling agents and/or counting agents (see Parts VII and VIII of this chapter).

8.10 To maintain order in the polling station and ensure that polling is conducted smoothly, the PRO of a polling station may regulate the number of candidates, election agents and polling agents who may enter the polling station at any one time. [S 44(2) of the EAC (EP) (LC) Reg]

### **Arrangements for Entering Dedicated Polling Stations**

8.11 The procedures and arrangements for entering a dedicated polling station situated in a penal institution are as follows:

- (a) due to security reasons, only candidates may enter dedicated polling stations situated in maximum security prisons to observe the poll;
- (b) only **one** election agent or polling agent may be appointed to enter for a dedicated polling station situated in a penal institution which is not a maximum security prison to observe the poll. An application in the specified form must be delivered to the CEO by hand, by post, by email or by fax transmission at least one week before the polling day. The application shall come into effect only after obtaining the consent of the Commissioner of Correctional Services;
- (c) if the Commissioner of Correctional Services refuses to give consent to the application mentioned in (b) of this paragraph, he will notify the candidate or his election agent as soon as practicable;
- (d) if the Commissioner of Correctional Services has already given consent to allow an election agent of a candidate to enter a dedicated polling station situated in a penal institution which is not a maximum security prison, the same candidate could not appoint a polling agent in respect of that polling station;

- (e) if a candidate has appointed a polling agent for a dedicated polling station situated in a penal institution, his election agent cannot enter the polling station.

[Ss 23(18), (19), (21), 42(8), (8AA), (8A), (8C), and (11) of the EAC (EP) (LC) Reg]

8.12 During the week before the polling day, if the Commissioner of Correctional Services is satisfied that:

- (a) an imprisoned or detained elector in the constituency to which the candidate belongs is admitted or transferred to a penal institution;
- (b) the elector concerned is entitled to vote at the dedicated polling station situated in the penal institution; and
- (c) after the elector is admitted or transferred to a penal institution, the appointment notice of a polling agent was submitted by the candidate concerned without undue delay,

then the Commissioner may give consent to the application for appointment mentioned in para. 8.11(b) of this chapter. [Ss 23(20) and 42(8B) of the EAC (EP) (LC) Reg]

8.13 The REO will post and update on its website the number of registered electors who are imprisoned or held in custody in individual penal institutions

daily from Monday to Friday (except general holidays) starting from three weeks before the polling day and the Saturday immediately before the polling day for candidates' reference.

## **PART VI : ELECTION EXPENSE AGENTS**

### **Authorisation and Revocation**

8.14 When authorising an election expense agent, a candidate should note the following:

- (a) a candidate may authorise **any number** of election expense agents to incur election expenses on his behalf in an election;
- (b) unless revoked, the authorisation will remain in force until the end of the polling day, or the end of the last polling day if there is more than one polling day;
- (c) a candidate may authorise or revoke the authorisation of an election expense agent at any time. The candidate must complete and deliver the relevant specified form to the RO (or the CEO if the RO has not been appointed) through the channels mentioned in para. 8.6(b) of this chapter;

- (d) the authorisation or revocation of an election expense agent will only be effective when the relevant RO or the CEO (as the case may be) receives the notice of authorisation or revocation;
- (e) no election expenses should be incurred by a person purporting to be authorised as an election expense agent before the authorisation of an election expense agent becomes effective; and
- (f) the election expenses already incurred before the revocation of authorisation of an election expense agent takes effect will still be counted as election expenses of the candidate.

[Ss 2 and 23(7) of the ECICO, ss 25(6), (7), (8), (9), (10), (11), (14), (15), (15A), and (16) of the EAC (EP) (LC) Reg]

8.15 It is an **offence** for any person other than a candidate or his election expense agent to **incur election expenses**. The expenses so incurred may also be counted as the candidate's election expenses. [S 23(1) of the ECICO]

### **Role of Election Expense Agents**

8.16 An election expense agent is authorised to **incur election expenses on behalf of the candidate**. It is important to note that the aggregate amount of election expenses incurred by a candidate and his election expense agents must not exceed the maximum amount as prescribed by the law. An election expense agent must not incur election expenses in excess of the maximum amount

specified by the candidate in the agent's authorisation; otherwise he will commit a criminal offence. [S 23(4) of the ECICO]

### **Details of Declaring Election Expenses**

8.17 A candidate<sup>42</sup> (whether elected or not or returned uncontested, or having withdrawn the candidature before the close of nominations or been decided as not validly nominated, or not having incurred any election expenses) **must**, subject to criminal penalty for breach, submit to the CEO a return and declaration of his election expenses and election donations ("election return") with supporting documents as prescribed by the law. The candidate must ensure that the election return is lodged before the expiry of the period of 60 days after the election is settled in relation to the constituency concerned (and in relation to all the constituencies concerned if the election is held for two or more constituencies) or within such extended period as may be allowed by the CFI under the relevant law. An election is settled in relation to a constituency on the date on which any of the following events occurs:

- (a) the result of the election is notified in the Gazette; or
- (b) the election is declared to have failed.

[Ss 37(1), (1B), (1C), and (1N) of the ECICO and Part V of Chapter 17 of the Guidelines]

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<sup>42</sup> According to s 2 of the ECICO, "candidate" means a person who stands nominated as a candidate at an election and also means a person who, at any time before the close of nominations for an election, has publicly declared an intention to stand as a candidate at the election.

8.18 When declaring election expenses, candidates and election expense agents should note the following:

- (a) the candidate should **make sure** that his election expense agents will keep account of all election expenses incurred on his behalf and will provide him as soon as possible, not later than the deadline specified in para. 8.17 of this chapter, with a detailed statement of expenditure in which each item of expenditure of \$500 or above has to be supported by an invoice and a receipt;
- (b) if any item of expenditure incurred by the election expense agents is paid or defrayed or contributed to by a donation, the candidate should **make sure** that his election expense agent will provide him with a statement stating the expenses. If any item is not explicit in monetary terms, it should be assessed at a reasonable value; and
- (c) for any donation of \$1,000 or more, a copy of the receipt (in a standard form signed by the candidate) for the donation issued by the candidate should be submitted together with the election return as proof.

Should any election expense agents fail to provide such statements together with the invoices and receipts issued by goods or service providers or to donors, as the case may be, the candidate will have difficulty in discharging his duty to file the election return, and he may have violated s 38 of the ECICO. [S 37(2)(b) of the ECICO]

### **Public Inspection of Authorisation of Election Expense Agents**

8.19 The RO or the CEO, as the case may be, will make all copies of authorisations of election expense agents available for public inspection until the deadline for which copies of the election return lodged by the candidates are available for inspection, i.e. the period ending with the 60th day before the first anniversary of the date of the deadline for lodging the relevant election return. [Ss 37(1B) and 41(6) of the ECICO]

## **PART VII : POLLING AGENTS**

### **Appointment and Revocation**

8.20 When appointing a polling agent, a candidate should note the following:

- (a) a candidate may appoint a **maximum of two polling agents** for each polling station (other than a dedicated polling station situated in a penal institution) in the constituency for which he is nominated;
- (b) the appointment notice of a polling agent must be made in the specified form, signed by the candidate, and delivered by hand, by post, by email or by fax transmission to the CEO, at least **seven days** before the polling day;

- (c) upon the expiry of the deadline specified in (b) of this paragraph, the candidate or the election agent must deliver the completed notice of appointment **in person** to the relevant PRO **on the polling day**;
- (d) the appointment of a polling agent may be revoked by the candidate at any time. The candidate must complete and submit the specified form for revocation of appointment through the channels mentioned in (b) and (c) of this paragraph. If the candidate submits a revocation notice of a polling agent appointed for a dedicated polling station situated in a penal institution on the polling day, such notice must be delivered to the CEO by hand, by email or by fax transmission;
- (e) the authorisation or revocation of a polling agent will only be effective when the CEO or the PRO (as the case may be) receives the notice of authorisation or revocation;
- (f) the persons appointed as polling agents may also be appointed as counting agents; and
- (g) for the provisions regarding the appointment of a polling agent to enter a dedicated polling station situated in a penal institution, please see paras. 8.11 and 8.12 of this chapter.

[Ss 42(2), (3), (8), (8AA), (8A), (9), (10), (11), (13), (14), (14A) and (15) of the EAC (EP) (LC) Reg]

### **Role of Polling Agents**

8.21 Polling agents are appointed to **assist a candidate in observing the conduct of the poll**, to avoid impersonation or irregularity at polling stations.

### **Provisions which the Polling Agents should be Aware of**

8.22 Polling Agents should note the following:

- (a) each candidate may only have one polling agent as his representative at the polling station for which he has been appointed at one time;
- (b) inside a polling station, polling agents is required to stay and keep his movements within the area designated for observation of the poll and not outside; and
- (c) where a candidate or his election agent is present within a polling station, a polling agent of that candidate will not be allowed to stay within the polling station at the same time.

[Ss 44(6), (7) and (8) of the EAC (EP) (LC) Reg]

8.23 Generally speaking, a polling agent may observe all proceedings in the polling station for which he has been appointed and record his observations but shall not interfere with the conduct of the poll. A polling agent **may**:

- (a) observe the opening of sealed packets of ballot papers and the locking and sealing of empty ballot boxes before the poll commences, and the locking and sealing of the ballot boxes during or at the close of the poll;

**NOTE :**

A polling agent who signs the sealing certificate of a ballot box as witness is required to write his name in block letters beneath his signature for easy identification. Candidates are advised to keep a list of their own polling agents for easy verification when the sealing certificate is broken at the counting station.

- (b) leave the polling station at any time within the one-hour slot after he is admitted to the polling station in which case his place may be taken by the relevant candidate, election agent or another polling agent (representing the same candidate) appointed to attend at the polling station (see para. 8.22 of this chapter);
- (c) subject to para. 8.24(b) of this chapter, observe the issue of ballot papers to electors, subject to the condition that they will not interfere with the work of the polling staff;
- (d) where there is reasonable ground for questioning the bona fides of an elector, request the PRO to ask the appropriate questions prescribed in Part IX of Chapter 6 to that person at the time of his application for a ballot paper (but not afterwards); and

**NOTE :**

The person will not be issued with any ballot paper unless he has answered the questions to the satisfaction of the PRO.

- (e) where there is reasonable cause to believe that a person who has applied for a ballot paper has engaged in corrupt conduct by impersonation, inform the PRO for appropriate action before that person leaves the polling station. This may possibly lead to the arrest of the person. The polling agent must however undertake in writing to provide evidence to substantiate the allegation in a court of law.

[Ss 51(2), (3), (4), (5), and 52(1) of the EAC (EP) (LC) Reg]

8.24 Inside a polling station, a polling agent **must not**:

- (a) interfere with or attempt to influence any elector;
- (b) speak to or communicate with any elector, or attempt to interfere with any ballot boxes, ballot papers, the EPR System and its backup storage facilities, the marked copy of the FR in printed form or other election materials. A polling agent should station within the designated area demarcated by red adhesive tape, and must not enter, or move close to, the restricted zone delineated with yellow adhesive tapes around the voting compartments;

- (c) ask an elector about his identity card number or check an elector's identity card;
- (d) attempt to obtain information or disclose any knowledge acquired, concerning the vote of any elector. A polling agent should read and observe carefully the provisions governing the secrecy of voting issued with the form of Declaration of Secrecy;
- (e) exhibit or leave or distribute any campaign materials;
- (f) display or wear any promotional materials; and
- (g) use a mobile phone, paging machine or any other form of electronic communication device.

[Ss 45 and 96 of the EAC (EP) (LC) Reg]

8.25 Polling staff, candidates, their election agents and polling agents must wear an identification device issued by the RO or the PRO for identification. If in doubt, a polling agent may enquire with the PRO as to the identities of the persons inside the polling station. No attempt, however, should be made to obtain information as to the identity of any person, including electors who are about to vote or have voted. [S 96(7) of the EAC (EP) (LC) Reg]

8.26 Polling agents should read Parts II to XI of Chapter 6 of the Guidelines on matters relating to polling and, in particular, Part XI for activities that are

prohibited, and the consequences of conducting such activities in a polling station. If a candidate or his agent wishes to lodge any complaint about whatever happens inside a polling station, he should follow the procedures laid down in Chapter 21 on Complaints Procedure of the Guidelines.

## **PART VIII : COUNTING AGENTS**

### **Appointment and Revocation**

8.27 When appointing a counting agent, a candidate should note the following:

- (a) a candidate may appoint not more than such number of counting agents as will be specified by the EAC. Counting agents may attend at the count at a counting station and observe the sorting of GC ballot papers received from dedicated polling stations or the ECC polling station at each ballot paper sorting station;
- (b) the persons appointed as counting agents may also be appointed as polling agents;
- (c) the notice of appointment of counting agents must be in writing, in the specified form signed by the candidate and delivered by hand, by post, by electronic or fax transmission to the relevant RO at least seven **days** before the polling day;

- (d) after the deadline specified in (c) of this paragraph, the candidate or his election agent is required to deliver **in person** the completed notice of appointment to the relevant PRO (or the RO at the central counting station) **on the polling day**;
- (e) the appointment of a counting agent may be revoked by the candidate at any time:
  - (i) if the appointment is revoked before the polling day, the candidate must complete the specified form for revocation of appointment and deliver it to the RO in the manner as set out in (c) of this paragraph;
  - (ii) if the appointment is intended to be revoked **on the polling day**, the candidate or his election agent is required to deliver **in person** the completed notice of revocation to the PRO at the counting station (or the RO at the central counting station); and
- (f) the appointment or revocation of an appointment of a counting agent will not be effective until notice is received by the RO or the PRO (as the case may be).

[Ss 2(6), 66(1), (2), (5), (5A), (6), (7), (8), (9), (10), (10A), (11) and (12) of the EAC (EP) (LC) Reg]

### **Role of Counting Agents**

8.28 Counting agents are appointed to assist the candidates in:

- (a) observing in the counting stations the breaking of the seals on the ballot boxes, sorting, separation and counting of ballot papers and counting of votes recorded on the valid ballot papers; or
- (b) observing in the ballot paper sorting stations the breaking of the seals on the GC ballot boxes received from dedicated polling stations or the ECC polling station, and the sorting of the GC ballot papers.

### **Provisions which the Counting Agents should be Aware of**

8.29 A counting agent may be present throughout the count to observe the entire counting proceedings but must not touch, handle, separate or arrange any ballot papers. A counting agent in a counting station **may**:

- (a) observe the breaking of the seals on the ballot boxes and the opening of the ballot boxes for the relevant constituency;
- (b) inspect any papers other than ballot papers taken from the ballot boxes which are intended to be disposed of;

- (c) observe the conduct of the count by counting staff including how ballot papers are separated by constituency and how votes on individual ballot papers are counted;
- (d) observe the determination of questionable ballot papers and make representations on behalf of the candidate concerned; and
- (e) observe the packing of ballot papers at the conclusion of the count.

[S 81(7) of EAC (EP) (LC) Reg]

8.30 A counting agent in a ballot paper sorting station **may**:

- (a) observe the opening of the GC ballot boxes received from dedicated polling stations or the ECC polling station;
- (b) inspect any papers other than the ballot papers taken from the ballot boxes which are intended to be disposed of;
- (c) observe the counting of the number of GC ballot papers in each ballot box;
- (d) observe the sorting of the aforesaid GC ballot papers according to each GC; and

- (e) observe the sealing of the receptacles containing the sorted GC ballot papers for delivery to the PRO of the respective main counting stations.

8.31 Counting agents should read Parts XIII and XIV of Chapter 6 of the Guidelines on matters relating to sorting of ballot papers and counting of votes and pay particular attention to the relevant sections for activities that are prohibited, and the consequences of conducting such activities, within the ballot paper sorting station and counting station.

## CHAPTER 9

### ELECTION ADVERTISEMENTS

#### PART I : GENERAL

9.1 Election advertisements (“EAs”) refer to publicity materials which are published for the purpose of promoting or prejudicing the election of a candidate or candidates. As to whether an individual statement will be construed as an EA, the overall circumstances, including the background and time of publication (e.g. whether the candidate has publicly declared his intention to stand for the election or whether the incident happens during the election period) etc., must be taken into account so as to infer whether there is any intention to promote or prejudice the election of a candidate or candidates. If the statement is simply for expression of views or comments based on facts without the above-mentioned intention, then the individual statement is not regarded as an EA.

9.2 In accordance with the requirements in the law and of the EAC, a candidate is required to post an electronic copy of any EA he has published as well as the relevant information and documents onto an open platform<sup>43</sup> maintained by the CEO (“Central Platform”) or an open platform maintained by

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<sup>43</sup> An open platform means a platform operated through the Internet to which the public has access without having to go through an access control process put in place for that platform.

the candidate(s) (“Candidate’s Platform”)<sup>44</sup> (see **Appendix 6**), or submit a copy of the EA to the RO for public inspection within three days after publication of the EA (see para. 9.45 of this chapter).

9.3 It is an illegal conduct to publish false or misleading statements about a candidate (see Part III of Chapter 18). In this regard, candidates must ensure that the contents of their EAs (including any statements that involve other candidates) are based on facts<sup>45</sup>. The EAC particularly reminds candidates to comply with the requirement of obtaining prior written consent of support from other persons or organisations as stipulated in Chapter 19. Candidates should seek independent legal advice if they are in doubt about the legal requirements on EAs and election expenses. (For criminal sanctions, see ss 25, 26, and 27 of the ECICO)

9.4 Generally, except a candidate, his election expense agent or an authorised person, a third party issues any form of publication with the intention of promoting or prejudicing the election of a candidate at the election is regarded as an EA. The third party must obtain prior written authorisation from the candidate for the expenses incurred in producing the EA, and the candidate must include these expenses in his election expenses; otherwise, it constitutes an illegal offence.

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<sup>44</sup> Interactive EAs disseminated via the Internet may have continuous updates. Where it is technically infeasible to upload each EA individually to the Candidate’s Platform or Central Platform, the law permits candidates to upload hyperlinks to the relevant EAs on these platforms to facilitate public access.

<sup>45</sup> In the 2019 DC Ordinary Election, the CFI of the High Court ruled in an election petition (HCAL 3665/2019) that an elected candidate (i.e. the first respondent) who had published a false and misleading statement about another candidate in one of the EAs was not duly elected.

9.5 With the proliferation of the Internet, online platforms are widely used to publish election-related opinions. Such opinions may constitute EAs and their publication may involve the incurrence of election expenses. As mentioned above, if such opinions are published without the candidate's prior consent, the publisher may have committed offences of unlawfully incurring election expenses. Hence, electoral legislation provides an exemption from criminal liability for incurring election expenses for such publishers if the only expenses incurred are electricity charges and/or charges necessary for accessing the Internet. However, **it must be noted** that this exemption does not apply to candidates or their election expense agents. If a candidate, his election expense agent, or a person authorised by him publishes an EA on an Internet platform, all expenses incurred, including electricity charges and Internet access fees, must be counted towards the candidate's election expenses. [S 23(1) and (1A) of the ECICO]

## PART II : WHAT CONSTITUTES AN ELECTION ADVERTISEMENT

9.6 An EA refers to any publication, in any form<sup>46</sup>, published for the purpose of promoting or prejudicing the election of a candidate or candidates at an election, including:

- (a) a publicly exhibited notice (including leaflet, circular, bill, booklet, placard, and poster);
- (b) a notice delivered by hand or electronic transmission (including leaflet, circular, bill, booklet, placard, and poster);
- (c) a public announcement made by radio or television broadcast, or by video or cinematographic film; or
- (d) any other form of publication.

[S 2 of the ECICO and s 2 of the EAC (EP) (LC) Reg]

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<sup>46</sup> The forms of EAs include, but are not limited to, the following:

- (a) any address, notice, bill, placard, poster, board, banner, roll-up banner, flag, standard, colour, sign, message, sound, name card, letter paper bearing the name and/or logo of the candidate, image or picture and any article, item or material;
- (b) audio/video cassette tape or disc, diskette, electronic message (e.g. messages published through social media, mobile messaging apps, communication networks, etc.), website, fax transmission, balloon, badge, emblem, carrier bag, head-dress and clothing; and
- (c) any message or object published by any person or organisation to support a candidate, or to promote the organisation's platform or services by referencing the name, photo, or any other identifier of a candidate or candidates.

**NOTE :**

“Candidate” includes a person who has publicly declared an intention to stand for an election before the end of the nomination period for the election, whether or not he has submitted a nomination form.

“Publish” means print, display, exhibit, distribute, post up, publicly announce or make publicly known by any other means, and includes continue to publish.

If any person has authorised the publication of an EA, the EA is taken to have been published by that person.

[S 2 of the ECICO and ss 2(2), 104(1) and (2) of the EAC (EP) (LC) Reg]

9.7 Any person or organisation, during the election period (i.e. from the first day of the nomination period for the election to the day on which the polling for the election ends, or to the day on which the RO is required to make the relevant declaration under s 46 of the LCO or s 22C of the EAC (EP) (LC) Reg<sup>47</sup>), publishes any messages to appeal directly or indirectly to electors to vote or not to vote for certain candidates or organisations which certain candidates belong

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<sup>47</sup> According to s 22C of the EAC (EP) (LC) Reg, if the following circumstances arise after the death or disqualification of candidate for a constituency, the RO must declare that no poll is to be held for the constituency concerned:

- (a) the number of candidates remaining validly nominated is equal to the number of members to be returned for that constituency;
- (b) no candidate remains validly nominated; or
- (c) the number of candidates remaining validly nominated is less than the number of members to be returned for that constituency.

to or are affiliated with, irrespective of the form of publication and whether they contain any names or photos of candidates, may also be regarded as EAs depending on the overall circumstances (e.g. the messages concerned may reasonably enable electors to identify the candidate(s) referred in the message).

9.8 Under s 104(1) of the EAC (EP) (LC) Reg, the definition of “publish” includes “continue to publish”. In this regard, for any person who intends to stand as a candidate at the election, if he continues to display any previously published publicity materials with an intent to promote his election, once he has been nominated as a candidate or has publicly declared an intention to stand as a candidate at the election, such materials **may** be regarded as EAs. For the sake of prudence, the person concerned should remove all the published publicity materials before he is nominated as a candidate or publicly declares an intention to run for the election.

9.9 A document published by a candidate **during** the election period that provides details of the work done by the candidate in the following capacity is regarded as an EA:

- (a) the CE;
- (b) an EC member;
- (c) a member of the LegCo;
- (d) a member of a DC;

- (e) a member of the Heung Yee Kuk;
- (f) the Chairman or Vice-Chairman or a member of the Executive Committee of a Rural Committee within the meaning of s 3(3)(a) of the Heung Yee Kuk Ordinance (Cap. 1097); or
- (g) a Rural Representative.

Therefore, candidates must comply with the requirements on EAs by including the expenses so incurred into election expenses. If the relevant person has publicly declared his intention to stand as a candidate at an election before the election period and published such documents, same requirement applies. However, if the document is published before submitting a nomination form or publicly declaring an intention to stand as a candidate at an election, and the purpose of publishing the document is not to promote or prejudice a candidate's/candidates' election, it will not be regarded as an EA. [S 104(4) of the EAC (EP) (LC) Reg]

### **Election Advertisements Prejudicing the Election of a Candidate**

9.10 In a contested election, the concepts of “promoting” and “prejudicing” a candidate's election can be relative. Any kind of publication with the intent to affect electors not to vote for a candidate would have the effect of improving the chances of success of the other candidate(s), and could therefore be said to have the purpose of promoting the latter's election.

9.11 Messages published by any person, including a candidate, for the purpose of prejudicing the election of a candidate or candidates are treated as EAs, if reference could be made from the messages to identify the candidate(s) being prejudiced.

9.12 There is no restriction on the quantity of EAs a candidate may publish, but the expenses incurred, together with other election expenses, must not exceed the prescribed maximum amount. Otherwise, it constitutes an offence. The maximum amounts allowed for the elections of GCs, FCs and the ECC are respectively specified in ss 3, 4, and 4A of the Maximum Amount of Election Expenses (Legislative Council Election) Regulation (see Part III of Chapter 17). [S 24 of the ECICO]

9.13 If election expenses in excess of the prescribed maximum amount have been incurred by a candidate, he may apply to the CFI for a relief order according to the relevant legislation. The CFI may grant an order relieving the candidate from consequences of the illegal conduct if it is satisfied that the illegal conduct caused by the act was due to inadvertence, an accidental miscalculation or any other reasonable cause and was not due to bad faith, and considers that the candidate should not be subjected to corresponding penalties/punishments under the principle of justice (see Part VI of Chapter 18). [S 31 of the ECICO]

### **PART III : PERIOD AND AREA OF DISPLAY**

9.14 With the required written **permission or authorisation**, a candidate may display EAs on government or private land/property. [S 104A(1) of the Public Health and Municipal Services Ordinance (Cap. 132) (“PHMSO”) and s 4 of the Land (Miscellaneous Provisions) Ordinance (Cap. 28)]

9.15 There are two types of display spots for EAs:

- (a) **designated spots** are spots on government or privately owned land/property allocated by the Government to candidates; and
- (b) **private spots** are spots on private land/property in respect of which written permission or authorisation for display has to be obtained from the owner or occupier concerned by the candidate himself.

#### **Designated Spots**

9.16 Designated spots are allocated by the relevant RO for the candidates of **contested** constituencies to display their EAs, including the government land/property which have been allocated to some public authorities, such as the Housing Authority, and are under their respective control. The RO may draw up the designated spots on such allocated land/property in coordination with the said authorities. **Each candidate competing in the same constituency** (who has registered his interest in displaying EAs at designated spots) will be allocated **the same number of designated spots**.

9.17 Prospective candidates as well as political organisations are welcome to suggest to the ROs or the CEO (if RO has yet been appointed) the locations for displaying EAs to facilitate the ROs' consideration when drawing up the list of “**designated spots**”, but the ROs have the absolute discretion to decide whether to adopt the suggestions. Such suggestions should reach the ROs or the CEO not later than eight weeks before the polling day.

### **Private Spots**

9.18 If candidates display their EAs on land/property other than government land/property and designated spots, they must **obtain prior written permission or authorisation** from the owner or occupier by themselves. This is a private arrangement between the candidate and the owner or occupier. Copies of such permissions or authorisations must be published by the candidate for public inspection in the manner as set out in para. 9.43 of this chapter (see para. 9.24).  
[S 104A(1) of the PHMSO]

9.19 Any consideration, fee or money incurred or agreed to be paid by or on behalf of the candidate to the owner or occupier for display of his EAs forms part of his election expenses. If the private spot secured for displaying the EA:

- (a) is normally used for commercial purposes; or
- (b) is not used for commercial advertising but similar spots held by other owners or occupiers are typically used for such purposes,

the actual rent charged or the usual rent or market rent that would normally be charged shall be counted as the election expenses of the candidate concerned, irrespective of whether that private spot is owned by the candidate or whether the owner of it allows the candidate to use it free of charge (in which case it would be a donation of the rent).

9.20 If a private owner or occupier provides a non-commercial advertising spot for a candidate to display EAs, but similar spots belonging to other owners or occupiers are used for commercial advertising, the provision of this kind of rent-free spot should be regarded as election donation, and its market value should be counted as the candidate's election expenses. This requirement ensures that the concerned candidate will not have unfair advantage over the others who are unable to use the position. For details on how the estimated value should be assessed, please see Chapter 17.

9.21 If a spot is not the type normally used by its private owners or occupiers for commercial advertising, the candidate is not required to account for its rental value.

### **Allocation of Designated Spots**

9.22 In principle, available designated spots are allocated among the different constituencies in the following manner:

<u>Constituency</u>	<u>Percentage of Total</u>
GCs	60
FCs	10
ECC	30

Designated spots will be allocated to candidates who are validly nominated (see Part IV of this chapter). **No display of EAs will be allowed at any designated spots before the allocation.** Other than designated spots, and those displayed in electioneering activities authorised by the relevant authorities, the display of EAs by candidates on other government land/property, will be regarded as unauthorised display and subject to removal. Candidates will be provided with a list of the designated spots allocated to them, together with a set of maps to help identify the locations.

9.23 Candidates using the designated spots are required to read in detail and comply with the “Conditions for Display of Election Advertisements at Designated Spots”, which will be included in the candidate’s folder and uploaded onto the EAC’s website. To safeguard the safety of road users, candidates must ensure that the EAs on display do not distract motorists or interfere with the sight lines of motorists and pedestrians, or obscure any traffic sign or traffic light signal.

**Written Permission or Authorisation**

9.24 The RO will obtain prior approval from the relevant authorities under s 104A(1) of the PHMSO and s 4 of the Land (Miscellaneous Provisions) Ordinance for candidates to display their EAs at designated spots. After the allocation of designated spots, the RO of the constituency concerned will provide the candidates with a copy of that written permission or authorisation as required under the relevant legislation (see Part IV of this chapter). A person displaying an EA without the necessary written permission or authorisation commits an offence and will be liable to a fine at level 3 (\$10,000) and, where the offence is a continuing offence, an additional daily penalty of \$300 for each day during which it is proved to the satisfaction of the court that the offence has continued. A copy of all the permissions or authorisations obtained by a candidate himself, as opposed to those provided to him by the RO, must be provided by him for public inspection in the manner as set out in para. 9.43 of this chapter. If the display of an EA involves carrying out of building works (including erection of any signboard) in private premises/land, the building works should comply with the relevant provisions of the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121) or the Buildings Ordinance (Cap. 123) and the subsidiary regulations. In this regard, the candidates are advised to consult building professionals, registered contractors and, where necessary, authorised persons on the compliance with the regulations, and to make submission in accordance with the simplified requirements under the Minor Works Control System, depending on the nature, scale, complexity and safety risks of the construction or submit building plans, formal application for approval and

consent from the Buildings Department as appropriate before the carrying out of such works. [Ss 104A(1), (2) and 150 of the PHMSO]

### **No Canvassing Zone**

9.25 No EA may be displayed within the boundaries of a polling station or within the **NCZ** on the polling day (see Chapter 15), except for static display of EAs that are authorised by the RO (e.g. EAs mounted at designated spots). Where there are premises situated within the NCZ, the ROs should issue a notice in advance to all the candidates for the constituencies concerned asking them to remove all of their EAs displayed at the premises within the NCZ before the polling day. The exhibition of portable displays of EAs on vehicles (whether in motion or parked within the NCZ) or held or carried by persons is also regarded as a canvassing activity which is forbidden within an NCZ. Therefore, if a candidate has arranged to display EAs on the windows or the bodywork of any public service vehicles (e.g. public light buses, taxis, etc.) and those vehicles will pass through or be parked within the NCZ on the polling day, the candidate should arrange the removal of the EAs before the polling day. If the candidate fails to remove the EAs as requested by the RO, the RO may issue a warning to him, requesting him to remove the offending EAs immediately. If the candidate does not comply, the EAC may issue a **reprimand** or **censure**. The RO for the relevant constituency will provide each candidate of that constituency with one set of sketch maps or plans showing the boundaries of all polling stations in respect of the relevant constituency and all NCZs outside those polling stations.

## PART IV : ALLOCATION OF DESIGNATED SPOTS

9.26 When candidates submit the nomination forms, they can obtain information from the RO of the constituency on the general locations of the designated spots, which may include unleased government land, properties and buildings managed by the Housing Department, and private land/property (if any). **After** the end of the nomination period, RO will, taking into account the number of contested candidates in the constituency, decide the number and size of spots for allocated to the candidates. The allocation would normally be held within 5 to 10 working days after the end of the nomination period.

9.27 To enable the ROs of the respective constituencies to ascertain the number and size of designated spots available for allocation, candidates wishing to display EAs at designated spots **must register their interest in writing by filing a completed form to the relevant RO within the nomination period. Candidates who fail to submit this form by the end of the nomination period will not be allocated any designated spots. Only candidates of contested constituencies will be allocated with designated spots.**

9.28 Designated spots are allocated by drawing lots, or by agreement among the candidates or their representatives of all the contested constituency. Each candidate contesting in a constituency will be allocated the same number of designated spots and an equal area of space.

9.29 Subject to para. 9.31, designated spots allocated are neither transferable nor exchangeable with other spots. Where a candidate of a

particular constituency no longer wishes to use one or more designated spots allocated to him, he should inform the concerned RO in writing within one week after the allocation of those spots. At a contested election, upon the written request by other candidates filed in accordance with the procedures as set out in para. 9.27 of this chapter, the RO, if he considers appropriate, will re-allocate by agreement or by the drawing of lots the designated spots among all other candidates of the same constituency.

9.30 In all elections, as a matter of principle, the designated spots allocated to a GC candidate will not be located outside the constituency in which they stand for election. However, in the case of a by-election, as the spots available for use may be used for other purposes in the relevant constituency, the RO may include designated spots outside the constituency of the by-election to ensure that a reasonable number of designed spots can be made available for allocation to the candidates concerned.

9.31 An EA advertising two or more candidates (whether from the same or different constituencies) jointly is allowed to be displayed at the designated spots allocated to the candidates. Nevertheless, it is important to ensure that, for each one of the joint candidates, the total area of all the spaces actually occupied for advertising the candidate on all his EAs, including the joint EAs, mounted at the designated spots (as measured by the dimension of EAs) does not exceed the total area of the designated spots allocated to the candidate. A joint EA is also subject to the size restrictions specified in para. 9.34 of this chapter. As candidates using a joint advertisement to promote themselves at the election would all benefit from the joint advertisement, the expenses incurred for the joint

EA will in general have to be borne by the candidates concerned in proportional shares as their respective election expenses, to be calculated by the proportion of the size of the portion advertising each. Each candidate or their election expense agents must be mutually authorised. In order to comply with the requirement stipulated in s 27 of the ECICO, the candidates concerned also have to seek prior written consent of support from each other before publishing the joint EA (see Part I of Chapter 19). Besides, each of the candidates must make available a copy of each of his EAs, and the relevant information/documents for public inspection in accordance with para. 9.43 of this chapter.

## **PART V : CONDITIONS AND LIMITATIONS ON DISPLAY**

### **Name of the Constituency**

9.32 To avoid possible confusion to electors, EAs (including joint EAs) of all candidates of the GCs, FCs and ECC must bear the name of the constituency the candidate is contesting. Candidates may choose to use either the full name or the abbreviated name of the constituency, as advised by the RO. In the case of a breach for EAs displayed at designated spots, the approval for the use of the designated spots in question may be revoked.

### **Re-use of Old Publicity Boards**

9.33 A candidate may re-use old publicity boards used at a previous election. However, the candidate must ensure that the information is accurate and

applicable to the current election, and avoid confusion to electors or breaches of law due to failure in obtaining a written consent of support. The cost incurred in refurbishing as well as the estimated value of the old publicity boards must be counted towards the candidate's election expenses.

### **Size**

9.34 As a general rule, EA displayed at designated spots should not exceed 1 metre high and 2.5 metres long. If designated spots of the EA is at roadside railings, the promotional messages of the relevant EAs must be **single-sided** and **face the designated direction of the spots**.

### **Mounting and Installation**

9.35 The EAs must be separately and firmly fastened, posted or displayed in such a way that they do not cause injury or death to any person or damage to any property. Please refer to the "Conditions for Display of Election Advertisements at Designated Spots" provided in the candidate's folder and uploaded on the EAC website.

9.36 When processing the applications for displaying EAs, building management organisations should:

- (a) identify all the available locations within the building for candidates to display posters and banners;

- (b) determine the maximum size allowable for posters and banners;
- (c) after the nomination period, confirm with the RO the number of candidates in the constituency;
- (d) allocate available spots equally among candidates based on quality and quantity to ensure fairness;
- (e) allow one of the candidates of the constituency applying to display EAs to draw lots for the allocation of the spots; and
- (f) approve joint EAs if two or more candidates wish to display joint EAs, provided the area occupied does not exceed the size limits in (b) of this paragraph and the joint EAs are displayed only within the allocated spots.

9.37 Owners or occupiers of a property including a government authority may specify the way in which EAs are to be displayed, and may require an indemnity against any claim or damage arising from the display of such EAs.

### **Dismounting**

#### **Government Land/Property**

9.38 All candidates should remove all their EAs displayed on government land/property **within 10 days** following an election. Failure to do so within a

specified period may result in prosecution being brought against the offending candidate and such EAs may be removed and seized by the relevant authorities. Relevant authorities will issue demand notes for the removal costs to the candidates concerned within 21 days after the publication of the election results in the Gazette. The **cost of removal** will be construed as **election expenses** of the concerned candidates.

### Private Land/Property

9.39 Candidates should notify the owners or occupiers of private land/property and the owners or operators of public service vehicle to arrange prompt removal of EAs after the election to avoid misunderstandings or inviting complaints from the public due to outdated EAs.

## **PART VI : APPLICATION FOR TEMPORARY OCCUPATION OF GOVERNMENT LAND AT PUBLIC PLACES FOR HOLDING ELECTIONEERING ACTIVITIES**

9.40 For temporary occupation of government land including any public street, pavement, footbridge, public escalator system and pedestrian tunnel for holding electioneering activities (such as setting up a manned street counter and displaying EAs which may include banners, roll-up banners and vertical flying posters or bunting), validly nominated candidates are required to submit applications specifying the scheduled date, time, location/spot and brief description of the proposed set-up to relevant District Lands Office (“DLO”) of

the Lands Department for consideration. Applications from uncontested candidates will not be considered. The site approved for occupation must not exceed 2 m<sup>2</sup> (i.e. 1 m x 2 m) in area and 2 m in height. The respective DLO will consult the government departments concerned in considering the applications, and may adjust the location in light of the actual onsite situation, and its decision shall be final.

9.41 The Lands Department will issue detailed guidelines for candidates to apply for temporary occupation of government land for electioneering activities during election period. Applications must be submitted by specified deadlines. If necessary, the DLO will allocate spots by drawing lots. If an allocated spot falls within an NCZ on polling day, the approval is deemed to have been revoked.

9.42 The DLOs will not consider applications for holding electioneering activities on government land outside the designated periods. Display of EAs will not be permitted for a street counter not manned by staff.

## **PART VII : REQUIREMENTS RELATING TO PUBLICATION OF ELECTION ADVERTISEMENTS**

### **Copies for Public Inspection**

9.43 In accordance with the legislative requirements and the requirements of the EAC, a candidate must make available a copy each of his EAs and related information/documents, including the publication information, permission or

consent in relation to the EAs for public inspection as per **Appendix 6 within three working days** (i.e., any day other than a general holiday or Saturday) after **the publication of the EAs**. The candidate must:

- (a) upload an electronic copy of each EA and relevant information/documents onto the Central Platform or the Candidate's Platform in accordance with the procedures set out in **Appendix 6**. If the candidate uses the Candidate's Platform, he must provide the **electronic address** of the Candidate's Platform to the CEO **at least three working days before the publication of the first EA** (see **Appendix 6**); or
- (b) provide the RO or the CEO (if RO has yet been appointed) with two hard copies of each EA (or two identical full-colour photos/printouts/photocopies if the EA cannot be practically produced in specie) and one hard copy of the information/documents related to the EAs; or
- (c) provide the RO or CEO (if RO has yet been appointed) with two identical copies of a CD-ROM or DVD-ROM, each containing the same EAs and one hard copy of information/documents related to the EAs.

**NOTE :**

Under s 105(9) of the EAC (EP) (LC) Reg, candidates who fail to comply with the above requirements commit an offence, and are liable to a fine at level 2 (\$5,000) and imprisonment for 6 months.

[S 105(2), (3) and (9) of the EAC (EP) (LC) Reg]

**Publication Details**

9.44 When submitting the information of EAs, candidates should provide information related to the printing/publication, as specified in para. 1(c) of **Appendix 6**. A candidate must ensure that all information provided is accurate.

[S 105(1)(a), (4) and (6) of the EAC (EP) (LC) Reg]

9.45 If the information of EAs provided contains a mistake, the candidate should submit the amended information in the manner as set out in para. 9.43 of this chapter for public inspection. All the amended information must be uploaded onto the relevant platform or deposited with the relevant RO **within three working days at the latest after the polling day**. The relevant amendment will be used as the basis for checking the candidate's election return and for removing unauthorised or offending EAs on display. For the avoidance of doubt, any amendment to the content of an EA will be regarded as the publication of a new EA and hence will be subject to the requirements outlined in Part VII of this chapter. If only a candidate number or letter of alphabet allocated to the candidate are added to a published EA, only the copy of the EA

bearing the newly added and the relevant amended information shall be made available for public inspection as per this paragraph.

9.46 Speeches orally delivered by a candidate during election meetings or ad hoc visits will not be treated as EAs, but speech published in any form, such as distribution of copies of speeches to the audience or the media, will be regarded as EAs. The candidates concerned must comply with the requirements of publishing EAs.

9.47 In the case where multiple candidates use identical copies of an EA, each of the candidates concerned should submit the EA and related information/documents as specified in para. 9.43 for public inspection. [S 105(2) and (3) of the EAC (EP) (LC) Reg]

### **NOTE :**

A candidate chooses to adopt the method set out in para. 9.43(a) of this chapter must ensure that their Candidate's Platform is functional and retains electronic copies of all EAs until the end of the public inspection period<sup>48</sup>. For details, please refer to the guidelines in **Appendix 6** (including the important notes in paras. 16 to 19) and comply with the requirements concerned for public inspection of the EAs. [S 41(6) of the ECICO and s 105(2) and (7) of the EAC (EP) (LC) Reg]

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<sup>48</sup> The public inspection period ends on the day 60 days before the first anniversary of the deadline for lodging election returns.

