IMPORTANT

1. The Guidelines apply to all Rural Representative elections (i.e. rural ordinary elections and by-elections) conducted under the Rural Representative Election Ordinance (Cap. 576) to be held after publication, subject to any subsequent revisions.

2. In the Guidelines, "he" means "he" or "she" as far as the context permits.

3. The law stated in the Guidelines is that prevailing as at 2 October 2026 (unless otherwise specified). In the event of any inconsistency between any statutory provision referred to in the Guidelines and any subsequently amended version of that provision, the latest version shall prevail.

4. All specified forms referred to in the Guidelines are obtainable from the Home Affairs Department. You may contact the department or visit the Rural Representative Election website at www.had.gov.hk/rre.

5. Electioneering, campaigning and canvassing activities referred to in the 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.

6. In the event that future amendments to the Guidelines are necessary, the updated Guidelines will be uploaded to the website of the Electoral Affairs Commission (www.eac.hk).

ELECTION-RELATED WEBSITES

Electoral Affairs Commission
(www.eac.hk)

Rural Representative Election
Voter Registration Information Enquiry System
(rrevoter.had.gov.hk)

Rural Representative Election Website
(www.had.gov.hk/rre)

ABBREVIATIONS

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) or a person authorised by the candidate(s)
Cap.	Chapter of the Laws of Hong Kong
CAS	Civil Aid Service
CE	Chief Executive
CEEO	Chief Executive Election Ordinance (Cap. 569)
Central Platform	an open platform maintained by the Director of Home Affairs or a person authorised by the Director of Home Affairs
CEO	Chief Electoral Officer
CFA	Court of Final Appeal
CFI	Court of First Instance
CIV, CIVs	Composite Indigenous Village, Composite Indigenous Villages
CSD	Correctional Services Department
DC	District Council
DCO	District Council Ordinance (Cap. 547)
DHA	Director of Home Affairs
DO, DOs	District Office, District Offices
EA, EAs	election advertisement, election advertisements
EAC	Electoral Affairs Commission

EAC (ROE) (RRE) Reg	Electoral Affairs Commission (Registration of Electors) (Rural Representative Election) Regulation (Cap. 541K)
EACO	Electoral Affairs Commission Ordinance (Cap. 541)
EC	Election Committee
ECICO	Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554)
election	ordinary election or by-election as appropriate
election return	return and declaration of election expenses and election donations
EP (RRE) Reg	Electoral Procedure (Rural Representative Election) Regulation (Cap. 541L)
EPR	Electronic Poll Register
ERO	Electoral Registration Officer
EV, EVs	Existing Village, Existing Villages
FR	final register
HAD	Home Affairs Department
HKID	Hong Kong Identity Card
HKPF	Hong Kong Police Force
HKSAR	Hong Kong Special Administrative Region
ICAC	Independent Commission Against Corruption
IIR, IIRs	Indigenous Inhabitant Representative, Indigenous Inhabitant Representatives
IV, IVs	Indigenous Village, Indigenous Villages
KFR, KFRs	Kaifong Representative, Kaifong Representatives
LCO	Legislative Council Ordinance (Cap. 542)

LegCo	Legislative Council
MT, MTs	Market Town, Market Towns
NCZ, NCZs	No Canvassing Zone, No Canvassing Zones
NSZ	No Staying Zone
OL	omissions list
para., paras.	paragraph, paragraphs
PD(P)O	Personal Data (Privacy) Ordinance (Cap. 486)
PHMSO	Public Health and Municipal Services Ordinance (Cap. 132)
PICS	Personal Information Collection Statement
PLBs	public light buses
POBO	Prevention of Bribery Ordinance (Cap. 201)
POO	Public Order Ordinance (Cap. 245)
PR	provisional register
PRO, PROs	Presiding Officer, Presiding Officers
ReR, ReRs	Resident Representative, Resident Representatives
RO, ROs	Returning Officer, Returning Officers
RR, RRs	Rural Representative, Rural Representatives
RREO	Rural Representative Election Ordinance (Cap. 576)
S, s, Ss, ss	Section, sections
SHYA	Secretary for Home and Youth Affairs
TD	Transport Department

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PROLOGUE

ROLE OF THE ELECTORAL AFFAIRS COMMISSION AND THE GUIDELINES ON ELECTION-RELATED ACTIVITIES

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, the guidelines on election-related activities, and the related practical arrangements, it is not part of the government structure. 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 Director of Home Affairs ("DHA") for the Rural Representative ("RR") Election. The Home Affairs Department ("HAD") is the executive arm of the EAC for the RR Election. Apart from making the practical arrangements for the elections, the HAD also advises the EAC on the practicality of the 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 shall not act beyond the power conferred by the primary legislation. Where necessary, the EAC would provide its advice from practical and operational points of view for reference of the Government.

3. The EAC is empowered by the law to issue guidelines on election-related activities. The guidelines on election-related activities 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 legal provisions; and (2) with regard to the election-related activities not stipulated by the law, to promulgate a code of conduct based on the principles 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 based on 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 voting 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 voting preference. In any case, the voting choice must ultimately be made by the elector voluntarily and

under the protection of secrecy. Nevertheless, electors may well discuss among themselves their voting preference, but in no case should any corrupt or illegal conduct be involved.

6. One of the important aspects 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, whereas candidate is defined as 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 a return and declaration of election expenses and election donations ("election return") after the election to rigorously declare all the election expenses incurred by him; otherwise, he commits an offence.

7. 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. neither the candidate nor the election expense agents) and the only expenses incurred are electricity charges and/or charges for accessing the Internet, he is exempted from the relevant criminal

liability. However, if the publisher is a candidate or his election expense agent, the exemption does not apply. Candidates should declare election expenses in their election returns, including election expenses incurred in relation to the Internet and all other media.

8. EAs have always been an important part of election expenses, and therefore the publication of EAs should be regulated 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. Therefore, when determining whether certain statements are EAs and whether election expenses are involved, the overall circumstances and evidence must be taken into consideration, including the nature of those statements, the expenses involved and the intention of promoting or prejudicing the election of any candidate.

9. As the EAC is not a law enforcement agency, if a complaint involves any offence, the EAC will refer it 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.

10. The EAC will seek to provide a statement of principle on how to comply with 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

11. Apart from the electoral law mentioned, the EAC has established a code of conduct in the guidelines based on the principles of fairness and equality. However, the code of conduct set out by the EAC is not legally binding. Any breaches of the code of conduct will not constitute a legal offence. However,

where necessary, the EAC may 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 principles 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 and owners' corporations should observe the principles of fairness and equality in handling the requests of the candidates for the display of EAs and the conduct of 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 organisations mentioned under (c) of this paragraph should handle applications from the candidates fairly and equally. If an organisation allows a particular candidate to conduct electioneering activities in the common parts of the buildings under its management, it should apply the same standard to allow other candidate(s) in the same Rural Area to conduct electioneering activities in the common parts of building under its management (if other candidate(s) make(s) the same request). On the contrary, if an organisation rejects an application from a candidate, the same applications (if any) from other candidate(s) in the same Rural Area should also be rejected. However, this principle does not apply to election-related activities and EAs concerning private properties.

12. 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 not always feasible. The bottom line is to guard against serious and critical unfairness.

13. The EAC will solemnly handle complaints against any breach of the principles of fairness and equality as set out in the electoral guidelines. However, investigation must be based on factual evidence and be in accordance with the principle of procedural justice. Therefore, 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 all relevant circumstances. If the conduct does not contravene any law, when considering whether the conduct concerned is unfair, the EAC would not make a judgement recklessly 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.

14. If a complaint is substantiated, the EAC would, 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 would 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.

15. 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. Therefore, 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.

16. Apart from the legislation aspect, candidates and stakeholders should also make reference to the code of conduct and good practices provided in the guidelines on election-related activities in order to ensure that the elections are conducted in an open, honest and fair manner.

17. 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 the elections can be conducted smoothly in a fair and equal manner.

CHAPTER 1

INTRODUCTION

PART I : THE RURAL REPRESENTATIVE ELECTION

1.1 The Rural Representative Election Ordinance (Cap. 576) ("RREO") brings the conduct of RR elections under statutory control, the scope of which covers the Indigenous Inhabitant Representative ("IIR") elections for Indigenous Villages ("IVs") or Composite Indigenous Villages ("CIVs"), the Resident Representative ("ReR") elections for Existing Villages ("EVs") and the Kaifong Representative ("KFR") elections for Market Towns ("MTs").

1.2 The IIR's primary functions are to deal with all affairs relating to the lawful traditional rights and interests, and the traditional way of life, of the indigenous inhabitants of the Village; and to reflect views on the affairs of the Village on behalf of the indigenous inhabitants of the Village. As for the ReR and KFR, their function is to reflect views on the affairs of the EV/MT on behalf of the residents of the EV/MT.

1.3 An RR elected at a rural ordinary election holds office for four years beginning on the 1 April immediately following that election. Generally speaking, if there is any vacancy in the office of RR, a rural by-election shall be held as soon as practicable to fill such vacancy. However, the aforesaid by-election shall not be held within the four months preceding the end of the current term of office of the RR. [Ss 7 and 21(3) of the RREO]

1.4 When a rural ordinary election is to be held, the Secretary for Home and Youth Affairs ("SHYA") will publish the specified date of election in the Gazette, and the DHA will also publish a notice of election in the Gazette as soon

as practicable. For a rural by-election, the Gazette notice of the date of election will be published by the DHA. [S 20 of the RREO and ss 4 and 6 of the Electoral Procedure (Rural Representative Election) Regulation (Cap. 541L) ("EP (RRE) Reg")]

Types and Numbers of Rural Areas and Rural Representatives

1.5 There are altogether four types of Rural Areas in Hong Kong, namely EVs[1], IVs[2], CIVs[3] and MTs[4]. The names of the 695 EVs, 588 IVs and 15 CIVs (generally referred to as "Villages") are respectively set out in Schedules 1, 2 and 3 to the RREO. Many EVs are also IVs. Although these Villages share the same name, they belong to different types of Villages under the law. The names of the 2 MTs[5] are set out in Schedule 3A.

1.6 The RR election adopts the "first past the post" voting system, under which a total of 1 540 RRs are to be returned:

(a) 1 ReR is to be returned for each EV, making a total of 695 ReRs;

(b) 1 IIR or up to a maximum of 5 IIRs (depending on the number of IIRs of the respective Villages) is/are to be returned for each IV/CIV, making a total of 789 IIRs; and

(c) 39 and 17 KFRs are to be returned for the Cheung Chau and Peng Chau MTs respectively, making a total of 56 KFRs.

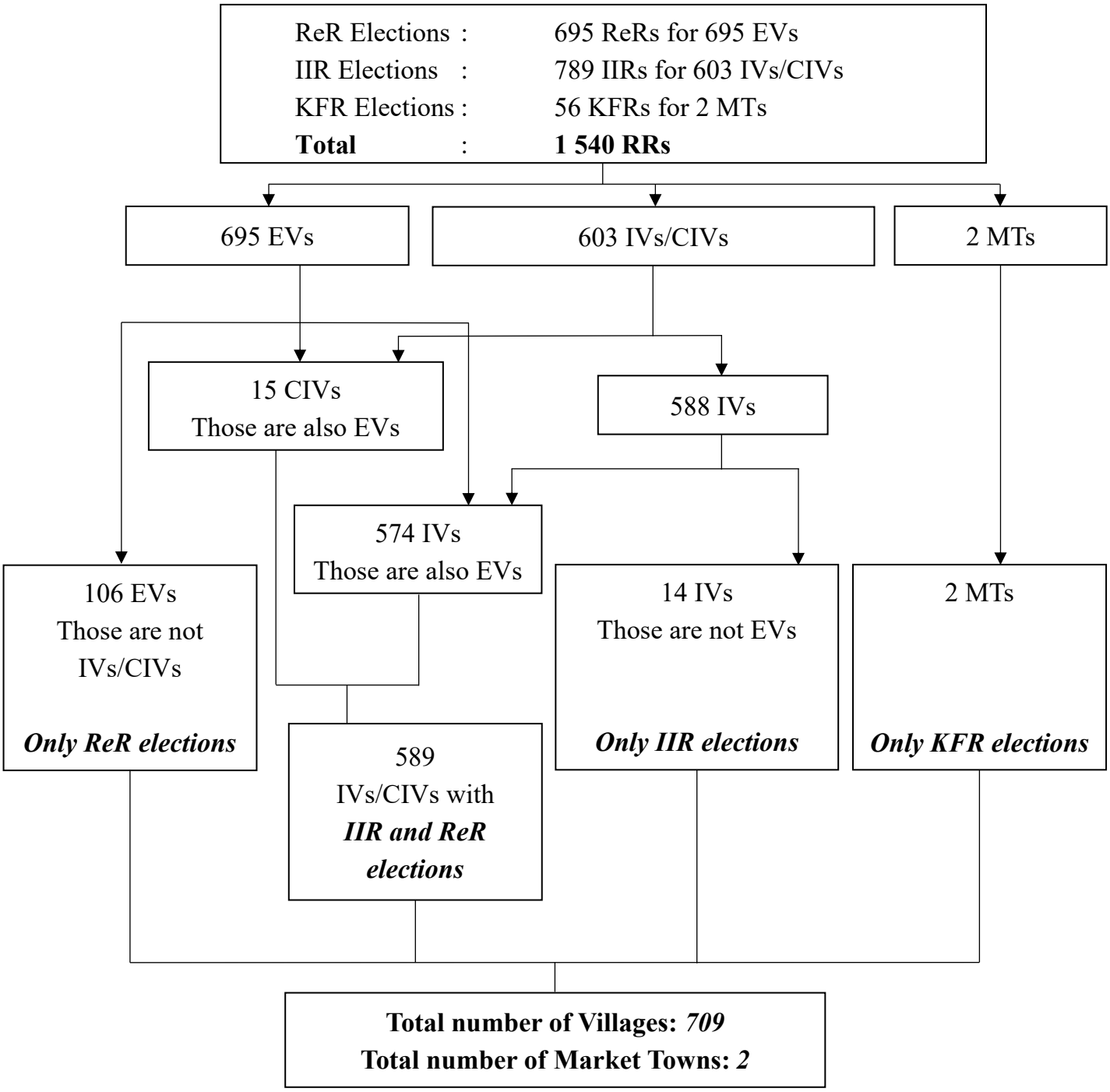
Details are set out in Chapter 2.

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[1] EVs can be identified by the boundary maps.
[2] IVs mean the ones that already existed in 1898, or the ones branching off from IVs that existed in 1898 (commonly referred to as "branched off IVs"), and are not identified by boundaries.
[3] CIV is composed of more than one IV.
[4] MTs can be identified by the boundary maps.
[5] Namely Cheung Chau and Peng Chau.

1.7 The following diagram shows the numbers and types of Rural Areas and RRs as defined in the RREO.

Existing Villages (EVs), Indigenous Villages (IVs), Composite Indigenous Villages (CIVs) and Market Towns (MTs)



This chart is prepared for illustrative purposes only. For definition of the terms, see the RREO. A list of EVs, IVs, CIVs and MTs is at ***Appendix 2.***

1.8 Apart from being entitled to elect the IIR of his IV or CIV, if he also satisfies the residence requirement of an ReR elector in an EV or a KFR elector in an MT, each indigenous inhabitant is also entitled to elect one ReR or KFR of his respective EV or MT. In such a case, he can vote in two elections. A resident of a Village who is not an indigenous inhabitant but who satisfies the residence requirement of an ReR elector is entitled to elect one ReR, but he has no right to elect the IIR.

PART II : GOVERNING LEGISLATION

1.9 The following ordinances govern the RR elections:

(a) The EACO provides that the EAC is responsible for the conduct and supervision of the RR elections and matters incidental thereto;

(b) The RREO provides for the legal basis for the conduct of the election, such as the classification of Rural Areas, composition and functions of RRs, procedures for election of persons to be RRs and other related matters; and

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

1.10 In addition, the following subsidiary legislation provides for the detailed procedures for the conduct of the RR elections:

(a) The Electoral Affairs Commission (Registration of Electors) (Rural Representative Election) Regulation (Cap. 541K) ("EAC (ROE) (RRE) Reg") regulates the registration of electors for the RR elections;

(b) The EP (RRE) Reg provides for the electoral procedures for the conduct of RR elections;

(c) The Maximum Amount of Election Expenses (Rural Representative Election) Regulation (Cap. 554B) prescribes the maximum amount of election expenses that can be incurred by a candidate or by another person on behalf of a candidate in an RR election;

(d) The Rural Representative Election (Registration of Electors) (Appeals) Regulation (Cap. 576A) sets out the procedures for hearing and ruling by Revising Officers[6] concerning the registration of electors for the RR elections; and

(e) The Rural Representative (Election Petition) Rules (Cap. 576B) set out the procedures for lodging an election petition against the result of an RR election to the High Court.

PART III : THE GUIDELINES

1.11 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;

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[6] The Revising Officer is a magistrate, a former magistrate or a retired magistrate appointed by the Chief Justice. [S 53(1) of the RREO]

(b) the activities, in connection with an election, 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 in connection with an election; and

(e) the procedure for making a complaint.

[S 6 of the EACO]

1.12 The aims of the 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 reports and conduct of electioneering activities in buildings, to establish a code of conduct and a standard of good practices as regulations based on the principles of fairness and equality. 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.

1.13 The Guidelines apply to rural ordinary elections and by-elections. For the 2027 Rural Ordinary Election, candidates should also refer to the "Action Checklist for Candidates" issued by the HAD, see **Appendix 1**.

