

CHAPTER 9

ELECTION MEETINGS

PART I : GENERAL

9.1 An **election meeting** is a meeting held to promote or prejudice the election of a particular candidate or particular candidates [s 12(5) of the ECICO]. Expenses incurred before, during or after the RR election (in relation to the machinery of the election) on account of an election meeting organised for any of the purposes stated above are election expenses [s 2 of the ECICO]. For the avoidance of doubt, election forums organised for all candidates in the same Rural Area are not treated as election meetings (see Part III of Chapter 10). During the election period, a candidate may attend any other meetings as part of his/her normal activities which are **not election-related**. Insofar as such meetings are **not** held for the purpose of promoting or prejudicing the election of a particular candidate or particular candidates, they will not be regarded as election meetings.

9.2 There may be cases where a meeting is not organised for any of the above purposes, but has nevertheless been used for such purposes by a candidate or any other person on his/her behalf. In that event, it will be for the candidate to assess the expenses which have been incurred for the said purposes (See Chapter 15). The person who uses the meeting for promoting the candidate may also be liable for prosecution for his/her failure in obtaining the candidate's prior written authorisation to appoint him/her as the candidate's election expense agent for incurring election expenses on behalf of the candidate [s 23 of the ECICO].

9.3 Similarly, sometimes a candidate may be invited to a meeting

which is entirely non-election-related, but during the meeting, someone may act out of his/her own volition to promote the election of the candidate or prejudice the election of other candidates. In such case, the candidate should immediately make it clear that he/she has nothing to do with the acts of the person and ask the organiser to stop any act relating to the election. If the organiser fails to do so, the candidate should leave the meeting immediately in order to avoid incurring liability. Otherwise, the meeting will be regarded as an election meeting held to promote the election of the candidate or prejudice the election of other candidates and the expenses so incurred will have to be counted towards the candidate's election expenses. The organiser will contravene the relevant legislation for his/her failure in obtaining the candidate's prior authorisation to appoint him/her as the candidate's election expense agent for incurring election expenses on behalf of the candidate.

9.4 In addition to the election expenses incurred, candidates are responsible for the election meetings or public processions which they organise, including maintaining order and safety, controlling noise level, keeping places clean and shouldering other liabilities.

9.5 An election meeting may take place in a public place or in private premises. A public procession for election campaigning purposes is a form of election meeting, as is an exhibition organised with a view to promoting or prejudicing the election of a particular candidate or particular candidates.

9.6 Candidates are reminded that individual government departments and management authorities may have their own guidelines to allow or disallow the conduct of election meetings in the premises under their control. To ensure the smooth conduct of election meetings in public or private places, **candidates should consult the relevant authorities concerned in advance and if required, obtain prior permission from each of them for the conduct of election meetings in the premises within their jurisdiction.**

9.7 The relevant statutory requirements for holding public meetings under the purview of the Hong Kong Police Force and the guidelines of the Housing Department/Hong Kong Housing Society for premises under their jurisdiction are set out in paras. 9.9 to 9.21 below.

PART II : ELECTION-RELATED “TREATING”

9.8 A person must not at any time provide or pay all or part of the cost of providing another person with any food, drink or entertainment (e.g. inclusive of singing performance) for the purpose of influencing that person’s or a third person’s voting preference (see also the part on “Treating” in Part IV of Chapter 16). Nevertheless, the act of serving non-alcoholic drinks at an election meeting in itself will not be deemed corrupt for the aforementioned purposes, unless the purpose of such treat is to influence the electors’ voting preference. If an election meeting held by a candidate involves consumption of food and drink, and the participants have shared the costs of the food and drink that do not have the purpose of influencing the participants’ voting preference, it may not fall within the scope of s 12 of the ECICO. Nevertheless, since an election meeting serves the purpose of promoting or prejudicing the election of a particular candidate or particular candidates, such costs borne by each participant should be treated as election expenses and election donations and the candidate should comply with the relevant legal requirements accordingly.