## **PART VIII : REQUIREMENTS RELATING TO PRINTED ELECTION MATERIALS**

### **Printing Details**

9.48 All printed EAs, with the exception of those printed in a registered local newspaper, must bear the printing details in Chinese or English stating the name and address of the printer, the date of printing and the number of copies printed. It applies to all materials reproduced by any method of making copies (e.g. using printing machines, duplicators or photocopiers). The following are some suggested formats:

- (a) Printed by ABC Printing Works

XX XZY Street, Hong Kong

Date: \_\_\_\_\_

Number of copies: \_\_\_\_\_

or

- (b) Printed by own office machine

XX XZY Street, Hong Kong

Date: \_\_\_\_\_

Number of copies: \_\_\_\_\_

[S 105(4), (5) and (6) of the EAC (EP) (LC) Reg]

### **Election Advertisements Placed in Print Media**

9.49 Where an EA is placed in the print media, the words “**Election Advertisement**” or “**選舉廣告**” must be stated in the advertisement, to avoid misunderstanding among readers that it is not an EA.

### **Inadvertent Omission of Printing Details**

9.50 A candidate who has inadvertently omitted the printing details from his printed EAs can make a statutory declaration to give the omitted details, and deposit such declaration with the RO **within seven days after** the publication of the offending EA. Candidates who take this remedial step will not be prosecuted for contravention of s 105(4) of the EAC (EP) (LC) Reg. The statutory declaration will be made available for public inspection by the relevant RO till the end of the period in which copies of election returns are available for inspection under s 41(6) of the ECICO. [Ss 105(6) and (7) of the EAC (EP) (LC) Reg]

## **PART IX : NON-COMPLIANCE WITH THE LAW AND ITS CONSEQUENCES**

### **Enforcement and Penalties**

9.51 A candidate who fails to comply with the requirements set out in Parts VII and VIII in this chapter commits an offence and is liable to a fine at level two (\$5,000) and to imprisonment for 6 months. [S 105(9) of the EAC (EP) (LC) Reg]

9.52 Any unauthorised or offending EAs should be reported to the RO, and such EAs may be seized, disposed of, destroyed, obliterated, or covered by the RO or any person authorised by him. The candidate or his election agent may be prosecuted, and if convicted, may be liable to a fine and imprisonment. The cost of removal, being a civil debt, will be counted as election expenses and must be reported in the candidate's election return. The seized articles may be kept as evidence and will be disposed of or returned upon application, in accordance with the procedures of the relevant authority. [Ss 105(9) and 107 of the EAC (EP) (LC) Reg, s 104C of the PHMSO, and s 24 of the Housing Ordinance (Cap. 283)]

9.53 Additional costs or compensations incurred by a candidate due to breaching agreements with private land/property owners or occupiers for the display of EAs, or for other reasons, may be construed as election expenses.

9.54 Complaints concerning the display of EAs, if any, should be lodged to the RO. Upon receiving a complaint, the EAC may also issue a public statement to **reprimand** or **censure** any non-compliance with the guidelines and/or refer the matter to relevant departments for follow-up.

### **Relief for Election Advertisements**

9.55 Candidates and their agents are responsible for understanding and complying with the requirements of the relevant legislation and this guidelines. Any person who publishes an EA without complying with the requirements as set out in paras. 9.43 (except that related to the submission of permission/authorisation document under s 104A(1) of the PHMSO), 9.44, 9.45, and 9.48 of this chapter may apply to the CFI for an order allowing the publication of the above EAs to be excepted from the relevant requirements and relieving him from the penalties. The CFI may make such an order provided that the CFI is satisfied that the non-compliance was due to inadvertence, an accidental miscalculation or any reasonable cause and was not due to bad faith. The judgments of precedent court decisions<sup>49</sup> regarding applications for the relief of election-related penalties and liabilities are as follows:

“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 should exercise its discretion to grant relief. Section 40(2) gives the court a discretion. I

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<sup>49</sup> *Yiu Chun Fat* (HCMP 1482/2007), *Leung Wai Kuen Edward v. Secretary for Justice* (HCMP 1321/2012) and *Lee Hin Long (Timothy Lee) v. Secretary for Justice* (HCMP 1183/2020).

think it is important that the discretion should be exercised in a manner which is consistent with the integrity of our election legislation. Those participate in election should be aware that these are serious matters and therefore they should take reasonable steps to comply with their legal obligation at the time when they put themselves forward as a candidate for any election.”

[S 106 of the EAC (EP) (LC) Reg]

## **PART X : ADVERTISEMENTS OF POLITICAL, PROFESSIONAL BODIES, TRADE ORGANISATIONS OR OTHER ORGANISATIONS**

9.56 Any thing or material published by any organisation, including a political body, professional body or trade organisation, owners’ corporation, tenants’ association, owners’ committee, etc., which advertises its platform or services **with reference to a candidate** (irrespective of whether the candidate concerned is its office-bearer or member) **during or even before the election period** by name or photo or otherwise with the intent to promote the election of the candidate may be treated as an EA put up by, or on behalf of, or on account of, the candidate. If the advertisement has been authorised by the candidate or his agent, the expense incurred will form part of the election expenses; otherwise, the organisation will be regarded as having incurred election expense unlawfully. Candidates should inform affiliated organisations of the guidelines above as soon

as they intend or plan to run for election. However, if the message published by the organisation concerned, as opposed to the candidate himself, advertises only a particular activity which:

- (a) is organised from time to time either as part of the organisation's normal functions, and/or according to the local tradition;
- (b) is not related to the election; and
- (c) does not explicitly or implicitly promote or prejudice the election of a candidate in the election,

then the appearance of the name and/or photo of a candidate who is involved in organising the activity in the published message will not be regarded as an EA.

9.57 In short, if any organisation, including a political body, publishes an EA to promote a candidate, it should be reminded that:

- (a) the expenses incurred in the publication of EAs will be treated as the candidate's election expenses;
- (b) the officer-in-charge of the organisation should be authorised in writing by the candidate to be the candidate's election expense agent before any election expense is incurred, or else the organisation or the responsible person commits an offence under s 23 of the ECICO;

- (c) such advertisement must comply with the requirements of s 105 of the EAC (EP) (LC) Reg; and
- (d) such advertisement can only be displayed at the locations with relevant written permission or authorisation.

## **PART XI : FREE POSTAGE FOR ELECTION ADVERTISEMENTS**

### **Conditions for Free Postage**

9.58 In accordance with regulations made under the EACO, a candidate of a constituency who has been published validly nominated in the Gazette is permitted to send **one** letter free of postage to each elector of the constituency for which he contests for. Before the publication of the notice of valid nominations in the Gazette, a candidate wishing to use the free postage service must furnish the Postmaster General with a security (i.e. the postage of all items in that bulk to be posted) in default of the postage payment in the event that he is not subsequently validly nominated. In the case of joint election mail, a candidate whose letters contain the information on any other candidate(s) is liable for payment of postage for the whole batch of letters if any of such candidate(s) is/are not subsequently validly nominated. Under such circumstances, the security payment made by the candidate will not be refunded and the relevant joint election mail will not be regarded as postage-free election

mail of the candidate. [Ss 43(1), (2), (3A) and (4) of the LCO and s 6(2)(a) of the Post Office Regulations (Cap. 98A)]

9.59 The purpose of the free postage is to enable candidates to promote or advertise himself to electors concerned. Candidates must not abuse the free postage arrangement or used it for any other purpose or any other election, or for promoting or advertising any other person. **EAs with unlawful content must not be sent through free postage.**

9.60 A candidate, who is validly nominated for a GC, the Labour FC or the ECC, may choose to send joint election mail to electors for free, of which the details are as follows:

- (a) an election mail sent by a candidate who is validly nominated for a certain GC may contain information on another candidate who is also validly nominated for that constituency; and
- (b) an election mail sent by a candidate who is validly nominated for the Labour FC or the ECC may contain information on any other candidate who is also validly nominated for that constituency.

[S 101A of the EAC (EP) (LC) Reg and ss 43(4A), (4B) and (4C) of the LCO]

9.61 The joint election mail as described in para. 9.60 of this chapter will not be regarded as the election mail sent by the other candidate(s). This means

that the other candidate(s) is/are still entitled to the free postage of one letter addressed to each elector of the constituency concerned. [S 43(4D) of the LCO]

9.62 Specifically, the postage-free election mail must:

- (a) only be posted and delivered to an address in Hong Kong;
- (b) only contain messages solely related to the candidature of the candidate/candidates in the election, or in relation to the joint election mail mentioned in para. 9.60 of this chapter, may also contain materials related to the candidature of other candidates of the same constituency in the election;
- (c) not exceed 50 grams in weight;
- (d) be not larger than 165 mm × 245 mm and not smaller than 90 mm × 140 mm in size;
- (e) not exceed five mm in thickness;
- (f) not contain any obscene, immoral, indecent, offensive, or libelous writing, picture, or other thing; and

- (g) comply with other requirements of the Post Office Ordinance in respect of prohibited articles, including not posting, tendering for posting or sending by post anything the publication of which would constitute an offence endangering national security.

[S 101A(1) of the EAC (EP) (LC) Reg and s 32(1)(f) and (h) of the Post Office Ordinance (Cap. 98)]

**NOTE :**

**Under s 101A(3)(a) of the EAC (EP) (LC) Reg, a candidate sending postage-free mail items to electors in bulk is liable for payment of postage for all items in that bulk if any item therein does not meet the requirements in items (a) to (e) above. Besides, according to s 32(1)(f) and (h) of the Post Office Ordinance, items (f) and (g) above refer to prohibited articles.**

**In the case of joint election mail, the candidates concerned should comply with the following requirements : (i) the obtaining of prior written authorisation to act as election expense agents for one another; (ii) the sharing of expenditure in respect of the joint election mail among the candidates concerned for the submission of election return; and (iii) the obtaining of written consent of support from the other candidate(s) before sending the joint election mail (see PART I of Chapter 19).**

### **Postal Requirements**

9.63 Detailed requirements for election mail are specified in the “Notes on Free Postage for Election Mail” issued by the Hongkong Post, which is available for downloading on the dedicated election website. For methods of folding of election mail, please see **Appendix 7**.

9.64 Address labels may be used for the mailing of EAs, provided that they are legible and **securely affixed** to the election mail.

#### **NOTE :**

For the purpose of posting election mail, candidates may request the REO to provide one set of mailing labels in respect of the electors of the relevant constituencies and/or USB flash drives containing the “Candidate Mailing Label System” (CMLS). To protect the environment and respect the wishes of electors, candidates will not be provided with mailing labels in respect of electors who have provided their e-mail addresses for receiving EAs or who have indicated that they do not wish to receive any EA.

9.65 Candidates who wish to post joint election mail should indicate their intention in the “Notice of Posting of Election Mail”, which should be signed jointly by the candidates/election agents concerned. The specimens of joint election mail should also be submitted to the designated manager(s) of Hongkong Post for approval.

9.66 The Government reserves the right to charge a candidate postage if any of the requirements under s 101A(3) of the EAC (EP) (LC) Reg is not met or the free postage arrangements are abused in any way. The charge on postage counts towards the candidate's election expenses and therefore must be included in his election return to be sent to the CEO. The EAC may also issue public statements in such a manner as it deems fit to **reprimand** or **censure** any abuse of the free postage arrangements.

### **Enquiries**

9.67 For general enquiries concerning the posting of EAs, please contact:

Assistant Manager (Retail Business Support/Hong Kong)

Room 1M05, General Post Office

2 Connaught Place, Central

Hong Kong

Tel: 2921 2190 / 2921 2307

Fax: 2501 5930

## **PART XII : ELECTION ADVERTISEMENTS FOR REGISTERED ELECTORS AND AUTHORISED REPRESENTATIVES IN CUSTODY OF CORRECTIONAL SERVICES DEPARTMENT AND OTHER LAW ENFORCEMENT AGENCIES**

9.68 If registered electors/ARs in the custody of the CSD have provided the addresses of the penal institutions concerned as their correspondence addresses for receiving EAs, candidates may send EAs to them according to the guidelines laid down by the CSD at **Appendix 8**.

9.69 Registered electors/ARs imprisoned or held in custody by law enforcement agencies may have access to election-related information through the mass media in accordance with the existing policies of the law enforcement agencies.

### **PART XIII : COMMERCIAL ADVERTISEMENTS RELATING TO CANDIDATES**

9.70 Any commercial advertisement showing the portrait and/or name of a candidate (e.g. commercial advertisements displayed on the bodywork of buses or the exterior walls of buildings) will not be regarded as an EA if it is merely for business promotion without any intention to promote or prejudice the election of any candidate. However, to avoid unfair publicity, candidates should make their best efforts to request the person(s)-in-charge to cease displaying such advertisements after declaring their intention to stand for the election or during the election period.

## **CHAPTER 10**

### **ELECTIONEERING ACTIVITIES IN PREMISES OR BUILDINGS WHERE ELECTORS RESIDE, WORK, OR FREQUENT**

#### **PART I : GENERAL**

10.1 This chapter aims to provide general guidelines to be observed by candidates when conducting electioneering activities:

- (a) at electors' living or working places;
- (b) in the premises of the organisation(s) to which the elector(s) belong; or
- (c) in the building(s) which the elector(s) visit(s) frequently.

Electioneering activities may include visiting the above mentioned places, contacting electors, using sound amplifying devices to advertise in the common parts of buildings, displaying or distributing EAs, and holding election meetings. **Management organisations of buildings are responsible for adhering to the principle of fair and equal treatment, ensuring no candidate receives unfair treatment in an election. Chairmen or executive committee members of such organisations must not abuse their positions to provide unfair**

**treatment to any candidate in conducting electioneering activities within the premises.**

10.2 To ensure the smooth conduct of electioneering activities in public or private places, candidates should consult the relevant government departments/ authorities, or management organisations in advance and obtain their prior permission for conducting electioneering activities within their jurisdiction.

## **PART II : GUIDELINES TO BE OBSERVED BY CANDIDATES**

10.3 Candidates should note that electors have the right to allow or deny anyone access to their own living or working places for electioneering purposes. When entering private offices, government offices, or buildings where electors' organisations are located, candidates may require approval from the management organisations of the office building or premises, which have the authority to allow or deny any person for conducting electioneering activities in such places.

10.4 Due to security reasons, arrangements will not be made for candidates to conduct in-person canvassing activities in penal institutions or the premises of law enforcement agencies. A visitor, who visits a penal institution or the premises of law enforcement agency for a business or official purpose, is not allowed to canvass for votes during the visits, to avoid an unfair advantage over other candidates. It is an offence for any person who canvasses for votes during the aforesaid visit. [S 90A of the EAC (EP) (LC) Reg]

10.5 Candidates and their supporters should respect and comply with the decisions made by management organisations regarding electioneering activities and should not take advantage of or accept any unfair advantages over other candidates. If dissatisfied with a management organisation's decision or act, candidates may lodge a complaint to the EAC, which will determine whether the decision or act is fair or not.

10.6 Unless explicitly permitted by the building management organisation, candidates and their supporters must not use **the entrance intercom system** for canvassing.

### **Identification of Canvassers**

10.7 For security reasons, the EAC advises candidates to provide their electioneering team with authenticated identification document bearing the name of the campaign team/candidate, the canvasser's name and his photo, so that they can produce it together with his HKID for inspection when entering into buildings for electioneering purposes. Candidates should note that the production costs of this kind of identification document will be counted as election expenses.

### **PART III : GUIDELINES TO BE OBSERVED BY OWNERS, MANAGEMENT ORGANISATIONS, AND ORGANISATIONS**

#### **Rights of Tenants and Owners**

10.8 It is the exclusive occupier of private property (houses, flats, shops, offices, or factories), that means the tenant or occupier who has the exclusive right of occupancy, and not the owner, who has the right to decide whether to allow individual candidates to display EAs or conduct electioneering activities in their premises.

10.9 Candidates and tenants should note that, as a **tenant** has exclusive possession of the unit that he occupies, he has **the right to invite anyone to visit his unit for any lawful purposes**, including electioneering activities. However, he has no right to allow invitees to approach other tenants' units, such as knocking on other people's doors, or conduct any activities in the common parts of the building.

10.10 **A tenant's right to invite lawful visitors (including candidate(s)/his supporters) to his flat, shop, office, or factory cannot be lawfully restricted by any decision made by the owners or owners' corporation or management organisations.**

### **Decisions of Management Organisations for Common Parts of Buildings**

10.11 Management organisations responsible for the **common parts** of buildings, when processing applications for displaying EAs or conducting electioneering activities in these spaces, must adhere to **the principle of fair and equal treatment** for all candidates, with attention to the following:

- (a) **equal opportunity** should be provided to all candidates contesting in the same constituency to conduct electioneering activities;
- (b) if any common parts of a building are available for candidates to display EAs or conduct electioneering activities, the building management organisations should ensure all candidates contesting in the same constituency are given **equal opportunity** to use these spaces, and should establish rules for applying to use them, and give reasonable notice to all candidates;
- (c) as motions on whether candidates' electioneering activities should be allowed involve tenants' and occupiers' rights, building management organisations, when processing such applications, should invite all tenants and occupiers (including non-owner occupiers) to express their views, or decide on the motions by secret ballot. They may also consider conducting a questionnaire survey to collect views of tenants and occupiers and make decisions according to the majority view;

- (d) when deciding on candidates' applications for electioneering activities, the access hours and other conditions to be observed by candidates, such as not causing nuisance to occupiers and the maximum number of persons allowed for home visits could also be set out (see **Appendix 9**); and
- (e) consideration may be given to formulating rules applicable to all candidates for processing such applications.

### **Notification of Decisions**

10.12 After deciding on candidates' electioneering activities, building management organisations should notify the relevant RO in writing as soon as possible, enabling the RO to provide accurate information to candidates or the public upon receiving inquiries. A **form** of the notification to the RO can be obtained from the REO or downloaded from the REO's website. At the same time, building management organisations should also post a notice detailing the decision and any conditions at the building's entrance. If necessary, candidates may inquire with the RO for the district where the building is located. However, if some building management organisations fail to notify the RO because they are unable to make a decision on candidates' electioneering activities, candidates should take that as electioneering activities are disallowed.

**PART IV : CONDUCT OF ELECTIONEERING ACTIVITIES IN  
ESTATES MANAGED BY THE HOUSING  
DEPARTMENT, HONG KONG HOUSING SOCIETY,  
AND LIGHT PUBLIC HOUSING BY THE HOUSING  
BUREAU**

10.13 Specific guidelines for candidates in conducting electioneering activities in estates managed by the Housing Department, the Hong Kong Housing Society, and Light Public Housing by the Housing Bureau are set out in **Appendix 10**.

**PART V : PROTECTION OF ELECTORS' PERSONAL DATA  
PRIVACY**

10.14 **Candidates and their election agents must strictly comply with the requirements of the PD(P)O when conducting electioneering activities.** The Guidance on Election Activities for Candidates, Government Departments, Public Opinion Research Organisations, and Members of the Public, prepared by the Office of the Privacy Commissioner for Personal Data (“PCPD”), is provided at **Appendix 11** as a general reference on compliance with the requirements of the PD(P)O regarding the collection, retention, processing, and use of personal data during electioneering activities.

10.15 When conducting electioneering activities, candidates should take all practicable steps to prevent electors’ personal data from being accessed

accidentally or without authorisation. The EAC particularly reminds candidates to use the “bcc” function or other proven means when sending mass election mails by email, to ensure individual electors’ email addresses are not disclosed to other recipients.

10.16 To avoid emails containing election mails being misdetected as spam and blocked, candidates may consider checking with the relevant email service providers about restrictions on sending mass emails before distributing election mails by emails in bulk.

**NOTE :**

Personal data relating to individuals contained in any FR of electors or its extracts **can only be used for election-related purposes** under electoral legislation. Any **abuse** or **misuse** of such data is an **offence**. [S 22(3) of the EAC (ROE) (GC) Reg and s 42(3) of the EAC (ROE) (FCSEC) Reg]

Under Data Protection Principle 3 of Schedule 1 to the PD(P)O, personal data of an individual (as a data subject) contained in any FR of electors or its extracts shall not, without the individual’s prescribed consent<sup>50</sup> or an exemption under Part 8 of the PD(P)O, be used for a “new purpose”<sup>51</sup>. For example, the REO had received post-election

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<sup>50</sup> “Prescribed consent” means the express consent given voluntarily, and not withdrawn in writing, by the data subject. [S 2(3) of the PD(P)O]

<sup>51</sup> “New purpose” in relation to the use of personal data, means any purpose other than the purpose for which the data was to be used at the time of the collection of the data or a purpose directly related to that purpose. [Data Protection Principle 3(4) of Schedule 1 to the PD(P)O]

complaints from electors who suspected that some candidates had continued to use the email addresses provided by the REO to send emails containing their work reports to the complainant after the election. Since electors' information provided by the REO (including electors' email addresses) can only be used for electioneering purposes related to the relevant election and the candidates under complaint were suspected to use the electors' information provided to them by the REO for a "new purpose", the REO referred these cases to law enforcement agencies for further investigation.

Moreover, if a person (as a discloser) discloses personal data of an individual (as a data subject) contained in any FR of electors or its extracts without relevant consent of the data subject with an intent to cause specified harm or being reckless as to whether specified harm<sup>52</sup> would be (or would likely be) caused to the data subject or his family member, the discloser commits an offence. If the disclosure causes specified harm to the data subject or his family member, the discloser will be liable on conviction to a fine of \$1,000,000 and to imprisonment for 5 years.

[S 64(3A), (3B), (3C) and (3D) of the PD(P)O]

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<sup>52</sup> "Specified harm" in relation to a person, means (a) harassment, molestation, pestering, threat, or intimidation to the person; (b) bodily harm or psychological harm to the person; (c) harm causing the person reasonably to be concerned for his safety or well-being; or (d) damage to the person's property. [S 64(6) of the PD(P)O]

## PART VI : SANCTION

10.17 If the EAC receives a complaint of **unfair or unequal treatment** of candidates by any organisation, building, or person acting or purporting to act on behalf of such organisation or building, and is satisfied that the complaint is justified, it may make a **reprimand** or **censure** in a public statement, and publish the names of the candidates favorably and unfavorably treated. Candidates should therefore pass on the relevant information in these guidelines to the relevant persons when they come into contact with management organisations or building owners. However, if it is proved that a complainant has made a false, unfounded, or unreasonable allegations of unfair treatment, the EAC may issue a **reprimand** or **censure** in a public statement against the complainant.

10.18 Candidates must not accept unfair advantages offered by management organisations. The EAC may issue a public **reprimand** or **censure** against the candidate who contravenes the guidelines in this chapter or whose act or behaviour results in unfair or unequal treatment to other candidates.

## 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 GC or FC 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' of this paragraph elections during the meeting, the candidate should

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<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.

immediately 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 sound volume, 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.

[S 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. [S 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") ]

## CHAPTER 12

### ELECTION BROADCASTING, MEDIA REPORTING AND ELECTION FORUMS

#### PART I : GENERAL

12.1 The EAC reminds broadcasters (covering television and radio stations licensed under the Broadcasting Ordinance (Cap. 562) and the Telecommunications Ordinance (Cap. 106) respectively) and the print media that, during the election period (i.e. from the commencement of the nomination period up to the polling day for the election), in handling programmes and reports related to the election or candidates (including news reports, election forums, and feature reports), they should treat all candidates in accordance with **the fair and equal principle**. Comments and reports must be impartial to ensure that no favourable or unfavourable treatment be given to any candidate, and electors should be able to obtain sufficient election information through media reporting so as to make informed choices.

12.2 For news reports and feature reports related to elections, due to the considerable number of seats and candidates in the ECC, the media may have practical difficulties in mentioning all candidates of the constituency in the same programme or publication. Therefore, the media may provide in the programme or publication:

- (a) the total number of candidates in the constituency; and
- (b) the platform(s) maintained by the media (such as the webpage of the media organisation/programme/publication) in which the names of all candidates of the constituency are set out.

12.3 The guidelines in this chapter are not intended to regulate the contents of media reporting. If the media cover all the candidates fairly and equally, they can freely express opinions and comments based on facts.

12.4 **Most importantly, media organisations must ensure that their programmes or reports will not become EAs (i.e. promoting and prejudicing the election of a particular candidate or particular candidates) in order to avoid breaching s 23(1) of the ECICO by incurring election expenses because the publishers are not candidates or authorised election expense agents.**

**NOTE :**

As there are various means and platforms for different persons to publicly declare their intention to stand for the election, the media may have practical difficulties to fully grasp the information of all persons who have publicly announced their intention to stand for election. Therefore, this chapter specifically sets out a definition of “candidate” which is convenient for the media to apply in their operations.

In this chapter, “candidate” means a person whose nomination form has been received by the RO<sup>54</sup>. **This definition applies only to this chapter and it is not a definition under any legislation, including s 2 of the ECICO** where “candidate” means a person who stands nominated as a candidate at an election and also means a person who, at any time before the close of nominations for an election, has publicly declared an intention to stand as a candidate at the election. This legislative provision is applicable to the requirements on candidates’ EAs and election expenses or other requirements under the ECICO. Please see Chapters 9 and 17 for details.

12.5 The media should act with self-discipline, goodwill and in a spirit of voluntary cooperation in publishing or broadcasting the results of exit polls and other election-related opinion polls. They must also refrain from announcing the results of exit polls or making specific remarks or predictions on the performance of individual candidate before the close of poll, so as to avoid electors’ voting behaviour from being unduly affected. Please see Part II of Chapter 16 for details.

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<sup>54</sup> Upon receiving a nomination form, the RO must, as soon as practicable, forward the form to the CERC for determining the validity of nomination. Meanwhile, the details of the person concerned will be, on the same day when the RO receives the nomination form, uploaded onto the relevant election website for public information.

## **PART II : NEWS REPORTS**

12.6 For news reports related to election, they could be reported independently even if they only cover individual candidate. However, the media should clearly provide the total number and names of candidates of all candidates of the **GCs and/or FCs concerned**. The arrangement is only applicable to GC and FC elections. For guidelines on the news reports of **ECC** candidates, please see para. 12.2 of this chapter.

12.7 News reports unrelated to the election could be reported truthfully, even if they involve individual candidates as long as their candidature is not mentioned. There is no need to mention other candidates of the same constituency.

## **PART III : ELECTION FORUMS**

12.8 Broadcasters should invite all candidates of the same constituency to participate in election forums. If an individual candidate chooses not to attend, the broadcaster could proceed with the programme without contravening the principle of fair and equal treatment. The broadcaster must keep a record of the date, time and contents of the invitation and notice sent out until three months after the election.

12.9 The principle of fair and equal treatment does not require that the time for each participating candidate to express his views in the entire election forum

must be the same, but it requires broadcasters to give each candidate “equivalent time” in the session of presenting his election platform. For the sessions other than presenting his election platform, such as the debate session, each candidate may freely express his views on specific issues. It is of utmost importance that the host should, at any time throughout the programme, at his best effort to ensure that each candidate has the opportunity to express his views or make responses.

12.10 Other organisations or groups, such as professional bodies or trade organisations, academic institutions and schools, when holding election forums, should conduct in accordance with the principles outlined in paras.12.8 and 12.9 of this chapter and maintain relevant records.

12.11 The EAC appeals to all candidates to attend these election forums as far as possible so as to keep the public apprised of their election platforms.

## **PART IV : FEATURE REPORTS**

12.12 When producing special programmes or interviews to introduce individual candidate, the media should clearly provide the total number and names of all candidates of the respective **GCs/FCs concerned**. For guidelines on feature reports on **ECC** candidates, please see para. 12.2 of this chapter.

12.13 When inviting a candidate for an interview, broadcasters must invite all candidates contesting in the same constituency to be interviewed so that the invited candidates have an equal opportunity to appear. If some candidates

choose not to accept the invitation, the broadcaster may proceed with the programme. Similarly, all records must be retained for three months after the election. Broadcasters, regardless of their airtime schedules, should provide equal opportunity and comparable time to each candidate in the same constituency.

12.14 Furthermore, to treat all candidates concerned fairly, broadcasters should in particular take heed of the opinion by the Court in an election petition relating to the 2010 LegCo By-election as set out in **Appendix 12**, and where appropriate, follow the arrangements set out in **Appendix 12** when producing an election-related feature report with more than one episode.

12.15 The print media should give candidates contesting in the same constituency an equal opportunity to be interviewed, or mention other candidates of the same constituency in an appropriate way. The mention does not necessarily to be in the same article, but the principle should be to facilitate readers to know other candidates. For instance, when an interview with a candidate is published on a newspaper, the names of other candidates of the same constituency may be listed on the same page of the report or on other pages. The print media may refer to the interpretation in **Appendix 13**, and accord equal opportunity as far as practicable to all candidates to ensure that the reporting will not prejudice a particular candidate, or cause the public to perceive that such reporting is promoting a particular candidate.

## **PART V : NON-ELECTION-RELATED PROGRAMMES AND ARTICLES**

12.16 During the election period, candidates or representatives of their affiliated political parties, political organisations, or prescribed bodies whose registered names or emblems are to be printed on the ballot papers in the election may in a non-candidate capacity participate in interviews or programmes which are unrelated to the election in broadcasters or the print media. However, they must be invited based on their professional knowledge or past experience being closely related to the topic of the programme or interview. The broadcaster/print media should keep a record of documents to support its decision to invite that person, including the fact that there are no other more suitable guests, etc. The broadcaster/print media must ensure that no election-related topics (including the machinery of the election of the candidate) would be mentioned in the programme/article and no election-related materials (including badges and clothing) of the political party or political organisation to which the representative belongs would be displayed in order to avoid unfairness.

## **PART VI : AVOIDING UNFAIR PUBLICITY**

12.17 During the election period, candidates **must not accept** any form of favourable treatment from media organisations. If a candidate has more opportunities for publicity than others due to his background or occupation, he should make every effort to avoid such publicity to avoid unfairness.

### **Candidates Appearing on Television/Radio/Movie as Presenters, Regular Contributors, Actors, Musicians, Singers or Other Entertainers**

12.18 A presenter, including a guest presenter, or a regular contributor should not participate in any programme in such a capacity after he has publicly declared his intention to stand for election or during the election period (if he becomes a candidate), so as to avoid promoting himself at the critical time. However, he may participate as candidate in election forums as described in Part III of this chapter.

12.19 A person who in order to fulfil a contract appears as presenter, regular contributor, actor, musician, singer or any other form of performer in any performance scheduled before his declaration of intention to stand for election or before and after the election period may always do so and continue to do so. However, the person should make his utmost endeavours to request the person(s)-in-charge of the performance not to broadcast his appearance in any media after his declaration of intention to stand for election or during the election period (if he becomes a candidate). The EAC appeals to the aforesaid person(s)-in-charge to accede to such a request as far as practicable in order to avoid unfairness.

### **Candidates Appearing in Commercial Advertisements**

12.20 If a person is involved in the production of an advertisement in which his image, name or voice appears, and he knows that the advertisement will be broadcast on television/radio/cinema after he has publicly declared his intention

to stand for election or during the election period (if he becomes a candidate), he should not participate in the production of the advertisement.

12.21 If a candidate decides to stand for an election after the advertisement in which his image, name or voice appears has been made, and he knows that the advertisement will be broadcast on television/radio/cinema after his declaration of intention to stand for election or during the election period (if he becomes a candidate), he should make his utmost endeavours to request the person(s)-in-charge not to broadcast the relevant advertisement after his declaration of intention to stand for election or during the election period. The EAC appeals to the aforesaid person(s)-in-charge to accede to such a request as far as practicable in order to avoid unfairness.

### **Candidates Contributing Regularly to Print Media**

12.22 A regular columnist should not contribute articles to the print media after he has publicly declared his intention to stand for election or during the election period (if he becomes a candidate). A columnist who has to regularly contribute articles to fulfil a contract should make his utmost endeavours to request the person(s)-in-charge not to publish his commentaries in any media after his declaration of intention to stand for election or during the election period (if he becomes a candidate). The EAC appeals to the aforesaid person(s)-in-charge to accede to such a request as far as practicable in order to avoid unfairness.

## **PART VII : PLACING ELECTION ADVERTISEMENTS IN MEDIA**

12.23 Under the law, television stations licensed under the Broadcasting Ordinance are not allowed to broadcast advertisements of a political nature. According to the Code of Practice issued by the Communications Authority, radio stations licensed under the Telecommunications Ordinance are not allowed to broadcast advertisements of a political nature unless prior approval is obtained.

12.24 Candidates who publish EAs through the print media must also comply with the provisions set out in Part VIII of Chapter 9. If the EA is made in the form of a news report or any other form which does not clearly show that it is an EA, the words “**Election Advertisement**” or “**選舉廣告**” must be stated therein. The expenses so incurred must be accounted for in the return and declaration of election expenses and elections donations. The EAC appeals to all members of the print media to give all candidates contesting in the same constituency **equal opportunity** for placing EAs in the print media.

## **PART VIII : SANCTION**

12.25 The EAC, when assessing whether news reports or feature reports by the media (including broadcasters and print media) violate the principle of fair and equal treatment, will take into account the overall coverage by the relevant organisation during the election period.

12.26 If the EAC found any broadcaster, member of the print media or forum organiser who treated the candidates in an unfair or unequal manner, EAC may make **reprimand** or **censure** in a public statement, and publish the names of the candidates who have received favourable or unfavourable treatment as well as the names of the broadcaster, member of the print media or forum organiser concerned. The EAC may also notify the relevant authorities for appropriate action to be taken. Moreover, the programme, news report or article concerned may very likely have the effect of promoting or prejudicing the election of a particular candidate or particular candidates and thus be construed as an EA for the candidate(s) concerned. As such, it may contravene the statutory requirements on EAs and election expenses (see Chapters 9 and 17), and both the media organisation and candidate(s) concerned may be subject to criminal liability. The EAC will refer cases of possible breaches to the relevant law enforcement agencies for follow-up. In view of the above, the EAC appeals to all broadcasters, members of the print media, forum organisers and candidates to strictly comply with the guidelines set out in this chapter to avoid any conduct which will cause public concern about the fairness of the election.

## **CHAPTER 13**

### **USE OF SOUND AMPLIFYING DEVICES AND VEHICLES**

#### **PART I : GENERAL**

13.1 This chapter outlines the legal provisions that candidates must observe when using sound amplifying devices and vehicles for electioneering activities, including the POO, SOO, Noise Control Ordinance (Cap. 400) (“NCO”), Road Traffic Ordinance (Cap. 374) (“RTO”), and guidelines issued by the EAC.

13.2 Candidates are reminded that some members of the public may find the sound emitted by sound amplifying devices annoying and intrusive. When using sound amplifying devices, candidates should particularly bear in mind possible annoyance caused to people in hospitals, homes for the elderly, kindergartens, nurseries, schools, and domestic premises.

13.3 The use of sound amplifying devices is not permitted within the NCZ outside the polling station, nor will it be permitted in the vicinity where the sound emitted can be heard within the NCZ. Candidates should also arrange the removal of EAs on the windows or bodywork of any public service vehicles if those vehicles will pass through or be parked within the NCZ on the polling day, so as to avoid violation of the regulations prohibiting canvassing in the NCZ (see Chapter 15).

## **PART II : USE OF SOUND AMPLIFYING DEVICES FOR ELECTIONEERING ACTIVITIES**

13.4 Under current legislation, candidates are **not** required to apply to the Commissioner of Police for a permit to use sound amplifying devices. However, the NCO stipulates that it is an offence for any person at any time of the day to use a sound amplifying device or other sound magnifying instrument to emit nuisance noise in either domestic premises or public places.

13.5 Candidates using sound amplifying devices for electioneering activities should comply with the following statutory requirements and guidelines to reduce the nuisance caused to the public:

- (a) sound amplifying devices must not be used within the NCZ, and the sound emitted must not be audible within the NCZ;
- (b) sound amplifying devices **must not** be used for electioneering activities **between 9 pm and 9 am the following day**;
- (c) candidates using sound amplifying devices should, as far as practicable, stay away from areas equipped with auditory aids, such as pedestrian crossings and escalators, to prevent interference with the safety of visually impaired persons; and
- (d) when using sound amplifying devices near hospitals, homes for the elderly, kindergartens, nurseries, schools, or domestic premises,

candidates should try their best to keep the volume down to reduce the nuisance caused to nearby persons.

13.6 Should any complaint be received by HKPF concerning the volume of sound amplifying devices, the volume of sound must be reduced on the instructions of any police officer. Prosecution may be instituted if the instruction by the police officer is ignored.

### **PART III : USE OF VEHICLES FOR ELECTIONEERING ACTIVITIES**

13.7 All vehicles used for electioneering activities must comply with the regulations of the RTO. Candidates and their supporters must also observe the statutory requirements of the Road Traffic (Safety Equipment) Regulations (Cap. 374F), Road Traffic (Traffic Control) Regulations (Cap. 374G), and Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A), including those relating to seating requirement, wearing of seat belts and permission to carry passengers in a vehicle. Standing in moving vehicles is illegal except on trams, single-decked buses, and the lower deck of double-decked buses. Additionally, drivers of all vehicles must strictly comply with all the stopping and parking regulations of the RTO. Deliberate slow driving may constitute “careless driving” offence.

13.8 For display of EAs on public light buses and taxis, their owners/operators must obtain prior written approval from the Transport

Department (“TD”) and comply with the conditions as stipulated in the approval letter, including in particular the following conditions:

(a) (i) for taxi, no EA shall be displayed on all windows;

(ii) for public light bus, no EA shall be displayed:

(1) on all windows except on the interior surface of:

- the window on the left of the first row of single-seat;  
and
- the window on the right of the second row of double-seat,

EAs displayed on each of the above-said windows shall not exceed a total size of 210 mm by 297 mm (equivalent to A4 size);

(2) at areas between the windows and the exterior roof panel;  
and

(3) on the exterior roof panel (except sticker-type EAs);

(b) no luminous or reflective material shall be used for EAs; and

- (c) no EA shall obstruct any statutory lighting/label/markings required to be shown on the vehicle body as specified by the Commissioner for Transport or stipulated in the legislation.

13.9 Currently, the TD has issued general approval to all franchised bus companies for displaying advertisements on the bodies and windows of buses subject to conditions imposed by the TD. Nevertheless, there are no special guidelines on the display of EAs on buses. Non-franchised bus companies should obtain approval from TD before advertising on the bodies and windows of buses. Both franchised and non-franchised bus companies should comply with the conditions set out in the TD approval letters.

13.10 For other modes of public transport, candidates should check with the operators concerned on their procedures for displaying advertisements and the conditions that must comply with.

**NOTE :**

As the definition of “publish” in the context of publication of EAs includes “continue to publish”, if any person who has been nominated as a candidate or has publicly declared the intention to stand for election continues to display materials previously published (e.g. EAs displayed on public light buses or taxis during the previous election), such publicity materials may be regarded as EAs, and related expenses may be counted as election expenses. Candidates must comply with the relevant regulations (see Chapters 9 and 17 for details). For the

sake of prudence, before being nominated as a candidate or publicly declared an intention to run for the election, the person concerned should remove the publicity materials previously published.

13.11 Any vehicle modified into a float configuration for display or electioneering purposes must be approved in advance by the Commissioner for Transport, and a movement permit for a vehicle must be obtained. Application procedures for approval of float design are included in **Appendix 14**. If passengers wish to stand on a vehicle used as a float, the vehicle's registered owner must submit an application to the TD's Licensing Office for exemption.

13.12 Candidates should arrange the removal of EAs on the windows or bodywork of any public service vehicles (e.g. public light buses or taxis) if those vehicles will pass through or be parked within the NCZ on the polling day. Otherwise, the vehicles will not be allowed to enter the NCZ on the polling day (see Chapter 15).

## **PART IV : SANCTION**

13.13 If the EAC comes to know that any candidate is in breach of the guidelines in this chapter, apart from notifying the relevant authorities for actions to be taken, it may make a **reprimand** or **censure** in public statement, and publish the name of the candidate concerned. Additionally, canvassing activities conducted unlawfully within the NCZ may result in a fine at level 2 (\$5,000) and imprisonment for 3 months upon conviction. Candidates should

remind their supporters to observe these guidelines when they are campaigning on their behalf. [S 45(7)(b) of the EAC (EP) (LC) Reg]

## CHAPTER 14

### ELECTIONEERING ACTIVITIES CONDUCTED IN SCHOOLS OR INVOLVING SCHOOL PUPILS

#### PART I : GENERAL

14.1 The involvement of school pupils in electioneering activities has always been a matter of public concern. School administrators, such as school supervisors, principals and teachers, **must not** use their authority to exert undue influence on pupils under their charge, including those in pre-primary, primary, or secondary schools, to recruit them for electioneering activities. If the EAC comes to know that a school administrator has abused his power to involve pupils in such activities, it may make a **reprimand** or **censure** against the person. For regulatory provisions on use of force or duress to influence a person's voting preference, see s 13 of the ECICO.

14.2 School administrators, whether as candidates themselves or supporters of candidate(s), should not instruct pupils to help distribute EAs to parents, let alone instruct pupils to ask their parents to vote for particular candidate(s), to avoid misleading the public that the school authority has exerted undue influence over pupils in school.

## **PART II : SCHOOL PUPILS PARTICIPATING IN ELECTIONEERING ACTIVITIES**

14.3 To promote civic education, schools should encourage pupils to care about social affairs, including elections. However, electioneering activities often involve gatherings of people in a crowded environment, which may more likely to pose a danger to the pupils themselves or to others. Therefore, pre-primary or primary school pupils are not suggested to participate in electioneering activities.

14.4 By law, pupils aged 18 or above are responsible for their own acts and can make election-related decisions for themselves.