1.14 In the context of the Guidelines, the term "election" means an ordinary election or a by-election, as appropriate.

PART IV : SANCTION

1.15 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.

1.16 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 might issue 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 breach the electoral law, he shall incur related criminal liability accordingly.

CHAPTER 2

REGISTRATION OF ELECTORS AND VOTING SYSTEM

PART I : GENERAL

2.1 Only registered electors whose names are contained in the final register ("FR") of electors may vote at an RR election. Registered electors may check their registration particulars at any time via the "Rural Representative Election Voter Registration Information Enquiry System" (rrevoter.had.gov.hk) at the RR Election website (www.had.gov.hk/rre).

PART II : REGISTRATION OF ELECTORS

2.2 Any person who is eligible to be registered as an elector may submit an application to the HAD. Only a registered elector for a particular Rural Area is entitled to vote at an election for that Rural Area. A registered elector is a person whose name is contained in the FR of electors for the Rural Area that is in effect at the time of the election as compiled and published under the RREO by the Electoral Registration Officer ("ERO") appointed by the SHYA. [S 13(1) of the RREO]

Qualifications for Registration

2.3 To qualify for registration as an elector for a Rural Area, a person must satisfy the following requirements:

(a) he is already registered as an elector for the Rural Area in the existing FR of electors for the Rural Area that is in effect; or

(b) he applies in accordance with the RREO or the EAC (ROE) (RRE) Reg to be registered as an elector for the Rural Area and is entitled to be so registered.

[S 15(1) of the RREO]

Qualifications for registration as an elector for various types of Rural Area are different.

(a) <u>Existing Village</u>

2.4 To qualify for registration as an elector for an EV, a person must satisfy the following requirements:

(a) he is a resident of the Village[7] and has been a resident thereof for the three years immediately before the date of application for registration. In the case of a prisoner, in respect of the residence requirement, a term of imprisonment does not normally break the period of residence provided the person has met the above residence requirement immediately before serving the sentence and has been maintaining his principal residential address in that Village throughout the period of imprisonment;

(b) he is aged 18 years or above as at 20 October in the year of publication of the FR of electors; and

(c) he is a Hong Kong permanent resident.

[S 15(4) of the RREO]

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[7] Being a resident of the EV means that the person's principal residential address (i.e. the address of the dwelling place constituting the person's sole or main home) must be within the boundary of the EV concerned. [S 2 of the RREO]

2.5 As the qualifications for registration as an elector and the voting right for EVs (ReR elections) and IVs/CIVs (IIR elections) are different, a registered elector for an IV must meet the residence requirement for an EV in order to be eligible to vote at an election for the EV.

(b) <u>Indigenous Village / Composite Indigenous Village</u>

2.6 To qualify for registration as an elector for an IV/CIV, a person must satisfy the following requirements:

(a) he is an indigenous inhabitant[8] of the Village, or a spouse or a surviving spouse of an indigenous inhabitant of the Village;

(b) he is aged 18 years or above as at 20 October in the year of publication of the FR of electors;

(c) at the time of applying to be registered, he satisfies the ERO that he:

(i) holds an identity document; or

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[8] According to s 2 of the RREO, "indigenous inhabitant" means –

(a) in relation to an Indigenous Village that existed in 1898 (whether or not the name the Village now has is the same name it had in 1898), means –
  (i) a person who was in 1898 a resident of the Village; or
  (ii) a person who is descended through the male line from a person mentioned in subparagraph (i);

(b) in relation to an Indigenous Village that branched off from an Indigenous Village that existed in 1898 (whether or not the name the Village now has is the same name it had in 1898), means –
  (i) a person –
    (1) who was at the time of the branching off a resident of the first-mentioned Indigenous Village; and
    (2) who was an indigenous inhabitant of the second-mentioned Indigenous Village; or
  (ii) a person who is descended through the male line from a person mentioned in subparagraph (i);

(c) in relation to a Composite Indigenous Village, means –
  (i) a person who was in 1898 a resident of any of the villages of which the Village is composed; or
  (ii) a person who is descended through the male line from a person mentioned in subparagraph (i).

(ii) has:

(1) applied for a new identity card; or

(2) requested the alteration of the identity card or the issue of a new identity card,

in replacement of the identity card previously issued to him; and

(d) at the time of applying to be registered:

(i) if the identity document held by, or previously issued to, him is an identity card, informs the ERO of the identifying number of the identity card; or

(ii) if the identity document held by him is not an identity card, provides the ERO with a copy of the identity document.

Whether the person is a permanent resident in Hong Kong or a resident of an EV with the same name as that of the IV does not affect his eligibility to be registered as an elector for an IV.

[S 15(5) of the RREO]

(c) Market Town

2.7 To qualify for registration as an elector for an MT, a person must satisfy the following requirements:

(a) he is a resident of the MT[9] and has been a resident thereof for the three years immediately before the date of application for registration. In the case of a prisoner, for the purpose in respect of the residence requirement, a term of imprisonment does not normally break the period of residence provided the person has met the above residence requirement immediately before serving the sentence and has been maintaining his principal residential address in that MT throughout the period of imprisonment;

(b) he is aged 18 years or above as at 20 October in the year of publication of the FR of electors; and

(c) he is a Hong Kong permanent resident.

[S 15(5A) of the RREO]

2.8 A person who would be eligible to be registered as an elector for two or more EVs may be registered for only one of those Villages of that person's choice. [S 15(6)(a) of the RREO]

2.9 A person who would be eligible to be registered as an elector for two MTs may be registered for only one of those MTs of that person's choice. [S 15(6)(b) of the RREO]

2.10 A person who would be eligible to be registered as an elector for one or more EVs and one or more MTs may be registered for only one of those EVs or one of those MTs of that person's choice. [S 15(6)(c) of the RREO]

2.11 A person who would be eligible to be registered as an elector for two or more IVs (including CIVs) may be registered for only one of those Villages of that person's choice. [S 15(7) of the RREO]

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[9] Being a resident of the MT means that the person's principal residential address (i.e. the address of the dwelling place constituting the person's sole or main home) must be within the boundary of the MT concerned.

2.12 A person may register as an elector for both an IV (or a CIV) and an EV (or an MT), if he is so eligible for such registration in accordance with paras. 2.3 to 2.11 of this chapter.

2.13 Electors for EVs and MTs are bound by the residence requirement. The right to vote at an ReR election or a KFR election is restricted to an eligible elector having continued residence within the same registered EV/MT. If the elector no longer resides in the EV/MT for which he has been registered, or his residential address in the EV/MT is no longer his sole or main home, he is no longer eligible to remain registered as an elector. Even though his name is still on the FR of electors, the person concerned will commit an offence if he votes at the election. If the elector has moved to another residential address in the same EV/MT, his eligibility to vote will still be valid. If the elector has moved to reside in another EV/MT, his eligibility to vote for the previous EV/MT will be invalid. In order to be eligible to vote, he must apply for change of principal residential address in a timely manner and should submit an address proof[10] to confirm that he has been a resident of that EV/MT for at least three years immediately before making the application.

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[10] Documents accepted by the HAD as a valid address proof include:

(a) The supporting documents below which bear the issuing date, name of issuing organisation, and the applicant's name and principal residential address (name and address on the document should be identical to those on the applicant's Hong Kong Identity Card ("HKID") and the application form respectively):
  (i) bills or invoices issued by public bodies (e.g. utility bills for water/electricity/towngas services);
  (ii) correspondences from government departments or the Judiciary;
  (iii) statements or correspondences issued by banks, insurance companies or Mandatory Provident Fund Approved Trustees;
  (iv) bills of landline telephone/mobile phone/paid television/internet services;
  (v) documents or bills issued by local post-secondary institutions confirming the applicant's principal residential address;
  (vi) valid and "stamped" by the Inland Revenue Department (for stamp duty) tenancy agreement (the tenancy period must cover the date of receipt of this application); or
  (vii) bills, correspondences or other documents issued by public organisations, such as the Hospital Authority, the Hong Kong Examinations and Assessment Authority etc.;

(b) The address proof of the co-habitant of the applicant. The documentary proof must be a complete original or a true copy of the original, and be submitted together with a declaration signed by the applicant to confirm that the person concerned is living with the applicant at the same address; or

(c) A statutory declaration made by the applicant before a Commissioner for Oaths/practising solicitor/Justice of the Peace by virtue of the Oaths and Declarations Ordinance (Cap. 11) to substantiate the claim of residence at the declared address.

For details of the address proof or sample of the declaration, see the RR Election website (www.had.gov.hk/rre).

2.14 The ERO will from time to time conduct random checking to verify the eligibility of a registered elector for an EV/MT. Electors may be requested to provide documentary evidence to prove that he still meets the residence requirement.

2.15 A person is not, by virtue of being registered as an elector in the existing FR of electors for an EV/MT that is in effect, entitled to have his name contained as an elector for the Village/MT in any subsequent provisional register ("PR") of electors for the Village/MT if the ERO is satisfied on reasonable grounds that the person has not been a resident of the Village/MT for the three years immediately before the compilation of the PR of electors. The ERO may omit the person's name from the FR of electors for the Village/MT. [S 15(3) and (3A) of the RREO]

2.16 Any person must provide true and accurate information when submitting an application for new registration or change of registration 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 subsequently, he may also contravene s 16 of the ECICO and is liable to a more serious penalty. It is also an offence for an elector to vote despite knowing that he is disqualified from being registered as an elector, even if his name is still contained in the FR of electors. [S 32 of the EAC (ROE) (RRE) Reg]

Key Dates in Registration of Electors

2.17 The registration of electors is conducted in accordance with the requirements of the EAC (ROE) (RRE) Reg. The law sets out clear registration procedures and deadlines for the annual publication of the FR of electors, with key dates as follows:

Procedures of Registration of Electors	**Statutory Deadline**
ERO to make inquiries to registered electors	30 May
Submission of application for change of registration particulars	16 June
Application for de-registration	
Submission of application for new registration	
Response to inquiry letters to retain the registration of electors	
Applicant to submit further particulars for new registration and change of registration particulars	6 August
Publication of the PR of electors and omissions list ("OL")	Not later than 27 August
Claims and objections period	Not later than 27 August to 9 September
Publication of the FR of electors	Not later than 20 October

2.18 A person may, at any time, submit a completed specified form[11] together with documentary evidence to prove that the address stated in his application is his principal residential address (the requirement for address proof is not applicable to registration of electors for the IIR election) to the HAD to apply for registration as an elector. However, if he wishes to have his name and address 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. 16 June of that year). For applications received by the HAD after the statutory deadline, the names and addresses of the applicants will only be registered in the publication of the register of electors for the following year.

2.19 Upon receipt of an application form for registration, in case of incomplete or incorrect information on the application, the ERO will send a written request to the applicant for further particulars or proof. An applicant who qualifies for registration as an elector will be allocated to the PR of the electors for the Rural Area concerned. Applicants not qualified for registration will also be notified by the ERO accordingly. [S 15(3) of the EAC (ROE) (RRE) Reg]

Disqualifications from Registration and Voting

2.20 A person is disqualified from being registered as an elector and voting at an election for the Rural Area if he:

(a) is no longer eligible to be registered as an elector for that Rural Area (see paras. 2.4, 2.6 and 2.7 of this chapter);

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[11] The application forms ("REF-1" (applicable to IIR elections) / "REF-2" (applicable to ReR elections) / "REF-3" (applicable to KFR elections)) can be downloaded from the RR Election website (www.had.gov.hk/rre).

(b) is found to be incapable, by reason of mental incapacity, of managing and administering his property and affairs[12] under the Mental Health Ordinance (Cap. 136); or

(c) is a member of any armed forces.

[Ss 14(a), (e), (f), 16(d) and (e) of the RREO]

Deregistration

2.21 For de-registration as an elector, the elector may submit a written request. A written notice for de-registration must contain personal particulars of the elector (including his name and identity document number) and be signed by the elector concerned. Upon receipt of the written notice, if the information provided therein is incomplete or incorrect, the ERO will send a written request to the applicant for further particulars or proof. If electors do not wish to have their names contained in the register of electors for a particular year, the notice must be submitted on or before the statutory deadline of that year (i.e. 16 June of that year).

Change of Residential Address and Other Registered Particulars

2.22 Registered electors are not required to re-apply for registration every year. However, if a registered elector would like to change his **principal particulars** in the FR of electors (i.e. name and principal residential address for electors of EVs and MTs; name for electors of IVs and CIVs), he **should notify the HAD using the specified form as soon as possible**. Any registered elector

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[12] Except for the condition stipulated in this paragraph, the law imposes no restrictions on the voting right of a person who is incapacitated from voting due to other physical conditions, provided that he must cast the vote on his own. If an elector is unable to mark the ballot paper(s) on his own, the elector may request the Presiding Officer ("PRO") or the PRO's deputy to mark the ballot paper(s) on his behalf according to his voting preference in the presence of one polling staff as a witness (see Part X of Chapter 4).

for an EV/MT who has ceased to be a permanent resident of Hong Kong, or whose residential address in the EV/MT is no longer his principal residential address, should also report to the HAD. If the ERO is satisfied that the person is no longer eligible for registration, that person's name will be removed from the register of electors for the EV/MT. An elector who has reported change of particulars will be issued a notice by the HAD showing his updated electoral record.

2.23 For an application for change of principal residential address recorded in the FR of electors for EVs and MTs, the applicant **must provide relevant documentary evidence to prove that his address stated in the application is the principal residential address**. The relevant proof required is as follows:

(a) If the new principal residential address is still within the boundary of the registered EV/MT, the elector should submit address proof issued within the last three months or any other period as specified by the HAD/ERO; or

(b) If the new principal residential address is in another EV/MT, the elector should submit address proof to confirm that he has been a resident of that EV/MT for at least three years immediately before making the application.

[S 19A(3) of the EAC (ROE) (RRE) Reg]

2.24 For an indigenous inhabitant who has registered as an elector for his IV/CIV, if he wishes to apply for change of his registration from the Village he originates from to the IV/CIV of his spouse, he will be eligible to vote but not eligible to stand for election in his spouse's IV/CIV. Moreover, he will also not be eligible to vote or to stand for election in the IV/CIV he originates from.

Inquiry Procedures

2.25 If **it comes to the knowledge of the ERO that the registered address of an elector for EV/MT 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 the event that:

(a) the elector fails to respond to the inquiry;

(b) the elector fails to provide the information requested by the ERO in response to 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 registration particulars will be entered on the OL and may be removed from the next register of electors. Before the publication of the next register of electors, a person whose name is recorded in the existing register of electors is still a registered elector for the Rural Area. [Ss 17 and 18 of the EAC (ROE) (RRE) Reg, and s 18 of the RREO]

Provisional Register of Electors and Omissions List

2.26 The content of the PR of electors includes:

(a) the names and principal residential addresses or correspondence addresses (correspondence addresses are only applicable to the register for IVs and CIVs) of those eligible electors in the FR of electors for Rural Areas in effect at the time, with appropriate correction by the ERO based on information reported or otherwise received (if applicable); and

(b) the names and principal residential addresses or correspondence addresses (correspondence addresses are only applicable to the IVs and CIVs register) of the eligible persons who have applied for new registration in the Rural Areas concerned on or before the statutory deadline for new registration.

A copy of the PR of electors for each Rural Area is **available for inspection by specified persons**[13] at the HAD headquarters and other places, such as District Offices ("DOs") in the New Territories (see **Appendix 3**). The ERO may require persons who wish to inspect the copy of the PR of electors and/or OL to produce an identity document and complete a form provided by the ERO.
[Ss 19(4), 21 and 22 of the EAC (ROE) (RRE) Reg]

2.27 When publishing the PR of electors for each Rural Area, the ERO will also publish a copy of the OL for inspection by specified persons[14] (see **Appendix 3**). The OL includes persons who are disqualified from or no longer qualified for registration as electors for the Rural Area (e.g. persons who have died, persons who have requested de-registration as electors, persons who have failed to respond to statutory inquiries or failed to provide a valid reply to such inquiries, or for electors of EVs and MTs, persons who have changed their principal residential addresses without the ERO's knowing the new addresses). However, the inclusion of an elector in the OL does not mean that his status as an elector is invalidated with immediate effect. If the elector lodges a claim to the ERO and the Revising Officer[15] accepts the grounds submitted by him and approves his claim, his status as an elector will be retained. [S 18 of the EAC (ROE) (RRE) Reg and s 17(4) and (5) of the RREO]

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[13] Upon request by a person imprisoned or held in custody by a law enforcement agency and if the ERO considers it appropriate to do so, the ERO may make available at a penal institution or the premises of a law enforcement agency, as the case may be, a copy of a part of the PR of electors and OL for that person's inspection subject to paras. 2.26 and 2.27 of this chapter.

[14] See footnote 13.

[15] The Revising Officer may be any magistrate, former magistrate or retired magistrate appointed by the Chief Justice. [S 53 of the RREO]

2.28 The time and place(s) for inspection of the copy of the PR of electors and the OL will be published in a notice in the Gazette and newspapers, and the publication of the notice is to be treated as the publication of the PR of electors. [Ss 19(1), 22(1) and (3) of the EAC (ROE) (RRE) Reg]

Enquiry of Elector Information

2.29 Registered electors can check their latest registration particulars including their registered principal residential addresses and respective Rural Areas via the "Rural Representative Election Voter Registration Information Enquiry System" at the RR Election website (www.had.gov.hk/rre).