PART III : ELECTION MEETINGS IN PUBLIC PLACES

9.9 Any person who organises an election meeting in a public place must notify the Commissioner of Police in writing **not later than 11 am on the same day of the week in the preceding week as the day on which the**

meeting is intended to be held. If the day falls on a general holiday, the person must do so not later than 11 am on the day immediately preceding that day which is not a general holiday. [S 8(1) of the Public Order Ordinance (Cap. 245) (“POO”)] “Public place” means any place to which for the time being the public or any section of the public are entitled or permitted to have access, whether on payment or otherwise, and, in relation to any meeting, includes any place which is or will be, on the occasion and for the purposes of such meeting, a public place [s 2 of the POO].

9.10 The written notification shall be **handed in** to the officer in charge of any police station in person by the person giving the notice, or by any person on his/her behalf. It should contain the following particulars:

- (a) the name, address and telephone number of the person organising the meeting, any society or organisation promoting or connected with the holding of the meeting and a person 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 amplification devices, if any, intended to be used at the meeting; and

- (g) the nature, form and content of the 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 together with guidance notes provided by the Police will be given to a candidate upon his/her submission of nomination. The Police has advised that the use of the form will speed up processing time.

9.11 Notification to the Commissioner of Police of an election meeting is not required if the meeting is to be:

- (a) attended by not more than 50 persons;
- (b) held in private premises where the attendance at the meeting does not exceed 500 persons; or
- (c) held in a school registered or provisionally registered or exempted under the Education Ordinance (Cap. 279), 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) of the POO]

Where in doubt, a candidate should seek advice from the Police.

9.12 The Commissioner of Police may prohibit the holding of any public meeting notified (please refer to paras. 9.9 and 9.10 above) where he/she reasonably considers such prohibition to be necessary in the interests of national security or public safety, public order or the protection of the rights and freedoms of others, and under such circumstances, he/she shall give notice of the prohibition to the person giving the notification in accordance with s 8 of the POO or to the person who acts in place of the organiser not later than 48 hours prior to the time of commencement of the meeting or by publication in writing in such manner, or by posting a notice of the prohibition in such place, as the Commissioner of Police may think fit [s 9 of the POO]. On the other hand, the Commissioner of Police may give notice to the organiser and impose conditions for the meeting to take place, and the organiser must comply with such conditions and comply forthwith any direction given by a police officer for ensuring compliance with or the due performance of the conditions and the requirements referred to in para. 9.13 below [s 11(2) and (3) of the POO].

9.13 At every public meeting:

- (a) there shall be present throughout the meeting either the person who organised the meeting, or if he/she is not present, a person nominated by him/her to act in his/her place;
- (b) good order and public safety shall be maintained throughout the meeting; and
- (c) the control of any amplification device that is used in such a manner that it causes a noise that would not be tolerated by a reasonable person shall, if so required by a police officer, be surrendered to the police officer for the duration of the meeting.

[S 11(1) of the POO]

9.14 A guidance note on the safe conduct of election-related activities is at **Appendix 8**. It serves as a general advice to candidates and organisers of election-related activities, to enable them to conduct such activities safely.

Public Processions

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

- (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; or
- (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]

9.16 In all other cases, written notification of a public procession, including a vehicle procession, must be given by the person organising the procession or by any person on his/her behalf, to the Commissioner of Police (which may be handed in to the officer in charge of any police station) **not later than 11 am on the same day of the week in the preceding week as the day on which the procession is intended to be held. If the day falls on a general holiday, the person must do so not later than 11 am on the day immediately preceding that day which is not a general holiday.** The notice should contain the following particulars:

- (a) the name, address and telephone number of the person organising the procession, any society or organisation promoting or

connected with the holding of the procession and a person 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) in respect of any meeting to be held in conjunction with the procession, the location, time of commencement and duration of the meeting; and
- (e) an estimate of the number of people expected to attend the procession.