14.5 The EAC adopts the circular on electioneering activities issued by the Secretary for Education to all schools. If schools allow pupils participate in electioneering activities, they must comply with the following guidance:

- (a) pupils' participation in electioneering activities must be entirely voluntary;
- (b) the schools must obtain the prior written consent from parents or guardians;
- (c) under no circumstances should pre-primary or primary school pupils be recruited to participate in electioneering activities;

- (d) under no circumstances should normal lessons be interrupted so as to allow pupils to participate in electioneering activities, which affects pupils' learning progress; and
- (e) under no circumstances should pupils be instructed to participate in electioneering activities in danger-prone areas, including those with risks of traffic accidents.

14.6 Pupils who participate in electioneering activities should pay attention to their own school regulation on the wearing school uniforms during electioneering activities.

### **PART III : ELECTIONEERING ACTIVITIES IN SCHOOLS**

14.7 In line with the **fair and equal treatment** principle, the EAC appeals to all school administrators to provide all candidates in the same constituency with equal opportunities to conduct electioneering activities. If school administrators permit a candidate to conduct electioneering activities in the school, such as hosting talks for pupils or distributing campaign materials to parents through pupils, they should also give the same opportunity to other candidates of the same constituency.

## **PART IV : SANCTION**

14.8 If the EAC comes to know that a candidate or school administrator has breached the guidelines in this chapter, it may make a public **reprimand** or **censure**, and publish the name of the candidate, school, or person concerned. The EAC may also refer the case to the Education Bureau for follow-up. Candidates should therefore inform the school administrator concerned who offers them assistance of the above guidelines.

## **CHAPTER 15**

### **PROHIBITION AGAINST CANVASSING ACTIVITIES OUTSIDE POLLING STATIONS**

#### **PART I : GENERAL**

15.1 This chapter provides guidelines on canvassing activities **outside polling stations** on the polling day. To ensure electors can access polling stations without interference, an NCZ will be designated outside each polling station. No canvassing activities or conduct 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, 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**

15.2 The RO will consider the characteristics and specific conditions of each polling station for a constituency 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 exit is the same as the entrance) as an **NSZ**.  
[Ss 40(1) and (16) and 41(1)(d) of the EAC (EP) (LC) Reg]

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

- (a) the candidates, their election agents, or polling agents of the constituencies for which the RO is responsible; and
- (b) the relevant ROs of other constituencies using the same polling station, if applicable.

Thereafter, each RO for the relevant constituencies must, as soon as practicable, give the notice by hand, post, email, or fax transmission to the candidates, their election agents, or polling agents of his constituency. [Ss 40(4), (6), (7), (8) and (14) and 98(2) of the EAC (EP) (LC) Reg]

15.4 The RO may vary the NCZ or NSZ if circumstances warrant. However, a written notice of variation must be issued as soon as practicable in the manner referred to in para. 15.3 of this chapter. If issuance of the notice as referred to in para. 15.3 of this chapter on polling day is not practicable or suitable, the notice of variation may be issued orally. If it is not reasonably practicable to notify candidates before the close of polls, the RO is not required to give notice of variation to candidates. [Ss 40(9) and (13) and 98(3) of the EAC (EP) (LC) Reg]

15.5 On the polling day, the RO must display the notice of determination or variation, including the boundaries of the NCZ or NSZ, at or near the polling station to inform candidates of the decision or variation. In addition, the RO

authorised to determine these zones may delegate to their ARO or the PRO the authority to vary the determination and perform related duties on the polling day so as to inform candidates of the decision or variation. [Ss 40(10), (11), (11A) and (12) and 92 of the EAC (EP) (LC) Reg]

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

15.6 Except for static EAs authorised by the RO (e.g. EAs mounted at designated spots) and the permitted activities described in para. 15.7 of this chapter, no person may engage in canvassing activities within the NCZ, including displaying or wearing promotional materials or suggesting voting or not voting for any candidate. [S 40(16) of the EAC (EP) (LC) Reg]

15.7 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 such canvassing, candidates may display or wear promotional materials (e.g., badges, emblems, clothing, or head-dress that may promote or prejudice a candidate's or candidates' election) or materials directly referencing a body with a member standing as a candidate in the election or the registered name or emblem of a prescribed body printed on a ballot paper for the election. However, no canvassing activities may be conducted on 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(16), (17), (18) and (19) of the EAC (EP) (LC) Reg]

15.8 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; or
- (c) using sound amplifying systems or devices, or conducting 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 electors for the purpose of canvassing votes.

There are many forms of canvassing activities. The common canvassing activities that are strictly prohibited within the NCZ is in **Appendix 15**. [Ss 40(16) and 41(1) of the EAC (EP) (LC) Reg]

15.9 On the polling day, the PRO will make his best endeavours to ensure that no person engages in activities within the NCZ of his polling station (except

those permitted as described in para. 15.7 of this chapter) to persuade or induce electors to vote or not to vote. Any unauthorised display of EAs in the NCZ will be removed by the RO or persons authorised by the RO, and any person found conducting prohibited canvassing activities within the NCZ will be asked to leave. [Ss 41(2) and 107 of the EAC (EP) (LC) Reg]

15.10 Within the NSZ or NCZ, no person may:

- (a) obtain or attempt to obtain from candidates in the polling station information about which candidate an elector intends to vote for or has voted for by any means, unless explicit permission of the EAC or 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 96(7) of the EAC (EP) (LC) Reg]

15.11 The RO or PRO shall not exercise their powers to order an elector to leave or remove an elector from the NCZ or NSZ in a manner that prevents him from voting at his allocated polling station. [Ss 41(5), 44(14) and 46(5) of the EAC (EP) (LC) Reg]

## **PART IV : PENALTY**

15.12 Engaging in any canvassing activities within the NCZ (except permitted activities) or conduct prohibited under para. 15.10(b) of this chapter is an offence which is punishable by a fine at level 2 (\$5,000) and imprisonment for 3 months. Attempting to obtain information as described in para. 15.10(a) of this chapter without necessary permission is an offence under section 96(10) of the EAC (EP) (LC) Reg, which is punishable by a fine at level 2 (\$5,000) and imprisonment for 6 months. [S 45(7)(b) of the EAC (EP) (LC) Reg]

15.13 Besides, any person violating the guidelines in para. 15.10(b) of this chapter may 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 relevant zone on that day without the permission of the RO or PRO. [Ss 41(2), (3) and (4) of the EAC (EP) (LC) Reg]

## **CHAPTER 16**

### **EXIT POLL**

#### **PART I : GENERAL**

16.1 This chapter sets out the guidelines for the conduct, publication, and broadcast of exit polls on polling day. The EAC respects academic freedom and freedom of speech for conducting exit polls, strives to conduct public elections under the principles of openness, honesty and fairness, and maintains an appropriate balance between avoiding the electors being unduly influenced and interfered with and maintaining the order outside the polling stations.

16.2 Secrecy of the vote is an important principle under the electoral system. It is entirely voluntary for electors to participate in any exit polls.

16.3 Exit polls approved by the EAC must not be used as electioneering purpose to promote or prejudice the election of a candidate or candidates. The persons or organisations conducting exit polls must not be affiliated with the candidates, and have to ensure that the results of exit polls must not be disclosed to any candidate and other persons before the close of poll.

16.4 Election-related opinion polls conducted outside the NCZ or before the polling day do not fall within the scope of exit polls regulated by the EAC.

16.5      **The EAC appeals to the media to act with self-discipline, goodwill, and in spirit of voluntary cooperation in publishing and broadcasting the results of exit polls and other election-related opinion polls by refraining from announcing the said results before the close of polls so as to avoid electors' voting behaviour from being unduly affected.**

## **PART II : SECRECY OF THE VOTE**

16.6      **The ballot is secret.** An elector does not have to disclose his choice of candidate if he does not want to. **It is a criminal offence for a person, without lawful authority, to require, or purport to require, an elector to disclose the name of, or any details relating to, the candidate for whom the elector has voted. Interviewers who conduct exit polls must respect the electors' rights and their wish not to be disturbed,** and should inform the electors being interviewed explicitly that their participation in the exit poll is voluntary prior to the conduct of exit poll. [S 60 of the LCO and s 96(7) of the EAC (EP) (LC) Reg)]

16.7      **The EAC reminds the media and the persons/organisations concerned that they should not announce the results of exit polls or make specific remarks or predictions on the performance of individual candidate before the close of poll to avoid unduly affecting electors' voting behaviour. Additionally, interviewers should not speak to or communicate with candidates or their agents when conducting the poll.**

### **PART III : CONDUCT OF EXIT POLLS**

16.8 Any person aged 18 or above or any organisation may apply for conducting exit polls to the EAC through the REO. The EAC will issue an approval letter to the above-mentioned person or organisation (referred to as “applicant”) as appropriate. The applicant must make a statutory declaration by virtue of the Oaths and Declarations Ordinance (Cap. 11) to abide by the terms and guidelines issued by the EAC. If the applicant knowingly makes false statutory declaration, pursuant to s 36 of the Crimes Ordinance, he may be sentenced to imprisonment for two years and to a fine once convicted.

16.9 To forestall public perception of unfairness and to take into consideration the necessity to maintain order at the polling stations, the exit poll applications would generally not be approved by the EAC in one of the following circumstances:

- (a) the applicant/the person(s) responsible for the exit poll or interviewer(s) deployed to conduct the exit poll belong to an organisation that has publicly expressed support for any candidate(s) contesting in the constituency, of which any polling stations are covered by the exit poll;
- (b) the applicant/the person(s) responsible for the exit poll or interviewer(s) deployed to conduct the exit poll belong to an organisation that has member(s) standing as a candidate contesting in the constituency, of which any polling stations are covered by the exit poll;

- (c) the applicant, the person(s) responsible for the exit poll, or the conduct of the proposed exit poll may cause embarrassment to the role of the EAC;
- (d) the proposed exit poll may cause disturbance or disorder at the polling stations, compromise public perception of the credibility of the election, or lead to any public order or public health concerns, etc.

The EAC will consider whether to approve an application on a case-by-case basis and there are no exhaustive lists of considerations. An application will generally not be approved if the background of the applicant (including the applicant's affiliation) and the applicant/proposed exit poll is connected with anyone or anything that may undermine or give the impression of undermining the role of the EAC and the credibility of the election.

16.10 For security reasons, exit poll shall not be conducted at dedicated polling stations.

16.11 Applicants must provide the following information through the REO **at the latest 10 days before the polling day:**

- (a) the name and address of the applicant and the name and identity document number of the person responsible for the exit poll, together with phone number(s) at which the applicant can be contacted during the polling hours;

- (b) the purpose of conducting the exit poll; and
- (c) a list of persons (including names and identity document numbers) who will be deployed for the conduct of the exit poll at each polling station on the polling day.

16.12 A notice showing the names and contact phone numbers of applicants who are allowed to conduct exit poll will be published on the dedicated election website and displayed at the respective polling stations.

16.13 If the approved applicant fails to comply with the terms stipulated in the approval letter and this guidelines, the approval may be revoked. The EAC may also publish the name of the applicant concerned, make a **reprimand** or **censure** in a public statement, and publish the name of the person or organisation who/which fails to comply with the terms stipulated in the approval letter and the guidelines.

**NOTE :**

Applicants must not collect or retain any personal data relating to the identity of the electors (i.e. any data relating directly or indirectly to the electors, from which their identities can be directly or indirectly ascertained, such as names, HKID numbers, phone numbers and addresses).

16.14 Exit polls shall not be conducted inside polling stations or the NSZ. However, with the EAC's approval, exit polls may be conducted within the NCZ outside the exit of the polling station. Interviewers should note that canvassing is strictly prohibited within the NCZ and is subject to criminal sanction. Within the NCZ, provided that permission has been obtained to enter a building (in both domestic premises and commercial premises such as restaurants or shops) other than the one housing the polling station for canvassing votes, door-to-door canvassing on any storeys above or below street level (i.e. not including the storey at the street level) may be conducted, without obstructing electors and using sound amplifying systems or devices. Interviewers must be extremely careful in conducting exit poll to avoid any suspicion that they are canvassing electors inside the NCZ. Like others, interviewers are not allowed to stay, loiter, or accost electors in the NSZ. [Ss 41(1) and 96(7) of the EAC (EP) (LC) Reg]

16.15 The PRO of a polling station may, if circumstances permit, designate an area **outside the exit of the polling station** for interviewers to conduct exit polls. At the polling stations where the entrance and the exit are at the same location, interviewers should keep a reasonable distance from the entrance and the exit, and ensure that electors will not be affected when exit polls are being conducted.

#### **PART IV : IDENTIFICATION OF INTERVIEWERS**

16.16 Upon the EAC's approval, the REO will notify the applicants to collect a number of identification badges bearing the name of the applicant.

Interviewers are required to display the identification badges in a conspicuous place on their bodies, showing the identity of the person or organisation conducting exit poll so that electors will not be mistakenly believed that they are appointed by the Government or the EAC. Violators will not be allowed to conduct an exit poll outside any polling station. In addition, the interviewers are required to make known to the electors that any response is entirely voluntary, and should inform electors at the start of the interview of the name of the person or organisation conducting the exit poll, and the exit poll is not commissioned by the Government or the EAC.

## **PART V : SANCTION**

16.17 Apart from the criminal sanction under the LCO and the EAC (EP) (LC) Reg, if the EAC comes to know that any broadcaster or organisation has failed to heed or comply with the guidelines in this chapter, it may make a **reprimand** or **censure** in a public statement and will publish the name of the broadcaster or the organisation concerned.

## **CHAPTER 17**

### **ELECTION EXPENSES AND ELECTION DONATIONS**

#### **PART I : GENERAL**

17.1 The law has prescribed the maximum amount of election expenses in order to ensure that all candidates compete on a level playing field within a reasonable level of expenditures. After the election, candidates must submit a return and declaration of election expenses and election donations (“election return”) to the CEO on time in accordance with the statutory requirements. The election return must list out the election expenses incurred and the election donations received by the candidates and their election expense agents.

17.2 The law stipulates that only candidates and their authorised election expense agents may incur election expenses. Other persons will commit an offence if they incur any election expenses. Nevertheless, other persons who publish an EA on the internet is exempted from the relevant criminal liability if the only election expenses incurred are electricity charges and/or charges necessary for accessing the Internet.

17.3 Election expenses incurred by other persons without the consent or knowledge of a candidate are not attributed to the candidate concerned and the consequences should be borne by the relevant persons. However, if the election expenses are incurred by that other person under the instruction of the candidate,

the candidate should declare such expenses in the election return, otherwise he will be held legally responsible.

17.4 **Voluntary service** is defined as any service provided by any natural person voluntarily, personally and free of charge in his own time for the purpose of promoting the election of a candidate or prejudicing the election of other candidates. Voluntary service is the only free of charge service which can be excluded from being counted as election expenses. However, goods or materials incidentally given to the provision of voluntary service will be counted as election donations; such donations will be counted as election expenses after they are used.

## **PART II : WHAT CONSTITUTES ELECTION EXPENSES**

17.5 Pursuant to s 2 of the ECICO:

- (a) **Candidate** — means a person who stands nominated as a candidate at an election, also includes a person who, at any time before the close of nominations for an election, has **publicly declared an intention to stand as a candidate** at the election, regardless of whether he has submitted his nomination form, whether he has withdrawn his nomination after submission of the nomination form, or whether his nomination is ruled invalid by the CERC. Regarding what it means to have “publicly declared an intention to stand as a candidate”, it

depends on the overall circumstances as well as the objective facts and evidence<sup>55</sup>;

- (b) **Election Expenses** — in relation to a candidate at an election, means expenses incurred or to be incurred **before, during or after the election period**, by or on behalf of the candidate for the purpose of promoting the election of the candidate, or prejudicing the election of another candidate, and includes the value of election donations consisting of goods and services used for that purpose;
- (c) **Election Donations** — in relation to a candidate at an election, means any of the following donations:
  - (i) any money given to or in respect of the candidate for the purpose of meeting or contributing towards meeting the election expenses;
  - (ii) any goods given to or in respect of the candidate for the purpose of promoting his election or prejudicing the election of another candidate, including any goods incidentally given to the provision of voluntary service; or
  - (iii) any service provided to or in respect of the candidate for the purpose of promoting his election or prejudicing the election of

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<sup>55</sup> A prescribed person who has applied under PCBP (LC & DC) Reg to have his emblem registered should not, by that act alone, be treated as having publicly declared an intention to stand for election.

another candidate, excluding voluntary service (see para. 17.4 of this chapter).

All such donations, whether in cash or in kind, are counted as election expenses when they are spent or used. For details, see Part IV of this chapter.

17.6 As to whether a particular item of expense would constitute as election expenses, the CFA once in a judgement relating to the 2008 LegCo General Election (FACV 2/2012) pointed out that expenses are likely to qualify as “election expenses” if they meet the following five criteria:

- (a) they have been incurred by a candidate himself or person(s) on behalf of a candidate (as such a person is defined under s 2(1) of the ECICO);
- (b) having identified the activities or matters to which the relevant expenses relate, such activities or matters are referable to a specific election;
- (c) such activities or matters go to the conduct or management of the election, in particular to the machinery of the election;
- (d) the expenses were incurred for the purpose of promoting the election of the relevant candidate or prejudicing the election of another candidate; and

- (e) the activities or matters financed by the expenses have taken place or occurred either during the election period<sup>56</sup> or during the period when the relevant person was a candidate.

The person(s) concerned should also note the following two issues:

- (f) the date when the relevant expenses were incurred should be ascertained (but this is not a critical issue since election expenses may be incurred before, during or after an election period); and
- (g) in relation to the relevant activities or matters, if the expense incurred is for more than one purpose, consideration should be given to whether it is necessary to apportion the expense proportionally between election expenses and non-election expenses.

17.7 Whether a particular item of expenditure should be regarded as an election expense depends on the actual use of the expenses, taking into account of the nature, circumstances and context of the expenditure. If an expense is used for more than one purpose, the expense should be apportioned between election-related purpose and other purposes and relevant particulars of the expense should be included in the election return. As a general principle, the relevant factors that can be considered when apportioning expense include time and/or usage. The candidate may refer to the examples on the apportionment

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<sup>56</sup> In relation to an election, the election period means the period beginning with the nomination day for the election and ending with the polling day for the election (or the last polling day if there is more than one polling day).

of expenses shown in the guide and the video on the completion of election return provided by the REO. The candidate should seek independent legal advice if he has doubt as to whether an expenditure item should be counted as an election expense or how the expenses can be apportioned. Any fees incurred for such legal advice will not be regarded as his election expenses.

17.8 Staff and other resources available for use by a candidate in his official capacity or when discharging his duties for the purpose of promoting his candidature in the election should be counted as an election expense. A list of common expenditure items to be counted towards election expenses is at **Appendix 16**. The list serves only as an illustration and should not be regarded as overriding the relevant legislation.

17.9 A candidate may be in breach of the law if he appropriates any public resources for election purposes.

### **PART III : WHO MAY INCUR ELECTION EXPENSES AND THE LIMIT**

#### **Maximum Amount of Election Expenses**

17.10 The maximum amount of election expenses for the LegCo election for the GCs, the FCs and the ECC is prescribed by the Maximum Amount of Election Expenses (Legislative Council Election) Regulation. A candidate and his election expense agents must not incur election expenses in excess of such

maximum amount. The relevant provisions serve to prevent candidates with ample financial resources from having an unfair advantage in conducting election campaigns. [S 24(1) of the ECICO]

17.11 The maximum amount of election expenses for each constituency are set out in the following table. For the number of registered FC electors referred to in items (c), (d) and (e) in the following table, inquiries can be made with the REO or visiting the website of the REO ([www.voterregistration.gov.hk/eng/statistic.html](http://www.voterregistration.gov.hk/eng/statistic.html)).

Constituencies	The Maximum Election Expense Limits
(a) for a GC election:  (i) Hong Kong Island East GC (ii) Hong Kong Island West GC (iii) Kowloon East GC (iv) Kowloon West GC (v) Kowloon Central GC (vi) New Territories South East GC (vii) New Territories North GC (viii) New Territories North West GC (ix) New Territories South West GC (x) New Territories North East GC	\$3,310,000  \$2,900,000  \$3,110,000  \$3,110,000  \$3,110,000  \$3,040,000  \$2,760,000  \$3,310,000  \$3,450,000  \$3,110,000
(b) for an election for one of the following eight FCs:	\$133,000

<b>Constituencies</b>	<b>The Maximum Election Expense Limits</b>
(i) Heung Yee Kuk FC (ii) Agriculture and Fisheries FC (iii) Insurance FC (iv) Transport FC (v) Finance FC (vi) Sports, Performing Arts, Culture and Publication FC (vii) Technology and Innovation FC (viii) Catering FC	
(c) for an election for an FC (other than those in (b) above) with not more than 5 000 registered electors	\$213,000
(d) for an election for an FC (other than those in (b) above) with more than 5 000 but not more than 10 000 registered electors	\$425,000
(e) for an election for an FC (other than those in (b) above) with more than 10 000 registered electors	\$639,000
(f) for an ECC election	\$213,000

[Ss 3, 4 and 4A of the Maximum Amount of Election Expenses (Legislative Council Election) Regulation]

### **Persons Authorised to Incur Election Expenses**

17.12 Only a candidate or a person authorised by him as his election expense agent may incur election expenses. For the authorisation matters, please see Part VI of Chapter 8. [S 23(1) of the ECICO]

17.13 Any person who is going to carry out **negative campaigning (i.e. canvassing against other candidates)** for promoting the election of a candidate and hence incurring expenses should obtain the prior authorisation of the candidate who benefits from it to act as the election expense agent of the candidate. The expenses will be counted towards the election expenses of the candidate. If the negative campaigning includes EAs, it should also comply with all the requirements of the ECICO and of the EAC (EP) (LC) Reg.

17.14 Candidates who plan to run for an election should inform the organisation(s) which they are associated with and may support their candidature of the requirements relating to incurring election expenses as soon as possible, to prevent the organisation(s) from committing an offence by incurring election expenses without authorisations.

17.15 A candidate is responsible for the whole amount of his election expenses. If the total amount of election expenses incurred by the candidate and/or the person(s) acting on his behalf exceeds the prescribed limit, the candidate shall be criminally liable, unless he can prove that the excess amount is incurred without his consent or authorisation and is not due to his negligence. Besides, the election expense agent should not incur election expenses exceeding

the limit authorised by the candidate, or else he commits an offence. [Ss 23 and 24 of the ECICO]

## **PART IV : ELECTION DONATIONS**

### **General Requirements**

17.16 A candidate may receive election donations, but such donations should only be used to meet, or contribute to meet his election expenses. If an election donation consists of goods or services, it can only be used for the purpose of promoting the election of the candidate or of prejudicing the election of another candidate. [S 18 of the ECICO]

17.17 Election donations can be made in cash or in kind, and include any money value, any valuable security or other equivalent of money and any valuable consideration. Election donations in kind include goods and services obtained free of charge or at a discount. All spent or used election donations, whether in cash or in kind, received before, during or after the election period, are counted towards the total election expenses, and should not exceed the maximum amount prescribed by the law.

17.18 The candidate should give any election donations that are unspent, unused or exceed the maximum amount of election expenses to the charitable institution(s) or trust(s) of a public character he chooses. The candidate must

dispose of such donations prior to the submission of the election return. [Ss 19 and (37) of the ECICO]

17.19 On receiving an election donation of more than \$1,000 in value (whether in the form of money or in kind), a candidate must issue to the donor a receipt which specifies the name and address of the donor as well as the particulars of the donation. A standard form of receipt is made available at the REO. Anonymous donations exceeding \$1,000 must not be used for meeting election expenses. Any donations exceeding \$1,000 cannot be used for election-related purpose if the candidate fails to issue a receipt in accordance with the above requirements (including cases where a receipt cannot be issued due to anonymous donations), and such donations must be disposed of in accordance with para. 17.18 of this chapter. [Ss 19(1) and (2) of the ECICO]

17.20 Any person or organisation (including a political party) acting as an agent for one or more candidates must note that the regulations for receiving election donations on behalf of a candidate are the same as if the election donations are received by the candidate direct. They are advised to note the points and adopt the good practice suggested in **Appendix 17**.

### **Election Donations in Kind**

17.21 Election donations in kind include goods and services obtained free of charge or at a discount. Candidates must declare according to the following principles:

Election donations in kind	Declaration Principle
<p>Goods or services obtained <b>free of charge</b> (including loans obtained at no interest<sup>Note</sup>, premises provided free of charge for the election campaign)</p>	<p>(i) if the donor also provides similar goods or services to the public for a fee, the declared value shall be estimated based on the price charged by the donor to the public at the relevant time; or</p> <p>(ii) if the donor does not offer similar goods or services to the public, the declared value shall be estimated based on the fair market price of similar goods or services provided by other suppliers.</p>
<p>Goods or services <b>obtained at a discount not available to general customers</b> (including loans obtained at an interest rate lower than usual<sup>Note</sup>, premises rented at below-market rates for the election campaign )</p>	<p>The declared value should be estimated base on the differences between the market/regular price of the goods or services concerned and the price paid by the candidate.</p>

Note: Interest waived/reduced must be declared as an election donation and election expense in the election return.

17.22 **Voluntary service** is the only free of charge service which can be excluded from being counted as election expenses. Nonetheless, goods or materials incidentally given to the provision of voluntary service will be counted as election donations. Apart from being provided free of charge, the service must be provided by the provider, voluntarily and personally, in his own time. Otherwise, the service provided should be treated as an election donation and be counted towards election expenses at a fair estimated value. [S 2 of the ECICO]

## **PART V : ELECTION RETURN**

17.23 A candidate must keep an accurate account of all election expenses incurred and election donations (whether in cash or in kind) received, and **submit an election return before the expiry of the period of 60 days after the election is settled in relation to the constituency concerned (and in relation to all the constituencies concerned if the election is held for 2 or more constituencies) or within the extended period as permitted by the CFI under the relevant electoral law. The election return must be completed in the specified form. An election is settled in relation to a constituency on the date on which any of the following events occurs:**

- (a) the result of the election is notified in the Gazette; or**
- (b) the election is declared to have failed.**

[Ss 37(1), (1B), (1C) and (1N) of the ECICO]

17.24 The election return should set out all the election expenses incurred by the candidate and his election expense agents. For each paid expense of \$500 or more, the candidate must attach to the election return an invoice and a receipt issued by the goods or service providers. In addition, the candidate must also set out the details of all the outstanding claim(s) and draw up the schedule for settlement of such claim(s) in the election return, and, after settlement of the claim(s) with the relevant supplier(s) according to the scheduled date(s), submit within 30 days from the payment date the invoice and receipt for each election expense of \$500 or more. The invoice and receipt for an election expense may be submitted in separate documents, or may be included in the same document. Invoices and receipts submitted by a candidate should contain the following particulars:

- (a) date;
- (b) details of the expenditure item (i.e. information and amount of the goods or services);
- (c) information of the organisation or person (other than the candidate himself) provided the goods or services; and
- (d) information which proves that the organisation or person (other than the candidate himself) provided the goods or services has received the relevant payment in full (e.g. name and signature of the payee or stamp of the organisation or signature of its authorised representative).

17.25 A candidate must also set out in the election return all election donations received by him or his representatives, whether in cash or in kind. The election return must be accompanied by copies of receipts issued by the candidate for each election donation of more than \$1,000 in value. For any unspent, unused election donations (including those of more than \$1,000 in value but receipts could not be issued due to anonymous donations), or election donations exceeding the limit of election expenses, a candidate must also attach to the election return the copies of receipts issued by the charitable institutions or trust of a public character for the receipt of relevant election donations. A candidate must also submit, together with the election return, a declaration verifying the contents of the election return. [S 37 of the ECICO]

17.26 At the time when a candidate submits his nomination form, he will be given:

- (a) the specified form for the election return and a standard form of receipt for election donations (see paras. 17.19 and 17.23 of this chapter);
- (b) the standard form for advance return of election donations (see Part VI of this chapter);
- (c) a guide on how to complete the election return (accompanied by the link of the relevant video); and
- (d) a full set of Frequently Asked Questions (“FAQs”) relating to the election return.

Candidates should read the explanatory notes attached to the election return carefully, and refer to the guide, the video and the FAQs before completing the election return. In addition, **Appendix 18** provides questions and answers concerning issues which candidates found relatively confusing when completing election returns in the past for reference.

### **Statutory Relief Mechanism**

17.27 If a candidate fails to send to the CEO the election return before the statutory deadline (see para. 17.23 of this chapter), he commits an offence (see para. 17.50 of this chapter for the relevant penalties). If a candidate fails to submit the election return before the deadline due to his illness or absence from Hong Kong, or the death, illness, absence from Hong Kong or misconduct of any agent or employee of the candidate, or by reason of inadvertence or accidental miscalculation by the candidate or any other person, or any other reasonable cause (and was not due to the candidate's bad faith), he can make an application to the CFI for an order allowing him to send in the election return to the CEO within a longer period as specified by the CFI. [Ss 40(1) and (2) of the ECICO]

17.28 If after the expiry of statutory deadline, a candidate discovers an error or a false statement in the election return due to misconduct of any agent or employee of the candidate, or by reason of inadvertence or accidental miscalculation by the candidate or any other person, or any other reasonable cause (and not due to the candidate's bad faith), he may apply to the CFI for an order allowing him to correct any error or false statement in the election return

or in any document accompanying the election return. [Ss 40(3) and (4) of the ECICO]

17.29 The legal costs incurred for applying to the CFI for an order will not be regarded as election expenses.

17.30 If a candidate makes any error and/or false statement in the election return (for example, a failure to set out in the election return one or more than one items of election expense or election donation, or incorrectness in the amount of any election expense or any election donation, or a failure to submit any relevant documents for the election expense or election donation as required), and the aggregate value of the error(s) and/or false statement(s) does **not** exceed, as the case may be:

- (a) \$30,000 for an GC election;
- (b) \$5,000 for an FC election;
- (c) \$5,000 for an ECC election,

[Items (3), (4), and (4A) of the Schedule of the ECICO]

the candidate may seek to have the error(s) and/or false statement(s) rectified in accordance with a simplified relief arrangement for minor errors or false statements as provided under the electoral law. If the CEO deems the simplified relief arrangement applicable, the CEO would issue a notice to the

candidate. Upon receipt of the notice, the candidate may, within the specified period (see para. 17.31(a) of this chapter), lodge with the CEO a revised election return, which should mark on a copy of the original election return submitted to the CEO earlier the necessary revision to have the error(s) or false statement(s) in question corrected. An error or false statement made in an election return also includes an error or false statement in any document accompanying the election return; or a failure to send any document required by s 37(2)(b) of the ECICO in relation to the election return. [S 37A of the ECICO]

17.31 A revised election return submitted by a candidate is of no effect unless it is:

- (a) submitted within 30 days after the date on which the candidate receives a notice from the CEO relating to the error(s) and/or false statement(s) in the election return;
- (b) accompanied by all relevant documents (e.g. invoice and/or receipt) and, if applicable, a written explanation; and
- (c) accompanied by a declaration made by the candidate in a specified form verifying the contents of the revised election return.

[Ss 37(2)(b) and 37A(6) of the ECICO]

A copy of the revised election return made under the simplified relief arrangement cannot be withdrawn or further amended after it has been lodged

with the CEO. If the candidate fails to correct the error(s) and/or false statement(s) within the specified period, the election return will be subject to the normal checking and investigation under the ECICO.

**17.32 A candidate engages in illegal conduct at an election if, after including the cumulative amount of error(s) and false statement(s), the aggregate amount of election expenses incurred at an election exceeds the maximum amount of election expenses prescribed for a particular election. In such case, the aforesaid simplified relief arrangement will not be applicable.** Additionally, a candidate engages in corrupt conduct at an election if he makes a statement in an election return or a revised election return that he knows or ought to know is materially false or misleading. The rectifications of the election return under the simplified relief arrangement will not exempt the candidate from being investigated or subsequently prosecuted. Furthermore, if the election return of a candidate violates other statutory requirements, the simplified relief arrangement will not relieve the candidate from the penalties and liabilities for contravening such requirements. [Ss 20, 24 and 37A of the ECICO]

**17.33** When the candidate finds himself in any of the situations set out in paras. 17.27 and 17.28 of this chapter, unless the simplified relief arrangement mentioned in para. 17.30 is applicable, it would be wise of him to make an application to the CFI and inform the REO as soon as possible. For previous court's decisions regarding applications for the relief of election-related penalties and liabilities, please see Part IX of Chapter 9 for the relevant judgments.

## **PART VI : ADVANCE RETURN OF ELECTION DONATIONS**

17.34 Any candidate who is an incumbent public servant under the POBO, e.g. a serving member of the LegCo or a DC, etc., may disclose to the CEO in advance any election donations received. However, even though the above election donations have been disclosed in advance, candidates must also observe the general provisions regarding election donations in Part IV and Part V of this chapter and set out such election donations in the election return. [S 37(1) of the ECICO]

17.35 Any **advance return of election donations** must be made on the standard form mentioned in para. 17.26(b) of this chapter. A candidate may submit more than one advance returns of election donations as required.

## **PART VII : FINANCIAL ASSISTANCE**

17.36 Candidates who get elected or who have received 5% of valid votes or more and are not disqualified will be eligible for financial assistance as follows:

- (a) in respect of a candidate in a contested constituency, the amount payable is the lowest of the following:
  - (i) the amount obtained by multiplying the total number of valid votes cast for the candidate by a specified rate (the specified rate is at \$15 per vote);

- (ii) 50% of the maximum amount of election expenses that may be incurred by or on behalf of the candidate as set out in ss 3, 4 or 4A of the Maximum Amount of Election Expenses (Legislative Council Election) Regulation; or
  - (iii) the declared election expenses of the candidate.
- (b) in respect of a candidate in an uncontested constituency, the amount payable is the lowest of the following:
  - (i) for an GC or FC, the amount obtained by multiplying 50% of the number of registered electors by a specified rate (the specified rate is at \$15 per registered elector);
  - (ii) for the ECC, the amount obtained by multiplying 50% of the number of EC members by a specified rate, which is \$15 per EC member;
  - (iii) 50% of the maximum amount of election expenses that may be incurred by or on behalf of the candidate as set out in ss 3, 4 or 4A of the Maximum Amount of Election Expenses (Legislative Council Election) Regulation; or
  - (iv) the declared election expenses of the candidate.

The amount of election donations received by a candidate will not affect the amount of financial assistance payable to the candidate. As election donations will not be netted off in calculating the amount of financial assistance payable to a candidate, thus in some cases, the amount of financial assistance payable to a candidate may be greater than the amount of his net election expenses, resulting in the “surplus” financial assistance. Any such “surplus” financial assistance may be used by the candidates for their future political or community work, or can be used for general expenses as a token recognition of their efforts in election.

### **Making Claims and their Submissions**

#### **Requirements to be complied with when making claims**

17.37 Candidates shall make a claim for financial assistance in a specified form (which will be provided by the REO at the time when candidates submit their nominations). On submission, the specified form shall be accompanied by:

- (a) the election return; and
- (b) an auditor’s report. The report must confirm that an auditor has audited the account of the declared election expenses by conducting a reasonable assurance engagement in accordance with the Hong Kong Standards on Assurance Engagements, and states the auditor’s opinion

as to whether the election return complies with ss 37(1)(a) and (2)(b)(i) and (v) of the ECICO in all material respects.

[S 3 of the EAC (FA) (APP) Reg]

17.38 A set of guidance notes will be prepared by the REO for auditors who are engaged by candidates to perform the auditing task and will be distributed through the Hong Kong Institute of Certified Public Accountants to its members prior to the LegCo election. It will also be distributed along with the candidate's folder.

17.39 Since the auditing fee is not incurred for the purpose of promoting candidature of a candidate or prejudicing another candidate, it is not regarded as an election expense. A candidate could accept an advantage to meet the auditing fee incurred and he would not be required to report the acceptance in his election return. If an elected candidate decides to accept such an advantage, he should ensure that the acceptance is not in breach of the relevant provisions in s 4 of the POBO.

#### Procedures for submission of claims

17.40 The claim form, together with the election return and the accompanying documents, shall be submitted in person to the CEO by the candidate or his agent before expiry of the period, or extended period provided for in s 37 of the ECICO for submitting an election return (see para. 17.23 of this chapter). The general procedural and documentary requirements for making a

claim by the candidate, and the detailed implementation procedures for the Financial Assistance Scheme are provided in Part 6A of the LCO and the EAC (FA) (APP) Reg respectively. [Ss 37(1), (1B), (1C) and (IN) of the ECICO and s 4 of the EAC (FA) (APP) Reg]

### **Verification of Claims**

17.41 When verifying a candidate's claim for financial assistance, the CEO may request additional information from the claimant. The claimant must provide the information within the specified period, or the CEO may stop processing the claim without any prior notice. [S 37 of the ECICO and ss 5(3), (5) and (6) of the EAC (FA) (APP) Reg]

17.42 If an auditor's report states that only part of the election return complies with the requirements set out in the relevant sections of the ECICO, the CEO may process that part of the return that complies with those requirements and may stop processing the part of the return that does not comply with those requirements. [S 6 of the EAC (FA) (APP) Reg]

### **Withdrawal of Claims**

17.43 A claim may be withdrawn before a payment of financial assistance is made. The notice of withdrawal must be made in a specified form, signed by the candidate, and should be submitted to the CEO in person by the candidate or his agent. [S 7 of the EAC (FA) (APP) Reg]

## **Payment of Financial Assistance and Recovery of Payment of Financial Assistance**

17.44 After verifying a claim, the CEO will notify the Director of Accounting Services to make the payment as soon as possible. Where a payment of financial assistance is made and the recipient is not entitled to receiving the whole or part of the amount paid, the CEO would send a written notice by registered post to the recipient, requesting the recipient to repay the relevant amount within three months. Any amount that is not repaid may be recovered as a civil debt due to the Government. [Ss 60H(1) and (2) of the LCO and s 12(1) of the EAC (FA) (APP) Reg]

## **PART VIII : ENFORCEMENT AND PENALTIES**

### **Enforcement**

17.45 The election returns will be made available at the REO for public inspection up to the 60<sup>th</sup> day before the first anniversary of the date of the deadline for submitting the relevant election return (excluding any order made by the CFI allowing an extension of the deadline). Copies of the election returns will be furnished to any person upon request subject to payment of copying fee at a fixed rate. [S 41 of the ECICO]

17.46 The REO will check all election returns. Irregularities discovered will be reported to the relevant government departments/authorities for investigation.

### **Penalties**

17.47 Other than the exemption mentioned in para. 17.48 of this chapter, it is an illegal conduct for a person other than a candidate or a candidate's election expense agent to incur election expenses. In addition, it is an illegal conduct for a candidate to incur election expenses in excess of the maximum amount prescribed and for an election expense agent to incur election expenses in excess of the amount authorised. An offender is liable to a fine of \$200,000 and to imprisonment for 3 years. [Ss 22, 23 and 24 of the ECICO]

17.48 Any person other than a candidate or a candidate's election expense agent is exempted from the relevant criminal liability if the person publishes an EA on the Internet and the only election expenses incurred by the person for that purpose are electricity charges and/or charges necessary for accessing the Internet. However, if a person authorised by a candidate or his election expense agent publishes an EA of the candidate on the Internet, any costs incurred should be included in the election expenses of the candidate even if the costs involved are only electricity charges and/or charges necessary for accessing the Internet.

**NOTE :**

If a candidate or his election expense agent publishes an EA on the Internet, any costs incurred should be included in the election expenses of the candidate even if the costs involved are only electricity charges and/or charges necessary for accessing the Internet.

[S 23(1A) of the ECICO]

17.49 A candidate or other person who uses any election donation for any purpose other than for meeting or contributing towards meeting his election expenses, or fails to dispose of unspent or excessive election donations in accordance with s 19 of the ECICO engages in corrupt conduct and shall be liable to a fine of \$500,000 and to imprisonment for 7 years. [Ss 6, 18 and 19 of the ECICO]

17.50 If a candidate fails to submit the election return by the prescribed date or fails to provide an accurate account of all election expenses incurred and all election donations received with the required supporting invoices and receipts issued by the goods or service providers, he commits an offence and shall be liable to a fine of \$200,000 and to imprisonment for 3 years. [S 38(1) of the ECICO]

17.51 A candidate who makes a statement that he knows or ought to know is materially false or misleading in an election return or a copy of the revised election return submitted by him, engages in corrupt conduct and shall be liable

to a fine of \$500,000 and to imprisonment for 7 years. [Ss 6 and 20 of the ECICO]

17.52 If a candidate, who, having been elected to the LegCo, acts in the office or participates in the affairs of the LegCo, without filing an election return before the statutory deadline, he commits an offence and shall be liable to a fine of \$5,000 for each day. [Ss 39(1) and (2) of the ECICO]

17.53 If a candidate is convicted of an offence under s 38(1) of the ECICO (i.e. having failed to submit an election return as required by s 37), apart from facing the penalties set out in para. 17.50 of this chapter, he will also be subject to the same disqualifications from elections as a person convicted of having engaged in illegal conduct (i.e. disqualification from being nominated as a candidate or elected as a member in an election, see Part VII of Chapter 18). [S 38(4) of the ECICO]

17.54 Any complaint or report of breach of the relevant legislation may be lodged to the EAC or its Complaints Committee, the RO and the REO. The cases may be referred to the relevant authorities for investigation.