Appeals – Claims and Objections

2.30 Members of the public may deliver in person[16] at the ERO's office a notice of claim/objection in the specified form to lodge a claim in respect of his own entry or an objection in respect of the entry of another elector in the PR of electors within the claims and objections period. The detailed procedures for lodging claims and objections are set out on the RR Election website (www.had.gov.hk/rre) during the claims and objections period. Claimable matters include:

(a) an applicant who claims to be entitled to be registered as an elector and has submitted an application for registration but his name has not been recorded in the PR of electors;

(b) the name of a person has been included in the OL; or

[16] To facilitate a person who is imprisoned or held in custody by a law enforcement agency and wishes to lodge claims or objections, he may send a notice of claim or objection to the ERO by post. [Ss 23(2A) and 25(3A) of the EAC (ROE) (RRE) Reg]

(c) the particulars of an elector have not been correctly recorded in the PR of electors.

Any person may in person lodge an objection in the specified form to the following matter if he:

(d) believes that a registered elector is not eligible to be registered as an elector.

If the principal residential address of the claimant is not in Hong Kong, he may:

(a) send the notice of claim to the ERO's office by post or by fax transmission;

(b) send the notice of claim to the ERO's office as an electronic record authenticated by a digital signature; or

(c) have the notice of claim delivered to the ERO's office by a person authorised in writing by the claimant.

[Ss 23(1), (2), 24(1), (2) and (5) of the EAC (ROE) (RRE) Reg]

2.31 Cases of claims and objections will be referred to the Revising Officer for consideration. The Revising Officer will deliberate on each case of claim and objection and make a ruling on whether there should be an inclusion, exclusion or revision of the entry concerned in the relevant FR of electors. The claimant or objector must provide sufficient information so as to inform the Revising Officer of the grounds of the claim or objection. The claimant or objector (or the legal practitioner or authorised representative acting on his behalf) is also required to attend the hearing, otherwise the Revising Officer may dismiss the claim or objection regardless of whether the claimant or objector has

made a written representation concerning the claim or objection. [Ss 26 and 28(2) of the EAC (ROE) (RRE) Reg, and ss 2(3A) and 2A of the Rural Representative Election (Registration of Electors) (Appeals) Regulation]

Final Register of Electors

2.32 The FR of electors for each Rural Area contains entries shown in the relevant PR of electors, including all revised particulars of electors based on applications for new registration and change of personal particulars for that year, as well as the personal particulars involving persons making claims or being objected, which have been corrected in accordance with the Revising Officer's decisions. The ERO will also take the opportunity to remove the entries of electors who are known to have died and to correct any wrong information in the PR of electors. The FR of electors shall remain in effect until the publication of the FR of electors in the following year. [S 29(1) of the EAC (ROE) (RRE) Reg]

2.33 The time and place(s) for inspection[17] of the copy of the FR of electors by specified persons (see **Appendix 3**) will be published in a notice in the Gazette and newspapers, and the publication of the notice is to be treated as publication of the FR of electors. [S 30 of the EAC (ROE) (RRE) Reg]

Note:

Information relating to a person contained in any PR of electors or FR of electors or in any extract from any PR of electors or FR of electors **can only be used for election-related purposes** prescribed by the

[17] Upon request by a person imprisoned or held in custody by a law enforcement agency and if ERO considers it appropriate to do so, the ERO may make available at a penal institution or the premises of a law enforcement agency, as the case may be, a copy of a part of the FR of electors for that person's inspection subject to para. 2.33 of this chapter. The ERO may require persons who wish to inspect the FR of electors to produce an identity document and complete a form specified by the ERO.

electoral law. Any **abuse** or **misuse** of such information is an **offence** and is liable to a fine at level 2 ($5,000) and to imprisonment for 6 months. [S 32(3) of the EAC (ROE) (RRE) Reg]

In accordance with Data Protection Principle 3 of Schedule 1 to the Personal Data (Privacy) Ordinance (Cap. 486) ("PD(P)O"), personal data relating to a person (as a data subject) contained in any PR of electors or FR of electors or in any extract from any PR of electors or FR of electors shall not, without the prescribed consent[18] of the data subject, or if the exemption under Part 8 of the PD(P)O is not applicable, be used for a "new purpose"[19]. Moreover, if a person (as a discloser) discloses any personal data relating to a person (as a data subject) contained in any PR of electors or FR of electors or in any extract from any PR of electors or FR of electors without the relevant consent of the data subject with an intent to cause any specified harm[20] to or being reckless as to whether any specified harm would be, or would likely be, caused to the data subject or any family member of the data subject, the discloser commits an offence and is liable to a fine of $100,000 and to imprisonment for 2 years. Additionally, if the disclosure causes any specified harm to the data subject or any family member of the data subject, the discloser is 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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[18] In accordance with s 2(3) of the PD(P)O, "prescribed consent" means the express consent given voluntarily and not withdrawn in writing, by the data subject.

[19] In accordance with Data Protection Principle 3(4) of Schedule 1 to the PD(P)O, "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.

[20] In accordance with s 64(6) of the PD(P)O, "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.

PART III : THE VOTING AND COUNTING SYSTEMS

2.34 The "first past the post" voting system is adopted in RR elections. An elector for a Rural Area may vote for as many candidates as the number of RRs to be returned for that Rural Area in the election concerned. 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 seats are returned. The number of RRs for each Rural Area and the number of candidates that each registered elector may vote for are as follows:

Rural Area	**Number of RRs**	**Number of Candidates Electors may Vote for**
EV	1	1
CIV	1	1
IV	1 to 5 (depending on the individual IVs)	1 to 5 (not exceeding the number of IIRs to be returned at the election for that IV)
MT	17 or 39 (depending on the individual MTs)	1 to 39 (not exceeding the number of KFRs to be returned at the election for that MT)

[S 31(3), (4) and (5) of the RREO]

2.35 The RREO stipulates the corresponding arrangements for the following situations:

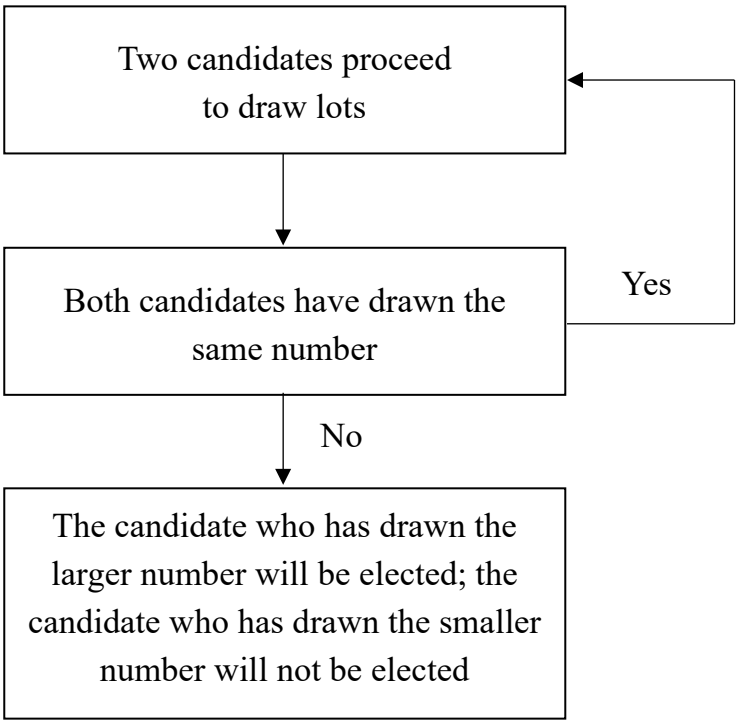
Number of validly nominated candidates	Corresponding arrangement(s)
Exceeds the number of representatives to be returned for that Rural Area	• A poll shall be held for that Rural Area.
Equals the number of representatives to be returned for that Rural Area	• The Returning Officer ("RO") declares the candidate(s) elected and a poll will not be necessary for that Rural Area.
Less than the number of representatives to be returned for that Rural Area	• The RO declares the candidate(s) elected and declares the election for that Rural Area has failed to the extent that the number of candidates validly nominated was less than the number of representatives to be returned; and • A by-election shall be held for that Rural Area.
No validly nominated candidates for that Rural Area	• The RO declares that the election for that Rural Area has failed; and • A by-election shall be held for that Rural Area.

[Ss 21 and 29 of the RREO]

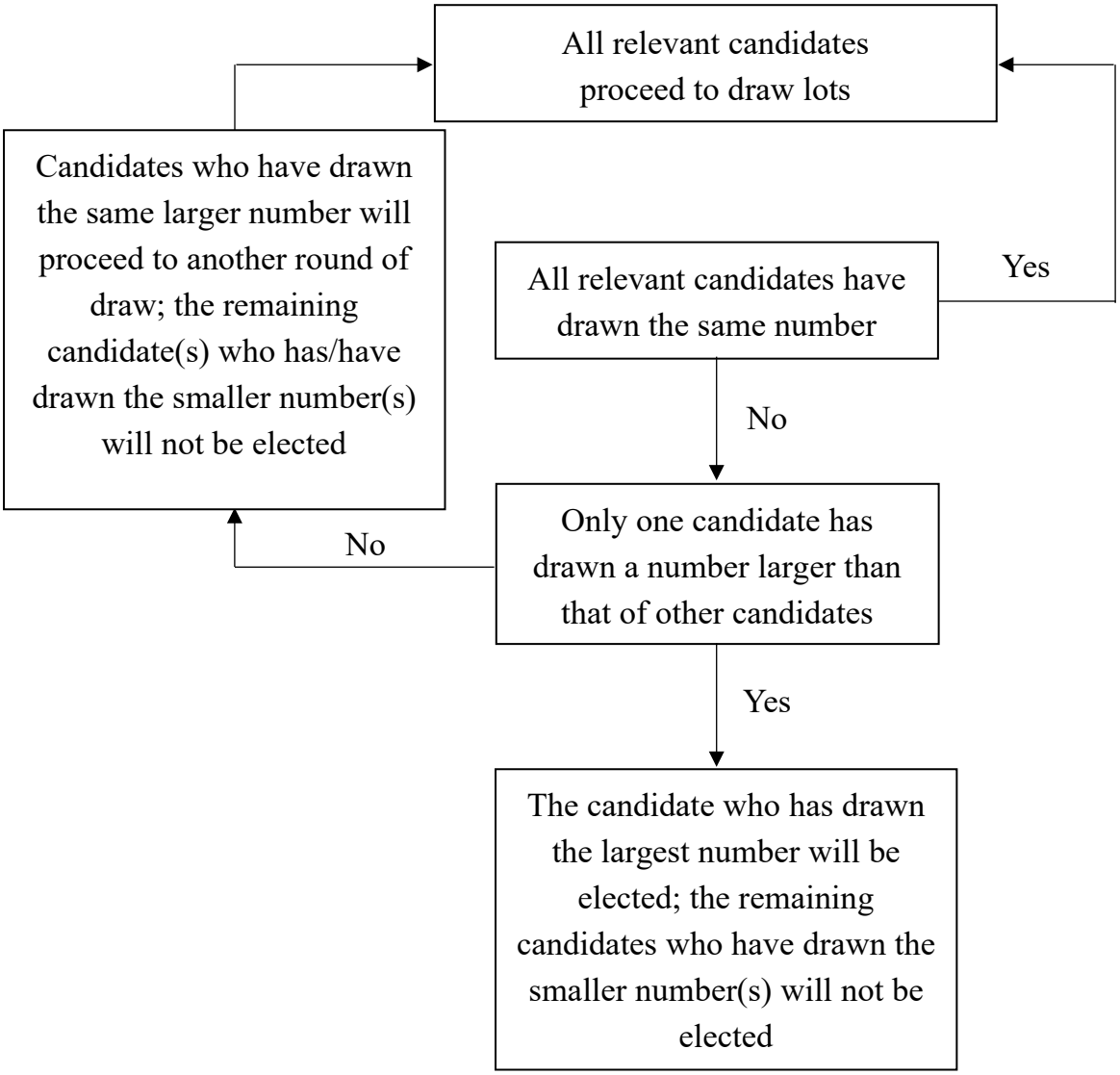
2.36 After the counting of votes is finished at an election for a Rural Area, if the number of candidates having the equal greatest number of votes exceeds the number of RRs to be returned, the RO shall determine the result of the election by drawing lots, and the candidate(s) on whom the lot falls is/are to be elected. [S 31(6) of the RREO]

2.37 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 is the smallest and 10 is 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 down the relevant number. Afterwards, 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:

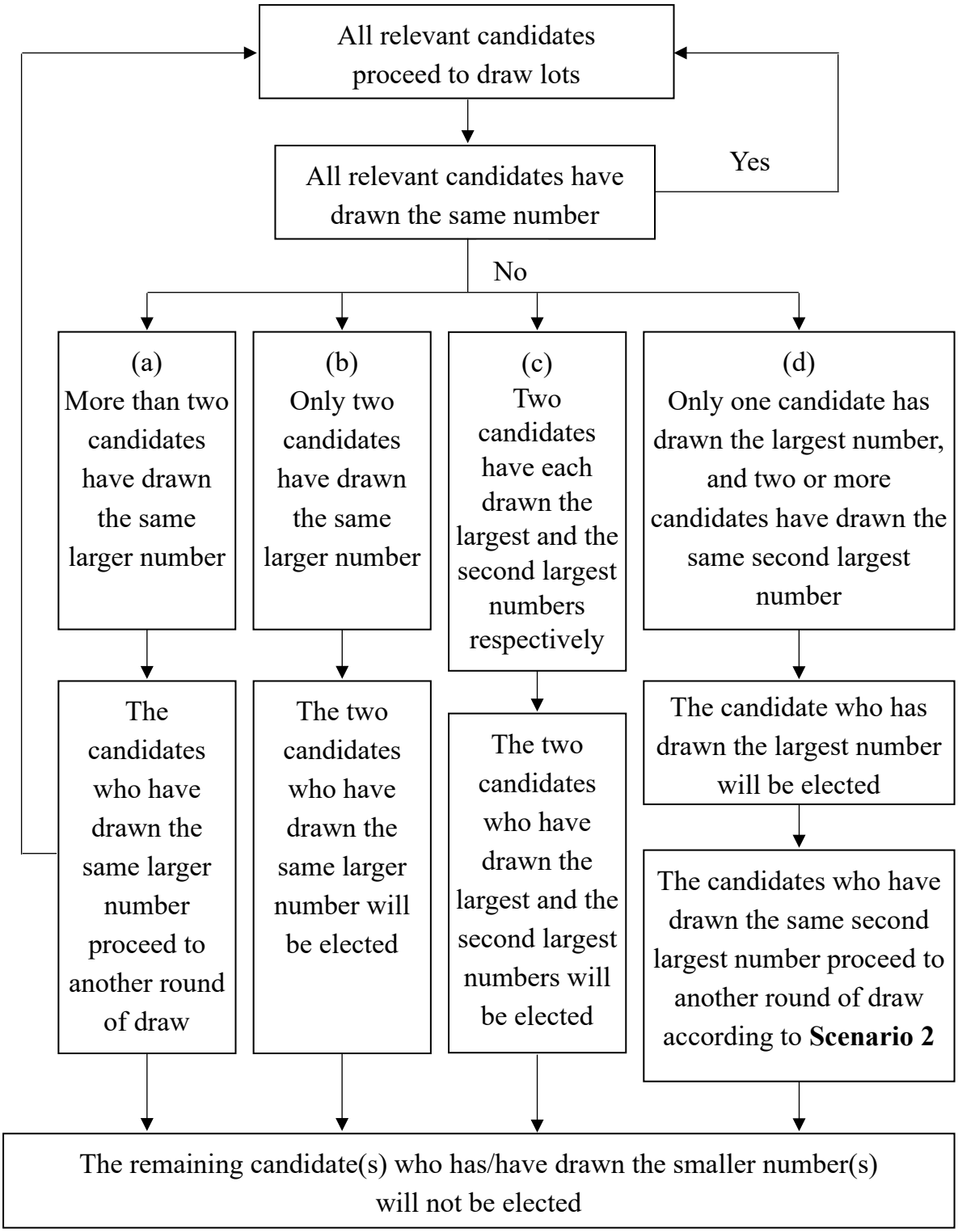
<u>Scenario 1</u>: Where there is only one vacancy to be filled but there are two candidates with an equal number of votes



<u>Scenario 2</u>: Where there is only one vacancy to be filled but there are more than two candidates with an equal number of votes



<u>Scenario 3</u>: Where there are two vacancies to be filled but there are three or more candidates with an equal number of votes



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

2.38 As soon as practicable after the result of the election has been determined, the RO must publicly declare the successful candidates as elected.

Death or Disqualification of a Candidate

2.39 The subsisting electoral law stipulates the corresponding arrangements for the following situations:

	Death of a Candidate	**Disqualification of a Candidate from being Nominated as a Candidate**
After the RO has decided that a candidate is validly nominated and before the date of election	• The RO must give notice of the death of the candidate. • Where the RO has already published the notice stating which persons are validly nominated as candidates, the RO must publicly declare that the candidate has died and further declare which candidate(s) is/are validly nominated for the election for that Rural Area.	• The RO must give notice to vary the decision to the effect that the candidate is not validly nominated. • Where the RO has already published the notice stating which persons are validly nominated as candidates, the RO must publicly declare that the notice has been varied and further declare which candidate(s) is/are validly nominated for the election for that Rural Area.