A notification **form** mentioned in para. 9.10 above should be used. [S 13A(1) and (4) of the POO]

9.17 The Commissioner of Police may object to a public procession being held if he/she reasonably considers that the objection is necessary in the interests of national security or public safety, public order or the protection of the rights and freedoms of others. If the Commissioner of Police objects to the public procession being held, he/she shall as soon as reasonably practicable and within the time limit specified under the POO:

- (a) notify in writing the person who gave notice under s 13A of the POO or a person named for the purposes of s 13A(4)(a)(i) of the POO of his/her objection and reasons;
- (b) publish a written notice of objection and reasons in the manner he/she thinks fit; or

- (c) post a written notice of objection and reasons in the place he/she thinks fit.

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

9.18 The Commissioner of Police shall not issue a notice of objection for a public procession:

- (a) if notice of a procession is given in accordance with s 13A(1)(b) of the POO, later than 48 hours before the notified commencement time of the procession;
- (b) if shorter notice of 72 hours or more is accepted by the Commissioner of Police under s 13A(2) of the POO, later than 24 hours before the notified commencement time of the procession;
or
- (c) if shorter notice of less than 72 hours is accepted by the Commissioner of Police under s 13A(2) of the POO, later than the notified commencement time of the procession.

[S 14(3) of the POO]

9.19 At every public procession:

- (a) there shall be present throughout the procession either the person who organised the procession, or if he/she is not present, a person nominated by him/her to act in his/her place;
- (b) good order and public safety shall be maintained throughout the procession; and

- (c) the control of any amplification device that is used in such a manner that it causes a noise that would not be tolerated by a reasonable person shall, if so required by a police officer, be surrendered to the police officer for the duration of the procession.

[S 15(1) of the POO]

PART IV: ELECTION MEETINGS IN PRIVATE PREMISES

9.20 Any person who organises an election meeting in private premises should consult the owner, occupier, owners' corporation, building management or the MAC concerned, etc. in advance and, if required, obtain prior permission from them. Insofar as the decision regarding election meetings by candidates in the common areas of the premises accords fair and equal treatment to all candidates, the EAC will not intervene. Specific guidelines for conducting election meetings in the premises managed by the Housing Department and the Hong Kong Housing Society are set out in **Appendix 6**.

9.21 Notification in writing to the Commissioner of Police needs to be given, in accordance with the procedures set out in paras. 9.9 and 9.10 above, if the attendance of the proposed meeting exceeds 500 persons.

PART V : ELECTIONEERING EXHIBITIONS

General

9.22 A candidate may hold an exhibition for election campaigning

purposes. If such an exhibition is to be held, the candidate should consult the relevant management authorities of the premises concerned in advance, and, if required, obtain prior permission from the estate manager or officer-in-charge, owner, occupier, owners' corporation, building management or the MAC concerned, etc. Relevant guidelines in the other parts in this chapter should also be observed, in addition to compliance with regulations and conditions imposed by other relevant authorities.

Premises under the Purview of the Housing Department and the Hong Kong Housing Society

9.23 Where approval has been given by an estate manager or officer-in-charge for such an exhibition in any estate managed by the Housing Department and the Hong Kong Housing Society, the display of EAs at the venue of the exhibition will normally be subject to the conditions that they are displayed in connection with the activity in question and for a temporary duration of less than a day. The guidelines in Chapter 7 are applicable to such display items and must be observed by the candidate(s) concerned. The estate manager or officer-in-charge should send a copy of the letter of approval to the relevant RO for record and for public inspection. Please also see **Appendix 6** for reference.

PART VI : FUND RAISING ACTIVITIES AT ELECTION MEETINGS

9.24 A permit is required for organising, participating in, or providing equipment for any collection of money or sale of badges, tokens or similar articles or exchange of the same articles for donations in a public place [s 4(17) of the Summary Offences Ordinance (Cap. 228) ("SOO")]. Any person who wishes to raise funds at an election meeting for non-charitable purposes should

apply to the SHYA. A copy of the administrative guidelines and licensing conditions for the issue of such permits with an application form is at **Appendix 9** for reference.