## CHAPTER 18

### CORRUPT AND ILLEGAL CONDUCT

#### PART I : GENERAL

18.1 When conducting election-related activities, candidates must be mindful of situations that may involve corrupt or illegal conduct and take appropriate precautions to avoid violating the law due to negligence.

18.2 The ICAC has compiled an information booklet titled “Clean Legislative Council Election” to help candidates and their agents understand the key provisions of the ECICO. The content of the booklet has also been uploaded onto the ICAC’s website.

18.3 The ECICO applies to all election-related conduct within and outside Hong Kong. Under no circumstances is it permissible for any person to induce an elector to not vote at an election, or to vote or not to vote for a particular candidate or particular candidates by offering advantages, food, drink or entertainment, by using force or duress against a person, or by a deception, and to wilfully obstruct or prevent an elector from voting at the election. Such acts violate the ECICO. The penalties for violating the relevant law are set out in **Part VII** of this chapter. There are occasions that the electors may require assistance from others or transportation service in accessing the polling station. However, the above acts must not be done deliberately during the process to

induce an elector to vote or not to vote for a particular candidate or particular candidates. [S 5 of the ECICO]

## **PART II : CORRUPT CONDUCT RELATING TO CANDIDATURE**

18.4 Specifically, any person who engages in or expressly or implicitly authorises another person to engage in the following acts commits corrupt conduct in an election:

(a) **Bribery of Candidates or Prospective Candidates:**

offering an advantage to another person as an inducement or reward for that person or third person to or solicit or accept an advantage to make that person or third person, to:

- (i) stand or not stand in an election; or
- (ii) withdraw a nomination; or
- (iii) not use his best endeavours to promote his election;

(b) **Force or Duress:**

using or threatening to use force or duress against another person to

induce that person, or induce that person to cause a third person to, or, for the sake of that person or third person, to:

(i) stand or not stand in an election; or

(ii) withdraw a nomination;

(c) **Deception:**

using deception to induce another person to, or induce another person to cause a third person to:

(i) stand or not stand in an election; or

(ii) withdraw a nomination;

(d) **Defacement or Destruction of Nomination Forms:**

defacing or destroying a completed or partially completed nomination form to prevent or obstruct another person from standing in an election.

For more information on upholding clean elections and examples of the above corrupt conduct, please refer to the ICAC's "Clean Legislative Council Election" booklet and "Clean Legislative Council Election" website.

[Ss 7(1), 8(1), 9(1) and 10 of the ECICO]

### **PART III : ILLEGAL CONDUCT RELATING TO ELECTIONEERING**

18.5 Candidates conducting electioneering activities must comply with the ECICO. Candidates and election helpers should be aware of the following illegal conduct relating to electioneering activities. The penalties for violating the relevant law are set out in **Part VII** of this chapter.

#### **False Statements by Candidates**

18.6 A person engages in illegal conduct if he publishes a false statement about a candidate, including:

- (a) publishing a statement known to be false that a person is or is no longer a candidate at an election; and
- (b) publishing materially false or misleading statements of fact about a particular candidate or particular candidates, including but not limited to statements concerning the character, qualifications or previous conduct of the candidate or candidates, for the purpose of promoting or prejudicing the election of the candidate or candidates. Any statement which calls into question the integrity of that candidate may also contravene the above provision. Therefore, before publishing a statement about a candidate or candidates, every effort should be made to ensure its accuracy.

[Ss 25 and 26 of the ECICO]

### **Claim of Support without Written Consent**

18.7 Unless with prior written consent from the relevant person or organisation, the following is not permitted:

- (a) publishing EAs containing the name, logo or pictorial representation of a person or organisation in a manner that implies or is likely to cause the electors to believe that the candidate has obtained the support of that person or organisation; or
- (b) modifying or authorising any person to modify EAs provided by a supporting person or organisation, which contain the name, logo or pictorial representation of that supporting person or organisation, or any content of EAs provided by them.

For detailed legal provisions on claim of support, see **Chapter 19**.

### **Inciting Another Person Not to Vote or to Cast Invalid Vote by Activity in Public**

18.8 A person engages in illegal conduct if he carries out any activity in public during the election period that incites<sup>57</sup> another person not to vote or to

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<sup>57</sup> Although wording such as “encourage” or “advocate”, etc. has been used in the criminal legislation under some common law jurisdictions in recent years, there is no difference in the concept expressed in that of “incite” under the common law. There have been precedents pointing out that “incite” included “urge, encourage, persuade”, and the prosecution must prove that the defendant has the intention to incite others to do the incited act.

cast an invalid vote. According to s 27A(5) of the ECICO, activity in public includes any of the following activities, whether or not the person carrying out the activity is in a public place while carrying out the activity:

- (a) any form of communication to the public, including speaking, writing, printing, displaying notices, broadcasting, screening and playing of tapes or other recorded material;
- (b) except for (a) of this paragraph, any conduct observable by the public, including actions and gestures and the wearing or display of clothing, signs, flags, emblems and insignia; or
- (c) distributing or disseminating any matter to the public.

[Ss 27A(1), (2), and (5) of the ECICO]

18.9 To determine whether any activity in public incites another person not to vote or to cast an invalid vote, regard may be had to the contents and intended audience of the activity, and the circumstances in which the activity is carried out. Besides, it is a defence for a person who had lawful authority or reasonable excuse for doing the act to which the charge relates. [S 27A(3) and (4) of the ECICO]

## **PART IV : CORRUPT CONDUCT RELATING TO VOTING**

### **Bribing Electors**

18.10 As stated in para. 18.4 of this chapter, a person engages in corrupt conduct at an election, if he acts to affect a person's voting preference by offering, soliciting or accepting an advantage. The penalties for violating the relevant law are set out in **Part VII** of this chapter. Voting preference covers voting for a particular candidate or particular candidates, not voting at an election and not voting for a particular candidate or particular candidates. [S 11 of the ECICO]

18.11 Besides, during the election period, a person should refrain from engaging in any act which may be perceived as electoral bribery, such as attaching election leaflets of candidate(s) to leaflets of community activities on free medical check-up, free legal consultation, free classes or discounted meals, etc. for distribution.

### **Treating**

18.12 A person engages in corrupt conduct if he provides or pays all or part of the cost of providing another person with any food, drink or entertainment (e.g. singing performance) for the purpose of influencing that person's or a third person's voting preference. It is also unlawful to solicit or accept any of such treating. [S 12 of the ECICO]

### **Force or Duress**

18.13 A person engages in corrupt conduct if he uses or threatens to use force or duress against a person to induce him to vote or not to vote at an election, to vote or not to vote for a particular candidate or particular candidates or to get a third person to do so. Persons in position to exert pressure and influence on others should be careful not to breach the relevant provisions, e.g. employers over employees, school principals or teachers over students, religious advisers over believers and doctors over patients, etc. [S 13 of the ECICO]

### **Deception or Obstruction**

18.14 A person engages in corrupt conduct if he, 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. A person also engages in corrupt conduct if he wilfully obstructs or prevents another person (or gets another person to obstruct or prevent a third person) from voting at an election. It is also an offence to aid, abet, incite or attempt the said corrupt conduct. [Ss 14(1) and (1A) of the ECICO]

18.15 Other corrupt conduct relating to voting includes but is not limited to:

- (a) to impersonate another person to apply for a ballot paper at an election, or having voted at an election, to apply at the same election for a ballot paper in the person's own name;

- (b) to vote knowing that he is not entitled to do so;
- (c) to vote at an election after having knowingly or recklessly given materially false or misleading information to an electoral officer, or to vote at an election after having knowingly omitted to give material information to an electoral officer;
- (d) except as expressly permitted by an electoral law:
  - (i) to vote at an election more than once in the same GC, FC or ECC;  
or
  - (ii) to vote at an election in more than one GC or FC; or
- (e) to invite or induce another person to commit (b), (c) or (d) above.

[Ss 2, 15, 16(1), and (2) of the ECICO]

18.16 For more details on other corrupt conduct, please read carefully the ECICO.

## **PART V : CORRUPT AND ILLEGAL CONDUCT RELATING TO ELECTION EXPENSES AND ELECTION DONATIONS**

18.17 Candidates should be careful when handling election expenses and election donations as non-compliance with the relevant requirements will also be a corrupt or illegal conduct. For the requirements that have to be observed by candidates and the penalty for a person convicted of the relevant offence, please see **Chapter 17**.

## **PART VI : POWER OF COURT TO EXCUSE INNOCENT ACTS**

18.18 S 31 of the ECICO provides a mechanism for a candidate to apply to the CFI for an order to relieve himself of criminal responsibility if he contravenes the illegal conduct provisions due to inadvertence, accidental miscalculation or any reasonable cause, and not due to bad faith. No prosecution against him may be instituted or carried on until the application for the relief of penalties and liabilities is disposed of by the CFI. The candidate will not be held liable by the CFI to be convicted of an offence if the illegal conduct is covered by an exemption order made by the court under s 31(2) of the ECICO.

18.19 A candidate who is unable or has failed to send to the CEO the election return before the expiry of the statutory deadline (see Part V of Chapter 17) due to the following reasons, and not due to the candidate's bad faith:

- (a) the candidate's own illness or absence from Hong Kong;

- (b) the death, illness, absence from Hong Kong or misconduct of any agent or employee of the candidate;
- (c) by reason of inadvertence or accidental miscalculation by the candidate or any other person; or
- (d) any reasonable cause (not due to the candidate's bad faith),

the candidate can make an application to the CFI for an order to allow him to send to the CEO the election return within a further period as specified by the CFI. [Ss 40(1) and (2) of the ECICO]

18.20 If, after the statutory deadline, a candidate spots an error or a false statement in the election return due to misconduct of any agent or employee of the candidate, or by reason of inadvertence or accidental miscalculation by the candidate or any other person, or any reasonable cause, and not due to the candidate's bad faith, he may apply to the CFI for an order to enable him to correct any error or false statement in the election return or in any document accompanying the election return. [Ss 40(3) and (4) of the ECICO]

18.21 When the candidate finds himself in any of the situations set out in paras. 18.19 and 18.20 of this chapter, other than the situations where correction of errors or false statements is allowed under the relief arrangement in para. 17.31 of Chapter 17, it would be wise of him to make the application to the CFI and inform the REO as soon as possible.

## PART VII : NON-COMPLIANCE WITH THE LAW AND SANCTION

18.22 A person who commits:

- (a) **corrupt conduct** at an election is liable to a fine of \$500,000 and imprisonment for 7 years, and must pay to the court the amount or value of any valuable consideration received by the person or the person's agents in connection with the conduct, or such part of the amount or value as that court specifies [S 6(1) and (3) of the ECICO]; and
- (b) **illegal conduct** at an election is liable to a fine of \$200,000 and imprisonment for 3 years [S 22(1) of the ECICO].

18.23 A person convicted of a **corrupt or illegal conduct** within the meaning of the ECICO will, in addition to the penalties set out in para. 18.22 of this chapter, be disqualified:

- (a) from being nominated as a candidate for the election(s) of the CE, LegCo, DC, EC Subsector or an RR, or from being elected as the CE, a member of the LegCo, DC or EC, or an RR, if the election is held within five years after the date of conviction [Ss 14 and 20 of the CEEO, s 39 of the LCO, s 21 of the District Council Ordinance (Cap.547) ("DCO"), s 18 of the Schedule to the CEEO, and s 23 of the Rural Representative Election Ordinance (Cap. 576)]; and

- (b) from being appointed as a member of the DC or nominated as a nominee for EC subsector and from being registered as an ex-officio member of the EC or DC within five years after the date of conviction [Ss 5M and 9 of the Schedule to the CEEO and ss 14 and 19 of the DCO].

18.24 Election-related offences and contravention of the ECICO are serious crimes. On 27 November 1997, the Court of Appeal laid down sentencing guidelines that a person found guilty of any serious election-related offence should be punished by an immediate custodial sentence. The District Court also reaffirmed this position in May 2022 when it concluded a case of engaging in illegal conduct at an election by incurring election expense<sup>58</sup>, with the following reasons for sentence:

“A clean election is essential for ensuring fair and just elections. It is also an important foundation for experiencing, practising and developing democracy and a prerequisite for maintaining the credibility of elections. The courts must take a serious view of all corrupt and illegal conduct in elections. *[Quoted from Secretary for Justice v. LEE YORK FAI and four others (CAAR 3/2011)]*

Corrupt and illegal practices in an election would ruin the integrity of the election. ...The court has the responsibility to convey to the public a clear and important message: that is, any person who has committed

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<sup>58</sup> *HKSAR v. Tai Yiu Ting* (DCCC 683/2021)

corrupt or illegal practices in any election will no longer receive lenient sentences as in the past and will be punished harshly. If lenient sentences continue to be imposed, this would lead to the breakdown of the whole election system. *[Quoted from Secretary for Justice v. LAI WAI CHEONG ([1998] 1 HKLRD 52)]*”

## CHAPTER 19

### NAMEDROPPING

#### PART I : SUPPORT CLAIMS

19.1 Under s 27 of the ECICO, it is an offence if a candidate includes the name, logo, or pictorial representation of a person or organisation in his EA in such a way to imply, or to be likely to cause electors to believe that the candidate or associated candidate(s) have the support of that person or organisation, unless the candidate meets and complies with the following conditions and requirements:

- (a) before publishing the EA, the candidate has obtained **written consent** from the relevant person or organisation to include their name, logo, or pictorial representation in the advertisement; or
- (b) the candidate does not personally or authorise anyone to request or direct the inclusion of the name, logo, or pictorial representation of the relevant person or organisation in the advertisement (e.g. the content of the EA is provided by the supporter on his/her own initiative).

If the EA meets the conditions in (a) or (b) above and the relevant person or organisation concerned has provided any content for the advertisement, unless **written consent** of the relevant person or organisation concerned has been

obtained, the candidate must not modify or authorise any person to modify the name, logo, image, or pictorial representation or the content.

19.2 It is an offence even if the EA includes a statement to the effect that it does not imply that the person or organisation supports any candidate. [S 27(4) of the ECICO]

**NOTE :**

**Oral consent or written consent obtained after the publication of the EA does not comply with the legal requirements.** Additionally, a consent of support, regardless of the number of individual(s) it is signed by, has to be a single document and cannot be composed of multiple documents or inferred from a chain of correspondences or messages.

19.3 The EAC has prepared a sample form to facilitate candidates to seek consent of support in writing from **a person or organisation**. The form will be provided to candidates upon their submission of nomination forms for the election. Candidates may also obtain the form from offices of the REO and the relevant RO, or download it from the REO website.

19.4 If the consent of support is given by a supporter in his personal capacity and he intends to mention his office title or the name of the organisation that he belongs to, the candidate should avoid giving the impression that the whole organisation also supports the candidate. If the EA indicates support by the

relevant organisation, approval should be given by the governing body of the organisation or by a resolution of the members of the organisation passed at a general meeting.

19.5 Moreover, when including personal data (which may include the name, logo or pictorial representation and/or the content) of a person in the EA, the candidate has to take all practicable steps to ensure that the personal data is correct and accurate. Otherwise, it may contravene the Data Protection Principle 2(1)<sup>59</sup> in Schedule 1 to the PD(P)O.

19.6 Regarding EAs published by candidates on online platforms, there may be persons or organisations showing their support to the candidate out of their own initiative by showing “like” to the EA, giving responses, or including their names, logos, or pictorial representations in the candidate’s EA. If the candidate has neither requested nor directed the relevant person or organisation to give support, obtaining prior written consent of the relevant person or organisation is not required. Yet, the candidate is not allowed to modify the relevant EA without the consent of the relevant person or organisation. Nevertheless, if the candidate invites a person to show his support by giving response to the online EA or participating in the live on-line electioneering activity, the candidate should obtain prior written consent from the person. [S 27(1) and (1A) of the ECICO]

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<sup>59</sup> Data Protection Principle 2(1): All practicable steps shall be taken to ensure that personal data is accurate having regard to the purpose (including any directly related purpose) for which the personal data is or is to be used.

19.7 It is an offence for a person to make false claim of support. It is also an offence for a person to give information which he knows or ought to know is materially false or misleading to a candidate or candidates for promoting or prejudicing the election of the candidate or candidates. [S 27(6) of the ECICO]

### **Consent Forms for Support**

19.8 For the avoidance of doubt, the written consent should set out clearly whether consent is given:

- (a) by a supporter providing support in his personal capacity - the supporter's title should not be mentioned in the candidate's EA or electioneering activities.
- (b) by a supporter with the mention of his office title (without mention of the name of the organisation concerned) - the consent should indicate whether the supporter consents to the mention of his office title(s) and the description of the title(s). If office title(s) is/are to be mentioned in an EA, the supporter and the candidate should ensure that usage of the information does not give a wrong impression that the organisation concerned supports the candidate.

For example, if an office title of “the school principal” (for example, “Chan Tai Man, the Principal”) or “chairman of an owners’ corporation” (for example, “Chan Tai Man, Chairman of Owners’ Corporation”) is to be included in an EA, and the EA is to be posted in

the school or the building in which the person is serving, it will be desirable for the candidate to seek the relevant organisation's prior written approval;

- (c) by a supporter with mention of his office title and the name of the organisation concerned - the candidate should ensure that the supporter has obtained the prior written approval of the organisation, in accordance with the organisation's internal rules and procedures. In case of doubt, the candidate or his supporter should consult the organisation concerned on the aforesaid internal rules and procedures. The candidate should avoid giving others a wrong impression that he has obtained the support of the whole organisation; and
- (d) by a supporter providing support in the name of an organisation - the consent should indicate that approval has been given by the governing body of the organisation or by a resolution passed at a general meeting. The consent must be signed by an authorised person (such as the director, chairman or chief executive, etc. of the organisation concerned). [S 27(5) of the ECICO]

19.9 A person or organisation may support more than one candidate (even candidates who are competing in the same constituency), but the above situation must be stated in the consent form.

## **Withdrawal of Consent for Support**

19.10 Consent of support may be revoked by a person or an organisation. In order to avoid dispute, if a person or an organisation revokes the consent of support for a candidate, he should send a notice of the revocation to the candidate concerned.

19.11 Candidates are required to post the consent form of the relevant EAs onto the Candidate's Platform or Central Platform or deposit a copy of the consent form with the relevant RO in the manner as set out in para. 9.43 of Chapter 9. Candidates are also **required to post** the written notice of revocation onto the platforms concerned **or notify** the relevant RO of such revocation in the manner as set out in para. 9.43 of Chapter 9. Copies of the written consent and notice of revocation received by the RO will be made available for public inspection at a specified location. [S 105(2) and (3) of the EAC (EP) (LC) Reg]

19.12 After a revocation of consent is made, the candidate should immediately cease to publish any EA which contains the person or organisation that has made the revocation. Moreover, in accordance with the requirements of Principle 2(2) of Schedule 1 to the PD(P)O, the candidate should take all practicable steps to ensure that the personal data of the person is retained for a period not longer than necessary<sup>60</sup>. S 26 of the PD(P)O also requires candidates to take all practicable steps to erase personal data that is no longer required for

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<sup>60</sup> Personal data should not be kept longer than is necessary for the fulfillment of the purpose for which the data is used (including any directly related purpose).

the purpose for which it is used, unless any such erasure is prohibited under any law or not in the public interest.

**NOTE :**

The costs incurred for the production of EAs bearing such support should still be regarded as the candidate's election expenses and be declared in the election return.

19.13 If the name or photo of candidate A appears in candidate B's EA to show support for candidate B, whether the expenditure incurred for the EA should be borne by candidate A will be subject to whether the publicity material in question has explicitly or implicitly promoted candidate A. There may be two different scenarios in such cases:

**Scenario 1**

If the appearance of the name and photo of candidate A in candidate B's EA is solely to show support for candidate B but not to promote the election of candidate A, the EA should not be regarded as a joint EA. The election expenses incurred should be counted towards candidate B's election expenses only. Candidate B has to obtain the prior written consent of support from candidate A before using candidate A's name or photo in his EAs. [S 27 of the ECICO]

## **Scenario 2**

If the EA published by candidate B is for promoting not only himself but also candidate A's candidature, it will be regarded as a joint EA. To comply with the requirement stipulated in S 27 of the ECICO, candidate A and candidate B must obtain prior written consent of support from each other before publishing the joint EA, and candidate B must also obtain written authorisation from candidate A to be his election expense agent in advance. The costs of the joint EA are generally shared by candidate A and candidate B in proportion to the size of the advertisement each occupies and counted towards their respective election expenses.

19.14 If a candidate uses photos in their EAs to show the activities they had participated in the past and there were other persons in the photos (which may include other candidates in the same election), publishing the advertisement may imply or is likely to cause electors to believe that the candidate has the support of those persons in the photos. Therefore, the candidate must obtain prior written consent from the relevant persons before publishing the EA. Otherwise, the candidate should take effective measures to avoid making electors believe that he has obtained the support of the persons in the photos. For instance, if there is a photo showing the candidate and other persons participating in an activity in an EA, the candidate may add a caption below the photo specifying the nature and relevant information of the event in such a way that, for any reasonable and neutral person, the photo does not imply or will not be likely to cause him to believe that the candidate has obtained the support of those persons

in the photo. However, if the photo concerned is still likely to cause electors to believe that the candidate has obtained the support of the persons in the photo, even if the EA contains a statement to the effect that the EA does not imply the support of the persons in the photo, the candidate still has to obtain prior written consent of respective persons to give support. Failure to do so is an offence. [S 27(4) of the ECICO]

19.15 The law does not stipulate a minimum age for signing consent of support. However, if a supporter is under the age of 18, for prudence's sake, the candidate may arrange the parent or guardian of the supporter to co-sign the consent form.

19.16 Unless a candidate has obtained written consent from a person, organisation, government agency or department, he should not attach any materials published by any such person, organisation, government agency or department to his EA to avoid causing electors to believe that the candidate has the support of the relevant person or organisation.

19.17 As images may be regarded as personal data<sup>61</sup>, candidates should be mindful of whether the use of a person's image is consistent with or directly related to the original purpose of data collection. Additionally, the PCPD has published the "Guidance on Election Activities for Candidates, Government Departments, Public Opinion Research Organisations and Members of the Public"

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<sup>61</sup> Under S 2(1) of the PD(P)O, "personal data" means any data: (1) relating directly or indirectly to a living individual; (2) from which it is practicable for the identity of the individual to be directly or indirectly ascertained; and (3) in a form in which access to or processing of the data is practicable.

(see **Appendix XI**), which serves as a general reference on matters that candidates need to note when conducting electioneering activities, involving collection, holding, processing and use of personal data.

## **PART II: COURT'S POWERS AND PENALTIES**

19.18 Pursuant to s 31 of the ECICO, if a candidate breaches any offences of illegal conduct due to inadvertence, an accidental miscalculation or any reasonable cause (and not due to bad faith), the candidate may apply to the CFI for an order exempting him from the criminal liability (see Part VI of Chapter 18 and para. 9.55 of Chapter 9).

19.19 S 28 of the ECICO stipulates that the Court could issue an injunction order to restrain publication of any materially false or misleading statement or false claim of support. A candidate in the same GC/FC, his election agent, an elector of the GC/FC concerned and the person or body to whom or which the false information is related could apply for the injunction order.

19.20 Pursuant to Ss 22(1) and 27 of the ECICO, a person commits an illegal conduct if he makes false claim of support, and is liable to a fine of \$200,000 and imprisonment for 3 years.

## **CHAPTER 20**

### **PARTICIPATION OF CIVIL SERVANTS, NON-CIVIL SERVICE GOVERNMENT STAFF, AND POLITICALLY APPOINTED OFFICIALS IN ELECTION-RELATED ACTIVITIES AND ATTENDANCE OF PUBLIC FUNCTIONS WITH CANDIDATES**

#### **PART I : PARTICIPATION IN ELECTIONEERING ACTIVITIES BY CIVIL SERVANTS AND NON-CIVIL SERVICE GOVERNMENT STAFF**

20.1 Civil servants and non-civil service government staff (for the definition of non-civil service government staff, see Part IV of Chapter 8) who wish to participate in electioneering activities should observe the regulations, rules, and guidelines issued by the Civil Service Bureau. Directorate officers, Administrative Officers, Information Officers, police officers, and those officers acting in these grades or ranks with a view to substantive appointment, are not allowed to act as any candidate's agent or assist in electioneering activities. Other civil servants and non-civil service government staff, **unless** appointed as the CRO, ROs, AROs, PROs, or polling or counting staff, may act as a candidate's agent or assist in electioneering activities, provided that there is no conflict of interest with their official duties, no use of public resources is involved, and no government uniform is worn. To avoid unfairness, potential or perceived unfairness, or conflicts of interest, civil servants and non-civil service government staff working in a constituency or having extensive public

contact in a constituency should not act as an agent for a candidate in that constituency or participate in its electioneering activities. Civil servants and non-civil service government staff who participate in electioneering activities, including the seeking of election donations, for any candidates should not use or give the impression of using any public resources in such activities.

## **PART II : ATTENDANCE OF PUBLIC FUNCTIONS BY CIVIL SERVANTS AND NON-CIVIL SERVICE GOVERNMENT STAFF**

### **On the Occasion of Being Invited**

20.2 From the time any person publicly declares an intention to run for election in respect of a particular constituency or when the nomination period commences, whichever is earlier, until the end of polling day, civil servants and non-civil service government staff invited by individuals or organisations to attend public functions where candidates may also be present should exercise caution and act prudently.

20.3 Before accepting an invitation to such a public function, civil servants and non-civil service government staff must ensure:

- (a) attending the function is performing an official duty normally required of the post he is currently holding; and

- (b) to his best knowledge, the organiser of the function has no intention whatsoever of making use of the function to promote or prejudice any candidate.

### **During the Public Function**

20.4 The EAC appeals to civil servants and non-civil service government staff to avoid taking photos with candidates at the function since such photos may be perceived as lending support to the candidates, except in the following circumstances:

- (a) such photos are needed for him to perform his official duty at the function normally required of the post he is currently holding;
- (b) taking such photos is a natural part of the function, and his refusal would be seen as acting against proper etiquette; or
- (c) it is a group photo with all other candidates of the same constituency.

## **PART III : ATTENDANCE OF PUBLIC FUNCTIONS BY CANDIDATES**

20.5 The EAC appeals to candidates attending public functions to avoid taking photos with civil servants or non-civil service government staff, as such

photos may be perceived as giving the candidate an unfair advantage, except in the following circumstances:

- (a) such photos are needed for him to perform his role at the function as requested by the function organiser;
- (b) taking such photos is a natural part of the function, and his refusal would be seen as acting against proper etiquette; or
- (c) it is a group photo with all other candidates of the same constituency.

## **PART IV : POLITICALLY APPOINTED OFFICIALS**

20.6 The term “civil servants” used in this chapter does not include politically appointed officials. Politically appointed officials are political appointees who may belong to or be affiliated with political organisations.

20.7 Politically appointed officials should exercise prudence when participating in election-related activities, must comply with the “Code for Officials under the Political Appointment System”, should avoid using public resources, and ensure that there is no actual or potential conflict of interest between the participation in such activities and the business of the Government or his own official duties.

## CHAPTER 21

### COMPLAINTS PROCEDURE

#### PART I : GENERAL

21.1 The EAC is responsible for handling election-related complaints. This chapter sets out the procedures for making complaints regarding any **breach or non-compliance with the provisions of the electoral legislation and the guidelines or the spirit of them**, and the arrangements for the EAC to process such complaints. The EAC may set up a **Complaints Committee** to handle complaints, members of which consisting of current EAC members and one or more independent and politically impartial professionals.

21.2 The EAC ensures that the complaint-handling process complies with the principles of procedural justice and bases on pragmatic approach. The party concerned must be given the opportunity to defend themselves, and the established procedures will not be circumvented or compressed because of time constraints.

21.3 If a complaint is substantiated, the EAC may, depending on the circumstance, issue a public **reprimand** or **censure** against the party involved to enable the public be informed of the major occurrences during the election. The EAC may also, if necessary, issue press statements on matters of principle which have attracted widespread public concern in order to set the record straight.

21.4 A complaint against criminal, corrupt, or illegal activities may be lodged directly to HKPF or ICAC. The EAC will also refer complaints possibly involving such activities to HKPF or ICAC for handling<sup>62</sup>.

## **PART II : COMPLAINT CHANNELS**

21.5 Without restricting the right of a citizen to lodge a complaint to HKPF, ICAC, or other authorities, an election-related complaint can be lodged to one of the following bodies or persons:

- (a) the EAC or its Complaints Committee;
- (b) the RO of the relevant constituency appointed by the EAC;
- (c) the REO; or
- (d) the PRO (on the polling day).

### **NOTE :**

If the complaint is against the conduct, behavior, or actions of the RO or REO officers, it must be submitted directly to the EAC or its Complaints Committee.

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<sup>62</sup> Under s 58(2) of the PD(P)O, personal data are exempt from the provisions of Data Protection Principle 3 where the use of the data is for the purposes referred to in subsection (1), including the prevention or detection of crimes, and the prevention, preclusion, or remedying (including punishment) of unlawful or seriously improper conduct, dishonesty, or malpractice by any person.

## **PART III : DEADLINE AND PROCEDURE FOR LODGING COMPLAINTS**

**21.6 Complaints must be lodged within the complaints-handling period<sup>63</sup> of the election concerned.** This is to ensure timely remedial measures can be taken, and proper investigations and follow-up actions can be taken while evidence is still available.

**21.7** A complaint can be lodged either orally or in writing. An oral complaint can be lodged by calling the EAC Complaints Hotline. A written complaint can be submitted by post, email, or fax. In order to handle complaints more effectively, the EAC recommends the complainant uses the designated complaint form available on the EAC website ([www.eac.hk](http://www.eac.hk)).

**21.8** The complainant should identify himself and provide his correspondence address, email address, phone number, or other means of communication. Failure to do so may prevent the EAC from notifying the complainant of the investigation outcomes. The EAC will record oral complaints in writing and the complainant must confirm the written record. Complainants' personal data will be handled in accordance with the PD(P)O.

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<sup>63</sup> Generally, the complaints-handling period of an election begins from the start of the nomination period and ends on the 45 days after the polling day.

## **PART IV : COMPLAINTS INSIDE A POLLING STATION**

21.9 To lodge a complaint about what happened inside a polling station, the complainant should follow the following procedures:

- (a) lodge the complaint immediately to the PRO, the Deputy PRO, or an Assistant PRO;
- (b) if the complainant considers the complaint is not resolved, or still feels aggrieved at the outcome of the complaint, or if complainees are the PRO, the Deputy PRO, or an Assistant PRO, the complainant may lodge the complaint to the RO of the relevant constituency of the polling station. The phone number of the RO is listed in the guide on procedures for handling complaints displayed inside the polling station; and
- (c) if the complainant considers the matter is still not resolved by the RO, he should without any delay call the EAC Complaints Hotline. The complainant should provide as much relevant evidence as possible in order to substantiate the complaint. As the complainant is not allowed to talk to or communicate with any elector/AR inside the polling station, the complainant may need to go outside the polling station to gather necessary evidence. The EAC Complaints Hotline number is listed in the guide on procedures for handling complaints displayed inside the polling station.

21.10 The PRO or his/her Deputy PRO, or Assistant PRO will record complaints mentioned in paras. 21.9(a) and (b) of this Chapter.

## **PART V : HANDLING OF COMPLAINTS**

21.11 The EAC or its Complaints Committee, the RO of the relevant constituency, the REO, and the PROs will process complaints as soon as practicable.

21.12 The CEO, ROs, and PROs are obliged to report irregularities in elections, polling, or counting to the EAC or its Complaints Committee. They are also required to report all complaints received by them to the EAC or its Complaints Committee. Except where a complaint is of a minor nature or the RO has been delegated with the authority to deal with it, all complaints received by the RO or the REO will be forwarded to the EAC or its Complaints Committee with comments and all the relevant information relating to the complaint. The EAC or its Complaints Committee may seek additional information or comments from the relevant RO or the REO, if necessary. [S 101 of the EAC (EP) (LC) Reg]

21.13 The EAC or its Complaints Committee, the RO, or the REO may seek further information on the complaint from the complainant or may arrange interviews with the complainant in order to seek clarification or evidence. The complainant may be required to make a statutory declaration for the truth and correctness of his complaint or statement. If the complainant is unable to

provide further information, or refuse to be interviewed or make the statutory declaration, the EAC or its Complaints Committee, the RO, or the REO may not be able to take further action on the complaint.

21.14 If a complaint is substantiated, appropriate action(s) will be taken, including one or more of the following:

- (a) take remedial measures in response to the complaint, such as the removal of EAs in breach of the guidelines;
- (b) after making a reasonable effort to contact the relevant person(s) and giving the relevant person(s) a reasonable opportunity to give explanations, issue a warning to the relevant person(s) regarding matter under complaint, and, where necessary, take immediate rectification action;
- (c) after making a reasonable effort to contact the relevant person(s) and giving the relevant person(s) a reasonable opportunity to make representations, issue a public **reprimand** or **censure** against the acts or omissions and the relevant person(s) ; and
- (d) with or without comments, refer the complaint to the ICAC, the Secretary for Justice, or HKPF for further action such as prosecution of the culprit.

[Ss 5(e) and 6(4) of the EACO]

21.15 The EAC or its Complaints Committee will notify the complainant in writing of its decision, including provision of explanations for unsubstantiated complaints. As each complaint must be examined in detail, the EAC and/or other authorities will take time to handle all complaints.

## **PART VI : ELECTORAL AFFAIRS COMMISSION'S REPORT ON COMPLAINTS**

21.16 Unless otherwise required by law, the EAC is required to report to the CE on any complaint made to it in connection with an election within three months of the conclusion of the election. [S 8(1) and (2) of the EACO]

## **PART VII : SANCTIONS FOR FALSE COMPLAINTS**

21.17 If a person knowingly makes a false complaint and gives false information to the EAC or its Complaints Committee, the RO, or the REO, knowing that such complaint and information will be referred to the ICAC or HKPF, the person concerned will be guilty of the relevant offence. If a person knowingly and willfully makes to the EAC or its Complaints Committee, the RO or the REO a statement false in a material particular in a statutory declaration, the person concerned will similarly be guilty of the relevant offence and will be liable to a fine and to imprisonment for two years. [S 36 of the Crimes Ordinance]

21.18 Any person who knowingly makes or causes to be made to an ICAC officer a false report of the commission of any offence or misleads such an officer by giving false information or by making false statements or accusations is guilty of an offence and will be liable to a fine at level 4 (\$25,000) and to imprisonment for 1 year. Similarly, making a false report or providing false information, statements, or accusations to mislead a Police officer is guilty of an offence and will be liable to a fine at level 1 (\$2,000) and to imprisonment for 6 months. [S 13B of the ICAC Ordinance (Cap. 204) and s 64 of the Police Force Ordinance (Cap. 232)]

# APPENDICES

**Legislative Council Election**  
**Action Checklist for Candidates**

<b><u>Time</u></b>	<b><u>Action</u></b>
Before and during Nomination Period	<ol style="list-style-type: none"> <li>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”):               <ol style="list-style-type: none"> <li>(a) Nomination Form;</li> <li>(b) Electronic or paper form for Introduction to Candidates (“Input Form”) for the production of printed and text versions of the “Introduction to Candidates” and the “Guide on Completion of Input Form”;</li> <li>(c) the form of “Request by a Candidate for a Legislative Council Geographical Constituency, a Legislative Council Functional Constituency or a District Council Geographical Constituency to Print Particulars relating to the Candidate on a Ballot Paper” (Not applicable to candidates in the Election Committee Constituency (“ECC”));</li> <li>(d) the form of “Consent Form of a Prescribed Body in relation to the Request by a Candidate to Print its Particulars as Particulars relating to the Candidate on a Ballot Paper” (Not applicable to candidates in the ECC); and</li> <li>(e) the form of “Intention to Display Election Advertisements at Designated Spots”.</li> </ol> </li> </ol>
During Nomination Period	<ol style="list-style-type: none"> <li>2. Hand in the following to the RO by the candidate in person <u>before the end of the Nomination Period</u>:               <ol style="list-style-type: none"> <li>(a) the duly completed Nomination Form; and</li> <li>(b) an election deposit in cash or by cashier order or crossed cheque made payable to “The Government of the Hong Kong Special</li> </ol> </li> </ol>

Administrative Region” or via the Faster Payment System (“FPS”) using “Scan to Pay”.

Candidates using FPS to pay the election deposit should note that individual banks or their personal bank accounts may have defined different limits for various types of payments or transfers. If the available transaction limit of the candidate’s bank account is lower than the prescribed election deposit payable, the FPS transaction will be unsuccessful, resulting in the nomination form not being accepted.

In order to avoid the risk of invalidation of the nomination due to dishonoured cheques or insufficient transaction limit of “Scan to Pay” payments, candidates should submit the election deposit in cash or cashier order as far as practicable.

3. Apply to Hongkong Post for written approval of the 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 or the REO if in doubt; and
  - (b) to submit their 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 when necessary.
4. Upon successful submission of the nomination form, candidate will receive a Candidate Folder containing various forms and reference materials for use by candidate.

5. Lodge with the RO a “Notice of Withdrawal of Candidature” personally before the end of nomination period if the candidate wishes to withdraw his candidature.
- Any time before, during or after handing in Nomination Form
6. Publication of Election Advertisement (“EA”)
    - (a) Ensure that all printed EAs contain the name or address of the printer, date of printing, and the number of copies printed.
    - (b) Ensure that all prior written consent of support, permission, and/or authorisation have been obtained before the publication of EAs.
    - (c)
      - (i) Candidates who choose maintain a Candidate’s Platform for public inspection should provide the Chief Electoral Officer (“CEO”) with the electronic address of the platform at least three working days (i.e. any day other than a general holiday or Saturday) before the publication of the first EA.
      - (ii) Candidates who choose to use the Central Platform 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”.
    - (d) Make available a copy of each of the EAs and relevant information/documents, including publication information, permission/consent of support, in any of the following ways for public inspection **within three working days after the publication of the EA** by:
      - (i) posting an electronic copy onto the Central Platform;
      - (ii) posting an electronic copy onto the Candidate’s Platform;

**Note:** If an EA is published through an open platform on the Internet, the hyperlink to the specific EA published should be provided, rather than the hyperlink to the entire election website or social media page. However, if it is technically impracticable to upload hyperlinks to individual EAs (e.g. messages sent interactively and in real-time via social networks or communication websites on the Internet), the hyperlink to the public platform may be provided;

- (iii) providing two hardcopies of each of the EAs and one hardcopy of information/documents in relation to the EA to the RO (or CEO if RO has not yet been appointed); or
- (iv) providing two identical copies of a CD-ROM or DVD-ROM each containing the EAs and one hardcopy of information/documents in relation to the EA to the RO (or CEO if RO has not yet been appointed).

7. Incurring Election Expenses and Receiving Election Donations:

- (a) Record details of all election expenses incurred and all election donations received.
- (b) Keep original invoices and receipts for all election expenses of goods or services of \$500 or above.
- (c) Issue a receipt to the donor for any non-anonymous election 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.

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| Any time before handing in Nomination Form till the end of the election period | <p>8. Appointment of Election Expense Agent(s):</p> <ul style="list-style-type: none"> <li>(a) Lodge with the RO (or the CEO if the RO has not yet been appointed) “Authorisation to Incur Election Expenses”.</li> <li>(b) Each candidate may authorise one person or more as the election expense agents. A candidate <b>may</b> also authorise his election agent as an election expense agent. The authorisation is not effective until it has been received by the RO or the CEO (if the RO has not yet been appointed).</li> <li>(c) An election expense agent must be a person who has attained the age of 18 years.</li> </ul>   |
| Any time after handing in Nomination Form                                      | <p>9. Appointment of Election Agent:</p> <ul style="list-style-type: none"> <li>(a) Lodge with the RO a “Notice of Appointment of Election Agent”.</li> <li>(b) Each candidate can only appoint one election agent. An election agent cannot act on behalf of the candidate :               <ul style="list-style-type: none"> <li>(i) to sign the nomination form or make any declaration or oath required;</li> <li>(ii) to withdraw the candidate’s candidature;</li> <li>(iii) to incur election expenses (unless authorised by the candidate);</li> <li>(iv) to authorise an election expense agent to incur election expenses; and</li> <li>(v) to be present at a dedicated polling station situated in a maximum security prison.</li> </ul> </li> </ul> |

- (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
10. (a) If a candidate wishes to use the “Introduction to Candidates” for promotion, he/she should:
- (i) send the completed Part I and/or Part II of the electronic version of “Input Form for Introduction to Candidates” (website : <https://www.reo-form.gov.hk/>) by e-mail to [e-intro\\_to\\_can@reo.gov.hk](mailto:e-intro_to_can@reo.gov.hk), upload to the REO’s e-form upload platform before the end of nomination period; or
  - (ii) lodge with the RO a duly completed paper Input Form affixed with a colour photograph of the candidate which must be in a specified size and taken within the last six months, or submit an electronic Input Form through an electronic means to the REO; and provide two additional copies of the photograph identical to the one affixed to the Input Form with the candidate’s name label affixed on the back; or
  - (iii) Note: For a candidate who submits the paper Input Form, please input the plain text message under the box of “Electoral Message” in Part I or Part II of the e-Input Form and submit the completed form in the manner mentioned in item (i) above.  
(For detailed arrangements on the production of both printed and text versions of the “Introduction to Candidates”, please refer to the “Guide on Completion of Input Form for Introduction to Candidates”).