	Death of a Candidate	Disqualification of a Candidate from being Nominated as a Candidate
On the date of election but before the close of poll	• The RO must issue a notice declaring that the proceedings for the election for that Rural Area are terminated. The notice shall be displayed in a prominent place outside each polling station of the Rural Area concerned and published in the Gazette as soon as practicable.	
After the close of poll but before the election result is declared	• The counting of votes for that election shall continue; and • After the counting of votes is finished, if the candidate concerned is found to be successful, the RO shall not declare that candidate as elected and must publicly declare that election has failed or publicly declare that election has failed because the number of candidates returned for that Rural Area is less than the number of RRs to be returned.	

[Ss 27, 28, 30 and 31(8) of the RREO, and ss 20(1), (2) and 21(3) of the EP (RRE) Reg]

CHAPTER 3

NOMINATION OF CANDIDATES

PART I : ELIGIBILITY AND DISQUALIFICATION FOR NOMINATION

3.1 The legal provisions governing the eligibility for and disqualification from the nomination of candidates for the RR election are contained in the RREO. The procedure for nomination of candidates for the RR election is provided in the EP (RRE) Reg made by the EAC.

Eligibility

3.2 The eligibility requirements for nomination as a candidate in an RR election are as follows:

EV/MT Election Candidates[21]	IV/CIV Election Candidates[22]
Be 21 years of age or over	
Be a Hong Kong permanent resident	
Be a resident of the Village/MT, and has been such a resident of the Village/MT for the six years immediately preceding the nomination;	Be an indigenous inhabitant of the Village

[21] S 22(1) and (2A) of the RREO
[22] S 22(2) of the RREO

EV/MT Election Candidates[21]	IV/CIV Election Candidates[22]
	Ordinarily reside in Hong Kong (see para. 3.4 of this chapter)
Be both registered and eligible to be registered as an elector for the Rural Area	
Not be disqualified from voting at the election by virtue of s 14 of the RREO (see para. 2.20 of Chapter 2)	
Not be disqualified from being nominated as a candidate at the election, or from being elected as an RR for the Rural Area by virtue of s 23 of the RREO or any other law (see para. 3.5 of this chapter)	

3.3 As mentioned in para. 2.24 of Chapter 2, for an indigenous inhabitant who has registered as an elector for his IV/CIV, if he wishes to apply for change of his registration from the Village he originates from to the IV/CIV of his spouse, he will neither be eligible to stand for election in his spouse's IV/CIV nor eligible to stand for election in the IV/CIV he originates from.

"Ordinarily Residing in Hong Kong"

3.4 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[23], 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 indicates that a person may ordinarily reside in two places at the same time. If a Hong Kong permanent resident has left Hong Kong to

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

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 for IV/CIV elections under s 22(2) of the RREO. A prospective candidate who is doubtful about his eligibility for nomination should consult his independent legal adviser.

Disqualification for Nomination

3.5 A person is disqualified from being nominated as a candidate at an RR election, and from being elected as an RR for a Rural Area, if he:

(a) is a judicial officer;

(b) has, in Hong Kong or in 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[24];

(c) has been convicted of any offence endangering national security;

(d) on the date of nomination, or on the date of the election, is serving a sentence of imprisonment;

(e) is or has been convicted of the following offences within five years before the date of the election:

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[24] On 21 June 2012, the Court of First Instance ("CFI") 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 Legislative Council Ordinance (Cap. 542) ("LCO") (similar to the situation described in para. 3.5(b) of this chapter) to be unconstitutional. On 12 July 2012, the Government announced its decision not to appeal against the judgment. Future RR elections will be conducted in accordance with the prevailing legislation. Any person who wishes to be nominated as a candidate for an RR election and is doubtful about his eligibility for nomination may seek independent legal advice.

(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

(iv) any offence prescribed by the EAC Regulations[25];

(f) is ineligible or disqualified because of the operation of the RREO or any other law;

(g) is a representative or a salaried functionary of the government of a place outside Hong Kong;

(h) 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;

(i) 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;

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[25] The EAC Regulations means regulations made under s 7 of the EACO.

(j) within the five years before the date of election, has vacated an office or has been disqualified from holding or entering on an office under the law for declining or neglecting to take a specified oath[26], 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;

(k) is found to be incapable, by reason of mental incapacity, of managing and administering his property and affairs under the Mental Health Ordinance; or

(l) in the case of ReR or KFR, ceases to be a resident of the EV or the MT.

[S 23 of the RREO]

PART II : NOMINATION PERIOD AND NOMINATION FORM

Nomination Period

3.6 The nomination period will be published in the Gazette. The ROs shall receive nomination forms during ordinary business hours (i.e. from 9 am to 5 pm from Monday to Friday, and from 9 am to 12 noon on Saturday) within the nomination period (except public holidays). Candidates must submit their

[26] Specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China ("Basic Law") and bear allegiance to the Hong Kong Special Administrative Region ("HKSAR") of the People's Republic of China.

nomination forms **in person** to the RO for the relevant Rural Areas during the nomination period. Late submissions will not be accepted. In exceptional circumstances, such as a candidate's incapacity due to illness, the RO may authorise other manners of submission of the nomination form to the RO. **Candidates are advised to submit their nomination forms in good time before the end of the nomination period to allow time for any errors in their nomination forms to be corrected.** Candidates should read carefully and comply with the "Points to Note for Submission of Nomination Forms for Candidates" and the "Action Checklist for Candidates" which are uploaded to the RR Election website (www.had.gov.hk/rre). [Ss 4, 5 and 7(1)(f) of the EP (RRE) Reg]

Nomination Form

3.7 Nomination forms are available free of charge at the DOs in the New Territories or the HAD headquarters and may also be downloaded from the RR Election website (www.had.gov.hk/rre).

3.8 The nomination form comprises:

(a) Nomination

The nomination must be subscribed by at least **five electors registered for the Rural Area concerned** (other than the candidate himself), and each elector may only subscribe **nominations not more than the vacancies to be filled for** a particular Rural Area. If he subscribes more nomination forms than the number he is entitled to subscribe in contravention of the regulations, his signature shall be operative only on the first one delivered.

If, however, the nomination subscribed by an elector has been held to be invalid, or the candidate has withdrawn his nomination or has died, the elector may subscribe another nomination form instead before the end of the nomination period, and his signature will be deemed operative on the latter nomination form. [S 25(1), (2), (3) and (4) of the RREO]

NOTE:

(i) 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.

(ii) A candidate should ensure that the electors subscribing his nomination form are eligible to do so and that the electors have not subscribed more nomination forms than the vacancies of the Rural Area concerned.

(iii) Each elector subscribing a nomination shall sign the nomination form **personally**.

(iv) No unlawful means shall be used to procure an elector 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 2 years, or on conviction upon indictment to imprisonment for 5 years.

(v) S 22(4) of the RREO provides that no person shall be nominated as a candidate at an election for more than one Rural Area. When a person submits his nomination form, he must first withdraw all his other prior nomination(s), if any.

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

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

A candidate must duly complete the nomination form, ensuring it is signed by the subscribers, and the candidate shall sign a declaration, which shall be attested by a witness[27]. The candidate must declare that he will uphold the Basic Law and pledge allegiance to the HKSAR. [S 24 of the RREO]

3.9 Until the relevant notice of the election results is published, members of the public could inspect copies of the nomination forms free of charge during ordinary business hours at the RO's office. [S 13 of the EP (RRE) Reg]

Criminal Liability of Making False Declarations

3.10 The RO may refuse to accept any nomination form bearing material alteration to its content. A person who, in an election-related document, makes

[27] A witness can be any person aged 18 years or above and in possession of an identity document.

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 knowingly 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, and a violation against the requirements of the above electoral legislation is a prescribed offence, meaning that a person will be regarded as having been convicted of corrupt or illegal conduct under the ECICO, and will therefore be disqualified from being nominated as a candidate or elected as an RR (see Chapter 16). [S 90 of the EP (RRE) Reg]

PART III : VALIDITY OF NOMINATIONS

3.11 Whether the nomination is valid or not is decided by the RO. The RO 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 for the Rural Area concerned. The notice will include the names and addresses[28] of all validly nominated candidates. Should the RO decide that a nomination is invalid, he must endorse on the nomination form his decision and the reasons for it. [S 27 of the RREO, and ss 10, 11 and 15 of the EP (RRE) Reg]

3.12 If the RO discovers an error which may amount to a ground for deciding that the nomination is invalid, and the error can be rectified within the nomination period, the RO may, before forming an opinion as to whether the nomination 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

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[28] For an election of ReR or KFR, the name and address are the relevant particulars of the candidate's name and principal residential address, as provided in the candidate's nomination form; for an election of IIR, they are the candidate's name and address, as provided in the candidate's nomination form. For details, please refer to the notes on completion of the nomination form.

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 9 of the EP (RRE) Reg]

3.13 To enable the RO to be satisfied that the candidate is eligible to be nominated or the nomination is valid, the RO may require the candidate to furnish any supplementary information. [S 7(3) of the EP (RRE) Reg]

3.14 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 mentioned in para. 3.8(b) of this chapter.

3.15 Without prejudice to ss 22, 23, 24 and 25 of the RREO, the RO 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 25 of the RREO;

(b) the nomination form has not been completed or signed as required under the EP (RRE) Reg;

(c) he is satisfied that the candidate is not eligible to be, or has been disqualified from being, nominated as a candidate under the RREO;

(d) the candidate has been nominated for another Rural Area in the same election, and the RO is not satisfied that he has withdrawn that candidature;

(e) he is satisfied that the candidate has died; or

(f) the nomination form is not duly delivered within the nomination period (see para. 3.6 of this chapter).

[S 10(3) of the EP (RRE) Reg]

PART IV : WITHDRAWAL OF CANDIDATURE

3.16 A candidate may withdraw his candidature only before the close of the nomination period. He shall complete and sign the "Notice of Withdrawal of Candidature" and deliver the notice to the RO concerned in person or through the election agent. 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 "abandonment of election". Even if a candidate has made public his claim about the "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 26 of the RREO and s 14 of the EP (RRE) Reg]

NOTE:

It is an offence for a person to offer advantage corruptly, or to use or threaten to use force or duress, or by a deception, to induce a candidate to withdraw his candidature, or for a candidate to solicit or accept an advantage to withdraw his candidature. [Ss 7, 8 and 9 of the ECICO]

PART V : NOTICE OF VALID NOMINATIONS

3.17 The RO must send a notice to each validly nominated candidate for the Rural Area concerned as to whether a person is validly nominated as a candidate. After the end of the nomination period, in the case of a contested election, the RO will draw lots to determine the candidate number or the order of appearance of the candidates' names to be shown on the ballot paper and the designated spots allocated for displaying EAs. The RO will inform the relevant candidates of the date, time and place of the lots drawing session and the Candidates' Briefing. [Ss 12 and 42 of the EP (RRE) Reg]

3.18 The RO concerned shall publish a notice in the Gazette within 14 days after the close of the nomination period, stating the name and the address[29] of each validly nominated candidate for the Rural Area concerned, together with the number which is allocated by the drawing of lots and will be shown on the ballot paper. 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 an ReR, an IIR or a KFR for that Rural Area, as the case may be. [Ss 15, and 16 of the EP (RRE) Reg]

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

PART VI : INTRODUCTION TO CANDIDATES

3.20 The HAD will publish an **Introduction to Candidates** and the candidate number allocated to each candidate by the drawing of lots, which is to be shown on the ballot papers, will also be printed on the Introduction to

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[29] See footnote 28.

Candidates. The Introduction to Candidates will be sent to electors (including those imprisoned or held in custody by the Correctional Services Department ("CSD") or other law enforcement agencies) together with polling notices before the polling day. The Introduction to Candidates will also be uploaded to the RR Election website (www.had.gov.hk/rre) for electors' reference.

3.21 Candidates who wish to make use of the Introduction to Candidates for electioneering promotion must submit the following information to the relevant RO **before the end of the nomination period**:

(a) a duly completed grid paper affixed with a colour photograph of the candidate which must be in a specified size and should be taken within the last six months; and

(b) two additional copies of his photograph identical to the one affixed to the grid paper with his name, and the names of the Rural Committee and Rural Area concerned written on the back.

(c) Candidates may also submit the electronic grid papers via the HAD's RR Elections e-Submission Platform.

If a candidate does not submit the grid paper, the Introduction to Candidates will only show his name and assigned candidate number, with the statement "Relevant information has not been provided by the candidate" printed in the space provided for the electoral message.

3.22 Candidates should understand the different needs of electors (including those electors with visual impairment) and therefore, in the course of their electioneering activities, should make sure that electors can have reasonable access to the electoral messages. The EAC encourages candidates to submit an electronic version of the grid paper for the Introduction to Candidates 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 RR Election website, and the text version will only show the candidate's name, personal particulars (if relevant information has been provided in the grid paper by the candidate), and the allocated number, 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.

3.23 The content, nature and presentation of an 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 HAD unless the content is considered unlawful, obscene, immoral, indecent, offensive, defamatory or containing information irrelevant to the promotion of the candidate's standing for election.

CHAPTER 4

POLLING AND COUNTING ARRANGEMENTS

PART I : GENERAL

4.1 An elector can only vote at the polling station allocated to him by the DHA. In general, the polling station allocated to an elector will be close to his respective Rural Area as far as practicable.

4.2 If an elector with mobility difficulty is allocated to a polling station that is not accessible for him, the elector may apply to the HAD for re-allocation to a barrier-free alternative polling station to cast his vote.

4.3 A **No Canvassing Zone ("NCZ")** will be designated for each polling station, and a **No Staying Zone ("NSZ")** will also be designated immediately adjacent to the entrance/exit of a polling station to avoid any obstruction of the entrance/exit (see Part V of this chapter).

4.4 Only electors and designated or authorised persons are allowed entry to a polling station. Electors requiring assistance from others for entering a polling station may make a request to the PRO for discretionary arrangements as appropriate.

4.5 Depending on the actual circumstances, the HAD may instruct polling stations (except for dedicated polling stations) to adopt an Electronic Poll Register ("EPR") System for issuing ballot papers.

4.6 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.

4.7 After collecting the ballot paper(s), an elector should immediately proceed to a voting compartment to mark his ballot paper(s). 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 a relative or friend of the elector) to accompany or assist the elector to vote. If an elector is unable to mark the ballot paper(s) on his own, he may, as stipulated under the law, request the PRO or the PRO's deputy to mark the ballot paper(s) on his behalf according to his voting preference, in the presence of one polling staff as a witness (see para. 4.38 of this chapter).

4.8 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(s) inside the voting compartment.

PART II : TYPES AND ALLOCATION OF POLLING STATIONS

4.9 The DHA must by notice in the Gazette specify the polling hours and designate places as polling stations, dedicated polling stations, ballot paper sorting stations[30] or counting stations at least ten days before the polling day.

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[30] The HAD may set up a ballot paper sorting station to sort ballot papers received from dedicated polling stations according to Rural Areas before the ballot papers are delivered to the respective counting stations for counting of votes.

The DHA may also designate the same place to serve as both a polling station and a counting station. The RO must, at least ten days before the polling day, give written notice to each candidate of the addresses of the counting stations at which the counting of the votes is to take place and, where applicable, the addresses at which the sorting of ballot papers received from dedicated polling stations is to take place for the Rural Area contested by the candidates. [Ss 27(3), 28(1), (1AA), 55(3) and (4) of the EP (RRE) Reg]

4.10 There are three types of polling stations:

(a) **Ordinary Polling Stations**: for use by general electors to cast their votes. The DHA may set up a cluster of polling stations for various Rural Areas in the same premises, and may, where necessary, designate temporary structures as polling stations. In general, polling stations will be converted into counting stations immediately after the close of poll for counting;

(b) **Dedicated Polling Stations**: set up inside penal institutions and other suitable places for registered electors who are imprisoned or held in custody by law enforcement agencies to cast their votes on the polling day. Due to security reasons, there is a need for the penal institutions to separate some persons imprisoned or held in custody from others. Therefore, the Commissioner of Correctional Services shall assign a time slot within 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 those electors so as to give them a reasonable opportunity to vote, while the elector to whom a time slot is assigned may only cast his vote during the time slot. Vote counting will not be carried out at dedicated polling stations. The ballot papers cast therein will be delivered to the

ballot paper sorting stations after the close of poll, and after sorting, will be delivered to the corresponding counting station of their respective Rural Area for counting, or delivered directly to the relevant counting station as the case may be. Please see Part XIV of this chapter for details; and

(c) **Alternative Polling Stations**: for use by electors with mobility difficulty to cast their votes. If electors with mobility difficulties are allocated to a polling station that is not accessible for them, they may apply to an alternative polling station that is equipped with barrier-free facilities to cast their votes. The votes cast by electors allocated to an alternative polling station will be counted together with the ballot papers of the same Rural Area inside the ballot boxes.

[Ss 27(1B), (1C), (1D), (2A), 28(1)(a), (1)(b), (1A), (2), (8)(a) and 28A(1) of the EP (RRE) Reg]

4.11 The combined polling arrangements are adopted for the convenience of the electors. An elector entitled to vote in both the IIR election and the ReR election of the same Rural Area only needs to go to a single polling station to cast all his votes. The KFR elections will be conducted on a separate day.

