

## CHAPTER 13

### PROHIBITION AGAINST CANVASSING ACTIVITIES OUTSIDE POLLING STATIONS

#### PART I : GENERAL

13.1 This chapter deals with the ban on canvassing activities **outside polling stations** on the polling day. An NCZ will be designated outside each polling station to ensure that electors can gain access to the polling station without interference. In addition, an NSZ in which no one is allowed to stay or loiter will also be designated in the immediate vicinity outside the entrance/exit of the polling station to avoid any obstruction of the entry/exit.

13.2 No canvassing activities are allowed within the NCZ. Regarding buildings within the NCZ, all canvassing activities by candidates and their campaigners are prohibited in the entire building where a polling station is located as well as on the ground floor of other buildings, regardless of whether they are government or private premises, and even if approval from the building management concerned is obtained.

13.3 Any deliberate but disguised conduct for the canvassing of votes in the NCZ is prohibited, such as staying or loitering in the NCZ, smiling or showing goodwill to the electors, etc. for the purpose of canvassing votes. For details, please refer to **Appendix 5**.

## **PART II : DETERMINATION OF NO CANVASSING ZONE AND NO STAYING ZONE**

13.4 The RO for a Rural Area must determine, in respect of each polling station designated for that Rural Area, an area outside the polling station to be an NCZ. In so doing, he/she will take into account the characteristics and special conditions of the polling station. He/She must also determine an area within the NCZ outside the entrance/exit of the polling station as an NSZ. These two zones are to be determined with reference to a map or plan. [S 34(1) of the EP (RRE) Reg]

13.5 For a polling station which serves more than one Rural Area, the determination of the NCZ and NSZ is to be made by the RO specified for the purpose by the DHA. [S 34(3) of the EP (RRE) Reg]

13.6 The RO who made the determination of an NCZ and an NSZ in respect of a polling station must, at least **2 days** before the polling day, give a notice of the determination to the candidates of his/her own Rural Area and, where appropriate, to the ROs of other Rural Areas for which polling will be held at that polling station so that each of the ROs of these relevant Rural Areas can notify the candidates of his/her own Rural Area of the determination as soon as practicable. [S 34(2) and (3) of the EP (RRE) Reg]

13.7 The notice will be given in writing, and may be delivered by hand, by post, by electronic mail or by facsimile transmission, to the candidates or to the election agents. [Ss 22(5), 34(2) and 83(1)(f) of the EP (RRE) Reg]

13.8 Where the circumstances so warrant, the RO may vary the NCZ or NSZ. Notice of the variation must be given as soon as practicable after the variation in the same manner as a notice referred to in para. 13.7 above [ss 34(4) and (5) and 83(1)(g) of the EP (RRE) Reg]. The notice may however be given

orally if delivering it in the manner as referred to in para. 13.7 above is not practicable or is not suitable in the circumstances [s 83(2) of the EP (RRE) Reg].

13.9 A notice of the determination or the variation, together with indication of the boundaries of the NCZ or the NSZ, must be displayed on the polling day at or near the relevant polling station, in order to make the determination or variation effective. [S 34(6), (7) and (8) of the EP (RRE) Reg]

13.10 The RO who is empowered to determine the NCZ and NSZ may authorise his/her ARO or the PRO of the relevant polling station to exercise the power to vary the determination and to perform the associated duties on the polling day. [S 34(4) of the EP (RRE) Reg and s 54(3) of the RREO]

### **PART III : CONDUCT INSIDE THE NO CANVASSING ZONE AND NO STAYING ZONE**

13.11 Door-to-door canvassing and, for the purpose of such canvassing, the display or wearing of any promotional material (e.g. any badge, emblem, clothing or head-dress which may promote or prejudice the election of any candidate at the election) or any material making direct reference to a body any member of which is standing as a candidate in the election or to a political body in Hong Kong, may be allowed on the storeys above or below the street level in any building other than the building in which the polling station is located within an NCZ, provided that permission has been obtained for entry to the building for canvassing votes, and no obstruction is caused to any person and no sound amplifying system or device is used (except for the performance of duties by officers of the CSD on the polling day at dedicated polling stations in penal institutions) [s 35(2), (2A) and (3) of the EP (RRE) Reg]. Apart from

this, no other canvassing activities (including suggesting not to vote for any candidate) will be allowed within an NCZ except for static display of EAs mounted at designated spots approved by the RO.