- (b) Lodge with the RO the form “Intention to Display Election Advertisements at Designated Spots”.
- (c) (Not applicable to candidates in the ECC) If a candidate wishes to have his photo and particulars printed on a ballot paper, he should:
  - (i) lodge with the RO a duly completed form of “Request by a Candidate for a Legislative Council Geographical Constituency, a Legislative Council Functional Constituency or a District Council Geographical Constituency to Print Particulars relating to the Candidate on a Ballot Paper” affixed with a colour photo of the candidate which must be in specified size and taken within the last six months or submit an electronic version of the form to the REO;
  - (ii) provide an additional copy of his photo identical to the one affixed to the form with a label showing the candidate’s name and the name of the GC or FC affixed on the back (not applicable to the electronic version of the form); and
  - (iii) lodge with the RO the duly completed form(s) of “Consent Form of a Prescribed Body in relation to the Request by a Candidate to Print its Particulars as Particulars relating to the Candidate on a Ballot Paper” or request the prescribed body/bodies to submit an electronic version of the form to the REO.

(If a candidate does not submit the duly completed form(s) of request and consent, if applicable, only his name and candidate number will be printed on a ballot paper.)

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| Any time after handing in Nomination Form, but not later than three weeks before the polling day | <p>11. Make a request to the CEO for the provision of a set of mailing labels containing electors' information and/or a set of "Candidate Mailing Label System" ("CMLS") USB flash drives containing information of electors in the constituency (must submit together with the "Undertaking on the Use of Electors' Information").</p> <p><b>(Note:</b> Relevant electors' information will only be provided to validly nominated candidates. To protect the environment and respect the preferences of the electors, the CEO will not provide mailing labels of 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.)</p> |
| Any time after handing in Nomination Form, but at least seven days before the polling day        | <p>12. 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)".</p> <p>13. Lodge with the CEO the "Notice of Appointment of Polling Agents for a Polling Station Not Situated in a Penal Institution".</p> <p>14. Lodge with the CEO the "Notice of Appointment of Counting Agents".</p>  |
| Around five-ten working days after the end of the Nomination Period                              | <p>15. Attend the lots drawing session held by the RO for the electoral constituency to determine the order of candidate names on the ballot paper and the designated spots allocated for the display of EAs.</p> <p>16. Receive from the RO the permission/authorisation for the display of EAs at designated spots allocated to the candidate.</p>   |
| After the Lots Drawing Session   | <p>17. Check the ballot paper printing proof (Not applicable to candidates in the ECC) and verify the particulars relating to the candidate to be printed on the ballot paper. If a candidate or his election agent cannot perform the checking in person, the candidate may</p>   |

authorise a representative in writing to check the particulars concerned on the ballot paper printing proof on his behalf.

(If a candidate or his election agent/authorised representative does not perform the checking at the date and venue specified by the REO, the printing proof of the ballot paper will be adopted for printing without further notice.)

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| Ten working days after the end of the Nomination Period | 18. | Receive information from the RO about the election agents appointed by other candidates of the same constituency.  |
| Within 14 days after the end of the Nomination Period   | 19. | Receive from the RO the notification on the validity of the candidate's nomination (validly nominated candidates will also receive a separate notification regarding the validity of nominations of other candidates in the same constituency.)  |
|   | 20. | Validly nominated candidates attend the candidates' briefing session.  |
| Around 14 days after the end of the Nomination Period   | 21. | Before the deadline specified by the REO, upload the electronic Input Form for "Introduction to Candidates" (available on the website) completed by text input to the designated e-form upload platform, for REO to upload the text version of "Introduction to Candidates" onto the dedicated election website.<br>(If a candidate fails to submit the electronic text version by the said deadline, the said website will only display the graphic version of his/her "Introduction to Candidates", and the text version will show only the candidate's name, personal information (if provided in the Input Form for "Introduction to Candidates"), and candidate number, with a note stating that the candidate has not provided the text version of his/her electoral message.) |
| At least ten days before the polling day                | 22. | Receive notification from the RO of the time and place for the counting of votes.  |

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| Not later than seven days before the polling day  | 23. | Receive from the RO information regarding the delineation of the no canvassing zones and no staying zones for the polling stations (including the dedicated polling stations).   |
| During the week before the polling day  | 24. | <p>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)” <b>only when:</b></p> <p>(a) during the week before the polling day, an elector imprisoned or held in custody who is entitled to vote for the relevant constituency at the aforesaid dedicated polling station situated in a penal institution is admitted or transferred to the penal institution; and</p> <p>(b) the application is lodged without undue delay.</p> |
| At least two clear working days before the deadline of posting postage-free election mail | 25. | Notify Hongkong Post of the date of posting the postage-free election mail by submitting two copies of the “Notice of Posting of Election Mail”, and submit three specimens of unsealed election mail to the designated manager(s) of Hongkong Post for inspection and approval.   |
| Before the deadline as specified by Hongkong Post   | 26. | <p>When posting the postage-free election mail at the designated post office specified by Hongkong Post, present two copies of the “Declaration for Posting of Election Mail” to Hongkong Post. Furnish a copy of the election mail to the designated manager(s) of Hongkong Post for record purpose.</p> <p><b>(Note:</b> Election mail sent after the deadline are unlikely to be delivered to the electors before the polling day.)</p>   |
| Before entering the polling station or counting station                                   | 27. | Complete the “Declaration of Secrecy” (a declaration of secrecy should be made by all candidates, their election agents, polling agents and counting agents).  |

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| Any time before the polling day  | 28.     | Lodge with the CEO or RO, as applicable, the “Notice of Revocation of Appointment of Agent”.  |
| On the polling day   | 29.     | If candidates and their agents wish to submit the “Notice of Appointment of Polling Agents for a Polling Station Not Situated in a Penal Institution”, the “Notice Of Appointment Of Counting Agents” or the “Notice of Revocation of Appointment of Agent” on the polling day, they should submit them in person to the relevant Presiding Officers (“PRO”) (except for penal institutions) or the RO at the central counting station (if applicable). |
| Within three working days after the polling day  | 30.     | If required, post the corrected EA particulars onto the Candidate’s Platform or the Central Platform; or submit the “Notification of Corrected Information in relation to Election Advertisements” to the RO.   |
| Within ten days after the polling day  | 31.     | Remove all EAs on display on government land/property.<br><br>(EAs displayed on private land/property and public service vehicles should also be removed as soon as possible after the election.)   |
| Within two weeks after the polling day   | 32.     | Destroy the CMLS USB flash drives, unused mailing labels (if any), and all electors’ information copied (candidates are advised to use a data erasure software to erase the information completely), <b><u>and</u></b> return the “Reply Slip on Confirmation of Destruction of CMLS USB Flash Drives and the Relevant Electors’ Information” to the REO or return the CMLS USB flash drives and unused mailing labels to REO for destruction.          |
| Before the statutory deadline for the submission of election returns as required under s 37 of the ECICO | 33. (a) | Lodge with the CEO an “Return and Declaration of Election Expenses and Election Donations” (“election return”).<br><br><b><u>Note:</u> Candidates are required to submit an election return even if no election expenses have been incurred or no election donation has been received.</b>  |

(The REO will issue letters to inform candidates of the deadline for lodging election returns)

- (b) As required by the law, candidates should ensure that the election return is accompanied by invoices and receipts for each election expense of \$500 or more, copies of 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 verifying the contents of the election return and sign the declaration/supplementary declaration(s) in the election return.
- (d) Any candidate who fails to lodge the election return before the deadline commits an offence. Those who are unable to submit the election return on time may apply to the CFI for an order allowing an extension of the submission deadline.
- (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) as appropriate.
- (f) Any candidate who wishes to correct any error or false statement in his election return (including any document accompanying his election return) after the deadline must apply to the CFI for an order allowing him 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 s 37A of the ECICO, the candidate may, upon receipt of notification from the CEO, rectify the error or false statement in the

election return within a specified period (see Chapter 17, Part V of the Guidelines).

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| <p>Until the end of the period for which copies of election returns are available for public inspection under s 41 of the ECICO</p> | <p>34. Eligible candidates who wish to apply for financial assistance should complete a “Claim for Financial Assistance”. The completed form, together with the candidate’s election return and an auditor’s report should be presented to the CEO before the statutory deadline for submission of election return.</p> <p>35. If hyperlinks to EAs are uploaded onto the Central Platform, ensure that the hyperlinks remain valid and operate throughout the public inspection period.</p> <p>Maintain the candidate's platform (if applicable) for public inspection.</p> |
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**Note:**

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

**(This “Action Checklist for Candidates” is for general reference only. Candidates are advised to refer to the Action Checklist which will be included in the Candidate Folder for the respective LC general election/by-election, as well as the notification issued by the REO regarding the election from time to time.)**

**Specified Persons Eligible to Inspect  
Registers for Geographical Constituencies  
and Registers for Functional Constituencies**

*(With effect from the 2022 voter registration cycle)*

**(I) Registers for Geographical Constituencies (“GCs”)**

<b>Statutory Document</b>	<b>Specified Persons</b>
<p><b>(1) Omissions List for GCs</b></p> <p style="text-align: center;"><b>And</b></p> <p><b>(2) Provisional Register for GCs</b></p>	<p>(a) a person who is a subscriber to the Government News and Media Information System maintained by the Director of Information Services; or</p> <p>(b) a body or organisation that is incorporated, or is registered or exempt from registration, under any law of Hong Kong and:</p> <p style="margin-left: 20px;">(i) was provided an extract of the registers by the Electoral Registration Officer (“ERO”) for a purpose related to a previous election<sup>Note 1</sup>;</p> <p style="margin-left: 20px;">(ii) was represented by a validly nominated candidate at a previous election; or</p> <p style="margin-left: 20px;">(iii) has publicly declared an intention to arrange for any person (including a person yet to be specified) to stand as a candidate at a coming election<sup>Note 2</sup>.</p> <p>[Ss 10 and 13 of the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council</p>

Note 1 In relation to a register for GCs, “previous election” means—

- (a) the last Legislative Council (“LegCo”) general election that was held before the publication date;
- (b) any LegCo by-election for a GC that was held after the election mentioned in para. (a) and before the publication date;
- (c) the last District Council (“DC”) ordinary election that was held before the publication date; or
- (d) any DC by-election that was held after the election mentioned in para. (c) and before the publication date.

Note 2 In relation to a register for GCs, “coming election” means any of the following elections that is held within one year after the publication date—

- (a) a LegCo general election;
- (b) a LegCo by-election for a GC;
- (c) a DC ordinary election; or
- (d) a DC by-election.

<b>Statutory Document</b>	<b>Specified Persons</b>
	Constituencies) Regulation (Cap. 541A) (“EAC (ROE) (GC) Reg”)]
<b>(3) Final Register (“FR”)for GCs</b>	<p>(a) a person who is a subscriber to the Government News and Media Information System maintained by the Director of Information Services; or</p> <p>(b) a body or organisation that is incorporated, or is registered or exempt from registration, under any law of Hong Kong and—:</p> <ul style="list-style-type: none"> <li>(i) was provided an extract of the registers by the ERO for a purpose related to a previous election;</li> <li>(ii) was represented by a validly nominated candidate at a previous election; or</li> <li>(iii) has publicly declared an intention to arrange for any person (including a person yet to be specified) to stand as a candidate at a coming election; or</li> </ul> <p>(c) at a coming election—:</p> <ul style="list-style-type: none"> <li>(i) a person who is a validly nominated candidate for a LegCo constituency; or</li> <li>(ii) a person who is a validly nominated candidate for a DC constituency.</li> </ul> <p>[S 20 of the EAC (ROE) (GC) Reg]</p>

**(II) Registers for Functional Constituencies (“FCs”)**

<b>Statutory Document</b>	<b>Specified Persons</b>
<p><b>(1) Omissions List for FCs</b></p> <p><b>and</b></p> <p><b>(2) Provisional Register for FCs</b></p>	<p><u>(A) For an omissions list or provisional register containing entries of individual electors:</u></p> <p>(a) a person who is a subscriber to the Government News and Media Information System maintained by the Director of Information Services; or</p> <p>(b) a body or organisation that is incorporated, or is registered or exempt from registration, under any law of Hong Kong and:</p> <p>(i) was provided an extract of the registers by the ERO for a purpose related to a previous election <sup>Note 3</sup>;</p> <p>(ii) was represented by a validly nominated candidate at a previous election; or</p> <p>(iii) has publicly declared an intention to arrange for any person (including a person yet to be specified) to stand as a candidate at a coming election <sup>Note 4</sup>.</p> <p><u>(B) For an omissions list or provisional register containing only entries of corporate electors:</u></p> <p>➤ any member of the public</p> <p>[Ss 25 and 29 of the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541B) (“EAC (ROE) (FCSEC) Reg”)]</p>

Note 3 In relation to a register for FCs, “previous election” means—

(a) the last LegCo general election that was held before the publication date; or

(b) any LegCo by-election for an FC that was held after the election mentioned in para. (a) and before the publication date.

Note 4 In relation to a register for FCs, “coming election” means any of the following elections that is held within one year after the publication date—

(a) a LegCo general election; or

(b) a LegCo by-election for an FC.

<b>Statutory Document</b>	<b>Specified Persons</b>
<b>(3) FR for FCs</b>	<p data-bbox="566 329 1343 405"><u>(A) For a FR containing entries of individual electors—:</u></p> <ul style="list-style-type: none"> <li data-bbox="566 450 1343 566">(a) a person who is a subscriber to the Government News and Media Information System maintained by the Director of Information Services; or</li> <li data-bbox="566 611 1343 728">(b) a body or organisation that is incorporated, or is registered or exempt from registration, under any law of Hong Kong and— <ul style="list-style-type: none"> <li data-bbox="630 772 1343 889">(i) was provided an extract of the registers by the ERO for a purpose related to a previous election;</li> <li data-bbox="630 889 1343 965">(ii) was represented by a validly nominated candidate at a previous election; or</li> <li data-bbox="630 965 1343 1122">(iii) has publicly declared an intention to arrange for any person (including a person yet to be specified) to stand as a candidate at a coming election; or</li> </ul> </li> <li data-bbox="566 1167 1343 1243">(c) a person who is a validly nominated candidate for an FC at a coming election.</li> </ul> <p data-bbox="566 1288 1343 1364"><u>(B) For a FR containing only entries of corporate electors—:</u></p> <ul style="list-style-type: none"> <li data-bbox="566 1408 997 1444">➤ any member of the public</li> </ul> <p data-bbox="566 1489 1129 1525">[S 38 of the EAC (ROE) (FCSEC) Reg]</p>

**The Functional Constituencies and their Electors**

<b><u>Item</u></b>	<b><u>Column 1</u></b> <b><u>Functional</u></b> <b><u>Constituency</u></b>	<b><u>Column 2</u></b> <b><u>Electors</u></b>
1.	Heung Yee Kuk functional constituency	The Chairman and Vice-Chairmen of the Heung Yee Kuk and the Ex Officio, Special and Co-opted Councillors of the Full Council of the Kuk.
2.	Agriculture and fisheries functional constituency	<p>(1) Corporate members of each of the following bodies:</p> <p>(a) The Federation of Vegetable Marketing Co-operative Societies, Ltd.;</p> <p>(b) The Federation of Pig Raising Co-operative Societies of Hong Kong, Kowloon and New Territories, Ltd.;</p> <p>(c) The Joint Association of Hong Kong Fishermen;</p> <p>(d) Federation of Hong Kong Aquaculture Associations;</p> <p>(e) The Federation of Fishermen's Co-operative Societies of Shau Kei Wan District, Ltd.;</p> <p>(f) The Federation of Fishermen's Co-operative Societies of Tai Po District, N.T., Ltd.;</p> <p>(g) The Federation of Fishermen's Co-operative Societies of Sai Kung District, Ltd.;</p> <p>(h) The Federation of Fishermen's Co-operative Societies of Southern District, Ltd.;</p> <p>(i) Hong Kong Fishermen Consortium;</p> <p>(j) Federation of Hong Kong Agricultural Associations.</p> <p>(2) Aberdeen Fishermen Friendship Association.</p> <p>(3) The Ap Lei Chau Fishermen's Credit Co-operative Society, Unlimited.</p> <p>(4) The Castle Peak Fishermen's Credit Co-operative Society, Unlimited.</p> <p>(5) The Castle Peak Mechanized Trawler Fishermen's Credit Co-operative Society, Unlimited.</p> <p>(6) Cheung Chau Fisheries Joint Association.</p> <p>(7) Cheung Chau Fishermen's Welfare Promotion Association.</p> <p>(8) The Fanling Kwun Ti Village Farmers' Irrigation Co-operative Society, Ltd.</p> <p>(9) Fish Farming and Stuff Association.</p> <p>(10) Fisherman's Association of Po Toi Island.</p> <p>(11) Fishery Development Association (Hong Kong) Ltd.</p> <p>(12) Fraternal Association of The Floating Population of Hong Kong.</p> <p>(13) The Guild of Graziers.</p> <p>(14) Hang Hau Grazier Association.</p> <p>(15) Hong Kong and Kowloon Fishermen Association Ltd.</p>

<b><u>Item</u></b>	<b><u>Column 1</u></b> <b><u>Functional</u></b> <b><u>Constituency</u></b>	<b><u>Column 2</u></b> <b><u>Electors</u></b>
2.	Agriculture and fisheries functional constituency (Cont'd)	<p>(16) Hong Kong &amp; Kowloon Floating Fishermen Welfare Promotion Association.</p> <p>(17) Hong Kong Fisheries Development Association.</p> <p>(18) Hong Kong Fishermen's Association.</p> <p>(19) Hong Kong Fishing Vessel Owners Association, Ltd.</p> <p>(20) Hong Kong Florists Association.</p> <p>(21) Hong Kong Graziers Union.</p> <p>(22) Hong Kong Liner &amp; Gill Netting Fisherman Association.</p> <p>(23) Hong Kong Livestock Industry Association.</p> <p>(24) Hong Kong N.T. Fish Culture Association.</p> <p>(25) Hong Kong N.T. Poultry (Geese &amp; Ducks) Mutual Association.</p> <p>(26) Hong Kong Netting, Cultivation and Fisherman Association.</p> <p>(27) Hong Kong Off-shore Fishermen's Association.</p> <p>(28) The Lam Ti Agricultural Credit Co-operative Society, Ltd.</p> <p>(29) Lamma Island Lo Dik Wan Aquaculture Association.</p> <p>(30) Lau Fau Shan Oyster Industry Association, New Territories.</p> <p>(31) Ma Wan Fisheries Rights Association Ltd.</p> <p>(32) The Mui Wo Agricultural Products Marketing &amp; Credit Co-operative Society, Ltd.</p> <p>(33) Mui Wo Fishermen Fraternity Society.</p> <p>(34) N.T. Oyster and Aquatic Products United Association.</p> <p>(35) The New Territories Chicken Breeders Association, Ltd.</p> <p>(36) The New Territories Fishermen Fraternity Association Ltd.</p> <p>(37) New Territories Florist Association, Ltd.</p> <p>(38) North District Florists Association.</p> <p>(39) Outlying Islands Mariculture Association (Cheung Chau).</p> <p>(40) Peng Chau Fishermen Association Ltd.</p> <p>(41) Quality Broiler Development Association.</p> <p>(42) Sai Kung (North) Sham Wan Marine Fish Culture Business Association.</p> <p>(43) Sai Kung Po Toi O Fish Culture Business Association.</p> <p>(44) Sai Kung Tai Tau Chau Fish Culture Business Association.</p> <p>(45) Sai Kung Tai Wu Kok Fishermen's Association.</p> <p>(46) The Sha Tau Kok Marine Fish Culture Association.</p> <p>(47) The Sha Tau Kok Small Long Liner and Gill Net Fishermen's Credit Co-operative Society, Unlimited.</p> <p>(48) The Shan Tong Vegetable Marketing Co-operative Society, Ltd.</p>

<b>Item</b>	<b>Column 1 <u>Functional Constituency</u></b>	<b>Column 2 <u>Electors</u></b>
2.	Agriculture and fisheries functional constituency (Cont'd)	<p>(49) Shatin Ah Kung Kok Fishermen Welfare Association.</p> <p>(50) Shatin Florists Association.</p> <p>(51) Shau Kei Wan Deep Sea Capture Fishermen's Credit Co-operative Society, Unlimited.</p> <p>(52) Shau Kei Wan Fishermen Friendship Association.</p> <p>(53) Shau Kei Wan Pair Trawler Fishermen's Credit Co-operative Society, Unlimited.</p> <p>(54) The Shau Kei Wan Trawler Fishermen's Credit Co-operative Society, Unlimited.</p> <p>(55) Tai O Fishermen (Coastal Fishery) Association.</p> <p>(56) The Tai O Sha Chai Min Fishermen's Credit Co-operative Society, Unlimited.</p> <p>(57) The Tai Po Fishermen's Credit Co-operative Society, Unlimited.</p> <p>(58) Tai Po Florists and Horticulturists Association.</p> <p>(59) The Tai Po Purse Seiner and Small Long Liner Fishermen's Credit Co-operative Society, Unlimited.</p> <p>(60) The Tsuen Wan Fishermen's Credit Co-operative Society, Unlimited.</p> <p>(61) The Tuen Mun Mechanized Fishing Boat Fishermen's Credit Co-operative Society, Unlimited.</p> <p>(62) Tuen Mun Agricultural Association.</p> <p>(63) Tung Lung Chau Mariculture Association.</p> <p>(64) The Hong Kong Branch of the World's Poultry Science Association.</p> <p>(65) Yuen Long Agriculture Productivity Association.</p> <p>(66) Yung Shue Au Marine Fish Culture Business Association.</p> <p>(67) Tsing Yi Residents Association.</p> <p>(68) 荃灣葵青居民聯會(漁民組).</p> <p>(69) 荃灣葵青漁民會.</p> <p>(70) The Shau Kei Wan Stern Trawler Fishermen's Credit Co-operative Society, Unlimited.</p> <p>(71) Sustainable Ecological Ethical Development Foundation Ltd.</p> <p>(72) N. T. North District Fishermen's Association.</p> <p>(73) Tai Po Off Shore Fishermen's Association.</p> <p>(74) Aberdeen Fisherwomen Association.</p> <p>(75) 香港新界本地農協會.</p> <p>(76) The Hong Kong Veterinary Association Ltd.</p>
3.	Insurance functional constituency	Bodies that are insurers authorised or deemed to be authorised under the Insurance Ordinance (Cap. 41).

<b><u>Item</u></b>	<b>Column 1</b> <b><u>Functional</u></b> <b><u>Constituency</u></b>	<b>Column 2</b> <b><u>Electors</u></b>
4.	Transport functional constituency	(1) Parking Management and Consultancy Services Ltd. (2) Airport Authority. (3) Hong Kong Driver's Training Association. (4) The Association of N.T. Radio Taxicabs Ltd. (5) Autotoll Ltd. (6) The Chartered Institute of Logistics and Transport in Hong Kong. (7) China Merchants Shipping & Enterprises Co. Ltd. (8) Chu Kong Shipping Enterprises (Holdings) Co. Ltd. (9) Chuen Kee Ferry Ltd. (10) Chuen Lee Radio Taxis Association Ltd. (11) Citybus Ltd. (12) Coral Sea Ferry Service Co., Ltd. (13) COSCO-HIT Terminals (Hong Kong) Ltd. (14) CTOD Association Company Ltd. (15) Turbojet Ferry Services (Guangzhou) Ltd. (16) Discovery Bay Transportation Services Ltd. (17) Driving Instructors Merchants Association, Ltd. (18) Eastern Ferry Company Ltd. (19) Expert Fortune Ltd. (20) Far East Hydrofoil Co. Ltd. (21) Fat Kee Stevedores Ltd. (22) The Fraternity Association of N.T. Taxi Merchants. (23) Fraternity Taxi Owners Association. (24) G.M.B. Maxicab Operators General Association Ltd. (25) The Goods Vehicle Fleet Owners Association Ltd. (26) Happy Taxi Operator's Association Ltd. (27) Hoi Kong Container Services Co. Ltd. (28) Hon Wah Public Light Bus Association Ltd. (29) Hong Kong Air Cargo Terminals Ltd. (30) Hong Kong & Kowloon Ferry Ltd. (31) Hong Kong Kowloon Goods Vehicles, Omnibuses and Minibuses Instructors Association Ltd. (32) Hong Kong & Kowloon Motor Boats & Tug Boats Association Ltd. (33) Hong Kong & Kowloon Radio Car Owners Association Ltd. (34) Hong Kong and Kowloon Rich Radio Car Service Centre Association Ltd. (35) HongKong Association of Freight Forwarding and Logistics Ltd. (36) Hong Kong Automobile Association. (37) The Hong Kong Cargo-Vessel Traders' Association Ltd. (38) Hong Kong Commercial Vehicle Driving Instructors Association.

<b>Item</b>	<b>Column 1</b> <b><u>Functional</u></b> <b><u>Constituency</u></b>	<b>Column 2</b> <b><u>Electors</u></b>
4.	Transport functional constituency (Cont'd)	<p>(39) Hong Kong CFS and Logistics Association Ltd.</p> <p>(40) Hong Kong Container Tractor Owner Association Ltd.</p> <p>(41) Hong Kong Driving Instructors' Association.</p> <p>(42) Hong Kong Guangdong Transportation Association Ltd.</p> <p>(43) The Hong Kong Institute of Marine Technology.</p> <p>(44) Hong Kong, Kowloon &amp; NT Public &amp; Maxicab Light Bus Merchants' United Association.</p> <p>(45) Hong Kong Taxi Owners' Association Ltd.</p> <p>(46) The Hong Kong Liner Shipping Association.</p> <p>(47) H.K. Motor Car Driving Instructors' Association Ltd.</p> <p>(48) Hong Kong Pilots Association Ltd.</p> <p>(49) Hong Kong Public &amp; Maxicab Light Bus United Associations.</p> <p>(50) Hong Kong Public Cargo Working Areas Traders Association Ltd.</p> <p>(51) Hong Kong Scheduled (GMB) Licensee Association.</p> <p>(52) The Hong Kong School of Motoring Ltd.</p> <p>(53) Hong Kong Sea Transport and Logistics Association Ltd.</p> <p>(54) The Hong Kong Shipowners Association Ltd.</p> <p>(55) Hong Kong Shipping Circles Association Ltd.</p> <p>(56) Hong Kong Shipping Industry Institute.</p> <p>(57) Hong Kong Logistics Management Staff Association.</p> <p>(58) The Hong Kong Stevedores Employers' Association.</p> <p>(59) Hong Kong Tele-call Taxi Association.</p> <p>(60) Hong Kong Tramways, Ltd.</p> <p>(61) Hong Kong Transportation Warehouse Wharf Club.</p> <p>(62) The Hongkong &amp; Yaumati Ferry Co., Ltd.</p> <p>(63) Hongkong International Terminals Ltd.</p> <p>(64) Institute of Advanced Motorists (Hong Kong) Ltd.</p> <p>(65) Institute of Seatransport.</p> <p>(66) Institute of Transport Administration (Hong Kong, China).</p> <p>(67) Kowloon Fung Wong Public Light Bus Merchants &amp; Workers' Association Ltd.</p> <p>(68) The Kowloon Motor Bus Company (1933) Ltd.</p> <p>(69) Kowloon Motor Driving Instructors' Association Ltd.</p> <p>(70) The Kowloon PLB Chiu Chow Traders &amp; Workers Friendly Association.</p> <p>(71) The Kowloon Taxi Owners Association Ltd.</p> <p>(72) Kowloon Truck Merchants Association Ltd.</p> <p>(73) Kwik Park Ltd.</p> <p>(74) Lam Tin Wai Hoi Public Light Bus Association.</p> <p>(75) Lantau Taxi Association.</p> <p>(76) Lei Yue Mun Ko Chiu Road Public Light Bus Merchants Association Ltd.</p>

<b><u>Item</u></b>	<b><u>Column 1</u></b> <b><u>Functional</u></b> <b><u>Constituency</u></b>	<b><u>Column 2</u></b> <b><u>Electors</u></b>
4.	Transport functional constituency (Cont'd)	(77) Lok Ma Chau China—Hong Kong Freight Association. (78) Long Win Bus Company Ltd. (79) Mack & Co. Carpark Management Ltd. (80) Marine Excursion Association Ltd. (81) Maritime Affairs Research Association Ltd. (82) MTR Corporation Ltd. (83) Merchant Navy Officers' Guild—Hong Kong. (84) Metropark Ltd. (85) Mid-stream Holdings (HK) Ltd. (86) Mixer Truck Drivers Association. (87) Modern Terminals Ltd. (88) N.T. San Tin PLB (17) Owners Association. (89) N.T. Taxi Merchants Association Ltd. (90) N.T. Taxi Owners & Drivers Fraternal Association. (91) N.W. Area Taxi Drivers & Operators Association. (92) New Lantau Bus Co., (1973) Ltd. (93) New Territories Cargo Transport Association Ltd. (94) New World First Bus Services Ltd. (95) North District Taxi Merchants Association. (96) Organisation of Hong Kong Drivers. (97) Public and Private Light Buses Driving Instructors' Society. (98) The Public Cargo Area Trade Association. (99) Public Light Bus General Association. (100) The Public Omnibus Operators Association Ltd. (101) Public Vehicle Merchants Fraternity Association. (102) River Trade Terminal Co. Ltd. (103) Sai Kung Taxi Operators Association Ltd. (104) CSX World Terminals Hong Kong Ltd. (105) Serco Group (HK) Ltd. (106) The "Star" Ferry Co., Ltd. (107) Sun Hing Taxi Radio Association. (108) Taxi Association Ltd. (109) Taxi Dealers & Owners Association Ltd. (110) The Taxi Operators Association Ltd. (111) Transport Infrastructure Management Ltd. (112) Tuen Mun Public Light Bus Association. (113) Tung Yee Shipbuilding and Repairing Merchants General Association Ltd. (114) United Friendship Taxi Owners & Drivers Association Ltd. (115) Wai Fat Taxi Owners Association Ltd. (116) Wai Yik Hong Kong & Kowloon & NT Taxi Owners Association. (117) West Coast International (Parking) Ltd.

<b><u>Item</u></b>	<b><u>Column 1</u></b> <b><u>Functional</u></b> <b><u>Constituency</u></b>	<b><u>Column 2</u></b> <b><u>Electors</u></b>
4.	Transport functional constituency (Cont'd)	(118) Wilson Parking (Hong Kong) Ltd. (119) Wing Lee Radio Car Traders Association Ltd. (120) Wing Tai Car Owners & Drivers Association Ltd. (121) Wu Gang Shipping Co. Ltd. (122) Xiamen United Enterprises (H.K.) Ltd. (123) School Buses Operators Association Ltd. (124) Sun Ferry Services Company Ltd. (125) Shun Tak-China Travel Macau Ferries Ltd. (126) Hong Kong Container Drayage Services Association Ltd. (127) Hong Kong Kowloon & N.T. Grab-Mounted Lorries Association Ltd. (128) Hong Kong Waste Disposal Industry Association. (129) HK Public-light Bus Owner & Driver Association. (130) Logistics Industry & Container Truck Drivers Union. (131) The Concrete Producers Association of Hong Kong Ltd. (132) Hongkong Guangdong Boundary Crossing Bus Association Ltd. (133) Tsui Wah Ferry Service Company Ltd. (134) Quality Driver Training Centre Ltd. (135) Public and Private Commercial Driving Instructors' Society. (136) Shun Tak-China Travel Ship Management Ltd. (137) Cruise Ferries (HK) Ltd. (138) Asia Airfreight Terminal Company Ltd. (139) The Hong Kong Joint Branch of The Royal Institution of Naval Architects and The Institute of Marine Engineering, Science and Technology. (140) The Hongkong Salvage & Towage Company Ltd. (141) The Institute of Chartered Shipbrokers, Hong Kong Branch. (142) Hongkong United Dockyards Ltd. (143) Guangdong and Hong Kong Feeder Association Ltd. (144) Hong Kong Right Hand Drive Motors Association Ltd. (145) The Institute of the Motor Industry Hong Kong. (146) Hong Kong Vehicle Repair Merchants Association Ltd. (147) Environmental Vehicle Repairers Association Ltd. (148) The Hong Kong Taxi and Public Light Bus Association Ltd. (149) Park Island Transport Company Ltd. (150) Discovery Bay Road Tunnel Company Ltd. (151) International Association of Transport Officers. (152) Hong Kong Express Airways Ltd. (153) Hong Kong (Cross Border) Transportation Drivers' Association. (154) Hong Kong Logistics Association Ltd.

<b><u>Item</u></b>	<b><u>Column 1</u></b> <b><u>Functional</u></b> <b><u>Constituency</u></b>	<b><u>Column 2</u></b> <b><u>Electors</u></b>
4.	Transport functional constituency (Cont'd)	<p>(155) Hong Kong Container Depot and Repairer Association Ltd.</p> <p>(156) New World Parking Management Ltd.</p> <p>(157) The Nautical Institute—Hong Kong Branch.</p> <p>(158) Worldwide Flight Services, Inc.</p> <p>(159) NT Taxi Operations Union.</p> <p>(160) Sun Star Taxi Operators Association.</p> <p>(161) Taxi &amp; P.L.B. Concern Group.</p> <p>(162) Tai Wo Motors Ltd.</p> <p>(163) Tuen Mun District Tourists and Passengers Omnibus Operators Association Ltd.</p> <p>(164) Tsuen Wan District Tourists and Passengers Omnibus Operators Association Ltd.</p> <p>(165) Yuen Long District Tourists and Passengers Omnibus Operators Association Ltd.</p> <p>(166) Kowloon District Tourists and Passengers Omnibus Operators Association Ltd.</p> <p>(167) Hong Kong District Tourists and Passengers Omnibus Operators Association Ltd.</p> <p>(168) Sino Parking Services Ltd.</p> <p>(169) Urban Parking Ltd.</p> <p>(170) Greater Lucky (HK) Company Ltd.</p> <p>(171) China Hongkong and Macau Boundary Crossing Bus Association Ltd.</p> <p>(172) Ground Support Engineering Ltd.</p> <p>(173) Cathay Pacific Services Ltd.</p> <p>(174) Cathay Pacific Catering Services (H.K.) Ltd.</p> <p>(175) LSG Lufthansa Service Hong Kong Ltd.</p> <p>(176) Gate Gourmet Hong Kong, Ltd.</p> <p>(177) ECO Aviation Fuel Services Ltd.</p> <p>(178) Hong Kong Aircraft Engineering Company Ltd.</p> <p>(179) China Aircraft Services Ltd.</p> <p>(180) Dah Chong Hong – Dragonair Airport GSE Service Ltd.</p> <p>(181) Jardine Air Terminal Services Ltd.</p> <p>(182) Service Managers Association.</p> <p>(183) Driving Instructors Association.</p> <p>(184) The Chamber of Hong Kong Logistics Industry Ltd.</p> <p>(185) New Horizon School of Motoring Ltd.</p> <p>(186) Leinam School of Motoring Ltd.</p> <p>(187) TIML MOM Ltd.</p> <p>(188) Hong Kong Taxi Association.</p> <p>(189) Chung Shing Taxi Ltd.</p> <p>(190) Hong Kong Air Cargo Carrier Ltd.</p> <p>(191) Hong Kong Dumper Truck Drivers Association.</p> <p>(192) Shun Fung Motors Investment Management Company</p>

<b><u>Item</u></b>	<b><u>Column 1</u></b> <b><u>Functional</u></b> <b><u>Constituency</u></b>	<b><u>Column 2</u></b> <b><u>Electors</u></b>
4.	Transport functional constituency (Cont'd)	<p>Ltd.</p> <p>(193) Taxi Drivers and Operators Association.</p> <p>(194) Yiu Lian Dockyards Ltd.</p> <p>(195) China Merchants Port Holdings Company Ltd.</p> <p>(196) China Merchants Container Services Ltd.</p> <p>(197) China Merchants Logistics Holding Hong Kong Company Ltd.</p> <p>(198) China Merchants Energy Shipping (Hong Kong) Company Ltd.</p> <p>(199) COSCO SHIPPING (Hong Kong) Co., Ltd.</p> <p>(200) Cosco (H.K.) Shipping Co., Ltd.</p> <p>(201) COSCO SHIPPING Container Line Agencies Ltd.</p> <p>(202) COSCO SHIPPING International (Hong Kong) Co., Ltd.</p> <p>(203) China Travel Tours Transportation Services Hong Kong Ltd.</p> <p>(204) Sky Shuttle Helicopters Ltd.</p> <p>(205) Hong Kong-Zhuhai-Macao Bridge Shuttle Bus Company Ltd.</p> <p>(206) Hong Kong &amp; Macao International Airport Transportation Service Co. Ltd.</p> <p>(207) Hong Kong International Airport Ferry Terminal Services Ltd.</p> <p>(208) Ocean Shipbuilding &amp; Engineering Ltd.</p> <p>(209) China Ferry Terminal Services Ltd.</p> <p>(210) Turbojet Shipyard Ltd.</p> <p>(211) Hong Kong Association of Aircargo Truckers Ltd.</p> <p>(212) Hong Kong Auto (Parts &amp; Machinery) Association Ltd.</p> <p>(213) China Aviation Express (Hong Kong) Ltd.</p> <p>(214) Chu Kong Godown Wharf &amp; Transportation Company Ltd.</p> <p>(215) Chu Kong Transhipment &amp; Logistics Company Ltd.</p> <p>(216) Chu Kong Transportation (H.K.) Ltd.</p> <p>(217) Chu Kong Agency Company Ltd.</p> <p>(218) Cotai Chu Kong Shipping Management Services Company Ltd.</p> <p>(219) Yuet Hing Marine Supplies Company Ltd.</p> <p>(220) Chu Kong Group Shipyard Company Ltd.</p> <p>(221) Dong An Marine Safety Equipment Trading Ltd.</p> <p>(222) Fortune Ferry Company Ltd.</p> <p>(223) Hong Kong Wing Hing Marine Engineering Company Ltd.</p> <p>(224) China National Aviation Leasing Ltd.</p> <p>(225) Yuantong Marine Service Co. Ltd.</p> <p>(226) Wang Tak Engineering &amp; Shipbuilding Company Ltd.</p>

<b><u>Item</u></b>	<b><u>Column 1</u></b> <b><u>Functional</u></b> <b><u>Constituency</u></b>	<b><u>Column 2</u></b> <b><u>Electors</u></b>
4.	Transport functional constituency (Cont'd)	(227) The Motor Transport Company of Guangdong and Hong Kong Ltd. (228) Weisheng Transportation & Enterprises Company Ltd.
5.	Education functional constituency	(1) Full-time academic staff engaged in teaching or research and administrative staff of equivalent rank in: <ul style="list-style-type: none"> <li>(a) institutions of higher education funded through the University Grants Committee;</li> <li>(b) approved post secondary colleges registered under the Post Secondary Colleges Ordinance (Cap. 320);</li> <li>(c) technical colleges established under the Vocational Training Council Ordinance (Cap. 1130);</li> <li>(d) The Hong Kong Academy for Performing Arts;</li> <li>(e) The Hong Kong Metropolitan University.</li> </ul> (2) Full-time academic staff engaged in teaching or research and administrative staff of equivalent rank in the institutions which: <ul style="list-style-type: none"> <li>(a) offer post secondary education leading to the award of any qualification entered into the Qualifications Register established under the Accreditation of Academic and Vocational Qualifications Ordinance (Cap. 592); and</li> <li>(b) are set up by:               <ul style="list-style-type: none"> <li>(i) an institution of higher education funded through the University Grants Committee;</li> <li>(ii) The Hong Kong Academy for Performing Arts; or</li> <li>(iii) The Hong Kong Metropolitan University.</li> </ul> </li> </ul> (3) Members of each of the following bodies: <ul style="list-style-type: none"> <li>(a) Council of the University of Hong Kong;</li> <li>(b) Council of The Chinese University of Hong Kong;</li> <li>(c) Council of The Hong Kong University of Science and Technology;</li> <li>(d) Council of the City University of Hong Kong;</li> <li>(e) Council of The Hong Kong Polytechnic University;</li> <li>(f) Council of The Hong Kong Academy for Performing Arts;</li> <li>(g) Council of The Hong Kong Metropolitan University;</li> <li>(h) the Vocational Training Council;</li> <li>(i) Council of The Education University of Hong Kong;</li> <li>(j) Council of the Hong Kong Baptist University;</li> <li>(k) Council of Lingnan University; and</li> </ul>

<b>Item</b>	<b>Column 1</b> <b><u>Functional</u></b> <b><u>Constituency</u></b>	<b>Column 2</b> <b><u>Electors</u></b>
5.	Education functional constituency (Cont'd)	<p>(l) Board of Governors of post secondary colleges registered under the Post Secondary Colleges Ordinance (Cap. 320).</p> <p>(4) Registered teachers registered under the Education Ordinance (Cap. 279).</p> <p>(5) Permitted teachers engaged in full-time employment in schools registered or provisionally registered under the Education Ordinance (Cap. 279).</p> <p>(6) Teachers and principals of schools entirely maintained and controlled by the Government.</p> <p>(7) Persons whose principal or only employment is that of full-time teaching with the following institutions:</p> <p>(a) technical institutes, industrial training centres or skills centres established under the Vocational Training Council Ordinance (Cap. 1130);</p> <p>(b) (i) industrial training centres established under the repealed Industrial Training (Construction Industry) Ordinance (Cap. 317) and maintained under the Construction Industry Council Ordinance (Cap. 587);</p> <p>(ii) industrial training centres established under the Construction Industry Council Ordinance (Cap. 587);</p> <p>(c) industrial training centres established under the Industrial Training (Clothing Industry) Ordinance (Cap. 318);</p> <p>(d) Hong Chi Associations—Hong Chi Pinehill Integrated Vocational Training Centre;</p> <p>(e) Caritas Lok Mo Integrated Vocational Training Centre of Caritass—Hong Kong incorporated under the Caritass—Hong Kong Incorporation Ordinance (Cap. 1092).</p> <p>(8) Registered managers of schools registered under the Education Ordinance (Cap. 279).</p>
6.	Legal functional constituency	<p>(1) Members of The Law Society of Hong Kong entitled to vote at general meetings of the Society; and</p> <p>(2) Members of the Hong Kong Bar Association entitled to vote at general meetings of the Association; and</p> <p>(3) Legal officers within the meaning of the Legal Officers Ordinance (Cap. 87); and</p> <p>(4) Persons appointed under s 3 of the Legal Aid Ordinance (Cap. 91); and</p> <p>(5) Persons deemed to be legal officers for the purpose of the Legal Officers Ordinance (Cap. 87) by s 75(3) of the</p>

<b><u>Item</u></b>	<b><u>Column 1</u></b> <b><u>Functional</u></b> <b><u>Constituency</u></b>	<b><u>Column 2</u></b> <b><u>Electors</u></b>
6.	Legal functional constituency (Cont'd)	Bankruptcy Ordinance (Cap. 6) or s 3(3) of the Director of Intellectual Property (Establishment) Ordinance (Cap. 412); and (6) The Legal Adviser of the Legislative Council Secretariat and his or her assistants who are in the full-time employment of The Legislative Council Commission and are barristers or solicitors as defined in the Legal Practitioners Ordinance (Cap. 159).
7.	Accountancy functional constituency	Certified public accountants registered under the Professional Accountants Ordinance (Cap. 50).
8.	Medical and health services functional constituency	(1) Medical practitioners registered or deemed to be registered under the Medical Registration Ordinance (Cap. 161). (2) Dentists registered, deemed to be registered or exempt from registration under the Dentists Registration Ordinance (Cap. 156). (3) Chiropractors registered under the Chiropractors Registration Ordinance (Cap. 428). (4) Nurses registered or enrolled or deemed to be registered or enrolled under the Nurses Registration Ordinance (Cap. 164). (5) Midwives registered or deemed to be registered under the Midwives Registration Ordinance (Cap. 162). (6) Pharmacists registered under the Pharmacy and Poisons Ordinance (Cap. 138). (7) Medical laboratory technologists registered under the Medical Laboratory Technologists (Registration and Disciplinary Procedure) Regulations (Cap. 359 sub. leg. A). (8) Radiographers registered under the Radiographers (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. H). (9) Physiotherapists registered under the Physiotherapists (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. J). (10) Occupational therapists registered under the Occupational Therapists (Registration and Disciplinary Procedure) Regulations (Cap. 359 sub. leg. B). (11) Optometrists registered under the Optometrists (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. F).