PART III : POLLING NOTICE

4.12 At least ten days before the polling day, polling notices will be sent to electors of contested Rural Areas at their registered addresses or correspondence addresses (if applicable) to notify them of the poll date, time and location of the polling station. If the DHA decides to change any particular polling station, the DHA must, as early as practicable, inform the electors, RO and PRO concerned in a manner he deems appropriate. In addition, the HAD will send the polling

notices to the penal institutions where the electors are serving their sentences insofar as practicable, so as to allow electors who will be serving a sentence of imprisonment on the polling day to receive the polling notices as early as possible. [Ss 29(2), (2A) and (4) of the EP (RRE) Reg]

PART IV : HANDLING OF BALLOT BOXES

4.13 About 30 minutes before the commencement of the poll (or about 15 minutes before for dedicated polling stations situated in penal institutions), the PRO will allow the candidates, 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, only one person among the candidate himself, election agent and polling agent(s), may be present to observe the relevant process. 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 present). The count will commence after polling at all polling stations of the relevant Rural Area has closed.

4.14 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 the ballot boxes at a dedicated polling station situated inside a maximum security prison; and

(b) a maximum of two candidates, 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 the ballot boxes at a dedicated polling station situated in a penal institution (except maximum security prisons).

PART V : NO CANVASSING ZONE AND NO STAYING ZONE

4.15 To ensure that electors can access polling stations without interference/disturbance by electioneering activities, the ROs will designate an area outside the polling station as a 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.** Polling staff will display a notice of the designation of a NCZ and a map or plan with the boundary of the area at or near the polling station (see Chapter 13).

4.16 To ensure that electors can enter and exit polling stations safely in an unobstructed manner, the ROs will designate an area within the NCZ and adjacent to the entrance/exit (sometimes the entrance is the same as the exit) of the polling stations as an NSZ. **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** (see Chapter 13).

PART VI : PERSONS TO BE ADMITTED TO POLLING STATIONS

4.17 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 DHA;

(d) the RO and Assistant Returning Officers ("AROs") for the relevant Rural Area;

(e) the Chief Electoral Officer ("CEO");

(f) public officers on duty at the polling station (including police officers) and members of the Civil Aid Service ("CAS"), etc.;

(g) officers of the CSD and other law enforcement agencies on duty at dedicated polling stations;

(h) candidates and election agents of the relevant Rural Areas, and polling agents appointed for the polling station (not applicable to dedicated polling stations situated in maximum security prisons) in accordance with para. 4.18 of this chapter;

(i) any person authorised in writing by the RO or any member of the EAC, subject to the conditions as imposed in the authorisation; and

(j) children accompanying an elector who enter the polling station for the purpose of voting.

[S 37(1) of the EP (RRE) 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.

4.18 For the purpose of keeping order at 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 himself, election agent and polling agent(s) 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, their election agents or polling agents. The PRO will arrange for 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 a maximum of one hour each time. He must then leave the polling station on time unless there is no other candidate, election agent or polling agent waiting for admission. He may apply for admission to the polling station again on a first-come-first-served basis;

(d) if no one among a candidate or any of his agents has earlier entered the polling station to observe the poll on the polling day, the PRO concerned will endeavour to give the candidate or his agents 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 agents 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 a 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 for admission 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 (except maximum security prisons) at any one time. Observers will have to take turns in case more than two candidates or their agents intend to observe the poll at the same time (see Chapter 6).

[S 37(2), (3), (4), (5) and (6) of the EP (RRE) Reg]

4.19 Except for electors, children accompanying an elector, and those police officers, officers of the CSD, officers of any law enforcement agencies and members of the CAS on duty, all other persons permitted to enter a polling station are required to make a **Declaration of Secrecy**[31] on a specified form before entering the polling station and need to adhere to the regulations on the secrecy of voting. [S 81 of the EP (RRE) Reg]

PART VII : QUEUING ARRANGEMENTS

4.20 If electors have to queue up to enter the polling station, the PRO may make special queuing arrangements for electors with special needs. Electors with special needs include:

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[31] The declaration can be made in the presence of a Commissioner for Oaths/a member of the EAC/the RO/the CEO/a Justice of the Peace/a solicitor with a practising certificate.

(a) persons aged 70 years 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 42A of the EP (RRE) Reg]

4.21 The PRO may, having regard to the actual situation, set up two queues at the polling station, one for persons with special needs and the other for ordinary electors. Besides, seats may be provided in the polling station for electors with special needs to rest while waiting to join the special queue later for collecting ballot papers.

(a) <u>Queuing Arrangement When Printed Copy of Final Register of Electors is Used</u>

If the printed copy of the FR of electors is used for issuing ballot papers, the printed copy will be split and allocated to the ballot paper issuing desks according to the alphabetical prefixes of the HKID numbers to avoid duplicate issuance of ballot papers. 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.

(b) <u>Queuing Arrangement When the Electronic Poll Register System is Used</u>

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

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 (see para. 4.20 of this chapter).

[S 42A of the EP (RRE) Reg]

4.22 To facilitate the polling staff to cast their votes, the PRO will arrange for the polling staff to leave their posts briefly to visit their allocated polling stations. To ensure the polling staff return to work promptly, the polling staff who are going to cast the votes may present to the staff of the allocated polling station their polling staff identification to request priority queuing for collecting ballot papers and casting their votes.

PART VIII : COLLECTING BALLOT PAPERS

4.23 An elector should present 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 elector's valid identity document, usually his HKID[32];

(b) alternative documents:

(i) a document issued to the elector by the Commissioner of Registration acknowledging that the elector has applied:

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[32] For ReR and KFR electors, the elector's identity document is usually his original HKID. For IIR electors, the elector's identity document also refers to any other original document issued to the elector that is acceptable to the ERO as proof of the elector's identity according to s 2(1) of the RREO.

(1) to be registered under the Registration of Persons Ordinance (Cap. 177); or

(2) for a new HKID and is awaiting its issuance;

(ii) a valid HKSAR Passport;

(iii) a valid HKSAR seaman's identity book;

(iv) a valid document of identity; or

(c) a document evidencing that the elector has reported to a police officer the loss or destruction of the document referred to in (a) or (b)(i) 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 (iv) of this paragraph) issued to him showing his name and photograph.

[Ss 13, 14, and 25 of the Registration of Persons Regulations (Cap. 177A), Hong Kong Special Administrative Region Passports Ordinance (Cap. 539), s 3 of the Immigration Regulations (Cap. 115A), and s 45(1), (2) and (2A) of the EP (RRE) Reg]

4.24 For an elector applying for ballot paper(s) at a dedicated polling station situated in a penal institution, the document to be presented is a document issued by the Commissioner of Correctional Services showing the elector's name, photograph and prisoner registration number allocated by the Commissioner to the elector for identification purposes.

4.25 If the PRO has reasonable grounds to doubt the true identity and eligibility of an elector, he shall ask the elector concerned the following questions when that person applies for ballot paper(s) (but not after the ballot paper(s) has/have been issued):

(a) "Are you the person registered in the final register for this Rural Area (the PRO to read the name and the type of the Rural Area), as follows (the PRO to read the whole entry as it is recorded in the final register)?"

(b) "Have you already voted in this election to elect a Rural Representative (the PRO to read the type of the Rural Representative) for this Rural Area (the PRO to read the name and type of the Rural Area)?"

The elector concerned will not be issued with any ballot paper unless he has answered the questions to the satisfaction of the PRO. [S 43 of the EP (RRE) Reg]

4.26 Where there is a reasonable cause to believe that a person has engaged in corrupt conduct by impersonating an elector, the PRO may request the police officers 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. [S 44(1), (2), (3) and (3A) of the EP (RRE) Reg]

4.27 If an IIR election and an ReR election are to be held concurrently for a Rural Area, the relevant polling station will be designated as a polling station for both elections to make voting more convenient for electors. A notice will be displayed inside each polling station to inform electors that polling for the relevant IIR and ReR elections is being held there concurrently and that an elector will be issued with one to two different ballot paper(s), depending on his entitlement.

PART IX : HOW TO ISSUE BALLOT PAPERS

4.28 Depending on the circumstances of individual polling stations, polling staff will use the printed copy of the FR of electors or the EPR System to issue ballot papers. The relevant procedures are as follows:

(a) <u>Use of Printed Copy of Final Register of Electors in Issuing Ballot Papers</u>

The polling staff will check the elector's identity document against the entry in the printed copy of the FR of electors to verify whether the person is a registered and eligible elector allocated to that polling station, as well as the number and types of ballot papers to be issued.

Upon confirmation, the polling staff will softly read out the name of the elector as stated in the printed copy of the FR of electors 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 protect the personal data of 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 the FR of electors.

(b) <u>Use of Electronic Poll Register System in Issuing Ballot Papers</u>

The polling staff will use a tablet to scan the elector's HKID or, with the approval of the PRO, manually input the number of the HKID or other specified alternative documents into the EPR System to verify whether the person is a registered and eligible elector allocated to that polling station concerned, as well as the number and type(s) 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, types, and time of issuance of the ballot papers in the EPR System, but will not record which particular ballot paper. The elector may view his name, partial identity document number and types of ballot paper(s) issued to him as shown on the screen of the EPR System during the issuance process.

In case the EPR System fails while in use on the polling day and cannot continue to operate, the polling staff will activate the fallback arrangement and use the printed copy of the FR of electors (as stated in (a) of this paragraph) to issue ballot papers until the close of poll. When activating the fallback arrangement, the polling staff should also activate the fallback mode of the EPR System, and cross-check against the data in the storage device of the polling stations before issuing the ballot papers, so as to confirm that the electors concerned have not collected any ballot paper when the EPR System was in use. The storage device will only record in an encrypted form the identity document numbers of electors who have collected their ballot papers, but will not record their names and other personal particulars.

[S 45 of the EP (RRE) Reg]

4.29 To facilitate the verification of the total number of ballot papers issued, the counterfoil of each ballot paper bears a serial number printed 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 numbers of the ballot papers issued to an elector. The serial number will only be used for counting the number of ballot papers issued at the ballot paper issuing desks to calculate 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 41(5) and 45(9) of the EP (RRE) Reg]

4.30 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. 4.45 and 4.46 of this chapter for the arrangement.

PART X : VOTING METHODS

4.31 When issued with the ballot paper(s), an elector will also be issued with a colour cardboard:

(a) persons issued with one ballot paper for the ReR elections will be given a **white** cardboard;

(b) persons issued with one ballot paper for the IIR elections will be given a **red** cardboard;

(c) persons issued with one ballot paper for KFR elections will be given an **orange** cardboard; and

(d) persons issued with one ballot paper for the IIR elections and one ballot paper for the ReR elections will be given a cardboard with **red and white stripes**.

This arrangement helps the polling staff to ensure that an elector has cast all ballot papers issued to him before leaving the polling station, thereby preventing any ballot paper from being taken away from the polling station.

4.32 One or more envelopes, each bearing the name and the code of the relevant Rural Area as well as the name of the district, will be provided to an elector of a dedicated polling station serving the poll for two or more Rural Areas

to facilitate sorting of ballot papers. The number of envelopes issued to an elector equals the number of ballot papers issued to him.

4.33 After having collected the ballot paper(s) and the cardboard attached with the chop of the tick "✓" sign, the elector should immediately proceed to a voting compartment to mark the ballot paper(s) as instructed. One voting compartment can only be used by one elector at one time. [S 47 of the EP (RRE) Reg]

4.34 The RR elections adopt the "first-past-the-post" voting system. The number of candidates an elector may vote for depends on the number of RRs to be returned for that Rural Area concerned. If only one RR is to be returned for the Rural Area, the elector should affix the chop issued by the polling station to give a single "✓" in the circle opposite the name of the candidate of his choice on the ballot paper. If more than one RR are to be returned for that Rural Area, he should affix the chop issued by the polling station to give a single "✓" in each of the circles opposite the names of the candidates of his choice on the ballot paper but the number of candidate(s) chosen should not be more than the total number of RRs to be returned for that Rural Area. The ballot paper should only be marked with the "✓" chop issued and no other mode of marking is allowed. The elector should then **fold the ballot paper to conceal the choice thereon after voting**. [S 31(3) and (4) of the RREO, and ss 47 and 48 of the EP (RRE) Reg]

4.35 An elector of a dedicated polling station serving the poll for two or more Rural Areas should fold the ballot paper so that the marked side is inside and put it into the envelope issued to him together with the ballot paper. If issued with two ballot papers, the elector should put each of the folded ballot papers separately into the corresponding envelopes for the relevant Rural Areas. [S 47(4)(c) of the EP (RRE) Reg]

4.36 If computer counting[33] is used, after marking the ballot paper, the elector should cast his vote in the manner as directed by the DHA. The elector should fold the ballot paper so that the marked side is inside and put the folded ballot paper into the correct ballot box **or** fold the ballot paper so that the marked side is inside, put the folded ballot paper into the envelope provided by the polling station, and put the ballot paper contained in the envelope into the correct ballot box as directed by the DHA. [S 47(4) of the EP (RRE) Reg]

4.37 The elector should leave the polling station without undue delay after putting his marked ballot paper(s) into the ballot box and returning the cardboard attached with the chop 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 officers 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 reasonable grounds to believe that a person applies for or having applied for a ballot paper by impersonating an elector, the PRO may request the police officers 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

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[33] Computer counting refers to the use of a computerised system for efficient vote counting and consolidation of election results through manual "double entry" of the votes on ballot papers into the computer system by counting staff in pairs.

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.

A person engages in corrupt conduct at an election if the 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 38(7), (8), (10), 44, 47(4), (6) and (8) of the EP (RRE) Reg, and ss 14 and 17(1)(c), (d) and (e) of the ECICO]

An Elector Claiming That He Is Unable to Read or Is Incapacitated from Marking His Ballot Paper(s) by Himself due to Visual Impairment or Other Physical Conditions

4.38 In general, an elector must mark the ballot paper(s) **by himself** as described in para. 4.34 of this chapter and **must not** ask another person to do it for him. If an elector claims that he is unable to read or is incapacitated from marking the ballot paper(s) 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 witness, help mark the ballot paper(s) in

accordance with the elector's choice inside a voting compartment provided at the polling station. The polling staff 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 that the PRO, the Deputy PRO or an Assistant PRO 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. Such decision must take into account the views of the candidates or their polling agents (if any). 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 49(1) of the EP (RRE) Reg]

4.39 An elector with visual impairment who so requests, having regard to the actual situation, 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;

(b) the template contains numbers in braille printed in relief which are arranged from the top downwards in ascending order according to the candidate numbers assigned to the candidates; on the right 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 on the ballot paper, each braille number corresponds with the candidate number of the Rural Area; and

each of the holes on the template corresponds with the circle on the ballot paper against the candidate number.

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 template against the candidate number of the candidate of his choice.

[S 49(2) and (3) of the EP (RRE) Reg]

4.40 **The ballot is secret. No one is required to disclose 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 which candidate he has voted for or any particulars relating to that candidate commits an offence and is liable to a fine at level 2 ($5,000). The law also prohibits acts which may infringe the secrecy of vote during the polling and counting processes. If a person contravenes any of the prohibited acts under the relevant legislation, he commits an offence and is liable to a fine at level 2 ($5,000) and to imprisonment for 6 months. [S 38 of the RREO and s 82 of the EP (RRE) Reg]

4.41 To protect voting secrecy of electors, no one may, at any time, divulge whether an elector has or has not applied for ballot paper(s) or voted, or divulge the identity of an elector at a dedicated polling station. Anyone who makes such divulgence, 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 82(1) and 89(2) of the EP (RRE) Reg]

Issuance of "UNUSED", "SPOILT" or "TENDERED" Ballot Papers

4.42 An elector who has been issued with ballot paper(s) but has left the polling station without casting all his ballot paper(s) is not allowed to return to the polling station again to cast the remaining ballot paper(s). Nevertheless, if

there is a justified reason for an elector not to mark the ballot paper(s) immediately, or the elector has become incapacitated from completing the voting by physical illness, with the permission of the PRO, the elector could return to the polling station before the close of poll to cast his vote(s) after giving back the ballot paper(s) to the PRO:

(a) After receiving the ballot paper(s), the PRO must keep the relevant 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 on the front of the ballot paper(s) the words **"UNUSED" and "未用"** and show it/them to each candidate or his election agent or polling agents who is present at the time. Such ballot paper(s) must not be put into the ballot box and will not be counted.

[Ss 46(1), (3), (5), (6), 51 and 62(f) of the EP (RRE) Reg]

4.43 At dedicated polling stations situated in penal institutions, if the elector concerned has a justified reason not to mark the ballot paper(s) immediately, or the elector has become incapacitated from completing the voting by physical illness, with the permission of the PRO, the elector could return to the polling station before the close of poll within the existing or any newly assigned time slot before the close of poll to cast his vote(s) after giving back the ballot paper(s) to the PRO:

(a) After receiving the returned ballot paper(s), the PRO must keep the relevant 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 agencies;

(b) the Commissioner of Correctional Services or his officer(s) must as far as practicable assign a new time slot during the polling hours for the elector to cast his vote(s), and notify the elector; and

(c) where the elector has not returned to the dedicated polling station at the close of poll, the PRO must endorse on the front of the ballot paper(s) the words "**UNUSED**" and "**未用**" and show it/them to each candidate or his agents who is present at the time. Such ballot paper(s) must not be put into the ballot box and will not be counted.

