# 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[51] or particular candidates. Expenses incurred before, during or after an election period on account of an election meeting organised for the above purposes are election expenses. For the avoidance of doubt, election forums organised for all candidates in the same Rural Area are not regarded as election meetings (see Part III of Chapter 10), and related expenses are not regarded as election expenses. [Ss 2 and 12(5) of the ECICO]

9.2 Some meetings may not be organised for the above purposes but are 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 the above purposes by himself and include them in his election expenses (see Chapter 15).

9.3 If a candidate is invited to a non-election-related meeting, but someone acts on his own volition to promote or prejudice the election of a candidate at the election during the meeting, the candidate should immediately clarify that the relevant activity has nothing to do with him and request the organiser to stop any election-related acts. If the organiser fails to do so, the candidate should leave immediately. Otherwise, the meeting will become an election meeting, and the

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[51] 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to stand as a candidate at the election, regardless of whether he has submitted his nomination form or whether he has withdrawn his nomination after submission of the nomination form. Regarding what constitutes "publicly declared an intention to stand as a candidate", it depends on the overall circumstances as well as the objective facts and evidence.

candidate must include the related expenses in his election expenses. The organiser will also contravene s 23 of the ECICO by incurring election expenses on behalf of the candidate without obtaining the candidate's prior appointment as the candidate's election expense agent. For requirements relating to election expenses, see Chapter 15.

9.4 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 the election expenses incurred, candidates are also responsible for the election meetings which they organise, including maintaining order and safety, controlling sound volume, ensuring cleanliness and bearing other legal liabilities.

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

## PART II : ELECTION-RELATED TREATING

9.6 Any person who provides any food, drink or entertainment (e.g. singing performances) for another person at an election meeting, or pays all or part of the cost of providing such treating, as an inducement or a reward for that person or a third person to vote or not to vote for a particular candidate or particular candidates, engages in corrupt conduct at an election. However, the mere act of serving only non-alcoholic drinks at an election meeting will not be deemed as corrupt conduct, unless the purpose of such treat is to influence the electors' voting preferences. [S 12 of the ECICO]

9.7 If participants at an election meeting held by a candidate have consumed the food and drink at the meeting and shared the costs, the amount paid by each participant should be regarded as both election expenses and election donations. The candidate should comply with the requirements of the relevant electoral legislation (see Chapter 15).

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

### Election Meetings

9.8 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 (or, if the day falls on a general holiday, the first day immediately preceding that day which 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 are entitled or permitted to have access, whether on payment or otherwise, and includes any place which is or will be, on the occasion and for the purposes of such meeting, a public place. [Ss 2 and 8(1) of the Public Order Ordinance (Cap. 245) ("POO")]

9.9 The 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 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;

[S 8(4) of the POO]

(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 the advertisements, printed matters, posters or banners intended for publication, distribution or display in respect of the meeting.

The guidance notes and a form on notice of the intention to hold a public meeting or procession issued by the Hong Kong Police Force ("HKPF") will be given to a candidate for reference and use upon his submission of the nomination form.

9.10 Notice to the Commissioner of Police of an election meeting held in a public place is not required if the meeting is to be:

(a) attended by not more than 50 persons; or

(b) held at a school registered, provisionally registered or exempted under the Education Ordinance (Cap. 279), a college registered under the Post Secondary Colleges Ordinance (Cap. 320), or an educational establishment established under any Ordinance with the approval of an

accredited society or similar body of such school, college or educational establishment **and** the consent of the governing body of the organisation concerned.

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

Where in doubt, a candidate should consult the HKPF. For safety reasons, irrespective of whether an election meeting is required to be notified to the Police, candidates should be mindful of the reactions of the attendees and the on-site situation at all times, so as to minimise the potential confrontation with or harassment of candidates by the attendees as far as possible. At the same time, candidates should consider communicating with the person-in-charge of the relevant premises or the building management office to make proper arrangements on the details of the meeting before the meeting, in order to ensure that the meeting can be conducted therein in a safe manner.

9.11 The Commissioner of Police may prohibit the holding of any public meeting notified if he reasonably considers it necessary in the interests of national security or public safety, public order or the protection of the rights and freedoms of others (see paras. 9.8 and 9.9 of this chapter). In such cases, the Commissioner of Police shall, not later than 48 hours before the time of commencement of such meeting:

(a) notify in writing the person who gave the notice or the person acting on his behalf, or the society or organisation promoting the meeting, of the prohibition and reasons;

(b) publish in writing a notice of the prohibition and reasons in a manner the Commissioner of Police thinks fit; or

(c) post a written notice of the prohibition and reasons in a place the Commissioner of Police thinks fit.