<b><u>Item</u></b>	<b><u>Column 1</u></b> <b><u>Functional</u></b> <b><u>Constituency</u></b>	<b><u>Column 2</u></b> <b><u>Electors</u></b>
8.	Medical and Health (12) services functional constituency (Cont'd)	Dental hygienists enrolled under the Ancillary Dental Workers (Dental Hygienists) Regulations (Cap. 156 sub. leg. B).
	(13)	Audiologists, audiology technicians, chiropodists (also known as “podiatrists”), dental surgery assistants, dental technicians, dental technologists, dental therapists, dietitians, dispensers, mould laboratory technicians, orthoptists, clinical psychologists, educational psychologists, prosthetists, speech therapists and scientific officers (medical) who are in the service under the Government, or are employed in Hong Kong, at the following institutions:
		(a) Public hospitals within the meaning of the Hospital Authority Ordinance (Cap. 113);
		(b) Hospitals within the meaning of the Private healthcare Facilities Ordinance (Cap. 633) for each of which a licence under that Ordinance is in force;
		(c) Clinics maintained or controlled by the Government or The Chinese University of Hong Kong or by the University of Hong Kong;
		(d) Services subvented by the Government; and
	(14)	Chinese medicine practitioners who are members of any of the following bodies and entitled to vote at general meetings of the respective bodies:
		(a) The Hong Kong Association of Traditional Chinese Medicine Ltd.;
		(b) International General Chinese Herbalists and Medicine Professionals Association Ltd.;
		(c) Sin-Hua Herbalists’ and Herb Dealers’ Promotion Society Ltd.;
		(d) Society of Practitioners of Chinese Herbal Medicine Ltd.;
		(e) The Hong Kong T.C.M. Orthopaedic and Traumatic Association Ltd.;
		(f) The Hong Kong Federation of China of Traditional Chinese Medicine;
		(g) Hong Kong Acupuncturists Association;
		(h) Hong Kong Chinese Herbalists Association Ltd.;
		(i) Association of Hong Kong & Kowloon Practitioners of Chinese Medicine, Ltd.;
		(j) Hong Kong Chinese Medicine Practitioners Association Ltd.; and
	(15)	Registered Chinese medicine practitioners registered under the Chinese Medicine Ordinance (Cap. 549).

<b><u>Item</u></b>	<b><u>Column 1</u></b> <b><u>Functional</u></b> <b><u>Constituency</u></b>	<b><u>Column 2</u></b> <b><u>Electors</u></b>
9.	Engineering functional constituency	<p>(1) Professional engineers registered under the Engineers Registration Ordinance (Cap. 409); and</p> <p>(2) Members of the Hong Kong Institution of Engineers entitled to vote at general meetings of the Institution.</p>
10.	Architectural, surveying, planning and landscape functional constituency	<p>(1) Architects registered under the Architects Registration Ordinance (Cap. 408).</p> <p>(2) Members of The Hong Kong Institute of Architects entitled to vote at general meetings of the Institute.</p> <p>(3) Landscape architects registered under the Landscape Architects Registration Ordinance (Cap. 516).</p> <p>(4) Members of The Hong Kong Institute of Landscape Architects entitled to vote at general meetings of the Institute.</p> <p>(5) Professional surveyors registered under the Surveyors Registration Ordinance (Cap. 417).</p> <p>(6) Members of The Hong Kong Institute of Surveyors entitled to vote at general meetings of the Institute.</p> <p>(7) Professional planners registered under the Planners Registration Ordinance (Cap. 418).</p> <p>(8) Members of The Hong Kong Institute of Planners entitled to vote at general meetings of the Institute.</p>
11.	Labour functional constituency	Bodies that are trade unions registered under the Trade Unions Ordinance (Cap. 332) of which all the voting members are employees.
12.	Social welfare functional constituency	Social workers registered under the Social Workers Registration Ordinance (Cap. 505).
13.	Real estate and construction functional constituency	<p>(1) Corporate members of The Real Estate Developers Association of Hong Kong entitled to vote at general meetings of the Association.</p> <p>(2) Corporate members of The Hong Kong Construction Association, Ltd. entitled to vote at general meetings of the Association.</p> <p>(3) Corporate members of The Hong Kong E&amp;M Contractors' Association Ltd. entitled to vote at general meetings of the Association.</p>
14.	Tourism functional constituency	(1) Bodies that are travel agents holding licences as defined by s 2(1) of the Travel Industry Ordinance (Cap. 634); and:

<b><u>Item</u></b>	<b><u>Column 1</u></b> <b><u>Functional</u></b> <b><u>Constituency</u></b>	<b><u>Column 2</u></b> <b><u>Electors</u></b>
14.	Tourism functional constituency (Cont'd)	<ul style="list-style-type: none"> <li>(a) corporate members of the Travel Industry Council of Hong Kong entitled to vote at the Board of Directors of the Council;</li> <li>(b) corporate members of Hong Kong Association of China Travel Organisers Ltd. entitled to vote at the Executive Committee of the company;</li> <li>(c) corporate members of International Chinese Tourist Association Ltd. entitled to vote at the Executive Committee of the company;</li> <li>(d) corporate members of The Federation of Hong Kong Chinese Travel Agents Ltd. entitled to vote at the Executive Committee of the company;</li> <li>(e) corporate members of Hong Kong Outbound Tour Operators' Association Ltd. entitled to vote at the Executive Committee of the company;</li> <li>(f) corporate members of Hong Kong Association of Travel Agents Ltd. entitled to vote at the Executive Committee of the company;</li> <li>(g) corporate members of Hongkong Taiwan Tourist Operators Association entitled to vote at the Executive Committee of the Association;</li> <li>(h) corporate members of Hongkong Japanese Tour Operators Association Ltd. entitled to vote at the Executive Committee of the company;</li> <li>(i) corporate members of Society of IATA Passenger Agents Ltd. entitled to vote at the Executive Committee of the company; and</li> </ul> <ul style="list-style-type: none"> <li>(2) Bodies that are corporate members of The Board of Airline Representatives in Hong Kong entitled to vote at the Executive Committee of the Board.</li> <li>(3) Bodies that are corporate members of the Federation of Hong Kong Hotel Owners Ltd. entitled to vote at general meetings of the company.</li> </ul>
15.	Commercial (first) functional constituency	Corporate members of The Hong Kong General Chamber of Commerce entitled to vote at general meetings of the Chamber.
16.	Commercial (second) functional constituency	Corporate members of The Chinese General Chamber of Commerce entitled to vote at general meetings of the Chamber.
17.	Commercial (third) functional constituency	Corporate members of the Hong Kong Chinese Enterprises Association entitled to vote at general meetings of the Association.

<b><u>Item</u></b>	<b><u>Column 1</u></b> <b><u>Functional</u></b> <b><u>Constituency</u></b>	<b><u>Column 2</u></b> <b><u>Electors</u></b>
18.	Industrial (first) functional constituency	Corporate members of the Federation of Hong Kong Industries entitled to vote at general meetings of the Federation.
19.	Industrial (second) functional constituency	Corporate members of The Chinese Manufacturers' Association of Hong Kong entitled to vote at general meetings of the Association.
20.	Finance functional constituency	Bodies that are: <ol style="list-style-type: none"> <li>(1) banks within the meaning of the Banking Ordinance (Cap. 155).</li> <li>(2) restricted licence banks within the meaning of the Banking Ordinance (Cap. 155).</li> <li>(3) deposit-taking companies within the meaning of the Banking Ordinance (Cap. 155).</li> </ol>
21.	Financial services functional constituency	<ol style="list-style-type: none"> <li>(1) Exchange participants of a recognized exchange company.</li> <li>(2) Corporate members of The Chinese Gold &amp; Silver Exchange Society entitled to vote at general meetings of the Society.</li> </ol>
22.	Sports, performing arts, culture and publication functional constituency	<ol style="list-style-type: none"> <li>(1) Corporate members of the Sports Federation &amp; Olympic Committee of Hong Kong, China; and</li> <li>(2) Hong Kong Sports Institute Ltd.; and</li> <li>(3) Corporate members of the Hong Kong Publishing Federation Ltd. entitled to vote at general meetings of the company; and</li> <li>(4) Hong Kong Motion Picture Industry Association Ltd.</li> <li>(5) Hong Kong Film Awards Association Ltd.</li> <li>(6) Association for Betterment of Hong Kong's Entertainment Industry in Mainland China Ltd.</li> <li>(7) Federation of Hong Kong Filmmakers Ltd.</li> <li>(8) Movie Producers and Distributors Association of Hong Kong Ltd.</li> <li>(9) Hong Kong Chamber of Films Ltd.</li> <li>(10) Hong Kong Theatres Association Ltd.</li> <li>(11) 華南電影工作者聯合會.</li> <li>(12) International Federation of the Phonographic Industry (Hong Kong Group) Ltd.</li> <li>(13) Music Publishers Association of Hong Kong Ltd.</li> <li>(14) Hong Kong Recording Industry Alliance Ltd.</li> <li>(15) Television Broadcasts Ltd.</li> <li>(16) HK Television Entertainment Company Ltd.</li> </ol>

<b><u>Item</u></b>	<b><u>Column 1</u></b> <b><u>Functional</u></b> <b><u>Constituency</u></b>	<b><u>Column 2</u></b> <b><u>Electors</u></b>
22.	Sports, performing arts, culture and publication functional constituency (Cont'd)	(17) Fantastic Television Ltd. (18) Hong Kong Commercial Broadcasting Company Ltd. (19) Metro Broadcast Corporation Ltd. (20) The Hong Kong Film Development Council. (21) The Hong Kong International Film Festival Society Ltd. (22) Hong Kong Film & Television Association Ltd. (23) Hong Kong Arts Development Council. (24) The Hong Kong Academy for Performing Arts. (25) West Kowloon Cultural District Authority. (26) The Hong Kong Philharmonic Society Ltd. (27) Hong Kong Chinese Orchestra Ltd. (28) Hong Kong Repertory Theatre Ltd. (29) Chung Ying Theatre Company (HK) Ltd. (30) Hong Kong Dance Company Ltd. (31) The Hong Kong Ballet Ltd. (32) Hong Kong Sinfonietta Ltd. (33) City Contemporary Dance Company Ltd. (34) Zuni Icosahedron. (35) Hong Kong Arts Festival Society Ltd. (36) China Federation of Literary and Art Circles Hong Kong Member Association Ltd. (37) China Theatre Association Hong Kong Member Branch. (38) China Film Hong Kong Association Ltd. (39) Chinese Musicians Association—Hong Kong Members Branch. (40) China Artists Association Hong Kong Chapter. (41) China Opera Performing Artists Hong Kong Association. (42) Chinese Dancers Association Hong Kong Member Branch. (43) China Photographers Association Hong Kong Member Branch. (44) China Calligraphers Association Hong Kong Member Branch. (45) China Literature and Art Critics Association Hong Kong Member Branch. (46) The Association of Chinese Culture of Hong Kong. (47) Hong Kong Culture Association Ltd. (48) The Chinese Artists Association of Hong Kong. (49) Hong Kong Chinese Opera Promotion Association Ltd. (50) Cantonese Opera Musician and Vocalist Association Ltd. (51) HK Chinese Opera and Performing Arts Group Association. (52) Hong Kong Cantonese Opera Artists Club Ltd. (53) Hong Kong Association of Cantonese Opera Scholars Ltd.

<b>Item</b>	<b>Column 1</b> <b><u>Functional</u></b> <b><u>Constituency</u></b>	<b>Column 2</b> <b><u>Electors</u></b>
22.	Sports, performing arts, culture and publication functional constituency (Cont'd)	(54) Hong Kong Federation of Drama Societies. (55) Actors' Family Ltd. (56) The Nonsensemakers Ltd. (57) Tang Shu-Wing Theatre Studio Ltd. (58) Shakespeare4All Company Ltd. (59) Spring-Time Experimental Theatre Ltd. (60) Perry Chiu Experimental Theatre Ltd. (61) Performing Arts Asia Ltd. (62) Composers and Authors Society of Hong Kong Ltd. (63) Hong Kong Composers' Guild Ltd. (64) Hong Kong Chinese Instrumental Music Association. (65) Hong Kong Association of Choral Societies. (66) Hong Kong Music Tutors Union. (67) Opera Hong Kong Ltd. (68) Hong Kong String Orchestra Ltd. (69) Global Symphony Orchestra Society Ltd. (70) The Hong Kong Children's Choir. (71) Yip's Children's Choir Ltd. (72) Allegro Singers. (73) Hong Kong City Chinese Orchestra. (74) Hong Kong Dance Federation Ltd. (75) Association of Hong Kong Dance Organizations. (76) Hong Kong Dance Alliance Ltd. (77) The Hong Kong Ballet Group Ltd. (78) Hong Kong Dance Sector Joint Conference. (79) The Association of Hong Kong Youth Dancers. (80) Miranda Chin Dance (Mirandance) Company Ltd. (81) Budlet Folk Dance Club. (82) Starwave Production. (83) Xiang Gang Mei Xie. (84) Chinese Ink Painting Institute Hong Kong. (85) Hong Kong Water Colour Research Society. (86) Hong Kong Lan Ting Society. (87) Hong Kong Culture and Art Promotion Association. (88) Hong Kong Art Researching Association. (89) Hong Kong Modern Ink Painting Society Co. Ltd. (90) Hong Kong Oil Painting Research Society. (91) Hong Kong Artists Society. (92) The Hong Kong Art Club. (93) Chung Fung Art Club. (94) To-day's Chinese Art Association. (95) Ling Ngai Art Association. (96) Hong Kong Graphics Society. (97) 中國書協香港分會. (98) Hong Kong Chinese Calligraphy and Art Association.

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22.	Sports, performing arts, culture and publication functional constituency (Cont'd)	(99) China Hong Kong Institute of Calligraphy. (100) Calligraphy and Painting Study Association of Hong Kong Fukienese. (101) Hong Kong Association of Amateur Calligraphers. (102) Hong Kong Calligraphers' Association (103) Hong Kong International Calligraphy and Seal Cutting Society. (104) Hong Kong Hard Pen Calligraphists' Association. (105) Friends of Shizhai. (106) The Jiazi Society of Calligraphy. (107) The Photographic Society of Hong Kong. (108) The Chinese Photographic Association of Hong Kong. (109) Sea Gull Photographic Association Ltd. (110) The Photographic Salon Exhibitors Association. (111) Grace Photographic Club. (112) Hong Kong Camera Club, Ltd. (113) United Artist Photographic Association Ltd. (114) The Society of Worldwide Ethnic Chinese Photographers Ltd. (115) The Hong Kong 35mm Photography Society, Ltd. (116) The Hong Kong Miniature Cameras Photography Society. (117) Hong Kong CreArt Photographic Association Ltd. (118) Overseas Chinese Photographers Association of Hong Kong. (119) The Art of Photography Association Ltd. (120) The Federation of Hong Kong Writers. (121) The House of Hong Kong Literature Ltd. (122) Hong Kong Writers Association Company Ltd. (123) Hong Kong Society for Study of Poetry, Calligraphy and Couplet. (124) Hong Kong Literature Promoted Association. (125) 國際華文詩人協會. (126) Magicians' Association of Hong Kong. (127) Hong Kong & Macau Intangible Cultural Heritage Research Centre Ltd. (128) Wing Lung Art. (129) Hong Kong Book Reviewers Association. (130) Hong Kong Film Critics Association Ltd. (131) Hong Kong Literary Criticism Society Company Ltd. (132) Oriental Education Alliance Ltd. (133) Hong Kong International Music Festival Ltd. (134) The Association of Zhuangzi Culture & Research of Hong Kong.

<b><u>Item</u></b>	<b><u>Column 1</u></b> <b><u>Functional</u></b> <b><u>Constituency</u></b>	<b><u>Column 2</u></b> <b><u>Electors</u></b>
22.	Sports, performing arts, culture and publication functional constituency (Cont'd)	(135) Hong Kong Cantonese Opera Chamber of Commerce Ltd. (136) Jingkun Theatre Ltd.
23.	Import and export functional constituency	Corporate members of The Hong Kong Chinese Importers' and Exporters' Association entitled to vote at general meetings of the Association.
24.	Textiles and garment functional constituency	(1) Corporate members of the Textile Council of Hong Kong Ltd. (other than those referred to in paragraph (2)(a) to (j)) entitled to vote at general meetings of the Council. (2) Corporate members of each of the following bodies entitled to vote at general meetings of the body— (a) The Federation of Hong Kong Cotton Weavers; (b) The Federation of Hong Kong Garment Manufacturers; (c) Hong Kong Chinese Textile Mills Association; (d) The Hongkong Cotton Spinners Association; (e) Hong Kong Garment Manufacturers Association Ltd.; (f) Hongkong Knitwear Exporters & Manufacturers Association Ltd.; (g) Hong Kong Woollen & Synthetic Knitting Manufacturers' Association Ltd.; (h) The Hong Kong Association of Textile Bleachers, Dyers, Printers and Finishers Ltd.; (i) The Hong Kong Weaving Mills Association; (j) The Hong Kong General Chamber of Textiles Ltd.
25.	Wholesale and retail functional constituency	Corporate members of each of the following bodies entitled to vote at general meetings of the body: (1) Association of Better Business & Tourism Services. (2) Chinese Medicine Merchants Association Ltd. (3) Chinese Merchants (H.K.) Association Ltd. (4) Chinese Paper Merchants Association Ltd. (5) The Cosmetic & Perfumery Association of Hong Kong Ltd. (6) Eastern District Fresh Fish Merchants' Society. (7) Federation of Hong Kong Kowloon New Territories Hawker Associations. (8) The Federation of Hong Kong Watch Trades and Industries Ltd.

<b><u>Item</u></b>	<b><u>Column 1</u></b> <b><u>Functional</u></b> <b><u>Constituency</u></b>	<b><u>Column 2</u></b> <b><u>Electors</u></b>
25.	Wholesale and retail functional constituency (Cont'd)	<p>(9) HK Vegetable Wholesaler Community.</p> <p>(10) Hong Kong and Kowloon Bamboo Goods Merchants Association Ltd.</p> <p>(11) Hong Kong and Kowloon Electrical Appliances Merchants Association Ltd.</p> <p>(12) Hong Kong Electro-Plating Merchants Association Ltd.</p> <p>(13) Hong Kong &amp; Kowloon Fruit &amp; Vegetable Employees &amp; Employers Guild.</p> <p>(14) Hong Kong &amp; Kowloon General Association of Liquor Dealers and Distillers.</p> <p>(15) Hong Kong and Kowloon Machinery and Instrument Merchants Association Ltd.</p> <p>(16) Hong Kong &amp; Kowloon Marine Products Merchants Association Ltd.</p> <p>(17) Hong Kong &amp; Kowloon Plastic Products Merchants United Association Ltd.</p> <p>(18) The Hong Kong &amp; Kowloon Provisions, Wine &amp; Spirit Dealers' Association Ltd.</p> <p>(19) Hong Kong and Kowloon Rattan Ware Merchants Association (Wing-Hing-Tong).</p> <p>(20) Hong Kong &amp; Kowloon Sauce &amp; Preserved-Fruit Amalgamated Employers Association.</p> <p>(21) Hong Kong &amp; Kowloon Tea Trade Merchants Association Ltd.</p> <p>(22) Hong Kong &amp; Kowloon Timber Merchants Association Ltd.</p> <p>(23) Hong Kong &amp; Kowloon Vermicelli &amp; Noodle Manufacturing Industry Merchants' General Association Ltd.</p> <p>(24) Hong Kong Art Craft Merchants Association, Ltd.</p> <p>(25) Hong Kong Dried Seafood and Grocery Merchants Association Ltd.</p> <p>(26) Hong Kong Egg Merchants Association (Fung-Kwai-Tong).</p> <p>(27) Hong Kong Embroidery Merchants Association Ltd.</p> <p>(28) Hong Kong Flower Retailers Association.</p> <p>(29) The Hong Kong Food Council Ltd.</p> <p>(30) Hong Kong Fresh Fish Merchants Association.</p> <p>(31) Hong Kong Fur Federation.</p> <p>(32) Hong Kong Furniture &amp; Decoration Trade Association Ltd.</p> <p>(33) Hong Kong General Chamber of Pharmacy Ltd.</p> <p>(34) Hong Kong Glass and Mirror Merchants and Manufacturers Association Company Ltd.</p> <p>(35) Hong Kong Jewellers' &amp; Goldsmiths' Association Ltd.</p>

<b><u>Item</u></b>	<b><u>Column 1</u></b> <b><u>Functional</u></b> <b><u>Constituency</u></b>	<b><u>Column 2</u></b> <b><u>Electors</u></b>
25.	Wholesale and retail functional constituency (Cont'd)	<p>(36) The Federation of Hong Kong Footwear Ltd.</p> <p>(37) The Hong Kong Medicine Dealers' Guild.</p> <p>(38) Hong Kong Metal Merchants Association.</p> <p>(39) Hong Kong Petroleum, Chemicals and Pharmaceutical Materials Merchants Association Ltd.</p> <p>(40) Hong Kong Photo Marketing Association Ltd.</p> <p>(41) Hong Kong Piece Goods Merchants' Association.</p> <p>(42) Hong Kong Plastic Material Suppliers Association Ltd.</p> <p>(43) Hong Kong Plumbing and Sanitary Ware Trade Association Ltd.</p> <p>(44) Hong Kong Provision &amp; Grocery General Commercial Chamber.</p> <p>(45) Hong Kong Record Merchants Association Ltd.</p> <p>(46) Hong Kong Rice Suppliers' Association Ltd.</p> <p>(47) Hong Kong Retail Management Association Ltd.</p> <p>(48) Hong Kong Yee Yee Tong Chinese Medicine Merchants Association Ltd.</p> <p>(49) The Hong Kong &amp; Kowloon General Merchandise Merchants' Association Ltd.</p> <p>(50) Kowloon Cheung Sha Wan Wholesale Vegetable Market (Importers) Recreation Club Ltd.</p> <p>(51) Kowloon Fresh Fish Merchants Association Ltd.</p> <p>(52) The Kowloon Pearls, Precious Stones, Jade, Gold &amp; Silver Ornament Merchants Association.</p> <p>(53) The Merchants Association of First Wholesalers/Jobbery of Imported Fresh Fruits &amp; Vegetables Ltd.</p> <p>(54) Mongkok Vegetable Wholesale Merchants Association Company Ltd.</p> <p>(55) The Motor Traders Association of Hong Kong.</p> <p>(56) Nam Pak Hong Association.</p> <p>(57) Po Sau Tong Ginseng &amp; Antler Association Hong Kong Ltd.</p> <p>(58) The Rice Merchants' Association of Hong Kong Ltd.</p> <p>(59) Kowloon Fruit &amp; Vegetable Merchants Association Ltd.</p> <p>(60) The Hong Kong And Kowloon Electric Trade Association.</p> <p>(61) Hong Kong Poultry Wholesalers Association.</p> <p>(62) Diamond Federation of Hong Kong, China Ltd.</p> <p>(63) Tobacco Association of Hong Kong Ltd.</p> <p>(64) Hong Kong Chinese Prepared Medicine Traders Association Ltd.</p> <p>(65) Hong Kong Chinese Medicine Industry Association Ltd.</p> <p>(66) Hong Kong Chinese Patent Medicine Manufacturers' Association Ltd.</p>

<b><u>Item</u></b>	<b>Column 1</b> <b><u>Functional</u></b> <b><u>Constituency</u></b>	<b>Column 2</b> <b><u>Electors</u></b>
26.	Technology and innovation functional constituency	<ul style="list-style-type: none"> <li>(1) State Key Laboratory of Emerging Infectious Diseases (The University of Hong Kong).</li> <li>(2) State Key Laboratory of Brain and Cognitive Science (The University of Hong Kong).</li> <li>(3) State Key Laboratory of Translational Oncology (The Chinese University of Hong Kong).</li> <li>(4) State Key Laboratory of Terahertz and Millimeter Waves (City University of Hong Kong).</li> <li>(5) State Key Laboratory of Agrobiotechnology (The Chinese University of Hong Kong).</li> <li>(6) State Key Laboratory of Ultraprecision Machining Technology (The Hong Kong Polytechnic University).</li> <li>(7) State Key Laboratory of Molecular Neuroscience (The Hong Kong University of Science and Technology).</li> <li>(8) State Key Laboratory of Marine Pollution (City University of Hong Kong).</li> <li>(9) State Key Laboratory of Research on Bioactivities and Clinical Applications of Medicinal Plants (The Chinese University of Hong Kong).</li> <li>(10) State Key Laboratory of Liver Research (The University of Hong Kong).</li> <li>(11) State Key Laboratory of Synthetic Chemistry (The University of Hong Kong).</li> <li>(12) State Key Laboratory of Chemical Biology and Drug Discovery (The Hong Kong Polytechnic University).</li> <li>(13) State Key Laboratory of Environmental and Biological Analysis (Hong Kong Baptist University).</li> <li>(14) State Key Laboratory of Pharmaceutical Biotechnology (The University of Hong Kong).</li> <li>(15) State Key Laboratory of Digestive Disease (The Chinese University of Hong Kong).</li> <li>(16) State Key Laboratory of Advanced Displays and Optoelectronics Technologies (The Hong Kong University of Science and Technology).</li> <li>(17) Hong Kong Branch of National Engineering Research Center for Application Specific Integrated Circuit System.</li> <li>(18) Hong Kong Branch of National Engineering Research Center for Steel Construction.</li> <li>(19) Hong Kong Branch of National Rail Transit Electrification and Automation Engineering Technology Research Center.</li> <li>(20) Hong Kong Branch of National Precious Metals Material Engineering Research Center.</li> </ul>

<b><u>Item</u></b>	<b><u>Column 1</u></b> <b><u>Functional</u></b> <b><u>Constituency</u></b>	<b><u>Column 2</u></b> <b><u>Electors</u></b>
26.	Technology and innovation functional constituency (Cont'd)	<p>(21) Hong Kong Branch of National Engineering Research Center for Tissue Restoration &amp; Reconstruction.</p> <p>(22) Hong Kong Branch of Chinese National Engineering Research Center for Control &amp; Treatment of Heavy Metal Pollution.</p> <p>(23) Hong Kong Institute of Science &amp; Innovation, Chinese Academy of Sciences Ltd.</p> <p>(24) Centre for Regenerative Medicine and Health, Hong Kong Institute of Science &amp; Innovation, Chinese Academy of Sciences Ltd.</p> <p>(25) Centre for Artificial Intelligence and Robotics, Hong Kong Institute of Science &amp; Innovation, Chinese Academy of Sciences Ltd.</p> <p>(26) Hong Kong Applied Science And Technology Research Institute Company Ltd.</p> <p>(27) Logistics and Supply Chain MultiTech R&amp;D Centre Ltd.</p> <p>(28) The Hong Kong Research Institute of Textiles and Apparel Ltd.</p> <p>(29) Nano and Advanced Materials Institute Ltd.</p> <p>(30) Hong Kong Cyberport Management Company Ltd.</p> <p>(31) Hong Kong Science and Technology Parks Corporation.</p> <p>(32) The Hong Kong Institute of Biotechnology Ltd.</p> <p>(33) Hong Kong Productivity Council.</p> <p>(34) Hong Kong Internet Registration Corporation Ltd.</p> <p>(35) Hong Kong-Shenzhen Innovation and Technology Park Ltd.</p> <p>(36) Automotive Platforms and Application Systems R&amp;D Centre.</p> <p>(37) The Hong Kong Academy of Sciences.</p> <p>(38) Hong Kong Academy of Engineering Sciences.</p> <p>(39) The Hong Kong Young Academy of Sciences.</p> <p>(40) The Society of Hong Kong Scholars.</p> <p>(41) Internet Professional Association Ltd.</p> <p>(42) Hong Kong Information Technology Joint Council Ltd.</p> <p>(43) Hong Kong Computer Society.</p> <p>(44) Hong Kong Software Industry Association Ltd.</p> <p>(45) Communications Association of Hong Kong Ltd.</p> <p>(46) Hong Kong Society of Artificial Intelligence and Robotics Ltd.</p> <p>(47) Hong Kong Biotechnology Organization.</p> <p>(48) HK Bio-Med Innotech Association Ltd.</p> <p>(49) Hong Kong Data Centre Association Ltd.</p> <p>(50) Hong Kong Federation of Innovative Technologies and Manufacturing Industries Ltd.</p> <p>(51) Smart City Consortium Ltd.</p>

<b><u>Item</u></b>	<b><u>Column 1</u></b> <b><u>Functional</u></b> <b><u>Constituency</u></b>	<b><u>Column 2</u></b> <b><u>Electors</u></b>
26.	Technology and innovation functional constituency (Cont'd)	(52) E-Commerce Association of Hong Kong Ltd. (53) The Hong Kong Association for the Advancement of Science and Technology Ltd. (54) Hong Kong Digital Entertainment Association Ltd. (55) Esports Association of Hong Kong Ltd. (56) The Hong Kong Electronic Industries Association Ltd. (57) The Hong Kong Association for Computer Education. (58) eHealth Consortium Ltd. (59) The Institution of Engineering and Technology Hong Kong. (60) Information Systems Audit and Control Association China Hong Kong Chapter Ltd. (61) The Association for Computing Machinery, Hong Kong Chapter. (62) Cyberport Startup Alumni Association. (63) Hong Kong O2O E-Commerce Federation Ltd. (64) Hong Kong Innovative Technology Development Association Ltd. (65) The Chamber of Hong Kong Computer Industry Ltd. (66) Hong Kong Electronic Sports Federation Ltd. (67) The Hong Kong Institution of Engineers, Information Technology Division. (68) Hong Kong Public Key Infrastructure Forum Ltd. (69) Hong Kong Internet Service Providers Association Ltd. (70) Hong Kong Life Sciences Society Ltd. (71) Hong Kong Netrepreneurs Association Ltd. (72) Hong Kong Wireless Technology Industry Association Ltd. (73) Hong Kong Information Technology Federation Ltd. (74) British Computer Society (Hong Kong Section) Ltd. (75) Professional Information Security Association Ltd. (76) Information Security and Forensics Society. (77) Hong Kong Retail Technology Industry Association Ltd.
27.	Catering functional constituency	Bodies that are holders of food business licences under the Public Health and Municipal Services Ordinance (Cap. 132) and: <ol style="list-style-type: none"> <li>(1) are entitled to vote at the Board of The Association for Hong Kong Catering Services Management Ltd.;</li> <li>(2) are entitled to vote at the Board of The Association of Restaurant Managers Ltd.; or</li> <li>(3) are entitled to vote at the Board of Hong Kong Catering Industry Association Ltd.</li> </ol>

<b><u>Item</u></b>	<b>Column 1</b> <b><u>Functional</u></b> <b><u>Constituency</u></b>	<b>Column 2</b> <b><u>Electors</u></b>
28.	<p>Hong Kong Special Administrative Region deputies to the National People's Congress, Hong Kong Special Administrative Region members of the National Committee of the Chinese People's Political Consultative Conference and representatives of relevant national organisations functional constituency</p>	<p>Hong Kong Special Administrative Region deputies to the National People's Congress.</p> <p>Hong Kong Special Administrative Region members of the National Committee of the Chinese People's Political Consultative Conference.</p> <p>Hong Kong Special Administrative Region delegates of the All-China Women's Federation.</p> <p>Hong Kong Special Administrative Region executive members of the All-China Federation of Industry and Commerce.</p> <p>Hong Kong Special Administrative Region committee members of the All-China Federation of Returned Overseas Chinese.</p> <p>Hong Kong Special Administrative Region committee members of the All-China Youth Federation.</p> <p>Hong Kong Special Administrative Region directors of the China Overseas Friendship Association.</p>

**Sectors and Subsectors of the Election Committee****FIRST SECTOR**

<u>Item</u>	<u>Subsector</u>	<u>Number of members</u> <sup>Note</sup>			<u>Total</u>
		<u>Number of ex-officio members</u>	<u>Number of members to be nominated</u>	<u>Number of members to be elected</u>	
1.	Catering	0	0	16	16
2.	Commercial (first)	0	0	17	17
3.	Commercial (second)	0	0	17	17
4.	Commercial (third)	0	0	17	17
5.	Employers' Federation of Hong Kong	0	0	15	15
6.	Finance	0	0	17	17
7.	Financial services	0	0	17	17
8.	Hotel	0	0	16	16
9.	Import and export	0	0	17	17
10.	Industrial (first)	0	0	17	17
11.	Industrial (second)	0	0	17	17

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<sup>Note</sup> Hong Kong Special Administrative Region (“HKSAR”) deputies to the National People’s Congress (“NPC”) and HKSAR members of the National Committee of the Chinese People’s Political Consultative Conference (“CPPCC”) may choose to register as an ex-officio member of a subsector (excluding the Members of the Legislative Council subsector, the religious subsector and the representatives of associations of Hong Kong residents in the Mainland subsector) other than the NPC and CPPCC subsector in accordance with s 5I(4) of the Schedule to the Chief Executive Election Ordinance (Cap. 569). In such case, the number of ex-officio members of that subsector will increase while the number of members to be returned through election will reduce correspondingly. Within the same term of office of the Election Committee, the numbers of ex-officio members, members to be nominated and members to be elected of each subsector shall remain unchanged. Regarding the number of members to be elected for each subsector in the current Election Committee subsector ordinary elections, the notice published in the Gazette by the Chief Electoral Officer under s 4(3) of the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541I) shall prevail.

<u>Item</u>	<u>Subsector</u>	<u>Number of members</u> <sup>Note</sup>			<u>Total</u>
		<u>Number of ex-officio members</u>	<u>Number of members to be nominated</u>	<u>Number of members to be elected</u>	
12.	Insurance	0	0	17	17
13.	Real estate and construction	0	0	17	17
14.	Small and medium enterprises	0	0	15	15
15.	Textiles and garment	0	0	17	17
16.	Tourism	0	0	17	17
17.	Transport	0	0	17	17
18.	Wholesale and retail	0	0	17	17
					<hr/> 300

SECOND SECTOR

<u>Item</u>	<u>Subsector</u>	<u>Number of members</u>			<u>Total</u>
		<u>Number of ex-officio members</u>	<u>Number of members to be nominated</u>	<u>Number of members to be elected</u>	
1.	Accountancy	0	15	15	30
2.	Architectural, surveying, planning and landscape	15	0	15	30
3.	Chinese medicine	0	15	15	30
4.	Education	16	0	14	30
5.	Engineering	15	0	15	30
6.	Legal	6	9	15	30

<u>Item</u>	<u>Subsector</u>	<u>Number of members</u>			<u>Total</u>
		<u>Number of ex-officio members</u>	<u>Number of members to be nominated</u>	<u>Number of members to be elected</u>	
7.	Medical and health services	15	0	15	30
8.	Social welfare	15	0	15	30
9.	Sports, performing arts, culture and publication	0	15	15	30
10.	Technology and innovation	0	15	15	30
					<hr/> 300

THIRD SECTOR

<u>Item</u>	<u>Subsector</u>	<u>Number of members</u>			<u>Total</u>
		<u>Number of ex-officio members</u>	<u>Number of members to be nominated</u>	<u>Number of members to be elected</u>	
1.	Agriculture and fisheries	0	0	60	60
2.	Associations of Chinese fellow townsmen	0	0	60	60
3.	Grassroots associations	0	0	60	60
4.	Labour	0	0	60	60
5.	Religious	0	60	0	60
					<hr/> 300

**FOURTH SECTOR**

<u>Item</u>	<u>Subsector</u>	<u>Number of members</u>			<u>Total</u>
		<u>Number of ex-officio members</u>	<u>Number of members to be nominated</u>	<u>Number of members to be elected</u>	
1.	Members of the Legislative Council	90	0	0	90
2.	Heung Yee Kuk	0	0	27	27
3.	Representatives of associations of Hong Kong residents in the Mainland	0	27	0	27
4.	Representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of Hong Kong and Kowloon	0	0	76	76
5.	Representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of the New Territories	0	0	80	80
					<hr/> 300

FIFTH SECTOR

<u>Item</u>	<u>Subsector</u>	<u>Number of members</u>			<u>Total</u>
		<u>Number of ex-officio members</u>	<u>Number of members to be nominated</u>	<u>Number of members to be elected</u>	
1.	Hong Kong Special Administrative Region deputies to the National People's Congress and Hong Kong Special Administrative Region members of the National Committee of the Chinese People's Political Consultative Conference	190	0	0	190
2.	Representatives of Hong Kong members of relevant national organisations	0	0	110	110
					<hr/> 300

**The Combined Polling Arrangements –  
Polling Stations for Various Types of Electors  
in a Legislative Council General Election**

1. A Legislative Council (“LegCo”) general election consists of elections of 10 geographical constituencies (“GCs”), 28 functional constituencies (“FCs”) and the Election Committee constituency (“ECC”).
2. Elections of GCs adopt the “double seats and single vote” voting system, i.e. there are two seats in each GC and each elector may vote for one candidate on the ballot paper. The two candidates who obtain the greatest numbers of votes will be returned as the members of the relevant GC. For FCs, the “first past the post” voting system applies. Electors for an FC may vote for candidate(s) up to the number of seats to be elected for the relevant FC. Candidate(s) who obtain(s) the greatest numbers of votes shall be returned in the election. For the ECC, the “block vote” voting system is adopted, i.e. each elector shall vote for no more or no less than 40 candidates on the ballot paper. A ballot paper marked with more than or less than 40 candidates will be considered invalid. The 40 candidates who obtain the greatest numbers of votes shall be returned in the election.
3. An elector can purely be an elector for a GC, whereas an individual elector in an FC must be a registered GC elector who has also been registered as an elector in the FC and remains qualified to be so registered. An elector for the ECC must be a member of the Election Committee (“EC”) and must also be a registered GC elector.
4. A person cannot be an elector for more than one of the FCs.
5. Members of 10 GCs will be returned by individual electors, while members of some of the 28 FCs will be returned by corporate electors. To vote in the relevant FC, a corporate elector must appoint an authorised representative (“AR”) to cast the vote on its behalf. An AR must be a GC elector (see para. 3.7 of Chapter 3). A person who is an AR of a corporate elector in one FC cannot be appointed as the AR of a corporate elector in another FC, but he can be an elector in another FC. Therefore, a person who is an elector in an FC can also be an AR in another FC.