[Ss 46(1), (2A), (2B), (3), (5), (5A), (6), 51 and 62(f) of the EP (RRE) Reg]

4.44 If anyone finds an issued ballot paper (whether marked or unmarked) left behind in a voting compartment or any areas inside the polling station, he must hand it to the PRO. The PRO must endorse on the front of the ballot paper(s) returned the words "**UNUSED**" and "**未用**" and should keep it/them in his custody. Such ballot paper(s) must not be put into the ballot box and will not be counted. [Ss 51 and 62 of the EP (RRE) Reg]

4.45 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 take back the ballot paper previously issued, then issue a new ballot paper. The PRO should endorse on the front of the ballot paper(s) returned the words "**SPOILT**" and "**損壞**" and keep it/them in his custody. Such ballot paper(s) will not be counted. [Ss 52 and 62 of the EP (RRE) Reg]

4.46 If a person, claiming to be a particular elector on the FR of electors, applies for ballot paper(s) at the polling station after a person has been issued with ballot paper(s) earlier with the same identity as per records, the PRO may issue to that person a ballot paper with the words "**TENDERED**" and "**重複**" endorsed on the front only in the circumstances that the PRO is not certain whether the person has been issued with ballot paper(s) earlier, and that the person has answered the questions set out in para. 4.25 of this chapter to the satisfaction of the PRO. Such ballot paper(s) will not be counted. [Ss 50 and 62 of the EP (RRE) Reg]

PART XI : ACTS PROHIBITED INSIDE POLLING STATIONS

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

(a) communicate with any elector or use a mobile phone, paging machine or any form of communication device in contravention of the direction of the RO or the PRO;

(b) attempt to obtain or disclose information on the vote of electors; or

(c) engage in canvassing for votes or without reasonable excuse, display any propaganda material relating to: (i) any candidate or his candidate number; (ii) any political body, or any organisation with a member standing as a candidate in the election concerned; or (iii) the RR election.

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 months or 6 months (as the case may be). [Ss 38(2), (3), (5), 82 and 89(1) of the EP (RRE) Reg]

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

(a) members of the EAC;

(b) the DHA;

(c) the RO and AROs;

(d) the CEO;

(e) the PRO and other polling staff;

(f) public officers (including police officers) and the members of the CAS on duty at the polling station; and

(g) any person authorised in writing by the RO or any member of the EAC.

[S 38(2) and (3) of the EP (RRE) Reg]

4.49 The RO or the PRO shall not exercise his power to order an elector to leave the polling station 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 any lawful order of the RO or the PRO, commits an offence. The relevant person may be ordered by such officers to leave the polling station or the vicinity of the polling station. If the relevant person fails to leave the polling station immediately as ordered by the RO or the PRO, he may be removed by:

(a) a police officer (if it is not a dedicated polling station);

(b) an officer of the CSD or other law enforcement agencies (if it is a dedicated polling station); or

(c) a person authorised in writing by the RO or the PRO to remove the relevant person.

The person who is removed may not enter the relevant polling station or its vicinity again on the polling day, unless the RO or the PRO permits him to do so. [Ss 35(10), 38(7), (8), (9A), (10), (11) and (12) of the EP (RRE) Reg]

4.50 A person commits an offence if he takes photos, films or makes any video or audio recording in a polling station without the express permission of the PRO, the relevant RO or any member of the EAC, and is liable to a fine at level 2 ($5,000) and to imprisonment for 6 months. Generally speaking, the relevant permission is only granted to government photographers for performing publicity duties. [Ss 38(4) and 89(2) of the EP (RRE) Reg]

PART XII : CLOSE OF POLL AND PREPARATIONS FOR COUNTING

4.51 If an elector has not arrived at the designated entrance of the polling station by the close of 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 to wait for their turn to vote. If there are still electors queuing outside the entrance of the polling station at the close of 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 so as to close the entrance of the polling station. The PRO will close the entrance of the polling station when all the relevant electors have entered the polling station.

4.52 In short, all electors who have arrived and queued up outside the polling station before the close of 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 poll but has neither arrived at the entrance of the polling station nor 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

4.53 Except for certain polling stations and dedicated polling stations, all other polling stations will be designated as counting stations for the counting of votes. At the close of poll, the PRO will display a notice at 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 into a counting station. The candidates, election agents, polling agents and counting agents may stay in the station to observe the process of locking and sealing of ballot boxes and the preparation for 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. The PRO will also inform them of the numbers of unissued, spoilt and unused ballot papers in his possession. Furthermore, all such ballot papers will be packed into separate sealed packets according to the respective Rural Area, and the marked printed copies of the FR of electors (if used) will also be packed into a separate sealed packet. The PRO has to prepare a ballot paper account to record the number of ballot papers estimated by the PRO to be in the ballot boxes, as well as the numbers of unissued, unused, and spoilt ballot papers. The counting station will be opened to the public when the preparations are completed. [Ss 53 and 54 of the EP (RRE) Reg]

4.54 The locked and sealed ballot boxes, the sealed packets and the ballot paper account mentioned in para. 4.53 of this chapter will be kept by the PRO who presides at the counting station (if an RO is to preside at the counting station, the PRO must hand over these items to the RO as soon as practicable and the items will be kept under the RO's control) until the counting of votes begins. [S 53(6) of the EP (RRE) Reg]

A Polling Station which is not a Counting Station

4.55 **Certain polling stations and dedicated polling stations** will not be converted into counting stations after the close of the poll. The PRO will, as soon as practicable, display a notice at a prominent place outside the polling station to inform members of the public that the poll has been closed, and of the name and location of the ballot paper sorting station for sorting the ballot papers received from that polling station (**relevant sorting station)** (if applicable); and the name and location of the counting station for counting the votes cast at that polling station (**relevant counting station)**. If the EPR system is used in the polling station, the PRO must also confirm the close of poll through the system. [S 53A(2) of the EP (RRE) Reg]

4.56 After the close of poll, candidates, election agents and polling agents may stay in the polling stations to observe the process of locking and sealing ballot boxes. For dedicated polling stations, the following persons may stay to observe the process:

(a) a candidate, election agent and polling agent may stay in a dedicated polling station not situated in a penal institution;

(b) only a maximum of two persons among the candidates or their agents may stay in a dedicated polling station situated in a penal institution other than a maximum security prison; and

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

[S 53A(5) of the EP (RRE) Reg]

4.57 The PRO will lock and seal the ballot boxes in the presence of the candidates, election agents and polling agents (if any). The PRO will also inform them of the numbers of unissued, spoilt and unused ballot papers in his possession. All such ballot papers and the marked printed copies of the FR of electors (if used) will also be packed into separate sealed packets. The PRO will prepare a ballot paper account to record the number of ballot papers estimated by the PRO to be in the ballot boxes, as well as the numbers of unissued, unused, and spoilt ballot papers. [S 53A(3), (4) and 54 of the EP (RRE) Reg]

NOTE:

After the close of poll, the ballot boxes (locked and sealed) from a polling station which is not a dedicated polling station will be delivered to the **relevant counting station**. In the case of a dedicated polling station, the ballot boxes (locked and sealed) will either be delivered to the **relevant sorting station** for ballot paper sorting so that the ballot papers of each Rural Area can be sent to a corresponding counting station, or directly to a corresponding counting station (as the case may be), and such ballot papers will be mixed with other ballot papers at the counting station before vote counting. Please refer to paras. 4.60 to 4.66 of this chapter for the ballot paper sorting and delivery arrangements regarding the ballot paper sorting stations.

4.58 If the polling station is not a dedicated polling station, the PRO will deliver the sealed ballot boxes, sealed packets, ballot paper accounts, etc. (see

para. 4.57 of this chapter) to the Officer-in-charge of the relevant counting station under police escort. For a dedicated polling station, the PRO will deliver the sealed ballot boxes, sealed packets, ballot paper accounts, etc. (see para. 4.57 of this chapter) to the Officer-in-charge of the relevant sorting station, or to the Officer-in-charge of the relevant counting station directly (as the case may be) under police escort. [S 53A(6), (7) and (8) of the EP (RRE) Reg]

4.59 Not more than two persons among the candidates, election agents, polling agents or counting agents may be allowed to accompany in the delivery mentioned in para. 4.58 of this chapter. If more than two such persons wish to accompany in the delivery, the PRO will draw lots to determine the accompanying persons. Other candidates and their agents are allowed to remain in the polling station only 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 Stations

4.60 In a rural ordinary election, or a rural by-election where the DHA considers it appropriate, ballot paper sorting stations will be set up by the HAD for sorting ballot papers received from dedicated polling stations according to the Rural Area before the ballot papers are delivered to the relevant counting stations for counting of votes. The EAC may appoint an ARO to preside at a ballot paper sorting station. The ARO 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 28(1)(c), 55(1), (2A) and 57(1A) of the EP (RRE) Reg]

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

(a) members of the EAC;

(b) the DHA;

(c) the RO;

(d) the AROs;

(e) the PRO and staff of the ballot paper sorting station;

(f) the CEO;

(g) candidates and their election agents and counting agents;

(h) public officers (including police officers) and members of the CAS on duty at the ballot paper sorting station; and

(i) any person authorised in writing by the RO or a member of the EAC.

[S 58(3) of the EP (RRE) Reg]

4.62 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** 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. [S 81 of the EP (RRE) Reg]

4.63 Except with the express permission of a member of the EAC, the DHA or the ARO in charge of the relevant ballot paper sorting station, it is an offence for anyone to take photographs, film or make any video or audio recording within the counting zone during the sorting process. [S 59(2) of the EP (RRE) Reg]

4.64 Any person who misconducts himself in a ballot paper sorting station or the vicinity of a ballot paper sorting station, or fails to obey any lawful order of the ARO who presides at the ballot paper sorting 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 ARO to leave the area immediately. A person misconducts himself if he disrupts the sorting of ballot papers or disturbs or causes inconvenience to other persons in the ballot paper sorting station. The ARO may also order a person to leave the ballot paper sorting station immediately 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 ARO. Any person so removed is not allowed to re-enter the relevant ballot paper sorting station on that day except with the express permission of the ARO. [Ss 59 and 89(1) of the EP (RRE) Reg]

Sorting of Ballot Papers

4.65 The ARO presiding at the ballot paper sorting station will, in the presence of the candidates, their election agents or counting agents, sort the ballot papers received from dedicated polling stations. The ARO will check whether the ballot boxes and sealed packets are properly sealed. Afterwards, the ARO will break the seals on the ballot boxes in the presence of the candidates or their agents, and then open the ballot boxes and empty all the contents in the ballot boxes onto the sorting table. After the ballot boxes are opened by the ARO, the candidates and their agents may request to inspect any paper other than the ballot

papers taken out from the ballot boxes before the paper is disposed of by the ARO. **At no time should a candidate and his agents touch any ballot papers**.

4.66 The ARO presiding at the ballot paper sorting station will:

(a) open the ballot boxes received from dedicated polling stations;

(b) sort the ballot papers in each ballot box according to Rural Area;

(c) count and record the number of ballot papers for each Rural Area;

(d) verify the ballot paper account by comparing it with the number of ballot papers of the respective Rural Area recorded under (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 ballot papers of the respective Rural Area recorded under (c) of this paragraph;

(g) make into separate bundles the sorted ballot papers together with the relevant statement prepared under (f) of this paragraph;

(h) place each bundle of ballot papers and statement in a separate receptacle and seal it in the presence of the people present at the counting zone;

(i) arrange the receptacles to be delivered to the officers-in-charge of the respective counting stations of the relevant Rural Areas[34]; and

(j) send to the DHA the ballot paper accounts, the statements prepared under (e) of this paragraph and the sealed packets made up under para. 4.57 of this chapter.

[S 60A of the EP (RRE) Reg]

PART XIV : COUNTING ARRANGEMENTS

4.67 The Officer-in-charge of the counting station will first check whether all the ballot boxes or receptacles and sealed packets are properly sealed. Afterwards, the Officer-in-charge will, in the presence of the candidates or their agents (if present), break the seal on each ballot box or receptacle one by one, and then open the ballot boxes or receptacles, and empty all the contents in the ballot boxes or receptacles onto the counting table. After the ballot boxes or receptacles are opened by the Officer-in-charge, the candidates and their agents may request to inspect any paper other than ballot papers taken out from the ballot boxes or receptacles before the paper is disposed of. **At no time should a candidate and his agents touch any ballot papers.** [S 60 of the EP (RRE) Reg]

4.68 The Officer-in-charge of the counting station will open the ballot boxes or receptacles and:

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[34] After opening the ballot boxes delivered from dedicated polling stations and sorting the ballot papers therein according to each Rural Area, if the ARO presiding at the ballot paper sorting station has ascertained that no elector of a certain Rural Area has cast any vote in the dedicated polling stations, he will arrange to inform the Officer-in-charge of the relevant counting station that no ballot paper of the Rural Area concerned will be delivered to that counting station.

(a) after opening the ballot boxes and receptacles from a dedicated polling station, take out the ballot papers from the envelopes if envelopes for containing ballot papers are used in the election, count and record the number of ballot papers from the dedicated polling station's ballot boxes and receptacles and verify the number of ballot papers by comparing it with the ballot paper account from the dedicated polling station;

(b) after opening the envelopes in the receptacles from a ballot paper sorting station, count and record the number of ballot papers in the receptacles and verify the number of ballot papers by comparing it with the statement prepared by the ARO presiding at the ballot paper sorting station;

(c) prepare a statement in writing as to the result of the verification under (a) and (b) of this paragraph;

(d) arrange to mix the ballot papers in (a) and (b) of this paragraph with other ballot papers in at least one of the ballot boxes from a polling station other than a dedicated polling station;

(e) decide which of the following methods is to be used for the counting of votes:

(i) Method I: Ballot papers will be separated with reference to the candidate for whom the vote has been recorded and placed into the relevant box, and then the valid ballot papers will be counted.

(ii) Method II: All valid ballot papers will firstly be separated from other ballot papers and then be counted with the use of a computer.

(iii) Method III: The choice(s) marked on each valid ballot paper will be recorded in a form or forms.

(f) in the course of counting of votes under (e) of this paragraph, the invalid ballot papers and questionable ballot papers will be handled in accordance with paras. 4.76 to 4.79; and the valid votes on the questionable ballot papers as determined by the Officer-in-charge will count towards the final counting results; and

(g) after counting the votes in accordance with the methods mentioned in (e) of this paragraph, verify the number of ballot papers cast at the polling station other than a dedicated polling station by comparing it with the ballot paper account for that station; and prepare a statement in writing as to the verification result.

[Ss 60, 60B and 61 of the EP (RRE) Reg]

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

(a) members of the EAC;

(b) the DHA;

(c) the RO;

(d) the AROs;

(e) the PRO and counting staff of the counting station;

(f) the CEO;

(g) candidates and their election agents and counting agents;

(h) public officers (including police officers) and members of the CAS on duty at the counting station; and

(i) any person authorised in writing by the RO or a member of the EAC.

[S 58(3) of the EP (RRE) Reg]

The Officer-in-charge of a counting station will designate an area inside the counting station where members of the public may observe the counting of votes ("the public area"). However, if the Officer-in-charge of the counting station considers that the presence of a person may cause disorder or disturbance in the counting station, disrupt the counting of the votes or prejudice the secrecy of individual votes, that person may not stay in the public area to observe the counting of votes. [S 58(5) of the EP (RRE) Reg]

4.70 Members of the public and the media may enter the public area of the counting station to observe the counting of votes but are not allowed to enter the counting zone. In order to keep order at the counting station, the Officer-in-charge of the counting station will set a maximum capacity of the public area and display a notice setting out such capacity outside the counting station. Once the maximum capacity is reached, the Officer-in-charge of the counting station shall cease to admit any further members of the public.

4.71 Besides, members of the public (including the media) may take photos and/or videos inside the public area of the counting stations (excluding the counting zone). On the other hand, video recording systems will be installed at counting stations (including the counting zone) to record the actual situation of the counting station (including the public area) for record purposes.

4.72 Except with the express permission of a member of the EAC, the DHA or the Officer-in-charge (as the case may be), a person commits an offence if he takes photos, films or makes any audio or video recording within the counting zone during the counting of votes at the zone. [Ss 59(2) and 89(1) of the EP (RRE) Reg]

4.73 Except for police officers, CSD officers, officers of any law enforcement agencies, and members of the CAS on duty, every person permitted to stay in a counting zone must make a **Declaration of Secrecy** on the specified form before entering the counting zone, and comply with 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 81 of the EP (RRE) Reg]

4.74 Any person who misconducts himself or fails to obey the lawful orders of the Officer-in-charge of a counting station at 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 Officer-in-charge of the counting station 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 Officer-in-charge of the counting station may also order a person to leave the counting station immediately if a person's conduct at the counting station is not in line with the purpose authorised or permitted for his entry to or stay at 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 Officer-in-charge. Any person who is removed may not enter that counting station or its vicinity before the counting of votes at the station is finished, except with express permission of the Officer-in-charge. [Ss 59 and 89(1) of the EP (RRE) Reg]

4.75 The cumulative voter turnout announced on polling day is an estimated figure based on the statistics on ballot papers issued to electors by polling staff

at the ballot paper issuing desks (see para. 4.29 of this chapter). The relevant number may not tally with the number of ballot papers in the ballot boxes for different reasons. For instance, it does not take into account the numbers of ballot papers endorsed as "TENDERED" [35] issued at the PRO desks, the "UNUSED" [36] ones which were left behind and not put into the ballot boxes (see paras. 4.44 and 4.46 of this chapter), etc. After adding the number of "TENDERED" ballot papers and deducting the number of "UNUSED" ballot papers, the total voter turnout should, in principle, tally with the number of ballot papers in the ballot boxes[37]. However, a discrepancy may occur between the two numbers if any ballot paper was taken away without authorisation and consequently not put into a ballot box. In any event, the counting results will only be based on the actual number of ballot papers in the ballot boxes, while the cumulative voter turnout is for reference only.

