CHAPTER 13

PROHIBITION AGAINST CANVASSING ACTIVITIES OUTSIDE POLLING STATIONS

PART I : GENERAL

13.1 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 activities 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 of a polling station, 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

13.2 The RO will consider the characteristics and special environment of the polling stations for each Rural Area to determine an area outside the polling station as an NCZ, and any area within an NCZ as an **NSZ**. [S 34(1) of the EP (RRE) Reg]

13.3 As for the practical arrangements for determining an NSZ, it is generally determined at an area within an NCZ immediately adjacent to the entrance/exit (sometimes the entrance is the same as the exit) of the polling station.

13.4 After determining the NCZ and NSZ, the RO must, at least **two days** before the polling day, give a written notice to the following persons:

(a) the candidates or election agents of the Rural Areas for which the RO is responsible; and

(b) the relevant ROs of other Rural Areas using the same polling station for voting.

Thereafter, each RO for the relevant Rural Areas must, as soon as practicable, give the written notice by hand, post, email or fax transmission to the candidates or election agents of the Rural Areas for which he is responsible. [Ss 22(5), 34(2), (3) and 83(1)(f) of the EP (RRE) Reg]

13.5 The RO may vary the area of NCZ or NSZ according to the circumstances. However, a written notice of variation must be issued as soon as practicable after the variation in the manner referred to in para. 13.4 of this chapter. If issuance of the notice of variation in the manner referred to in para. 13.4 of this chapter is not practicable or suitable, the RO may issue the notice of variation orally. [Ss 34(4), (5), 83(1)(g) and 83(2) of the EP (RRE) Reg]

13.6 On the polling day, the RO must display the notice of determination or the notice of variation, together with the indication of the boundaries of the prohibited zones, at or near the polling station to inform candidates of the decision or variation. In addition, the RO authorised to determine the prohibited zones may delegate to his ARO the authority to vary the prohibited zones and perform the duty of notifying candidates or displaying such notice at or near the polling station on the polling day. [S 34(5), (6), (7) and (8) of the EP (RRE) Reg, and s 54(3) of the RREO]

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

13.7 Except for the static display of EAs authorised by the RO (e.g. EAs at designated spots) and the permitted activities described in para. 13.9 of this chapter, no person may engage in canvassing activities within the NCZ (including displaying or wearing any promotional materials, or suggesting voting/not voting for any candidate). [S 35(2) and (5) of the EP (RRE) Reg]

13.8 On the polling day, the PRO will make an effort to ensure that no person engages in any activities to persuade or induce any electors to vote or not to vote within the NCZ of his polling station (except those permitted activities as described in para. 13.9 of this chapter).

13.9 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 door-to-door canvassing, candidates may display propaganda materials relating to (i) any candidate or his candidate number, (ii) a body any member of which is standing as a candidate in the election concerned or a political body, or (iii) the election of RRs. However, no canvassing activities may be conducted at 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 35(2) and (3) of the EP (RRE) Reg]

13.10 On the polling day, the following canvassing activities are strictly prohibited, including (but not limited to):

(a) conducting any canvassing activities or 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;

(c) using sound amplifying systems or devices within the NCZ or in the vicinity where the sound can be heard within the NCZ; or

(d) staying, loitering, smiling, and showing goodwill to electors within the NCZ for the purpose of canvassing votes.

There are many forms of canvassing activities. For the common canvassing activities that are strictly prohibited within the NCZ, see **Appendix 5**. [S 35(2) of the EP (RRE) Reg]

13.11 In addition, within the NCZ or NSZ, no person may:

(a) obtain or attempt to obtain information from an elector in the polling station about which candidate he is about to vote for or has voted for by any means (unless express permission of the RO or the PRO has been obtained);

(b) fail to comply with a lawful direction given by the RO or the PRO;

(c) cause an obstruction to any person who is in the zone and on his way to vote; or

(d) engage in strictly prohibited activities or otherwise misconduct himself.

[Ss 35(5) and 82(1)(e) of the EP (RRE) Reg]

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

PART IV : PENALTY

13.13 Any unauthorised display of EAs within the NCZ will be removed by the RO or other persons authorised by him. Any person who engages in any canvassing activities within the NCZ (except permitted activities) or conducts prohibited under para. 13.11(b), (c) and (d) of this chapter commits an offence and is liable to a fine at level 2 ($5,000) and imprisonment for 3 months. In addition, the related person may also be required to produce his identity card for inspection and be ordered to leave the NCZ or NSZ by the RO or the PRO. 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 prohibited zone on the polling day without the permission of the RO or PRO. [Ss 35(2), (6), (8), (9), 89 and 94 of the EP (RRE) Reg]

13.14 Besides, any person who attempts to obtain information as described in para. 13.11(a) of this chapter without necessary permission commits an offence under s 89(2) of the EP (RRE) Reg and is liable to a fine at level 2 ($5,000) and imprisonment for 6 months.