6. An elector only needs to go to one polling station to cast all entitled votes. Under the combined polling arrangements, each GC elector is allocated to a polling station according to his residential address in the final register for GCs to cast his vote at GC and FC (if applicable), save for registered electors imprisoned or held in custody by the law enforcement agencies who will be assigned to vote at the dedicated polling stations as appropriate. An ECC elector needs to go to the designated polling station for ECC to cast the vote. At the polling station or dedicated polling station, the number of ballot papers to be issued to a GC elector will be in accordance with his overall entitlement as a GC elector, an FC elector, and/or an AR for an FC and/or an ECC elector.
7. Electors/ARs will receive GC/FC ballot papers corresponding to their designated GC/FC (see para. 9 of this appendix), and according to the number of ballot papers issued to them, each elector/AR will also be provided with a cardboard(s) with different colour for identification, to ensure that all issued ballot papers have been put into the ballot box before the elector/AR exits the polling station. The cardboard(s) must be returned to the polling staff manning the ballot boxes after the elector/AR has put his ballot paper(s) into the ballot box(es) before leaving the polling station.
8. At most three kinds of ballot boxes (as the case may be) in different colours will be provided in each polling station:
  - (a) ballot box for GCs;
  - (b) ballot box for FCs; and
  - (c) ballot box for the ECC.
9. Overall, six scenarios may arise under the aforementioned polling arrangements. The scenarios are tabulated below and explained one by one for reference.

**The Six Scenarios under the Polling Arrangements**

	<b>Type of Elector/AR</b>			<b>No. of Ballot Papers Issued</b>
	<b>GC</b>	<b>FC</b>	<b>ECC</b>	
Scenario 1	Yes			1
Scenario 2	Yes	Elector or AR		2
Scenario 3	Yes	Elector and AR		3
Scenario 4	Yes		Yes	2
Scenario 5	Yes	Elector or AR	Yes	3
Scenario 6	Yes	Elector and AR	Yes	4

**Submission Method, Format and Standard for Posting  
Electronic Copy of Election Advertisement and Relevant Information  
onto an Open Platform for Public Inspection  
(with Annexes I and II on the guidelines and basic layout  
design requirements for Candidate's Platform)**

1. To comply with the requirement on s 105(2) of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D) regarding the electronic submission of election advertisements (“EAs”), a candidate must post the following EA particulars, as applicable, **within three working day**<sup>Note 1</sup> after the publication of an EA, onto either an **open platform**<sup>Note 2</sup> operated by the Chief Electoral Officer (“CEO”) (“Central Platform”) or one operated by the candidate himself or a person authorised by him (“Candidate’s Platform”):

- (a) an electronic copy of an EA;
- (b) a hyperlink of each EA that is published through an open platform (the hyperlink to the specific EA published must be provided, rather than the hyperlink to the entire election website or to the dedicated social media page). Where it is technically impracticable to post hyperlink of every EA to the Central platform or Candidate’s Platform (e.g. when messages are exchanged in a real-time interactive manner through social network on the Internet such as Instagram, Facebook, blogs, etc.), a candidate may post the hyperlink of the open platform and the information/documents relevant to EAs onto the Central Platform or Candidate’s Platform. In this case, if the hyperlink of the open platform has already been posted onto the Central Platform or Candidate’s Platform, there is no need for the candidate to upload each and every comment separately. The candidates must however note that the relevant open platform of such hyperlink must be dedicated election website of the candidate which all content within that website must be EAs. In addition, the candidate may only post the hyperlink of the website instead of posting each and every EA separately when it is technically impracticable to post each and every EA separately onto the Central Platform, otherwise it is easy to cause misunderstanding or invite complaints. Besides, the candidate must retain every EA published on the dedicated election website for public inspection (i.e. EA published should not be removed without

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Note 1 A “working day” means any day other than a general holiday and Saturday.

Note 2 Open platform means a platform can be accessed by members of public without any access control.

permission);

- (c) printing/publication information pertaining to the EA include, (if applicable):
  - (i) name and address of the producer/printer;
  - (ii) date of production/printing;
  - (iii) dimension/size;
  - (iv) manner of publication;
  - (v) date of publication;
  - (vi) number of copies published; and
  - (vii) number of copies produced/printed
- (d) an electronic copy of each permission/authorisation for the publication of such EA, if applicable (except those permitted/authorised by the Returning Officer in connection with the allocation of designated spots); and
- (e) an electronic copy of each document giving consent of support.

### **Central Platform**

2. If a candidate chooses to upload the EA particulars onto the Central Platform, he must comply with the requirements set out in the ensuing paragraphs.

### **Submission Method**

3. A candidate is required to apply to the CEO in a specified form for the creation of an account to log into the Central Platform before posting the EA particulars onto the platform for public inspection. Each candidate can only create one account.

4. The CEO will create the account and inform the candidate of the username and two sets of passwords (which can be changed subsequently by the candidate) **within three working days** after the application has been received, so that the candidate can log into his account in the Central Platform.

5. EA particulars uploaded at any one time by a candidate will be treated as one single submission. As long as the size of the file(s) does not exceed the limit as stated in para. 7 below, there is no restriction on the number of EAs or other documents to be attached in each submission. If subsequent correction to any submitted EA particulars is required, the candidate must post the corrected EA particulars, including the corrected printing/publication

information (“corrected information”) of the EA, onto the Central Platform by selecting the EA particulars concerned. If accepted, both the original and the corrected EA particulars will be displayed alongside for public inspection. The corrected information should be posted onto the platform **not later than three working days after the polling day**.

6. An acknowledgement of receipt in the form of a summary report of the EA particulars uploaded will be displayed on the computer screen for candidate’s reference after each successful submission. The acknowledgement of receipt will also be sent via an email and SMS to the e-mail address and mobile phone number as specified on the application form for account creation for candidate’s reference.

### **File Size**

7. The size of each file to be uploaded **must not exceed 100 MB (Megabyte)** or else the submission will be rejected. In such a case, candidate may upload EA particulars as separate files.

8. Files attached to a submission may be compressed in the format of Zip (.zip), RAR (.rar) or GNU zip (.gz).

### **Format**

9. Files attached to a submission must be in the following file formats –

#### **General Document**

- (a) Rich Text Format (RTF) or Microsoft Word Format (DOC/DOCX);
- (b) Hypertext Mark Up Language (HTML) Format;
- (c) Adobe Portable Document Format (PDF); or
- (d) Plain Text (TXT);

#### **Graphics/Images**

- (e) Graphics Interchange Format (GIF);
- (f) Joint Photographic Experts Group (JPEG);
- (g) Tag Image File Format (TIFF); or
- (h) Portable Network Graphics (PNG);

#### **Audio**

- (i) Waveform Audio Format (WAV); or
- (j) MPEG-1 Audio Layer 3 (MP3);

#### **Video**

- (k) Audio Video Interleave (AVI); or
- (l) Moving Picture Experts Group (MPEG).

Candidates should as far as practicable arrange to upload the files that are easy for persons with visual impairment to read (including text and video, etc.) onto the Central Platform.

### **Computer Instructions**

10. The files uploaded must not contain any computer viruses or any computer instructions including, but not limited to, macros, scripts and fields which depend on the execution environment and the execution of which will cause changes to the files themselves or the information system displaying the files.

### **Candidate's Platform**

11. If a candidate chooses to operate a platform of his own for the posting of EA particulars for public inspection, he must provide the electronic address of the platform to the CEO **at least three working days before the publication of the first EA**. To avoid causing confusion to members of the public, the platform should only be used for uploading EA particulars. Though candidates of different constituencies are allowed to use a common platform, they should ensure that there will be no confusion when the public inspects the information. The EA particulars uploaded onto the platform should be virus-free and should be arranged in descending order of the date of submission. The printing/publication information should also be posted alongside the corresponding EA particulars. To maintain the consistency in design and to facilitate public inspection, the CEO provides guidelines and specify the basic layout design requirements for such platform (see **Annex (I) and Annex (II)**). The guidelines and basic layout design requirements can also be downloaded from the Electoral Affairs Commission ("EAC") website.

12. If a candidate wishes to correct any uploaded EA particulars on the platform, he should post the corrected EA particulars, together with date of correction alongside with the original EA particulars (see **Annex (II)**). Any such corrected information should be uploaded onto the platform **not later than three working days after the polling day**.

13. Candidates are not allowed to remove any EA particulars that have already been uploaded onto the platform, unless such removal is directed by the CEO, the EAC or the Court (as applicable) due to unlawful or non-EA related content/information. In the event that an EA has to be removed as directed by the CEO, the EAC or the Court, the candidate should post a note onto the platform to inform the public of the removal of the EA and the reason for such removal. Other information/documents related to the removed EA should still

be displayed at the platform for public inspection (see **Annex (II)**).

14. When uploading EA particulars onto the Candidate's Platform, candidates should also follow the requirements on file format and computer instructions as mentioned detailed in paras. 9 and 10 above.

15. The CEO will publicise the electronic address of the Candidate's Platform to facilitate public inspection of the EA particulars.

### **Important Notes**

16. EA particulars must conform to the requirements as set out above. Any electronic file containing images should have sufficient resolution to ensure that they can be read clearly.

17. Each candidate must be solely responsible for (and that the CEO has no responsibility to him or any third party for) the content/information of the EA particulars uploaded and posted onto the Central Platform, including hyperlinks to external websites. If the EA particulars or information posted on the Central Platform that is illegal, non-EA related or computer virus-affected, the CEO reserves the right to remove the content/information concerned. In the event that the EA has to be removed due to computer virus contamination, the candidate will be informed to upload the relevant EA particulars onto the Central Platform again.

18. Candidates should observe all legal requirements on personal data privacy when uploading information onto the aforesaid platforms for public inspection. Candidates are reminded to obliterate the identity document number(s) therein (if any), of the person(s) providing permission/authorisation and/or consent of support before uploading them onto the platforms.

19. When posting a hyperlink of an EA onto the Central Platform or Candidate's Platform, candidates must ensure that the hyperlink is valid and continues to operate until the end of the period for which copies of election returns are available for public inspection pursuant to s 41 of the Elections (Corrupt and Illegal Conduct) Ordinance<sup>Note 3</sup> to facilitate public inspection of the EAs.

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<sup>Note 3</sup> Pursuant to s 41 of the Elections (Corrupt and Illegal Conduct) Ordinance, the CEO must keep all the copies of the election returns available for the public inspection during ordinary business hours, until the 60th day before the first anniversary of the date of the deadline for lodging the relevant election return (regardless of any relief granted by the CFI to candidates in certain circumstances).

**Points to Note for Building Candidate's Platform****General**

1. The name of the election should be shown on the Candidate's Platform, e.g. 20XX Legislative Council General Election/20XX Legislative Council By-election (XX Geographical Constituency/Functional Constituency/ Election Committee Constituency).
2. The name of the constituency should be shown on the Candidate's Platform.
3. The name(s) of the candidate(s) should be shown on the Candidate's Platform.
4. Once confirmed, the candidate number or alphabet should be shown on the candidate's platform.
5. The EA particulars (including the electronic copy, hyperlink, consent of support, permission or authorisation, etc. of the EA) should be displayed in descending order according to the date of publication.
6. The required information to be shown in the Candidate's Platform for each EA can be found in **Annex II**.
7. The corrected EA particulars should be placed next to or under the original version.
8. Candidates are not allowed to remove any EA particulars that have already been uploaded onto the Candidate's Platform, unless such removal is directed by the CEO, the EAC or the Court (as applicable) due to unlawful or non-EA related content/information. In the event that an EA has to be removed as directed by the CEO, the EAC or the Court, the candidate should post a note onto the platform to inform the public of the removal of the EA and the reason for such removal. Other information/documents related to the removed EA should still be displayed at the platform for public inspection.
9. The file format and computer instruction should follow the details shown at the Guidelines on Election-related Activities in respect of the Legislative Council Election.

10. Sensitive personal data should not be uploaded onto the Candidate's Platform. For example, Hong Kong Identity Card Number(s) shown on the consent form(s) should be masked before it is/they are uploaded onto the Candidate's Platform.
11. Candidates should, where practical, provide an email address and/or a phone number on the platform for public enquiries and offer technical assistance when necessary.

### **Security Measures**

1. The Candidate's Platform should be installed with firewall and/or an Intrusion Protection System to prevent intruder attacks.
2. All files must be properly scanned by anti-virus software before they are uploaded onto the Candidate's Platform.
3. To protect against data loss, information on the Candidate's Platform, should be backed up on a regular basis.
4. The hyper-links to external websites should be checked regularly in order to ensure that they remain valid. For more information and resources on online information security, please visit [www.infosec.gov.hk](http://www.infosec.gov.hk).

### **Accessibility**

1. The Candidate's Platform should be accessible by browsers and operating systems commonly used in personal computers.
2. For any electronic files containing images, they should have sufficient resolution to ensure that they can be read easily.
3. The Candidate's Platform should be available in both English and Chinese, and the content should be clear and concise. Suitable instructions should also be provided for easy navigation of the Candidate's Platform.
4. The Candidate's Platform should be easily accessible for persons with different needs (e.g., visually impaired, hearing impaired, communication-challenged, and people from different ethnic backgrounds).

## 候選人平台建議版面設計 Proposed Layout Design of a Candidate's Platform

選舉 Election: 20XX 年\*立法會換屆選舉／立法會補選(XX 地方選區／功能界別／選舉委員會界別)

20XX\* Legislative Council General Election/Legislative Council By-election (XX Geographical Constituency/ Functional Constituency/ Election Committee Constituency)

地方選區／選舉界別名稱 (註 1) Name of Constituency (Note1): XX 地方選區／選舉界別 XX Constituency

候選人編號 Candidate No.:

1

候選人姓名 Name of Candidate:

陳大文 Chan Tai Man

選舉廣告詳情(依發布日期降序排列) Election Advertisement Particulars (in descending order according to the 'Date of Publication')

項目 Item	修正日期 Date of Correction (dd-mm-yyyy)	選舉廣告 類別 Election Advertisement Type	製作/ 印刷日期 Date of Production/ Printing (dd-mm-yyyy)	尺寸/ 面積 Dimension/ Size	製作數量/ 印刷的 文本數目 Quantity Produced/ Number of Copies/ Printed	發布數量/ 發布的文本 數目 Quantity Published/ Number of Copies Published	發布日期 Date of Publication (dd-mm-yyyy)	發布的方式 Manner of Publication	製作人/ 印刷人的 姓名或名稱 Name of Producer/ Printer	製作人/ 印刷人的 地址 Address of Producer/ Printer	選舉廣告 檔案/連結 Election Advertisement File/Link	准許/授權文 件 Permission/ Authorisation Document	選舉廣告 檔案/連結 移除日期 Date of Removal of Election Advertisement File/Link (dd-mm-yyyy) [Reason 原因]
1	-	小冊子 Pamphlets	15-11-20XX	A4	100	100	17-11-20XX	街頭派發 Distributed on street	AA 印刷公司 AA Printing Company	地址 Address	File1.jpg	-	-
2	-	橫額 Banners	11-11-20XX	1 米 x 2.5 米 1m x 2.5m	20	20	17-11-20XX	懸掛於路 邊鐵欄 Hung on roadside railing	BB 製作公司 BB Producer	地址 Address	File2.jpg	Authorisation .jpg	-
註 2 Note2	18-11-20XX	-	-	-	-	-	-	-	-	-	File2 (Revised).jpg	-	-
3	-	電子海報 Electronic posters	10-11-20XX	10Mb	1501	3	17-11-20XX	Facebook, Instagram	CC 廣告設 計公司 CC Advertising Company	地址 Address	http://www. XXX.com.hk/ poster.jpg	Permissi on.jpg	-

註 1：只適用於立法會換屆選舉。Note 1: Only applicable to Legislative Council general elections.

註 2：只顯示曾被修正的資料。Note 2: Only the corrected particular(s) will be shown.

\* 請刪去不適用者。Please delete as appropriate.

### 同意書 Consent

項目 Item	檔案 File	備註 Remark
1	Consent1.jpg	
2	Consent2.jpg	同意書已於 18-11-20XX 撤銷 Consent revoked on 18-11-20XX

## Methods of Folding of Election Mail

### 選舉郵件的摺疊方法

Figure 1 : Folder of A4 (296mm) size

圖示一：對摺的A4（296毫米）尺寸紙張

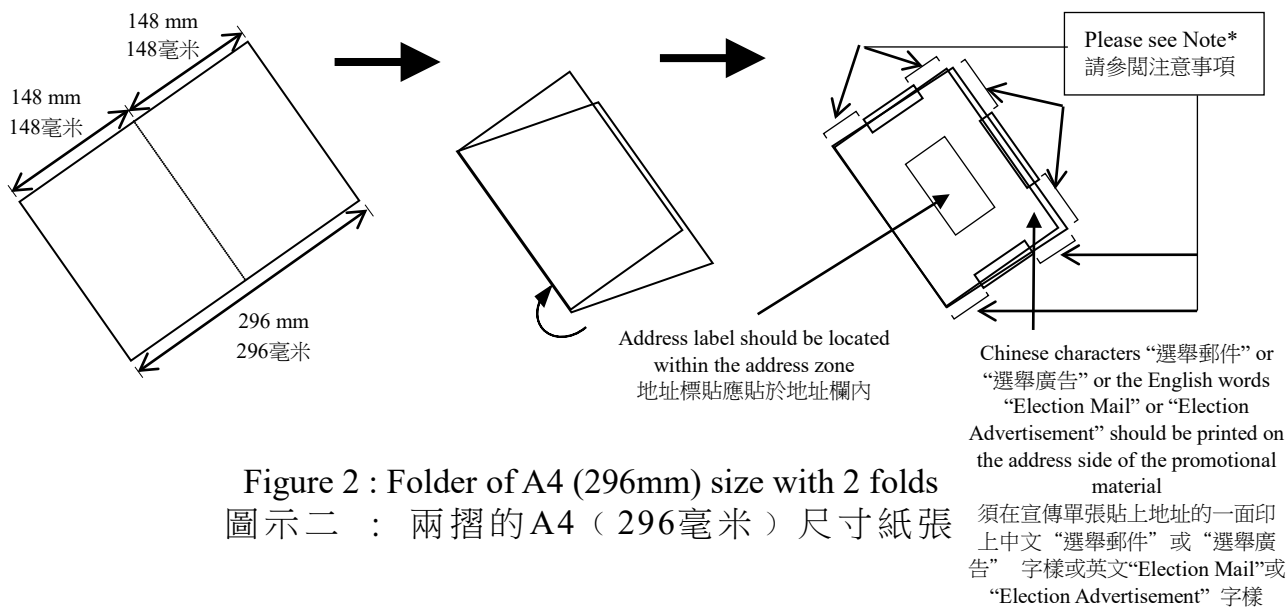


Figure 2 : Folder of A4 (296mm) size with 2 folds

圖示二：兩摺的A4（296毫米）尺寸紙張

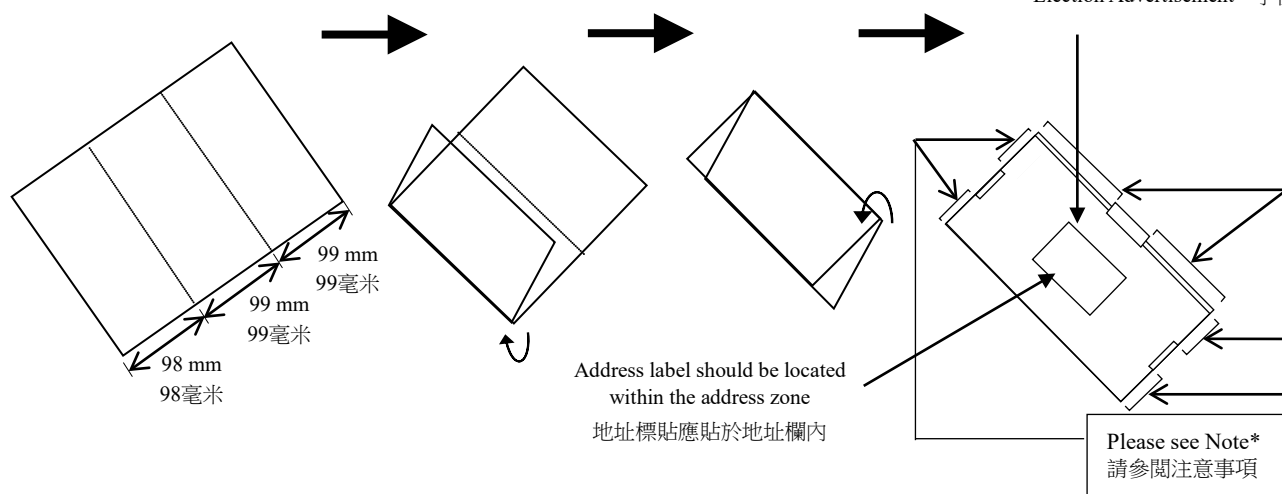
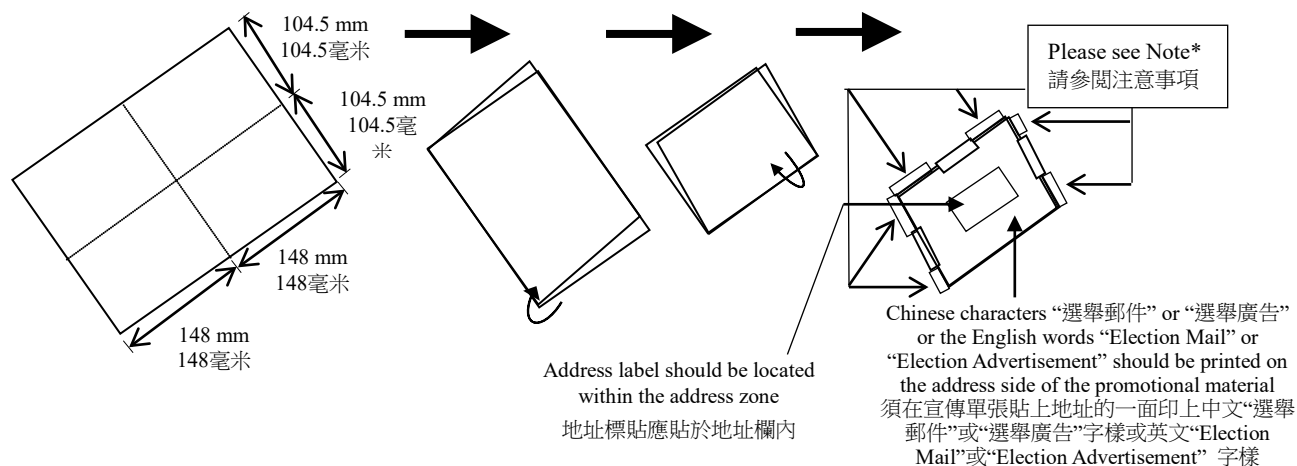


Figure 3 : Folder of A4 (296mm) size with 2 folds

圖示三：兩摺的A4（296毫米）尺寸紙張



## Methods of Folding of Election Mail

## 選舉郵件的摺疊方法

Figure 4A&4B : Folder of A4 (296mm) size sealed with address label  
圖示四A及四B：以地址標貼封口的A4（296毫米）尺寸紙張

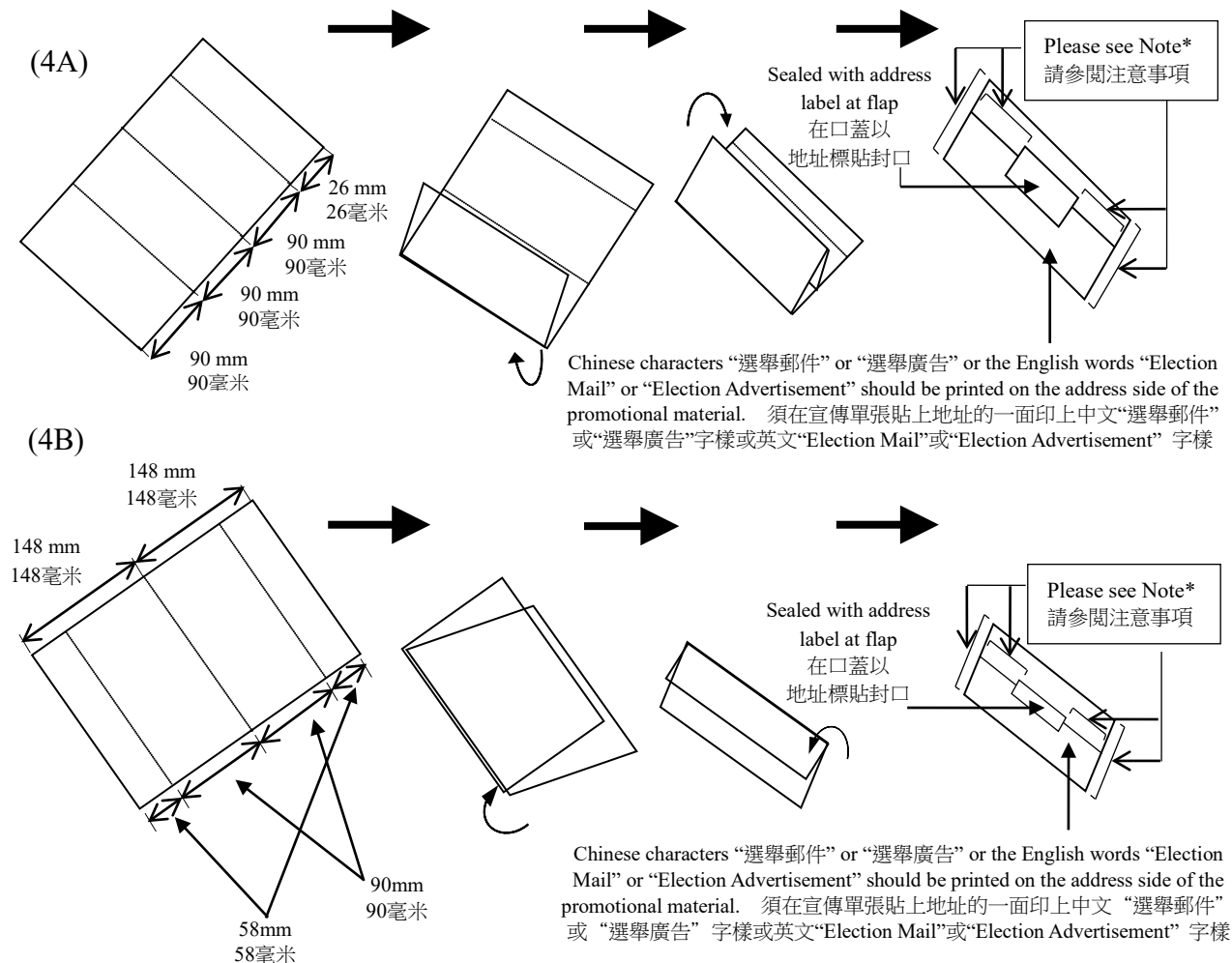
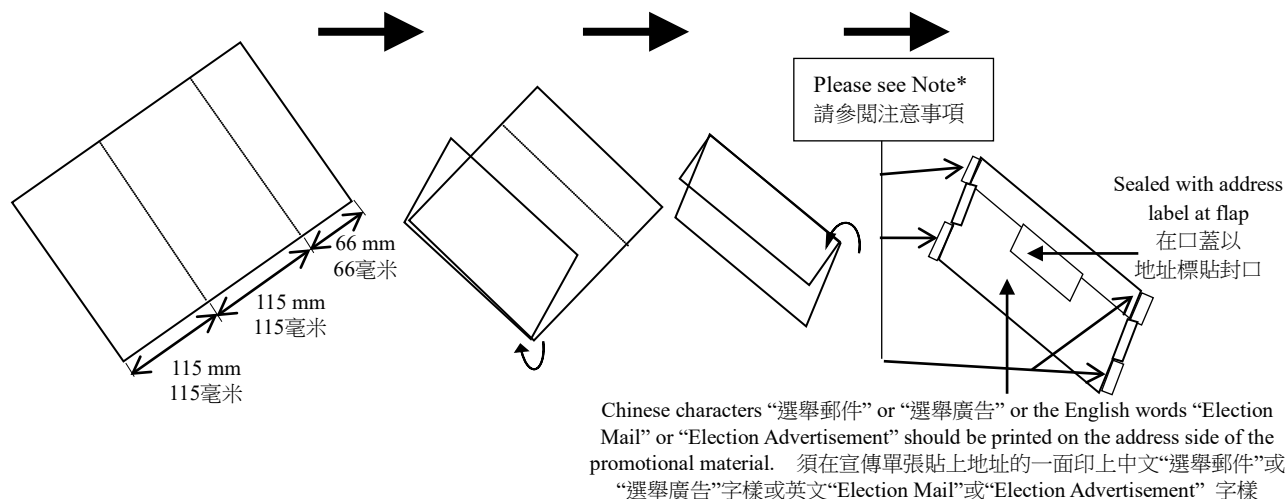


Figure 5 : Folder of A4 (296mm) size sealed with address label  
圖示五：以地址標貼封口的A4（296毫米）尺寸紙張



\* Note: Regardless of any methods of folding and whether the opening of the election mail is closed or not, all openings shall not exceed 90 mm. Otherwise, they must be closed by adhesive tape.

注意事項：無論以任何方法摺疊及選舉郵件的開口是否已經封口，所有開口部分不得超過90毫米，否則必須以膠紙封口。

**Guidelines for Candidates on Sending Election Advertisements  
to Registered Electors and Authorised Representatives  
in the Custody of the Correctional Services Department**

**(Note:     The following list is not an exhaustive list of items which will be rejected by the Correctional Services Department (“CSD”).**

For security reasons and to maintain good order and discipline in penal institutions, any election advertisement (“EA”) mailed to registered electors/authorised representatives (“ARs”) in the custody of the CSD will be subject to security check; CSD will reject the EA that falls within any of the following categories:-

**Materials**

- (a)     metallic or plastic materials;
- (b)     laminated materials;
- (c)     sharp objects; or
- (d)     materials coated with powder-like substance.

**Content/Information**

- (a)     on how to manufacture arms, ammunition, weapon, explosives, harmful or deleterious substance, intoxicating liquor or any dangerous drugs within the meaning of the Dangerous Drugs Ordinance (Cap. 134);
- (b)     that depicts, describes or encourages violence in the penal institutions, or the escape by any inmate/prisoner from the penal institutions;
- (c)     that encourages gambling in the penal institutions, or adversely affects the rehabilitation of electors/ARs in the custody of the CSD;
- (d)     that abets or induces electors/ARs in the custody of the CSD to commit offences enumerated in the Prison Rules (Cap. 234A) or any other criminal offences;
- (e)     that poses threat to any individual’s personal safety or to the security, good order and discipline of the penal institutions; or
- (f)     that is obscene/indecent.

Size & volume

- (a) items larger than A4 size; or
- (b) oversized items.

Remarks: For enquiries, please contact the Principal Officer (Penal Operations)3 of the CSD at 2582 4023.

Correctional Services Department

January 2015

(Revised in May 2025)

**Guidance Note on Safe Conduct of Election-related Activities****General**

1. This guidance note provides general safety recommendations on various election-related activities for reference. In general, individuals who have safety concern about election-related activities (including personal safety) should consider seeking professional advice from local police station prior to conducting the activity.

**Election Meetings**

2. S 8 of The Public Order Ordinance (Cap. 245) and Part III of Chapter 11 of the 'Guidelines on Election-related Activities in respect of the Legislative Council Election' stipulates the circumstances under which the Police is to be notified when a meeting is held in a public place, and the procedures to be followed.

3. Irrespective of whether an election meeting is required to be notified to the Police, for safety, candidates should be mindful of the reactions of attendees and the on-site situation, so as to minimise the potential for confrontation and/or the harassment of candidates by the attendees. At the same time, candidates should consider communicating with the person in charge of the premises or the management office and make proper arrangements on meeting details before holding the election meetings, to ensure that the meeting can be conducted in a safe manner.

**Election Forums**

4. In addition to the provisions of Part III of Chapter 12 of the 'Guidelines on Election-related Activities in respect of the Legislative Council Election', organisers of election forums should be aware of situations where harassment of candidates may occur.

5. If an election forum is to be held at private premises, the organiser should in advance arrange for appropriate security measures with the owners, occupiers, owners' corporations, building management offices concerned, which include consideration of hiring security guards to station at the venue.

**Electioneering at Living or Working Places of Electors**

6. Chapter 10 of the 'Guidelines on Election-related Activities in respect of the Legislative Council Election' provides guidance on the conduct of electioneering activities at the living or working places of electors, etc.

7. If the owners or owners' corporations allow candidates to conduct electioneering activities, they can set out the event time and other reasonable conditions, so as to minimise the potential for confrontation and the harassment of candidates by attendees.

8. Before the commencement of the electioneering activities, candidates should inform the relevant management office and comply with the instructions of the venue manager during the activity, so as to ensure the safety of the participants. At the same time, in order to avoid conflicts, candidates and their teams should avoid publicity activities involving loud noise or bright lights as far as possible, so as to avoid disturbing the owners, tenants and occupants of the premises.

**Conduct of Electioneering Activities and Election Meetings in  
Housing Estate under the Management of the Housing Department,  
the Hong Kong Housing Society, and Light Public Housing under the  
management of Housing Bureau**

Validly nominated candidates must obtain **prior approval**<sup>Note</sup> from an estate manager, project manager or officer-in-charge before conducting any electioneering activity or election meeting within a housing estate or light public housing, and must comply with regulations and conditions imposed by other relevant authorities. An **application** for approval **should be made at least two clear working days (excluding Saturday, Sunday or general holiday) before the date of the proposed election meeting/electioneering activity**, and the applicant will be notified of the decision as soon as practicable. To avoid any conflict that may arise from allowing two or more candidates and their supporters to hold election meetings/electioneering activities at the same venue and time in a housing estate or light public housing, the Housing Department, the Hong Kong Housing Society and the Housing Bureau will process the applications as soon as practicable and will adopt the following arrangements:

- (a) if only one application for holding an election meeting/electioneering activity at a particular venue and at a particular time is received, that application will be approved;
- (b) if two or more applications for the same venue and the same period are received by the Housing Department, the Hong Kong Housing Society or the Housing Bureau two clear working days before the election meeting/electioneering activity, the applicants will be advised to negotiate among themselves to reach an agreement on condition that no canvassing from two or more groups will be held at the same venue and at the same time to avoid any dispute or clash. If no agreement be reached, allocation of venue or time will be made by the drawing of lots at a time to be decided by the relevant estate office or light public housing office;

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<sup>Note</sup> The Housing Department, the Hong Kong Housing Society and Housing Bureau stipulate that candidates must be validly nominated and submit relevant proof before they can apply for approval to conduct electioneering activities or election meetings within a housing estate or light public housing. Validly nominated candidates can only commence their electioneering activities or election meetings within the housing estate or light public housing, following the approval given by the estate office or light public housing office and the lots drawing session for candidates conducted by the Returning Officer.

- (c) for the purpose of (a) and (b) above, an application for several periods will be dealt with as separate applications for each of the periods; and
- (d) the relevant estate office or light public housing office should send a copy of the letter of approval to the respective Returning Officer for record and for public inspection.



## Guidance Note

香港個人資料私隱專員公署  
Office of the Privacy Commissioner  
for Personal Data, Hong Kong

# Guidance on Election Activities for Candidates, Government Departments, Public Opinion Research Organisations and Members of the Public

## 1. Introduction

Collection, retention, processing and use of personal data are usually involved in election activities (including elector registration, candidate nomination, electioneering, public opinion researching, and casting and counting of votes). This guidance note provides assistance to candidates and their affiliated political bodies, government departments and public opinion research organisations in relation to compliance with the requirements under the Personal Data (Privacy) Ordinance (the Ordinance) when carrying out election activities. It also provides members of the public with advice on personal data protection in this regard.

## 2. Legal Liabilities of Candidates, Government Departments and Public Opinion Research Organisations as Principals

Candidates, government departments and public opinion research organisations (the Principals) may engage election agents, campaign staff, full-time or part-time employees, contractors and volunteers (the Agents) to assist in election-related activities. In such circumstances, the Principals are liable for the acts and practices of their Agents in the course of performing actions assigned

by them<sup>1</sup>. The Principals are responsible for supervising their Agents to ensure compliance with the requirements under the Ordinance.

## 3. Guidance for Candidates and their Affiliated Political Bodies

### Minimum Data Collection

- 3.1 When candidates collect personal data directly from an individual or indirectly from a third party (e.g. trade union, professional or political body) for election purposes (such as electioneering, organising an election forum, or fund raising), only adequate, and not excessive personal data, necessary for election purposes should be collected (for example, a Hong Kong Identity Card number should not be collected)<sup>2</sup>.

### Informed Collection

- 3.2 When a candidate or affiliated trade union, professional or political body solicits personal data directly from an individual for election purposes, the candidate should ensure that the individual is informed of the purpose of collection of the data and other matters<sup>3</sup> set out in the Ordinance by, for example, providing a "Personal Information Collection Statement" (PICS) to the individual.

<sup>1</sup> According to section 65(1) and (2) of the Ordinance, any act done or practice engaged in by a person in the course of his employment or as agent for another person with the authority of that other person shall be treated as done or engaged in by his employer or that other person as well as by him.

<sup>2</sup> Data Protection Principle 1(1): Personal data shall not be collected unless the data is collected for a lawful purpose directly related to a function or activity of the data user; and the data collected is necessary, adequate but not excessive in relation to that purpose.

<sup>3</sup> Data Protection Principle 1(3): On or before a data user collects personal data directly from a data subject, the data user shall take all reasonably practicable steps to ensure that the data subject has been informed of whether it is obligatory or voluntary for him to supply the data and the consequences for him if he fails to supply the data. The data subject shall be explicitly informed of the purpose of data collection and the classes of transferees to whom the data may be transferred as well as the name / job title and address of the individual to whom the request of access to and correction of the data subject's personal data may be made.

- 3.3 Candidates and their Agents may lobby electors by a variety of means<sup>4</sup>. In certain circumstances, the electors may have no previous dealings with the candidates and their Agents, and may be concerned as to where the candidates and their Agents obtained their personal data. When asked, candidates and their Agents should inform the electors as to how their personal data was obtained.

#### **Case 1**

A candidate of the District Council election collected feedback from members of the public on community affairs by distributing flyers. In the flyer, members of the public were requested to provide their names and contact details. However, there was no PICS in the questionnaire and some members of the public were worried about how their personal data would be used.

When the candidate solicited personal data directly from individuals (such as by distributing a flyer for filling in personal data), the candidate should have provided a PICS to the individuals so that they could decide whether their personal data should be provided.

#### **Case 2**

The Election Committee members of a subsector, and Legislative Councillors of the functional constituency concerned, co-organised an election forum to provide a platform for electors of that subsector to exchange ideas on candidates' manifestoes. A complainant was dissatisfied that the organisers had failed to provide a PICS on the online registration form.

In response to the complaint, the forum organisers revised the online registration form by stating that personal data collected would be used only for enrolling participants, and the data would be destroyed after the event without it being transferred to third parties. Information on making data access and data correction requests was also made available on the registration form.

#### **Lawful and Fair Collection**

- 3.4 Candidates should not collect personal data for election purposes by deceptive means or by misrepresenting the purpose of the collection, for example, by collecting personal data on the pretext of assisting citizens to apply for government welfare.<sup>5</sup>

#### **Collection Purpose**

- 3.5 If a trade union, or a professional or political body intends to provide their members' personal data to candidates for election purposes, or to directly send election-related communication to their members, the proper course of action is for such bodies to determine whether this is a permitted purpose for which the personal data was collected. Prior notification to members of such use of their data, and the classes of possible transferees of the data, should be provided.

#### **Case 3**

After completing a training course organised by a political party, the complainant was asked to complete a questionnaire and provide his personal data for "communication purposes". Subsequently, the political party used the complainant's personal data in canvassing him to vote for a candidate.

In response to the complaint, the party revised the PICS in the questionnaire by explicitly stating that the personal data collected would be used for "election purposes".

#### **Case 4**

The complainant had been a member of a trade union for years. In a recent election, the complainant received a telephone call from the trade union canvassing votes for a candidate. The complainant stated that the trade union had never informed him that his personal data would be used for election purposes when he joined the union.

Upon the PCPD's enquiry, it was found that the latest version of the PICS in the membership application form had stated that the trade union would use the members' personal data for election purposes. However, the trade union did not provide the latest version of the PICS to those members who had their membership renewed. The PCPD thus requested the trade union to provide the latest version of the PICS to the members when they renewed their membership in future.

<sup>4</sup> Such as telephone, fax messages, SMS/MMS or emails.

<sup>5</sup> Data Protection Principle 1(2): Personal data must be collected by means which are lawful and fair in the circumstances of the case.

### Express Consent

- 3.6 Personal data may have been provided to candidates and their Agents for non-election purposes, such as in connection with the handling of building management matters, or requests for assistance. Should candidates or their Agents wish to use personal data so collected for an election purpose, express consent from the data subject must be obtained beforehand<sup>6</sup>.

#### Case 5

A resident of a building lodged a complaint with a political party in relation to the management of the building, and for this purpose supplied his personal data. Subsequently, the political party used his personal data in canvassing him to vote for a candidate in an election.

In response to the complaint, the political party undertook in future to obtain express and voluntary consent from any resident that had lodged a complaint with the party, before using their personal data for election purposes.

### Disclosing personal data on social media

- 3.7 Social networks are rapidly evolving and developing. It is becoming common for political bodies, district councillors and community officers to provide information relating to the district to the residents and to stay connected with them through social media. Political bodies and district councillors must ensure that the personal data privacy of the residents is protected when sharing information that involves personal data.

#### Case 6

The PCPD has received complaints against councillors for not respecting the residents' privacy, for example, by uploading photos or videos which contained close-up facial images of individuals involved in disputes in the neighbourhood, or by disclosing the full addresses of patients confirmed of having contracted epidemic diseases.