Invalid Ballot Papers

4.76 A ballot paper is invalid if:

(a) it is unmarked;

(b) it is not marked with the chop provided by the polling station;

(c) it is endorsed with the words "**TENDERED**" and "**重複**";

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[35] "TENDERED" ballot papers are issued at the PRO desks. They are not counted in the cumulative voter turnout, but are put into the ballot box and included in the number of ballot papers actually counted from the ballot box.

[36] Ballot papers are occasionally found 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.

[37] See para. 4.45 of this chapter. Ballot papers issued to electors in replacement of "SPOILT" ballot papers are also issued at the PRO desk. Since the "SPOILT" ballot papers to be kept in the PRO's custody were issued at the ballot paper issuing desks, and therefore they have been counted in the cumulative voter turnout. As for the ballot papers issued to electors by the PRO in replacement of "SPOILT" ballot papers, they will be put into the ballot box and hence subsequently included in the number of ballot papers actually counted from the ballot boxes.

(d) it is endorsed with the words "**UNUSED**" and "**未用**";

(e) it is endorsed with the words "**SPOILT**" and "**損壞**"; or

(f) it contains votes for a number of candidates exceeding the number of RR or RRs to be returned for the Rural Area at the election concerned.

The above-mentioned ballot papers will be set aside and will neither be counted, nor treated as questionable ballot papers. [Ss 61(2)(b) and 62 of the EP (RRE) Reg]

Questionable Ballot Papers

4.77 Ballot papers which appear to fall under the following categories will be considered as questionable ballot papers, and must be separated and forwarded to the Officer-in-charge of the counting station to determine 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 Officer-in-charge:

(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 (as the case may be), i.e. not marked by affixing the chop to give a single "✓" in the circle/each of the circles opposite the name(s) of the candidate(s) of the elector's choice on the ballot paper. However, if the Officer-in-charge is satisfied that the intention of the elector is clear, the relevant ballot paper may still be regarded as valid even though the "✓" mark is not placed inside the circle;

(c) it is substantially mutilated; or

(d) it is void for uncertainty

[Ss 48(1)(b), (2)(b), (3)(b), (4)(b), 61(2)(a), 62 and 63(3) of the EP (RRE) Reg]

4.78 The validity of all questionable ballot papers shall be determined by the Officer-in-charge of the counting station. The Officer-in-charge will invite the candidates, election agents or counting agents present to participate in the determination process of questionable ballot papers. [Ss 63(1) and (2) of the EP (RRE) Reg]

4.79 When deciding on the validity of the ballot papers as mentioned in para. 4.77(a) of this chapter, the Officer-in-charge 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 on the ballot paper in the said election petition was considered a mark by which the identity of the elector could possibly be identified. However, the validity of ballot papers with any other writings or marks will remain to be determined by the Officer-in-charge on a case-by-case basis. The specific determination process will be conducted in the following manner:

(a) the Officer-in-charge of the counting station will inform the candidates, election agents or counting agents of his initial decision on the validity of each questionable ballot paper. The candidates and their agents (if present in the counting zone) may inspect and make representations concerning the questionable ballot papers;

(b) the Officer-in-charge will then consider their representations and make a final decision on the validity of these questionable ballot papers (see para. 4.80 of this chapter);

(c) if the Officer-in-charge decides that a particular questionable ballot paper is invalid and, therefore, not to be counted, he must endorse on

the front of the ballot paper the words "rejected" and "不予接納". In that case, if any candidate or his agent objects to the Officer-in-charge's final decision, the Officer-in-charge must also endorse the words "rejection objected to" and "不予接納的決定遭反對" on the front of that ballot paper;

(d) if any candidate or election agent objects to the decision of the Officer-in-charge to count a questionable ballot paper, the Officer-in-charge must endorse the words "acceptance objected to" and "予以接納的決定遭反對" on the front of that ballot paper; and

(e) the Officer-in-charge shall prepare a statement to record his decisions made in respect of all questionable ballot papers.

[Ss 48, 61(2)(a), 63(1), (2), (4), (5) and (6) of the EP (RRE) Reg]

4.80 The decision of the Officer-in-charge of the counting station in regard to any question arising in respect of any ballot paper **shall be final**, subject to an election petition lodged by the relevant person (see Part II of Chapter 5). [S 63(8) of the EP (RRE) Reg and s 39 of the RREO]

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

Request for a Re-count

4.82 After a count, when there is only one counting station for a Rural Area, the Officer-in-charge of the counting station will make known the counting results to the candidates, their election agents or counting agents (if present). The candidates or election agents may request the Officer-in-charge of the counting station to re-count the votes, and the Officer-in-charge shall comply with such request unless he is of the opinion that the request is unreasonable. If

the Officer-in-charge is a PRO, the PRO must report to the RO appointed for the Rural Area concerned the result of the counting of votes and re-count (if any). The above also applies when there are two or more counting stations for a Rural Area. If there are two or more counting stations for a Rural Area, the RO will make known the result to the candidates, their election agents or counting agents present at the place specified by the RO after the RO has obtained the results of all counting and re-count (if any). These candidates or their election agents may request the RO to re-count the votes of all counting stations for the Rural Area concerned, and the RO shall comply with such request and inform the PROs of all counting stations for the Rural Area concerned to conduct a re-count at their respective stations at the same time unless the RO is of the opinion that the request is unreasonable. If the RO presides at one of the counting stations for the Rural Area, the RO shall conduct a re-count at the station and inform the PRO of the other counting stations for the Rural Area concerned to conduct a re-count at their respective stations at the same time. [Ss 65 and 65A of the EP (RRE) Reg]

PART XV : DECLARATION OF RESULTS

4.83 When the counting of votes and re-counts (if any) is completed and the results are obtained, the RO shall declare the result. If, after the counting of votes in respect of an election for a Rural Area is finished, the successful candidate(s) remaining have an equal number of votes exceeding the number of RRs to be elected, the RO will determine the result of the election by drawing lots (see Part III of Chapter 2 for detailed procedures for the drawing of lots). The candidate(s) on whom the lot fall(s) is/are to be returned for the Rural Area at the election. The RO shall display a notice of the result of the election at a prominent place outside each of the counting stations for the Rural Area concerned. The result of the election shall also be published in the Gazette

within ten days of the declaration of the result. [S 31(6) of the RREO and ss 66 and 67 of the EP (RRE) Reg]

PART XVI : DISPOSAL OF DOCUMENTS AND BALLOT PAPERS

4.84 After ascertaining the result of the poll in an election, the Officer-in-charge of the counting station should, as soon as practicable, pack and seal all the relevant documents and ballot papers. 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 delivered to the DHA for his safe custody for at least six months from the date on which the result of the rural election to which they relate is declared before destruction. **Except pursuant to a court order** in relation to an election petition or a criminal proceeding, **no person may inspect any ballot paper in the custody of the DHA**. [Ss 68, 69, 70 and 71 of the EP (RRE) Reg]

PART XVII : POSTPONEMENT OR ADJOURNMENT OF THE POLL OR THE COUNT OF VOTES

4.85 The EP (RRE) Reg provides for the postponement or adjournment of the polling or counting of votes for all or particular polling/counting stations of an RR election.

4.86 Regarding the postponement or adjournment of **polling at all polling stations and/or counting of votes at all counting stations**, if, during or before the poll or the count in respect of the RR election, the EAC is of the opinion that the poll or the count is likely to be or is being obstructed, disrupted, undermined or seriously affected by (a) a typhoon or other climatic 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, the EAC may postpone or adjourn the poll or the count. [S 72(1) and (2) of the EP (RRE) Reg]

4.87 Regarding the **polling at a particular polling station or the counting of votes at a particular counting station**, if, at any time during the polling or counting of votes of an RR election, the PRO for the polling station or the Officer-in-charge of the counting station is of the opinion that the poll at the polling station or the count at the counting station is likely to be or is being obstructed, disrupted, undermined or seriously affected by (a) a typhoon or other climatic condition of a serious nature; (b) riot or open violence or any danger to public health or safety; or (c) an occurrence which appears to the PRO/Officer-in-charge to be a material irregularity relating to the election, the poll or the count concerned, then the PRO of the polling station/Officer-in-charge of the counting station may, after consulting the RO, adjourn the poll at that polling station or the count at that counting station. [S 73 of the EP (RRE) Reg]

4.88 If the poll or count of votes has to be postponed or adjourned, the EAC must appoint a date for holding the polling or counting 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 poll or the count will usually be postponed or adjourned to the fallback polling day on 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 poll or count. [S 77 of the EP (RRE) Reg]

PART XVIII : RURAL BY-ELECTION TO BE HELD

4.89 In respect of rural by-elections, the EAC must, in accordance with regulations in force under the RREO, arrange for a rural by-election for a Rural Area to be held in the following circumstances and not otherwise:

(a) on the making of a declaration by the DHA as to the existence of a vacancy in the office of RR for a Rural Area;

(b) on the making of a declaration by the RO that the election for a Rural Area has failed; and

(c) on the making of a declaration by the RO that the proceedings for an election for a Rural Area have been terminated.

[S 21 of the RREO]

4.90 There is no provision in the subsisting law regarding the holding of any by-election to cater for the event that a poll or count of an RR election has to be postponed or adjourned due to the circumstances mentioned in paras. 4.86 to 4.87 of this chapter but cannot be held within the 14 days after the scheduled date as stipulated in the law.

CHAPTER 5

ELECTION PETITIONS

PART I : GROUNDS FOR LODGING AN ELECTION PETITION

5.1 The result of the RR election may be questioned only by an election petition filed on the following grounds:

(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.

[S 39(1) of the RREO]

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

5.2 An election petition may be lodged:

(a) by five or more electors entitled to vote at the election; or

(b) by a person claiming to have been a candidate at the election.

[S 40 of the RREO]

5.3 An election petition must be lodged with the CFI 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 43(1) of the RREO and s 71(1A)(a) of the Interpretation and General Clauses Ordinance (Cap. 1)]

5.4 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, and announce its determination by means of a written judgment. [Ss 42(2), 45(1), (2) and (3) of the RREO]

5.5 An appeal against the decision of the CFI may be lodged by the applicant to the Court of Final Appeal ("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 the 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, and announce its determination by means of a written judgment. [Ss 43(2) and 45B of the RREO]

CHAPTER 6

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

PART I : GENERAL

6.1 This chapter illustrates 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.

6.2 To ensure the secrecy of voting, except for an elector, a child accompanying 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 the specified form before entering the station and observe the requirements governing the secrecy of voting. [Ss 81 and 82 of the EP (RRE) Reg]

6.3 If a candidate or his agent(s) wishes to lodge any complaint about whatever happens inside a polling station, he should follow the procedures laid down in Chapter 19 on Complaints Procedures.

PART II : TYPES AND NUMBERS OF AGENTS

6.4 A candidate may appoint the following four types of agents to assist him in standing for 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 Rural Area 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 RO[38].

[Ss 22(1), 23(1), 36(1), (1A) and 56(2) of the EP (RRE) Reg]

PART III : QUALIFICATIONS OF AGENTS

6.5 The election agents, polling agents and counting agents must 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 22(2), 23(2), 36(3) and 56(3) of the EP (RRE) Reg]

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[38] The number of counting agents to be specified by the RO will be stated in the specified form for the appointment of counting agents.

PART IV : CIVIL SERVANTS ACTING AS AGENTS

6.6 When acting as an agent for a candidate or participating in his electioneering activities, civil servants and non-civil service government staff[39] should see Part I of Chapter 18.

PART V : ELECTION AGENT

Appointment and Revocation

6.7 When appointing an election agent, a candidate must note the following:

(a) after submitting his own nomination form, a candidate may appoint **one** election agent to assist him and to act on his behalf to handle affairs related to his standing for election;

(b) the notice of appointment of an election agent must be in the specified form, signed by both the candidate and the election agent, and delivered to the RO by hand, by post, by email or by fax transmission. If the notice of appointment is given on the polling day, it could not be delivered to the RO by post;

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

(c) if a candidate wishes to replace or revoke the appointment of an election agent, he must be in the specified form and deliver it in the manner as described in (b) of this paragraph; and

(d) the appointment or revocation of an election agent is not effective until such notice is received by the RO.

[Ss 22(1), 24(2), (3), (4), (5), (6) and (7) of the EP (RRE) Reg]

Notification

6.8 As soon as practicable after the receipt of a notice of appointment of an election agent by a candidate, the RO will send a notice containing the name and address of the election agent to every other candidate (including a person who is being or has been nominated to stand for the election concerned). The RO must also display outside his office a notice of the particulars of the election agents. [Ss 24(8) and 25 of the EP (RRE) Reg]

Role

6.9 An election agent ranks in the **most important position** amongst all types of agents of a candidate. Except the following matters, he has the **authority to handle all matters a candidate is authorised to handle** for the election under the EP (RRE) Reg:

(a) to sign the nomination form or make any requisite declaration;

(b) to sign a notice of withdrawal of candidature as the candidate;

(c) to appoint an election agent;

(d) to appoint an election expense agent;

(e) to incur election expenses (unless he has also been appointed as an election expense agent by the candidate);

(f) to revoke the appointment of an election agent or election expense agent; and

(g) to be present in a dedicated polling station situated in a maximum security prison.

[S 22(3) and (4) of the EP (RRE) Reg, and s 23(1) of the ECICO]

NOTE:

An election agent and the candidate must share the responsibility for managing the electioneering activities. A candidate is responsible for all the acts of the 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.

6.10 Election agents are allowed admission to the polling stations, counting stations and ballot paper sorting stations of the Rural Areas for which the candidates are concerned and have the right to observe the polling and counting of votes. However, they must comply with the requirements applicable to polling agents and/or counting agents (see Parts VII and VIII of this chapter).

6.11 To maintain order inside 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 37(2) of the EP (RRE) Reg]

Arrangements for Entering Dedicated Polling Stations

6.12 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 can enter dedicated polling stations situated in maximum security prisons to observe the poll;

(b) only **one** election agent or polling agent can be appointed to enter a dedicated polling station situated in a penal institution which is not a maximum security prison to observe the poll. Hence, (i) 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 cannot appoint a polling agent in respect of that polling station; and (ii) if a candidate has appointed a polling agent for a dedicated polling station situated in a penal institution, the election agent cannot enter the polling station.

An application for an election agent or a polling agent to enter a dedicated polling station situated in a penal institution must be in the specified form, signed by the candidate and/or the election agent, and delivered to the RO 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; and

(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 the election agent as soon as practicable.

[Ss 22(3), (3A), (3C), 36(5), 37(1A), (1B), (1D) and (6B) of the EP (RRE) Reg]

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

(a) an imprisoned or detained elector in the Rural Area 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 had been admitted or transferred to a penal institution, the notice of appointment of an election agent or 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. 6.12(b) of this chapter. [Ss 22(3B) and 37(1C) of the EP (RRE) Reg]

6.14 The HAD will post and update on RR Election website (www.had.gov.hk/rre) the number of registered electors who are imprisoned or detained in individual penal institutions daily from Monday to Friday (except general holidays) starting from three weeks before the polling day and on the Saturday immediately before the polling day for the reference of candidates or election agents.

PART VI : ELECTION EXPENSE AGENTS

Appointment and Revocation

6.15 When appointing an election expense agent, a candidate must note the following:

(a) a candidate may appoint **any number** of election expense agents to incur election expenses on his behalf in an election;

(b) unless revoked, the relevant appointment 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) the notice of appointment of an election expense agent must be in the specified form, signed by both the candidate and the election expense agent, and delivered to the RO by hand, by post, by email or by fax transmission. If the notice of appointment is given on the polling day, it could not be delivered to the RO by post;

(d) if a candidate wishes to revoke the appointment of an election expense agent, he must complete the notice of revocation and deliver it in the manner as described in (c) of this paragraph;

(e) the appointment or revocation of appointment of an election expense agent is not effective until such notice is received by the RO or the DHA (as the case may be);

(f) no election expenses should be incurred by a person purporting to be appointed as an election expense agent before the appointment of an election expense agent becomes effective; and

(g) the election expenses already incurred before the revocation 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, and ss 23, 24(1), (2), (3), (4), (5), (7) and 26 of the EP (RRE) Reg]

6.16 It is an **offence** for any person other than a candidate or an 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

6.17 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 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 commits a criminal offence. [Ss 23(4) and 24 of the ECICO]

Details of Declaring Election Expenses

6.18 A candidate[40] (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** submit to the DHA an election return with supporting documents as prescribed by the law, failing which he shall bear criminal liability. The candidate must ensure that the election return is lodged before the expiry of the period of 30 days after the date on which the last of the following events occurs:

(a) the result of the election is notified in the Gazette;

(b) the proceedings for the election are declared to have been terminated;

(c) the election is declared to have failed,

or lodged within such extended period as may be allowed by the CFI under the relevant law (see Part V of Chapter 15). [S 37(1), (1L), (1M) and (1N) of the ECICO]

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[40] 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.

6.19 When declaring election expenses, candidates and election expense agents must note the following:

(a) the candidate must **make sure** that 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. 6.18 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 donor, the candidate must **make sure** that the election expense agent will provide him with a report 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 for the donation (in a standard form signed by the candidate) issued by the candidate to the donor must be submitted together with the election return as proof.