On the other hand, the Commissioner of Police may give notice to the organiser and impose conditions for the meeting concerned. The organiser must comply with such conditions and any directions given by police officers to ensure compliance with and fulfilment of the conditions and the requirements set out in para. 9.12 of this chapter. [Ss 9, 11(2) and (3) of the POO]

9.12 At any time during each public meeting:

(a) the organiser or the person acting on his behalf must be present;

(b) good order and public safety must be maintained; and

(c) if the noise level produced by any sound amplifying device reaches a level that a reasonable person would find it intolerable, the control of such sound amplifying device must, upon the request of a police officer, be surrendered to the police officer during the meeting.

[S 11(1) of the POO]

**Public Processions**

9.13 A public procession for election campaigning purposes may be held without notice 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, 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]

9.14 Any person organising a public procession (including a vehicle procession) or the person acting on his behalf must notify the Commissioner of Police in writing **not later than 11 am on a day (or, if the day falls on a general holiday, the first day immediately preceding that day which is not a general holiday) at least seven days prior to the day the public procession is intended to be held**. The notification must be handed in in person to the officer-in-charge of any police station by the organiser of the public procession or his representative and should 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 holding of the meeting/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) 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 mentioned in para. 9.9 of this chapter should be used. [S 13A(1) and (4) of the POO]

9.15 The Commissioner of Police may object to the holding of a public procession if he reasonably considers it necessary in the interests of national security or public safety, public order, or the protection of the rights and freedoms of others. In such cases, the Commissioner of Police shall, within the time limit specified under the POO and as soon as practicable:

(a) notify in writing the person who gave the notice or the person acting on his behalf, or the organiser of the procession, of the objection and reasons;

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

(c) post a written notice of the objection and reasons in a place the Commissioner of Police thinks fit.

[S 14(1) and (2) of the POO]

9.16 At any time during each public procession:

(a) the organiser or the person acting on his behalf must be present;

(b) good order and public safety must be maintained; and

(c) if the noise level produced by any sound amplifying device reaches a level that a reasonable person would find it intolerable, the control of such sound amplifying device must, upon the request of a police officer, be surrendered to the police officer during the procession.

[S 15(1) of the POO]

## PART IV : ELECTION MEETINGS HELD IN PRIVATE PREMISES

9.17 Any person who organises an election meeting in private premises should consult the owner, occupier, owners' corporation or building management office concerned, etc. in advance in order to obtain prior approval as required. When making a decision regarding election meetings held in the common parts of the premises, the relevant persons or organisations of such premises must conform with the principle of fair and equal treatment to all candidates concerned. Specific guidelines for conducting election meetings in housing estates managed by the Housing Department and the Hong Kong Housing Society and "Light Public Housing" managed by the Housing Bureau are set out in **Appendix 6**.

9.18 If the attendance at the meeting exceeds 500 persons, written notice must be given to the Commissioner of Police by the organiser of the meeting. Regarding the procedures for issuance of the notice, see paras. 9.8 and 9.9 of this chapter. [S 7(2)(b) of the POO]

## PART V : ELECTIONEERING EXHIBITIONS

9.19 If an exhibition for election campaigning purposes is to be held, the candidate should obtain prior approval from the estate manager/project manager or officer-in-charge, owner, occupier, owners' corporation or building management office concerned, etc. Candidates should also comply with the Guidelines and the regulations and conditions imposed by other relevant parties.

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

9.20 Where approval has been given by an estate manager/project manager or officer-in-charge for an electioneering exhibition to be held in housing estates managed by the Housing Department and the Hong Kong Housing Society/"Light Public Housing" managed by the Housing Bureau, the candidate concerned may display EAs at the exhibition venue, provided that the EAs must normally be related to the exhibition and be displayed only for less than one day. Candidates should also comply with the guidelines in Chapter 7. 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 6**).

## PART VI : FUND-RAISING ACTIVITIES AT ELECTION MEETINGS

9.21 A permit is required for organising, participating in or providing equipment for any fund-raising activity, or selling of badges, tokens or similar articles, or exchanging such items for donations in a public place. Any person who wishes to conduct an electioneering activity in a public place or raise funds at an election meeting for non-charitable purposes (including election-related purposes) must first apply to the SHYA. For application forms and details, please visit the RR Election website (www.had.gov.hk/rre). [S 4(17) of the Summary Offences Ordinance (Cap. 228)]