The PCPD understands that councillors or political bodies may from time to time report on the local affairs in the community through social media, upload photos to reflect actual situations, or provide information to residents for combatting pandemic. However, if the information contains an individual's facial image, full address or any other personal data, councillors should take into account the data subject's wish and feeling. Individual's privacy right should be respected when sharing information on topical affairs and incidents on the social media.

### Registers of Electors

- 3.8 When using personal data from published registers of electors, candidates should ensure that such personal data is used only for election purposes as prescribed by the relevant election legislation. Using any information on the register for a purpose other than a purpose related to an election is an offence under the current electoral legislations and is liable to a fine at level 2 (the prevailing amount is HK\$5,000) and to imprisonment for 6 months.
- 3.9 Besides, the PCPD noted that the Court of Appeal handed down a judgment on 21 May 2020 and a decision on 27 May 2020 regarding an appeal<sup>7</sup> regarding the dismissal of an application for judicial review on whether the requirement of showing the names of the registered electors together with their principal residential addresses ("Linked Information") in the electoral registers for public inspection or provision to candidates is constitutional<sup>8</sup>. The Court of Appeal held, amongst others, that displaying the Linked Information of

<sup>6</sup> Data Protection Principle 3: Personal data shall not, without the prescribed consent of the data subject, be used for a new purpose. New purpose, in relation to the use of personal data, means any purpose other than the purpose, or a directly related purpose, for which the data was to be used at the time of the collection of the data.

<sup>7</sup> Junior Police Officers' Association of the Hong Kong Police Force and Anor (as the applicants) v Electoral Affairs Commission, Chief Electoral Officer, Electoral Registration Officer (as the respondents) Hong Kong Journalists Association (as the intervener) (CACV 73/2020, Date of Judgment: 21 May 2020).

<sup>8</sup> In this appeal, the applicants challenged the constitutionality of section 20(3) of the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Geographical Constituencies) Regulation (Cap.541A) and Section 38(1) of the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap.541F) (together as "Impugned Provisions"). Under the Impugned Provisions, the Linked Information of a registered elector as recorded in the Final Register would be available (1) to the public for inspection at place(s) specified by the Electoral Registration Officer and (2) to the candidate(s) for the District Council geographical constituency to which the elector belongs.

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electors in the electoral registers to an individual's right to privacy and is thus protected generally under Article 14 of section 8 in Part II of the Hong Kong Bill of Rights Ordinance<sup>9</sup> (c.f. from Article 17(1) of the International Covenant on Civil and Political Rights). Hence, the requirement of displaying publicly the names and residential addresses of some individuals (for example victims of stalking or family violence) may cause a real risk of harm to them. As the ultimate guardian of the law, the Court of Appeal is obliged to consider if a proportionate balance is struck between the right of privacy and the right to vote (particularly the measures adopted in the current electoral system to achieve the transparent election aim)<sup>10</sup>. Nevertheless, the Court of Appeal also ruled that it is not its function to formulate electoral policy or to devise a particular electoral system.

- 3.10 In order to combat doxxing and protect citizens' personal data privacy, two offences targeting on doxxing took effect on 8 October 2021 pursuant to the Personal Data (Privacy) (Amendment) Ordinance 2021. If any person discloses any personal data of electors (as data subject) on the register without the relevant consent of the data subject, with an intent to cause specified harm<sup>11</sup> or being reckless as to whether specified harm would be caused to the data subject or any family member of the data subject, the discloser commits an offence under section 64(3A) of the Ordinance and is liable to a fine of HK\$100,000 and imprisonment for 2 years. If such disclosure causes specified harm to the data subject or any family member of the data subject, the discloser commits an offence under section 64(3C) of the Ordinance and is liable to a fine of HK\$1,000,000 and imprisonment for 5 years.

#### Personal Data in Other Public Domains

- 3.11 Other than for the register of electors, personal data available in the public domain (such as professional registers) is generally not intended to be used for election purposes. Before using personal data obtained from the public domain, candidates must take into account the original

purpose for which the public register was established, the restrictions on its use, and the reasonable privacy expectation<sup>12</sup> of the data subjects.

#### Option to Decline

- 3.12 As a matter of good practice, when candidates and their Agents canvass for votes from individuals directly, or indirectly through a third party (such as a trade union, or a professional body or political body), the individuals should be given an option to decline receipt of any subsequent electioneering communication from the candidates in relation to the election concerned, so as to avoid receipt of unwanted electioneering communication from such candidates.

#### List of "No"

- 3.13 Candidates should also maintain a list of individuals who, to their knowledge, find election-related communication, such as phone calls, mail, fax messages, emails or visits, objectionable, and avoid approaching them to canvass for their votes.

#### Data Security

- 3.14 When conducting election activities, candidates and their Agents should take all practicable steps to protect personal data of electors against accidental or unauthorised access<sup>13</sup>. For example, they should safeguard electors' personal data that they have obtained from the register of electors or government departments (such as a DVD of the "Candidate Mailing Label System", and mailing labels of electors). If it is absolutely necessary to access electors' information outside office premises for an election purpose, only the minimal and necessary data should be taken away from the office premises. Furthermore, the data should be encrypted and protected from unauthorised access or retrieval. After use, the data should be returned to the office, or be delivered to a safe place for proper storage as soon as possible.

<sup>9</sup> Article 14 of section 8 in Part II of the Hong Kong Bill of Rights Ordinance (Cap. 383): (1) No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. (2) Everyone has the right to the protection of the law against such interference or attacks.

<sup>10</sup> See paragraphs 95-96 of the judgment.

<sup>11</sup> According to section 64(6) of the Ordinance, "specified harm", in relation to a person, means (a) harassment, molestation, pestering, threat or intimidation to the person; (b) bodily harm or psychological harm to the person; (c) harm causing the person reasonably to be concerned for the person's safety or well-being; or (d) damage to the property of the person.

<sup>12</sup> Reference can be made to the *Guidance on Use of Personal Data Obtained from the Public Domain* issued by the office of the Privacy Commissioner for Personal Data, Hong Kong (PCPD).

<sup>13</sup> Data Protection Principle 4(1): All practicable steps shall be taken to ensure that personal data (including data in a form in which access to or processing of the data is not practicable) held by a data user is protected against unauthorised or accidental access, processing, erasure, loss or use.

### Case 7

A district councillor sent an email to a list of recipients canvassing votes for a candidate in an election without concealing the names and email addresses of the recipients. The complainant, being one of the recipients of that email, complained that his name and email address had been disclosed to all other recipients of the email.

In response to the complaint, the district councillor agreed to safeguard the security of the personal data of the electors when transmitting messages via electronic means (for example, by use of the “bcc” function).

### Data Disposal

- 3.15 Personal data collected for election purposes should not be retained for a period beyond completion of all the election activities<sup>14</sup>. For example, after an election, candidates should dispose of all the electors’ personal data obtained from a published register of electors, or those provided by government departments for election purposes. When data processors<sup>15</sup> are appointed or engaged by the candidates to destroy personal data of electors on their behalf, the candidates must use contractual or other means to prevent the personal data being transferred to data processors from: (i) being kept longer than is necessary for election purposes<sup>16</sup>; and (ii) unauthorised or accidental access, processing, erasure, loss or use<sup>17</sup>.

### Distributing or Providing Assistance in Purchasing Supplies

- 3.16 Political bodies and councillors may from time to time distribute supplies to the residents and they may collect the residents’ personal data for identification purposes. Political bodies and councillors should respect the residents’ privacy and comply with the Ordinance when collecting, using and retaining the residents’ personal data.

### Case 8

Political bodies, councillors and community officers provided assistance in purchasing anti-epidemic items through the internet or distributed anti-epidemic items to members of the public at roadside booths. This aroused a number of privacy concerns:

- 1) Even if there is a practical need for the organiser to collect personal data, for instance for the purposes of registration, compiling a waiting list, and collection or delivery of products, the organiser should collect the minimum amount of personal data in a lawful and fair manner<sup>18</sup>. As in the circumstances of shopping in the supermarket, providers of goods and services should not collect personal data that is unrelated to the transactions. Hence, the organiser should not collect data that is unrelated to and unnecessary for the transactions or delivery (for example, date of birth, income, family status, family members’ personal data and identity card copy).
- 2) No matter whether the organiser collects personal data through paper or electronic form, the organiser should inform members of the public of the purpose of collection, the classes of transferees and whether it is obligatory or voluntary to supply the data<sup>19</sup>. The good practice is to provide a PICS to them.
- 3) The organiser should not use the personal data collected for other purposes without the data subjects’ consent<sup>20</sup> (for example, for purposes other than the directly related purposes for which the data was collected, including marketing of commercial products or to advance political publicity)<sup>21</sup>. If the organiser intends to use the personal data collected for other purposes, the organiser should explain clearly to the data subject and seek the data subject’s consent. The consent given by the data subject must be express and voluntary.

<sup>14</sup> Data Protection Principle 2(2): Personal data shall not be kept longer than is necessary for the fulfillment of the purpose (including any directly related purpose) for which the data is or is to be used.

<sup>15</sup> “Data processor” means a person who processes personal data on behalf of another person; and does not process the data for any of the person’s own purposes. Reference can be made to the information leaflet *Outsourcing the Processing of Personal Data to Data Processors* issued by the PCPD.

<sup>16</sup> Data Protection Principle 2(3): If a data user engages a data processor, whether within or outside Hong Kong, to process personal data on the data user’s behalf, the data user must adopt contractual or other means to prevent any personal data transferred to the data processor from being kept longer than is necessary for processing of the data.

<sup>17</sup> Data Protection Principle 4(2): If a data user engages a data processor, whether within or outside Hong Kong, to process personal data on the data user’s behalf, the data user must adopt contractual or other means to prevent unauthorised or accidental access, processing, erasure, loss or use of the data transferred to the data processor for processing.

<sup>18</sup> See footnote 2 and footnote 5.

<sup>19</sup> See footnote 3.

<sup>20</sup> See footnote 6.

<sup>21</sup> Except for those scenarios that are exempted under Part 8 of the Ordinance.

**Case 8 (continued)**

- 4) For the retention period of personal data, notwithstanding that the Ordinance does not require data users to inform data subjects of the retention period of personal data, data users are required to erase personal data that is no longer needed for the purpose for which the data is used<sup>22</sup>. Hence, the organiser should erase the personal data collected after distributing the supplies or providing the services (in other words, after fulfilling the purpose for which the data is used), in order to avoid potential data security problem.

## 4. Guidance for the Relevant Government Departments

### Security Measures

- 4.1 In campaigns launched by government departments for the purpose of promoting elector registration or updating electors' particulars, such activities may involve collection of personal data in paper form (such as collection of elector registration forms at pavement booths). Government departments should take practicable steps to safeguard personal data so collected against accidental or unauthorised access by unrelated parties<sup>23</sup>. For example, the responsible staff should be alert to data leakage risks in the surroundings when receiving completed forms. If notebook computers / tablets or portable storage devices are used, extra care must be taken (see paragraph 4.3 below for more details). The data should be returned to the office or delivered to a safe place for proper storage as soon as possible upon completion of the activities.
- 4.2 Government departments should, at all times, adopt all practicable security measures to protect the voluminous and sensitive personal data of electors held by them against unauthorised or accidental access, processing, erasure, loss or use<sup>24</sup>. In addition to encrypting the database, government departments should also:
- Make available the personal data for access or use only on a "need-to-know" and "need-to-use" basis, especially when portable storage devices, such as notebook computers, are involved;
  - Adopt the principle of least-privileged rights, by which only staff authorised to handle identity verification are able to retrieve or access relevant personal data;
  - Strictly evaluate the necessity of downloading and copying electors' personal data, and establish approval procedures and standards;
  - Monitor to ascertain if any system containing electors' personal data has been downloaded or copied without authorisation. Such systems and related servers should record all activity logs in order to trace access, use, downloading, editing and / or deletion of the data by a system user; and
  - Install monitoring and alarm mechanisms in all systems containing electors' personal data, and the related servers, so that if there is an irregularity (such as downloading or deletion of huge volume of personal data), timely reporting of the case, as well as tracing and reviews can be performed.
- 4.3 In circumstances when accessing electors' personal data outside office premises is required, a risk assessment should be conducted to ascertain the actual need of storing electors' personal data in portable storage devices (such as in USB flash cards, notebook computers / tablets, portable hard drives or optical discs). If it is necessary to store electors' personal data by such means, effective technical security measures commensurate with the quantity and sensitivity of the data should be adopted by, for example, use of two-factor authentication for data access. Adequate physical security measures should also be effected to safeguard devices (such as affixing the device with a cable lock to an appropriate fixture, or avoidance of departmental logos on the devices)<sup>25</sup>.
- 4.4 Government departments should formulate, systematically review and update their current personal data security policies, procedures and practical guidelines, according to their functions and activities. Steps should be taken to effectively disseminate personal data security policies to all staff, and provide clear instructions as to how to access such policies. Government departments should also review and formulate a compliance check mechanism to ensure personal data security policies, procedures and practical guidelines are complied with.

<sup>22</sup> See footnote 14.

<sup>23</sup> See footnote 13.

<sup>24</sup> See footnote 13.

<sup>25</sup> Reference can be made to the *Guidance on the Use of Portable Storage Devices* issued by the PCPD.

- 4.5 The multiple transfers and storage venues for the election documents increased the risk and harm of losing the documents. For the purposes of monitoring and reviewing the implantation of the security measures, government departments should set up procedures in respect of proper recording of movements of electoral documents, retrieval systems and dossier reviews.

**Case 9**

A backup notebook computer of a government department prepared for use in an election was discovered missing at the fallback election venue. The computer stored the names of Election Committee members eligible to vote in the election, and also the personal data of all electors in Hong Kong.

While the Privacy Commissioner for Personal Data, Hong Kong (Privacy Commissioner) considered the chance of leakage being low, as the personal data of the electors involved had already undergone multiple layers of encryption, the assessment and approval of the use of an enquiry system containing the electors' data was not well thought out or adapted to the special circumstances of the case. The data user had simply followed past practices and had failed to review, update or appraise the existing mechanism in light of the circumstances, in a timely manner. The investigation revealed that the data user lacked the requisite awareness and vigilance expected of it in protecting personal data. Rules of application and implementation of various guidelines had not been clearly set out or followed, and internal communication was not sufficiently effective. The data user failed to take all reasonably practicable steps in consideration of the actual circumstances, or to ensure that electors' personal data was protected from accidental loss, and thereby contravened Data Protection Principle 4(1)<sup>26</sup> of the Ordinance. An enforcement notice was served on the government department to remedy and prevent recurrence of the contravention<sup>27</sup>.

**Case 10**

A government department lost a marked final register of electors after an election. The register contained the unique and sensitive information about electors' identity card numbers and their polling statuses.

The Privacy Commissioner found that there were no specific guidelines or standing procedures as security standards for managing the marked final register. Its inventory and movements were not properly and adequately documented. There were no dossier reviews, and retrieval systems for storerooms were not put in place.

In addition, human errors in handling physical and tangible records of personal data could have been caused by overly long work hours, scarce resources, inexperienced or under-trained staff, etc. The Privacy Commissioner served an Enforcement Notice to direct the government department to remedy and prevent any recurrence of the contraventions.

- 4.6 When handling requests for information that involve the personal data of individuals, including electors, candidates or nominees, government departments must carefully assess if the release of the requested information would amount to a breach of Data Protection Principle 3<sup>28</sup>. In making such a determination, the exemptions provided in Part 8 of the Ordinance<sup>29</sup> are applicable. If necessary, more information may be sought from the requestor to facilitate appropriate consideration.

## 5. Guidance for Public Opinion Research Organisations

### Informed Collection

- 5.1 Public opinion research organisations may conduct opinion polls to gauge public views on candidates' approval ratings or electors' voting preferences. An elector's voting preference is considered to be very sensitive personal data, and organisers of these activities should exercise due care to ensure that participants are informed of the purpose of collecting the personal data, and other matters required by the Ordinance<sup>30</sup>.

<sup>26</sup> See footnote 13.

<sup>27</sup> The investigation report (R17-6249) is available on the PCPD website.

<sup>28</sup> See footnote 6.

<sup>29</sup> If application of Data Protection Principle 3 is likely to prejudice security, defence and international relations; crime prevention or detection; assessment or collection of any tax or duty; news activities; health; legal proceeding; due diligence exercise; handling life-threatening emergency situation, the relevant personal data is exempt from the use limitation requirements.

<sup>30</sup> See footnote 3.

- 5.2 For the purpose of gauging public views on candidates' approval ratings and the electors' voting preferences, public opinion research organisations need only the overall results of the survey and some macro parameters (for example, gender, age group, occupation categories, area of residence and income group). Hence, it is generally not necessary for the public opinion research organisations to indiscriminately collect the respondents' personal data (such as names, identity card numbers, telephone numbers and addresses). If data subjects are asked to provide these kinds of personal data for research purpose, they must check clearly the purpose of collection before considering to disclose such data, and should do so only on a well-informed and voluntary basis.

**Case 11**

A complainant provided his personal data in a signature campaign organised by a political body. He noticed that the purpose of collecting the personal data and data transfer arrangement was not stated on the form used for collecting personal data. According to the organiser, it had indicated on the form that "the personal data was collected solely for expressing views, and it would be destroyed afterwards".

In response to the complaint, the organiser undertook to take all practicable steps to supply relevant information to the participants in similar future events launched, including, for instance, the purpose for which the data was to be used, whether it was obligatory or voluntary for participants to provide the data, the classes of person to whom the data might be transferred, and their right to request access to a copy of their personal data and to request correction of the data.

**Lawful and Fair Collection**

- 5.3 When collecting personal data in opinion polls, organisers should carefully assess if the means of data collection could confuse or mislead the participants. Vigilance should be exercised to avoid providing untrue or misleading information concerning the background and objectives of the activities. If the organisers fail to identify themselves as the data user to the participants, or fail to state the nature of the activities clearly (e.g. whether the activities are "official" or "of legal effect"), this could amount to unfair collection of personal data<sup>31</sup>.

**Data Security**

- 5.4 If collection of personal data is involved, organisers of opinion polls should still safeguard personal data collected against accidental or unauthorised access by unrelated parties.<sup>32</sup> When employing the use of computer programmes or software developed by third parties, assessment should be made to identify possible privacy risks (including, for example, the security issues related to data transmission and storage, technical safeguards of the system and network, and the restriction on data access by staff). Measures should be taken to ensure the personal data collected is appropriately protected.

**Data Disposal**

- 5.5 Organisers should not retain personal data collected in opinion polls after completion of these activities<sup>33</sup>. If data processors are appointed or engaged by the organisers to destroy the personal data of participants on their behalf, the organisers must comply with the relevant requirements under the Ordinance (see paragraph 3.15 above).

**6. Personal Data Protection Advice for Members of the Public**

- 6.1 Upon receipt of emails or letters soliciting personal data in relation to election, members of the public must verify senders' identity to ensure there is no fraudulent collection of personal data in the name of government departments.
- 6.2 In submitting the completed elector registration form to the relevant authority, due care must be exercised regardless of the means of submission. For example, the envelope should be properly sealed and the information of recipients should be input correctly.
- 6.3 Members of the public may indicate on the elector registration form that emailing is their preference for receiving electioneering communications from the candidates. Otherwise, the email address provided would only be used by the relevant authority for communication purposes.
- 6.4 Electors may exercise their right to object to receipt of electioneering communications from the candidates and their affiliated political bodies.
- 6.5 Electors who have changed their registration particulars should report the change to the relevant authority as soon as possible for the record update.

<sup>31</sup> See footnote 5.

<sup>32</sup> See footnote 13.

<sup>33</sup> See footnote 14.

- 6.6 If participants of opinion polls need to provide personal data, they must ascertain if the organisers of these activities have clearly stated the nature of the activities (e.g. whether the activities are “official” or “of legal effect”) and identified themselves. Participants are also reminded to check if the organisers have provided them with information such as the purpose of collecting the personal data, and other matters required by the Ordinance<sup>34</sup>. In case of doubts, enquiries should be made to the organisers.
- 6.7 If personal data is collected by political bodies in their activities such as distribution of or providing assistance in making purchases of supplies, the participants should ascertain whether the data collected will be used in subsequent elections. If the participants do not consent to such use, they should not provide their personal data.
- 6.8 Members of the public should not give up their personal data for small gains. Personal data belongs to the data subjects themselves. They are advised to be vigilant about protecting their own personal data. Before providing personal information through whatever channels, they should first read the PICS and the privacy policy, and get to know the other party’s identity and background, as well as their purposes of collection, the classes of transferees and whether the other party is collecting excessive personal data, etc.
- 6.9 If members of the public believe that their personal data have been collected or used improperly, they can consider raising their queries and negotiating with the individuals or organisations concerned. If they are dissatisfied with the individuals’ or organisations’ response, they can complain to the PCPD.

## 7. A Final Note

In view of the huge volume and sensitive nature of the personal data collected or used in election activities, candidates, government departments, public opinion research organisations and members of the public must make the best efforts to avoid leakage.

Data users are recommended to formulate a policy on data breach handling and the giving of breach notifications<sup>35</sup>. In the unfortunate event of a data breach, data users should consider issuing notifications to lessen the harm caused by the breach.

The PCPD stands ready to offer assistance and respond to data breach notifications to all stakeholders. For enquiries, please visit our website from which all publications referred to in this guidance can be downloaded, or call our hotline at 2827 2827.

<sup>34</sup> footnote 3.

<sup>35</sup> Reference can be made to the *Guidance on Data Breach Handling and Data Breach Notifications* issued by the PCPD.



PCPD website  
pcpd.org.hk

**Enquiry Hotline** : (852) 2827 2827  
**Fax** : (852) 2877 7026  
**Address** : Unit 1303, 13/F, Dah Sing Financial Centre, 248 Queen's Road East,  
 Wanchai, Hong Kong  
**Email** : communications@pcpd.org.hk



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**Notes for Broadcasters on Producing Television Programme**  
**Introducing Candidates' Election Platforms**

1. A candidate of the 2010 Legislative Council By-election made an election petition relating to a multi-episode television programme which introduced the election platforms of all candidates of the By-election. Due to the airtime constraint, only four candidates were introduced in each episode and the time allocated to each candidate was more or less the same.

2. There were five candidates in the constituency in which the aforesaid candidate contested and the candidate number allocated to him was 5. According to the candidate number, the broadcaster of the television programme mentioned above introduced the first four candidates of that constituency in the same episode, while the aforesaid candidate was covered in the next episode. However, there was no mention in the episode on the first four candidates that there was a remaining candidate in that constituency who would be introduced in the next episode. The Court considered that it was possible that such arrangement might cause misunderstanding to the audience who only watched the former episode that there were only four candidates in the constituency concerned.

3. The Electoral Affairs Commission considers that the broadcaster should let the audience know: (a) the total number and the names of all candidates in the same constituency in each relevant episode; and (b) the episode which will cover or has covered the candidate(s) who is/are not introduced in the current episode. Such an arrangement will ensure that the audience will be fully aware of the total number of candidates in the same constituency even if they watch only one single episode instead of all episodes on the same constituency and that equal treatment will be given to all candidates concerned.

4. Where appropriate, broadcasters are advised to follow the arrangement set out in para. 3 above when producing multi-episode programmes which are election-related.

**Fair and Equal Treatment of Candidates by the Print Media**

1. The Electoral Affairs Commission (“EAC”) will examine whether candidates are treated fairly and equally in light of the circumstances of each case. Circumstances under consideration by the EAC include but not limited to practical problems that may be experienced by publishers, such as limitation of column space and staff resources, situations when some candidates who have extensive opinions on issues of public relevance while other candidates have none, candidates who have made newsworthy statements or speeches as opposed to the other candidates who have not uttered a word, and the difference in status and standing of some candidates as public figures, etc.
2. No person is allowed to use these practical problems as an excuse, without specific explanations, for not giving fair and equal treatment and coverage to all candidates competing in the same constituency. Merely saying that practical problems gave rise to the selective reporting will be viewed as a lame excuse. However, if the print media had approached the other candidates but they refused to accept any interview, and this fact is made known by the relevant media in the same article, it will not be regarded as breaching the guidelines.
3. Equal treatment and coverage does not necessarily means using same length and word count when reporting on each candidate of the same constituency, and must be considered on a case-by-case basis. For example, where a candidate speaks more than another candidate on a topic, and the newspaper reports it truthfully and faithfully, the media should not be criticised for not providing fair reporting. In other words, the key to fairness and equality is in the sense of **equal opportunity** being given to all candidates competing in the same constituency alike, so as to help electors make informed choices.
4. If fair and equal treatment has been given for all candidates competing in the same constituency in a publication, its editorial line or the personal opinions of the writer on each of the candidates can be freely expressed, insofar as they comment fairly and based on facts. Any newspaper is at full liberty to express its support for or disapproval of a candidate. The guidelines do not seek to impose any shackle on the expression of such ideas.

**Application Procedure for the Approval of Float Design**

1. Any persons must submit a written application for the float design, and specify the make, model and registration mark (or vehicle identification number in the case of a brand new vehicle) of the vehicle to be used as a float.
2. The application form must be accompanied by three copies of a drawing, certified by qualified electrical or mechanical engineers, in a minimum size of A3 paper, and showing the following details:
  - (1) the float and vehicle outline, side, plan, front and rear view, with all major dimensions (both proposed and original) shown;
  - (2) the entry/exit to and from the driver's compartment;
  - (3) location of rear-view mirrors which will enable the driver to view both sides of the float;
  - (4) location of exhaust outlets from any internal combustion engines;
  - (5) location of any auxiliary power equipment installed;
  - (6) means of communication with the passengers on the float;
  - (7) location of passengers and support for passengers (seats, handles, etc.) on the float; and

Applicant's attention is drawn to regulation 53(2) of the Road Traffic (Traffic Control) Regulations (Cap. 374G) on requirements for carriage of passengers: No driver of a vehicle on a road shall permit a passenger to travel in the vehicle unless the passenger is seated in a properly constructed seat and securely attached to the bodywork of the vehicle, except in the following cases:

- (a) where the vehicle is a public service vehicle licensed to carry standing passengers; or
- (b) where the vehicle is exempted under regulation 53A of the above mentioned Regulation.

- (8) detailed artwork is **not** required.
3. The application documents must be posted to the following address at least **one month** in advance of the date of the event:
- Type Approval Section  
Vehicle Safety and Standards Division  
Transport Department  
1M/F, Transport Department Vehicle Examination Complex  
18 Sai Tso Wan Road  
Tsing Yi, New Territories
- For inquiries, please contact the Type Approval Section at 3961 0362.
4. If the application is approved in principle (subject to the vehicle inspection results), the Transport Department will notify the applicant within 14 days upon the receipt of the application, and also inform the applicant of further details of the vehicle inspection.
5. In case the design is considered unacceptable, the applicant must, within one week upon receipt of a notice, resubmit revised drawings in compliance with the requirements set out in para. 2 above.

**Canvassing Activities which are Forbidden  
Within a No Canvassing Zone**

- (Note: (1) This list only serves to illustrate some of the common forms of canvassing activities and is by no means an exhaustive list of the canvassing activities which are prohibited within a no canvassing zone (“NCZ”).
- (2) For **buildings other than the building in which a polling station is located** within an NCZ (including residential and commercial premises such as restaurants or shops), if permission has been obtained for entry to the building for canvassing votes, door-to-door canvassing will be allowed on **storeys above or below street level (i.e. excluding the storey at the street level) in the building** provided that obstruction is not caused to any person and no sound amplifying system or device is used. During door-to-door canvassing, display or wearing of any promotional material is allowed (e.g. badge, emblem, clothing or head-dress) or any material making direct reference to a body a member of which is standing as a candidate in the election or a prescribed body the registered name or emblem of which has been printed on ballot paper for that election. **Nevertheless, canvassing activities are strictly prohibited on the storey at the street level of all the buildings within an NCZ.)**
1. Unauthorised static display of election advertisements (“EAs”) on walls (including the outer walls of the polling station), windows, railings, fences, etc.
  2. Exhibition of portable displays on vehicles (whether in motion or parked within the NCZ), or such holding exhibit in person.
  3. Except for the purpose of door-to-door canvassing referred to in Note (2) above, displaying or wearing any promotional material, e.g. badge, emblem, clothing, carrier bags or head-dress which:
    - (a) may promote or prejudice the election of a candidate or candidates at the election; or
    - (b) makes direct reference to a body any member of which is standing as a candidate in the election or a prescribed body the registered name or registered emblem of which has been printed on ballot paper for the election.

4. Distribution of EAs.
5. Canvassing for votes by:
  - (a) talking to electors;
  - (b) greeting electors by smiling, waving, nodding, or shaking hands, etc.;
  - (c) shouting slogans or the name or number of a candidate or any appeal message;
  - (d) singing or chanting; or
  - (e) making signals or signs to electors.
6. Broadcast of audio or video recording to appeal to or induce electors to vote or not to vote.
7. Using loud-hailers or loudspeakers (whether hand-held or mounted on a vehicle or installed in any other manner) to broadcast any message which appeals to or induces electors to vote or not to vote.
8. Wilfully staying or loitering in the NCZ and show goodwill to electors, thereby constitutes canvassing for votes.

**Items of Expenses to be  
Counted towards Election Expenses**

(Note: This list only serves to illustrate the common items of election expenses, and is by no means an exhaustive list of items of expenditure to be counted as election expenses.

1. Fees and allowances paid to agents and assistants engaged in relation to one's election activities, including travelling expenses and contributions to Mandatory Provident Fund Schemes. (Remarks: If the agents and/or assistants are staff members currently employed by an incumbent member of Legislative Council ("LegCo") who is seeking a new term in office, appropriate apportionment of the wages paid to the staff members concerned should be declared in the candidate's election return.)
2. Costs incurred for meals and drinks for agents and assistants before and on polling day.
3. Costs incurred for the design and production of election advertisements ("EAs") such as:
  - (a) banners
  - (b) signboards
  - (c) placards
  - (d) posters
  - (e) handbills
  - (f) publicity pamphlets
  - (g) video and audio recordings
  - (h) electronic messages
  - (i) various forms of literature or publicity material for promoting the election of a candidate or candidates or prejudicing the election of another candidate or candidates.

(Note: Costs incurred for publicity materials used to express gratitude for electors' support after the election will not be counted as election expenses.)

4. Costs incurred for the display and removal of EAs, including labour charges. If the EAs have not been removed by the deadline specified by the Electoral Affairs Commission, and eventually result in the EAs being removed by government departments, the removal costs for the EAs charged by government departments should also be included in election expenses.
5. Costs incurred by government departments for the removal of EAs displayed without authorisation.
6. Costs incurred for renting office space for electioneering purposes. (Remarks: (a) If the ward office of an incumbent member of LegCo who is seeking a new term in office is used for electioneering activities, an appropriate apportionment of the rentals paid should be declared in the candidate's election return. Relevant invoices and receipts should be issued by the landlord, instead of being issued by the incumbent member of LegCo. (b) If a candidate (who is not an incumbent member of LegCo) rents part of the ward office of an incumbent member of LegCo, an appropriate apportionment of the rentals paid should be declared in the candidate's election return, and relevant invoices and receipts should be issued by the recipient of the apportioned rentals paid by the candidate.)
7. Costs of stationery used in connection with the election campaign.
8. Operation/miscellaneous costs in connection with the electioneering activities, e.g. photocopying, hire of phone line and fax line. (Note: Election deposit will not be counted as election expenses.)
9. Postage for the mailing of publicity materials.
10. Costs incurred for the hire of transport in connection with the election.
11. Costs of deploying vehicles for publicity, for example, car rental fees, petrol/charging fees, parking fees and tunnel fees. (Remarks: If a vehicle is lent to the candidate by any person(s) free of charge, the candidate should, apart from reporting the free goods or service as an election donation, declare the estimated market value of leasing a vehicle of similar kind in his election return.)
12. Costs of advertisements by means of the media, taxis or other public transport.
13. Costs for organising election meetings, including venue charges.

14. Costs of T-shirts, armbands, caps and other identification materials for election agents and assistants.
15. Costs incurred for refurbishing old publicity boards and the estimated value of the boards.
16. Costs incurred in the publication by a candidate during the election period (i.e. from the commencement of the nomination period to (a) the day on which a declaration is made under s 46 of the Legislative Council Ordinance (Cap. 542) or s 22C of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D); or (b) the day on which the polling ends) of a document that gives details of the work done by the candidate in the capacity of:
  - (a) the Chief Executive;
  - (b) a member of the Election Committee;
  - (c) a member of the LegCo, a District Council or the Heung Yee Kuk;
  - (d) the Chairman, Vice-chairman or a member of the Executive Committee of a Rural Committee; or
  - (e) a Rural Representative.
17. Costs incurred by the political body or organisation of the candidate in promoting his election. (Note: Costs of meeting where the platform of the political body or organisation is publicised without specific reference to the candidate will not be counted as election expenses. In addition, for the avoidance of doubt, costs of electioneering activities (e.g. campaign rallies) participated by an uncontested candidate after declaration of the election result in respect of his constituency to promote the election of other contested candidates will **not** be counted as election expenses of the uncontested candidate.)
18. Costs incurred for obtaining legal/professional advice in respect of conduct of an election (e.g. (a) where a candidate hires a lawyer to vet an election publicity pamphlet to make sure that there is no libellous content in the text; or (b) where a candidate engages a building professional to advise on or carry out building works for the erection of EAs, etc.). (Note: Fees incurred for obtaining (a) legal advice on the general interpretation/application of the electoral law including whether a particular item of expense can be regarded as “election expenses” and “election donations”, and (b) professional advice on the apportionment of expenses as election-related expenses and for any other purposes,

**will not** be regarded as election expenses.)

19. Costs incurred by the candidates for using of opinion polls to promote his election or prejudice the election of other candidates.
20. Interest incurred from a loan to finance the electioneering activities of a candidate. (For an interest-free loan, the interest waived should be declared as an election donation and should be correspondingly counted as election expenses. A reasonable amount should be determined after assessment with reference to the market interest rate.)
21. Allowance for organising activities to promote one's candidature is a form of election donation which should be counted as election expenses (e.g. (a) an allowance paid to workers in the activities organised by political party(ies) for promoting the election of candidate and/or (b) the sponsorship made by the party(ies) for the said activities).
22. Although some people may not charge the candidate for the work or goods supplied and labour or services rendered (except voluntary services), the difference between the reasonable sum estimated for relevant charges and any allowance or discount generally available to customers is an election expense (which should be correspondingly counted as an election donation made by these people).
23. Goods incidentally given to the provision of a voluntary service.
24. Costs for charitable activities organised to promote one's candidature.
25. Costs for any negative publicity launched against other candidates.

**Collection of Election Donations**

1. Any person or organisation<sup>Note</sup> (including a political party) acting as an agent for a candidate or candidates to solicit, receive or collect election donations is advised to:

- (a) have the prior consent/authorisation of the candidate(s);
- (b) set up a dedicated ledger account for receiving and handling election donations;
- (c) state the apportionment of donations between candidates or other persons / parties if more than one candidate or other persons / parties are involved;
- (d) as in the case of donations received by the candidate(s) direct, comply with all the requirements under the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) in respect of election donations. For example, for donation of more than \$1,000, a receipt should be issued to the donor by the candidate concerned instead of the agent, etc.;
- (e) ensure that donors are clearly advised of the purpose(s)/use of their donations; and
- (f) apply for permission from the Secretary for Home and Youth Affairs in advance if the donations are collected through fund raising activities in a public place for non-charitable purposes.

2. On the other hand, though there is no prohibition against the solicitation of donations by a candidate on the behalf of a political party or any other organisation, he must make sure that the donation message conveyed is clear enough so that members of the public are well advised of the purpose and nature of the donation and in no circumstances would members of the public be misled that the donation solicited is used for the election of the candidates.

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<sup>Note</sup> All costs incurred by any person or organisation in the course of rendering relevant service to the candidate(s) should be counted towards election expenses, and are therefore subject to the relevant requirements governing the authorisation of election expense agents as set out in Chapter 8. If the person renders his service to the candidate free of charge, voluntarily, personally in his own time, the service is regarded as “voluntary service” according to s 2 of the Elections (Corrupt and Illegal Conduct) Ordinance. The candidate is, therefore, not required to include the costs of such service in his election expenses (this exemption does not apply to service(s) rendered by an organisation).

**Frequent Asked Questions & Answers**  
**for Completing the Election Return**

**Q1: If a candidate obtains goods or services for electioneering purposes free of charge or at a discount, how should the candidate declare the relevant election expenses and election donations?**

**A1:** Goods or services (except for voluntary service) obtained free of charge must be declared as election donations, and their estimated value must also be correspondingly declared as election expenses in the election return. “Voluntary service” is the only service rendered free of charge which can be excluded from being counted as election expenses (see Part IV of Chapter 17 of this Guidelines).

The following is an example of declaring election expenses and election donations in the election return when a candidate obtains goods or services (except for voluntary service) for electioneering purposes free of charge or at a discount:

Assuming that a candidate rents a vehicle from a car rental company for electioneering purposes, and the car rental company offers a discount which is not generally available to all customers, the difference between the market (or regular) price of the rental fee and the price paid by the candidate will be regarded as an election donation. The candidate must declare the market (or regular) price of the rental fee and specify the amount of discount in the sections of election expenses of the election return, and declare the amount of discount as an election donation separately. Candidates may refer to other examples provided in Section H and Section I of the Guide on Completion of Election Return.

If a candidate borrows a vehicle from a friend free of charge for electioneering purposes, the “free loan of a vehicle” has already constituted an election donation, and its value should also be treated as an election expense. If that friend has not lent his vehicle to members of the public, the candidate may assess its value based on the fair market rental fee for similar car rental services provided by other individuals or organisations (e.g. car rental companies), and the value should be declared separately as an election expense and an election donation in the election return

**Q2: If a candidate rents advertising spots (such as the bodies of public light buses (“PLBs”)) for publicity purposes, but only displays election advertisements (“EAs”) on certain days of the renting period, how should he declare the relevant election expenses?**

A2: If the candidate rents PLBs, taxis or other public transport modes as spots for displaying EAs, he should count the rent paid a relevant election expense and declare it as required. Since the candidate rents those advertising spots for the purpose of promoting the election of himself, or prejudicing the election of another candidate, even if the candidate rents the spots for displaying EAs only on certain days of the renting period, he is still required to declare the rent for the whole renting period as an election expense. The following is an example showing how to declare the relevant election expense in the election return:

It is assumed that the candidate rents the bodies of PLBs as spots for displaying EAs for a month (e.g. from 1 to 30 November), but EAs are displayed on the bodies of PLBs only from 10 to 30 November. Even though the candidate does not display EAs on certain days of the renting period (i.e. 1 to 9 November), he is still required to declare the full-month rent for the bodies of PLBs as an election expense in the election return as the only purpose of renting the bodies of PLBs is to promote his candidature.

**Q3: If a candidate uses personal assets for electioneering purposes, how should he declare the relevant election expenses and election donations?**

A3: Any expenses incurred or to be incurred before, during or after the election period, by or on behalf of the candidate for the purpose of promoting the election of the candidate or prejudicing the election of another candidate, are regarded as election expenses, and must be declared as required.

If personal assets (such as self-owned properties) are used by a candidate for electioneering purposes, the expenses incurred must be declared as election expenses. Given that the goods or services provided by the candidate himself cannot be regarded as being obtained free of charge, the value of such goods or services should cannot be declared as election donations.

The following example illustrates how a candidate who uses a

self-owned property as the election campaign office declares the relevant election expenses in the election return:

It is assumed that the candidate wholly owns a property. The property is only used as his election campaign office during the election period (e.g. from September to November). Although the candidate does not have to pay rent for the property, this should still be counted as an election expense of the candidate based on the market rent of that property, and the calculation method should be specified in the election return with relevant documents (e.g. the demand notes for rates of the property ) attached for reference. The suggested calculation method of the election expense is as follows:

Relevant election expense = rateable value of property x proportion of time of self-owned property being used as election campaign office (i.e. 3 months/12 months)

In addition, other relevant expenses, e.g. electricity expense, internet service fee, management fee, etc., incurred during the period when the candidate uses the above property for electioneering purposes shall be included in the election expenses and stated clearly in the election return.

**Q4: If a candidate, who is an incumbent member of the Legislative Council (“LegCo”), instructs a staff member of his ward office to assist in handling his election publicity work within office hours during the election period, how should the candidate declare the relevant election expenses?**

**A4:** If the candidate instructs a staff member of his ward office to handle his election publicity work within office hours, the expenses involved are election expenses. The candidates should calculate the election expenses by apportioning the relevant remuneration according to the actual time spent by the staff member concerned in handling election publicity work for the candidate and attach to the election return the receipt of remuneration signed by the staff member concerned and the calculation method of the relevant election expenses as proof.

If the candidate has claimed an allowance from the LegCo Secretariat for the remuneration of the staff member concerned for working in the ward office, he can only claim an allowance for the portion after deducting the election expenses, and not for the portion which has been calculated as election expenses.

The following example illustrates in detail how the aforesaid candidate declares the relevant election expenses in the election return:

Assuming that the candidate is an incumbent LegCo Member and, during the election period (e.g. from October to December), instructs a staff member of his ward office to assist with the work associated with his election publicity work within office hours, and such work occupies 20% of the overall working time of the staff member concerned, the candidate should calculate the election expenses based on the staff member's remuneration on a pro-rata basis. The suggested calculation method is as follows:

Relevant election expenses = remuneration of that staff member (i.e. total amount of remuneration from October to December) x proportion of time spent on election publicity work (i.e. 20%)

The candidate may refer to the relevant example provided in Section C of the Guide on Completion of Election Return.