13.12 Where there are private premises situated within the NCZ, the RO should issue a notice in advance to all the candidates for the Rural Area concerned asking them to remove all of their EAs, if any, posted up at the private premises within the NCZ before the polling day. The exhibition of portable displays on vehicles (whether in motion or parked within the area) or held or carried by persons is also regarded as a canvassing activity which is forbidden within an NCZ. Therefore, 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. If a candidate fails to remove the EAs as requested by the RO, the RO may issue a warning to the candidate to remove the offending EAs immediately. If the candidate fails to do so, the EAC may issue a censure or reprimand. Canvassing activities may take many different forms. A list of common canvassing activities which are forbidden in an NCZ is at **Appendix 5**.

13.13 On the polling day, the PRO will use his/her best endeavours to ensure that no person carries out any activity other than those permitted activities described in para. 13.11 above in the NCZ in respect of his/her polling station to persuade or induce any elector to vote or not to vote. Any unauthorised display of EAs in the area will be removed by the RO or other persons authorised by the RO [s 94 of the EP (RRE) Reg]; and any person found to have conducted canvassing activities prohibited in the area will be asked to leave the area [s 35 of the EP (RRE) Reg].

13.14 The use of loudspeakers or loud-hailers is not permitted within the NCZ, nor is any such device or the conduct of any activity (e.g. lion dance)

permitted in the vicinity so that the sound emitted can be heard within the NCZ [s 35(2)(b) and (c) of the EP (RRE) Reg]. However, an officer of the CSD may use a sound amplifying system or device in the NCZ of a dedicated polling station situated in a penal institution for the performance of his/her duties on the polling day [s 35(2A) of the EP (RRE) Reg]. Save for canvassing activities allowed in para. 13.11, candidates and their supporters are not allowed to pass, let alone shout, any appeal message to persons while inside the NCZ. (See Part II of Chapter 11 regarding the use of loudspeakers)

13.15 There will be an **NSZ** within the NCZ but immediately outside the entrance/exit of each polling station (sometimes the entrance also serves as the exit). No person is allowed to stay or loiter in the NSZ, except where a person has been expressly permitted to do so by the RO or the PRO [s 35(2)(e) of the EP (RRE) Reg]. This is for the purpose of securing safe and smooth passage of electors into and out of polling stations.

13.16 No person in the NCZ or NSZ is allowed to obtain or attempt to obtain (in any manner) information as to which candidate an elector of the polling station is about to vote for or has voted for, unless with the express permission of the RO or the PRO. The PRO should recognize and give due regard for those who conduct exit polls in accordance with the requirements set out in Chapter 14. [S 82(1) of the EP (RRE) Reg]

13.17 Any person who misconducts himself/herself or carries out any forbidden activity in an NCZ or NSZ, or fails to obey any lawful order of the RO (who has made the determination in respect of that NCZ or NSZ) or the PRO, commits an offence and will be liable to a fine and to imprisonment and may be ordered by the RO or the PRO to leave the NCZ or NSZ [ss 35(5) and (6), and 38(7) and (8) of the EP (RRE) Reg]. If he/she fails to leave immediately, he/she may be removed from the relevant zone by a police officer, an officer of the CSD or any law enforcement agency, or by any other person

authorised in writing by the RO or the PRO [s 35(8) of the EP (RRE) Reg]. The person so removed may not re-enter the NCZ or NSZ on that day except with the express permission of the RO or the PRO [s 35(9) of the EP (RRE) Reg].

13.18 Nevertheless, the RO or the PRO shall not exercise his/her powers to order an elector to leave or remove an elector from the NCZ or NSZ so as to prevent the elector from voting. [Ss 35(10) and 38(12) of the EP (RRE) Reg]

#### **PART IV : PENALTY**

13.19 Any canvassing within an NCZ except those exempted and any conduct prohibited under paras. 13.15 and 13.17 above will be an offence and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 3 months [s 89(1) of the EP (RRE) Reg]. Any attempt to obtain information as described in para. 13.16 above without the necessary permission will be an offence under s 89(2) of the EP (RRE) Reg and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months.