Should any election expense agents fail to provide such statements together with the related invoices and/or receipts mentioned in paragraphs (a), (b) and (c) above (as the case may be), the candidate will have difficulty in discharging his duty to lodge the election return, and he may violate s 38 of the ECICO. [S 37(2)(b) of the ECICO]

Public Inspection of Notices of Appointment of Election Expense Agents

6.20 The RO or the DHA (as the case may be) will make all copies of the appointment of election expense agents available for public inspection until the

deadline for which copies of the election return are available for inspection, i.e. ending with the 30th day before the first anniversary of the date of the deadline for lodging the relevant election return. [Ss 37(1L) and 41(6) of the ECICO]

PART VII : POLLING AGENTS

Appointment and Revocation

6.21 When appointing a polling agent, a candidate or an election agent must note the following:

(a) a candidate or an election agent may appoint **a maximum of two polling agents** for each polling station (other than a dedicated polling station situated in a penal institution) of the Rural Area for which the candidate is nominated;

(b) the persons appointed as polling agents may also be appointed as counting agents;

(c) the notice of appointment of a polling agent must be in the specified form, signed by the candidate or the election agent and the polling agent, and delivered to the relevant RO by hand, by post, by email or by fax transmission at least **seven days** before the polling day;

(d) upon the expiry of the deadline specified in (c) of this paragraph, if a candidate or an election agent wishes to appoint a polling agent, he must deliver it **in person** to the relevant PRO **on the polling day**;

(e) the appointment of a polling agent may be revoked by the candidate or the election agent at any time:

(i) if the appointment is revoked before the polling day, the candidate or the election agent must be in the specified form and deliver it in the manner as described in (c) of this paragraph;

(ii) if the appointment is revoked **on the polling day**, the candidate or the election agent must be in the specified form and deliver it in the manner as described in (d) of this paragraph. If the candidate or the election agent gives notice of revocation for 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 RO by hand, by email or by fax transmission; and

(f) the appointment or revocation of a polling agent is not effective until such notice is received by the relevant RO or PRO (as the case may be).

[S 36(1), (1A), (2), (4), (5), (6), (7), (7A), (7B) and (9) of the EP (RRE) Reg]

Role

6.22 Polling agents are appointed **to assist a candidate in observing the conduct of the poll** in order to avoid impersonation in relation to voting or other irregularities at polling stations.

Requirements that must be Aware of

6.23 Polling agents must note the following:

(a) each candidate may only have one polling agent as his representative to enter the polling station for which he has been appointed at one time;

(b) inside a polling station, polling agent is required to stay and keep his movements within the area designated for observation of the poll and not outside;

(c) where a candidate or an 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; and

(d) in respect of the procedures and arrangements for entering a dedicated polling station situated in a penal institution, see paras. 6.12 to 6.14 of this chapter.

[S 37(4), (5) and (6) of the EP (RRE) Reg]

6.24 Generally speaking, a polling agent may observe the whole conduct of the poll 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 during the poll, 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. 6.23 of this chapter);

(c) subject to para. 6.25(b) of this chapter, observe the issue of ballot papers to electors, subject to the condition that he will not interfere with the work of the polling staff;

(d) where there is reasonable ground for questioning the genuine identity of a person and the qualification of an elector, request the PRO to ask the appropriate questions prescribed in para 4.25 of Chapter 4 to that person at the time of his application for the issue of a ballot paper (but not afterwards); and

NOTE:

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

(e) where there is a reasonable cause to believe that a person who has applied for the issue of 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 43(2), (3), (4) and 44(1) of the EP (RRE) Reg]

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

(a) interfere with or attempt to influence any elector;

(b) communicate with any elector, or attempt to interfere with any ballot boxes, ballot papers, the EPR System and its backup storage device (if used), the marked copy of the FR of electors 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 HKID number or check his HKID;

(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 requirements governing the secrecy of voting issued with the form of declaration of secrecy;

(e) exhibit, leave or distribute any electioneering promotion materials;

(f) display or wear any promotional materials; and

(g) use a mobile phone, paging machine or any other form of communication device.

[Ss 38 and 82 of the EP (RRE) Reg]

6.26 Polling staff, candidates, election agents and polling agents must wear an identification article 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 of any person, including electors who are about to vote or have voted. [Ss 37 and 82(1)(e) of the EP (RRE) Reg]

6.27 Polling agents should see Parts II to XI of Chapter 4 on matters relating to polling and, in particular, the relevant part for activities that are prohibited, and the consequences of conducting such activities in a polling station.

PART VIII : COUNTING AGENTS

Appointment and Revocation

6.28 When appointing a counting agent, a candidate or an election agent must note the following:

(a) a candidate or an election agent may appoint not more than such number of counting agents as specified by the RO, normally one. Counting agents may attend at a counting station to observe the counting of votes, as well as the sorting of ballot papers received from dedicated polling stations 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 a counting agent must be in the specified form, signed by the candidate or the election agent and counting agent, and delivered to the RO by hand, by post, by email or by fax transmission at least **three days** before the polling day;

(d) upon the expiry of the deadline specified in (c) of this paragraph, if a candidate or an election agent wishes to appoint a counting agent, he

must deliver it **in person** to the officer-in-charge of the relevant counting station **on the polling day**;

(e) the appointment of a counting agent may be revoked by the candidate or the election agent at any time:

(i) if the appointment is revoked before the polling day, the candidate or the election agent must be in the specified form and deliver it in the manner as described in (c) of this paragraph;

(ii) if the appointment is revoked **on the polling day**, the candidate or the election agent must be in the specified form, and deliver it in the manner as described in (d) of this paragraph; and

(f) the appointment or revocation of a counting agent is not effective until such notice is received by the RO or the officer-in-charge of the relevant counting station (as the case may be).

[S 56(1), (2), (4), (5), (6), (7), (8) and (9) of the EP (RRE) Reg]

Role

6.29 Counting agents are responsible for assisting the candidates:

(a) observing in the counting stations the breaking of the seals on the ballot boxes, the sorting, separation and counting of ballot papers, and the 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 ballot boxes received from dedicated polling stations and the sorting of the envelopes in the ballot boxes which contain ballot papers cast at the dedicated polling stations.

Provisions that must be Noted

6.30 A counting agent may be present throughout the count to observe the entire procedure of counting of votes but must not touch, handle, separate or arrange any ballot paper. A counting agent in a counting station **may**:

(a) observe the procedures of breaking the seals on the ballot boxes and opening the ballot boxes for the Rural Areas;

(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 votes recorded on individual ballot papers are counted;

(d) observe the determination of ballot papers as questionable ballot papers; and

(e) observe the packing of ballot papers at the conclusion of the count.

[S 63(1) of the EP (RRE) Reg]

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

(a) observe the procedures of opening the ballot boxes received from dedicated polling stations;

(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 envelopes containing cast ballot papers in each ballot box;

(d) observe the sorting of the aforesaid envelopes according to each Rural Area; and

(e) observe the sealing of the receptacles containing the sorted envelopes for delivery to the respective counting stations of the relevant Rural Areas for counting of votes.

6.32 Counting agents should see Parts XIII and XIV of Chapter 4 on matters relating to sorting of ballot papers and counting of votes and, in particular, the relevant part on activities that are prohibited, and the consequences of conducting such activities, within the ballot paper sorting stations and counting stations.

CHAPTER 7

ELECTION ADVERTISEMENTS

PART I : GENERAL

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

7.2 In accordance with the legislation and the requirements of the EAC, a candidate must upload an electronic copy of EA as well as the relevant information/documents to an open platform[41] maintained by the DHA or a person authorised by the DHA ("Central Platform") or an open platform maintained by the candidate(s) or a person authorised by the candidate(s) ("Candidate's Platform")[42] (see **Appendix 4**), or submit a copy to the RO for public inspection **within three working days after publication of the EA** (see para. 7.40 of this chapter).

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[41] "Open platform" means an Internet platform that the public has access without having to go through an access control process.

[42] 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 the Central Platform, the law permits candidates to upload the relevant hyperlinks to the above platforms to facilitate public inspection.

7.3 It is illegal conduct to publish false statements that a person is or is not a candidate or to publish false or misleading statements of fact about a candidate (see Part III of Chapter 16). Therefore, candidates must ensure that the contents of their EAs (including any statements that involve other candidates) are based on facts[43]. The EAC particularly reminds candidates to comply with the requirements of obtaining prior written consent of support from other persons or organisations as stipulated in Chapter 17. Candidates should seek independent legal advice if they are in doubt about the statutory requirements on EAs and election expenses. (For criminal sanctions, see ss 25, 26 and 27 of the ECICO.)

7.4 Generally, any form of publication issued by a third party, except a candidate, an election expense agent or a person authorised by them, with the purpose 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 such expenses in his election expenses; otherwise, it is an offence.

7.5 At present, online platforms are widely used to publish election-related opinions. Such opinions may constitute EAs and involve election expenses. In order to prevent such publishers from committing the offence of incurring election expenses without the candidate's prior written consent, the relevant legislation stipulates that if the only expenses incurred in publishing such messages are electricity charges and/or charges for the Internet access, such publishers are exempted from the criminal liability for the offence of incurring election expenses illegally. However, **it must be noted that** the exemption does not apply to candidates or election expense agents. All expenses incurred in publishing an EA on an Internet platform by a candidate, an election expense agent or a person authorised by them, including electricity charges and charges

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[43] In the 2019 District Council ("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 the EAs was not duly elected.

for the Internet access, must be counted as the candidate's election expenses. [S 23(1) and (1A) of the ECICO]

PART II : WHAT CONSTITUTES AN ELECTION ADVERTISEMENT

7.6 An EA means:

(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,

published, in any form[44], for the purpose of promoting or prejudicing the election of a candidate or candidates at the election. [S 2 of the ECICO and s 2 of the EP (RRE) Reg]

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[44] The forms 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 and any 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 work programmes or services by referencing the name, photo, or any other forms of a candidate or candidates.

7.7 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 influence 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 regarded as having the intent of promoting the election of other candidates.

7.8 Therefore, messages published by any person (including a candidate) with the purpose of prejudicing the election of other candidates, and which contain references that enable the identification of the candidate(s) being prejudiced, will be regarded as an EA.

NOTE:

"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, whether he has withdrawn his nomination after submission of the nomination form, or whether his nomination is determined invalid by the RO. 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.

"Publish" means print, display, exhibit, distribute, post up, publicly announce or make publicly known by any other means, and includes continue to publish. Therefore, for any person who intends to stand as a candidate at the election, if he continues to publish 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 publicity materials previously published before he is nominated as a candidate or publicly declares an intention to stand for election.

Besides, any candidate has authorised the publication of an EA by another person, the EA is taken to have been published by that candidate.

[S 2 of the ECICO, and ss 2(2), 91(1) and (2) of the EP (RRE) Reg]

7.9 Any person or organisation, during or before the election period (i.e. from the first day of the nomination period to the day on which the polling ends, or to the day on which the RO must make the relevant declaration under s 29 of the RREO or s 19 of the EP (RRE) Reg[45]), any direct or indirect appeal, by any means, to electors to vote or not to vote for certain candidates or organisations or bodies which certain candidates belong to or are affiliated with, irrespective of whether they contain the names or photos of candidates, may also be regarded as EAs depending on the overall circumstances (e.g. such messages may enable electors to reasonably identify the candidate(s) referred in the messages).

7.10 Besides, 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 also regarded as an EA:

(a) the Chief Executive ("CE");

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[45] According to s 19 of the EP (RRE) Reg, if the following circumstances arise after the death or disqualification of a candidate for election for a Rural Area, the RO must declare that no poll is to be held for election for the Rural Area concerned:
(a) the number of candidates remaining validly nominated is equal to the number of RRs to be returned for the Rural Area at the election;
(b) no candidate remains validly nominated; or
(c) the number of candidates remaining validly nominated is less than the number of representatives to be returned for the Rural Area at the election.

(b) a member of the Election Committee ("EC");

(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) an RR.

Therefore, candidates must comply with the requirements on EAs by including the relevant expenses into election expenses. If the relevant person has publicly declared his intention to stand as a candidate at the election before the election period and published such documents, the same requirement applies. However, if the document is published before the relevant person submits a nomination form or publicly declares his intention to stand as a candidate at the election, and the purpose of publication is not to promote or prejudice a candidate's/candidates' election, it will not be regarded as an EA. [S 91(4) of the EP (RRE) Reg]

7.11 There is no restriction on the quantity of EAs to be published by a candidate, but the relevant expenses incurred, together with other election expenses, must not exceed the prescribed maximum amount; otherwise, it is an offence. The maximum amount of election expenses for the elections for the Rural Areas is specified in s 2 of the Maximum Amount of Election Expenses (Rural Representative Election) Regulation (see Part III of Chapter 15). [S 24 of the ECICO]

7.12 If the election expenses of a candidate are in excess of the prescribed maximum amount, 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 his relevant criminal liabilities if it is satisfied that the illegal conduct caused by the election expenses of a candidate being in excess of the prescribed maximum amount 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 subject to corresponding penalties/punishments under the principle of justice (see Part VI of Chapter 16). [S 31 of the ECICO]

PART III : PERIOD AND AREA OF DISPLAY

7.13 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)]

7.14 There are two types of display spots for EAs:

(a) **designated spots** which are located on government or privately owned land/property allocated by the Government to candidates; and

(b) **private spots** which are located outside government land/property and designated spot areas in respect of which written permission or authorisation for display must be obtained from the owner or occupier concerned by the candidate himself.

7.15 If the display of the relevant EA involves carrying out of building works (including erection of any signboard) in private premises/land, the building works must comply with the relevant requirements of the Buildings

Ordinance (Application to the New Territories) Ordinance (Cap. 121), or the Buildings Ordinance (Cap. 123) and the subsidiary regulations. Therefore, candidates are advised to consult building professionals on the compliance with the requirements of relevant legislation, and to carry out minor works in accordance with the simplified requirements under the "Minor Works Control System", depending on the nature, scale, complexity and safety risks of the works, or submit prescribed building plans to the Buildings Department and commence the works after obtaining approval for the plans and written consent from the Buildings Department. Besides, the provisions of which require prior approval and consent to the commencement of works from the Buildings Department under the "Minor Works Control System" and the Buildings Ordinance do not apply to any of the exempted buildings specified in a "Certificate of Exemption". However, any building or drainage works carried out in such exempted buildings must comply with all relevant conditions of the lease. If the lease stipulates that approval and/or consent is/are required for the works, the candidate must submit an application to the relevant District Lands Officer prior to the commencement of works. [S 7(1)(a) of the Buildings Ordinance (Application to the New Territories) Ordinance]

7.16 Except for the static display of EAs authorised by the RO (e.g. EAs displayed at designated spots) on the polling day, no EA could be displayed within the area of a polling station or within the **NCZ** (see Chapter 13). Where there are buildings situated within the NCZ, the ROs should issue a notice in advance to all candidates of the relevant Rural Areas reminding them to remove all the EAs displayed at the buildings within the NCZ before the polling day. Besides, displaying EAs on vehicles (whether the vehicles are moving or parked within the NCZ), or carrying portable EAs by persons, is also regarded as a canvassing activity prohibited within the NCZ. Therefore, if a candidate has arranged to display EAs on the windows or bodywork of any public service vehicles (e.g. public light buses, taxis, etc.) and such vehicles will move or be parked within the relevant NCZ on the polling day, the candidate must arrange

for the removal of such EAs before the polling day. If the candidate fails to remove the relevant EAs as requested by the RO, the RO may issue a warning, requesting him to remove the unauthorised EAs immediately. If the candidate does not comply, the EAC may issue a **reprimand** or **censure**. The RO will provide each candidate with one set of sketch maps or plans showing the areas of all polling stations in respect of the relevant Rural Area and all NCZs outside those polling stations.

Designated Spots

7.17 Designated spots are allocated by the relevant ROs for the candidates of **contested** Rural Areas to display their EAs, including the government land/property which have been allocated to public bodies (e.g. the Housing Authority) and are under their respective control. The ROs may draw up the designated spots on such land/property in coordination with those bodies. **Each candidate contesting in the same Rural Area** who has registered his interest in displaying EAs at designated spots, will be allocated **the same number of designated spots**.

7.18 Prospective candidates and political bodies are welcome to suggest to the ROs the locations for displaying EAs for 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 **not later than eight weeks before the polling day**.

7.19 **No display of EAs will be allowed at any designated spots before the allocation.** Other than EAs displayed at designated spots and in electioneering activities separately approved by the relevant authorities, the display of any 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, and a set of maps to help identify the locations for displaying EAs.

7.20 Candidates using the designated spots must 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 to the RR Election website (www.had.gov.hk/rre). To safeguard the safety of road users, candidates must ensure that EAs displayed do not distract motorists or interfere with the sight lines of motorists and pedestrians, or obscure any traffic signs or traffic light signals in a manner that obstructs the mobility of pedestrians.

7.21 The ROs will obtain prior approval from the relevant authorities for candidates to display their EAs at designated spots. After the allocation of designated spots, the ROs of the Rural Areas concerned will provide the candidates with a copy of that written permission or authorisation as required under the relevant statutory requirements immediately (see Part IV of this chapter). It is an offence for a person to display an EA without the necessary written permission or authorisation and is liable to a fine at level 4 ($25,000) and, where the offence continues, an additional daily penalty of $450 in the period during which the court believes that the offence has continued. A candidate must publish a copy of all the permissions or authorisations obtained by himself, as opposed to those provided by the ROs, for public inspection in the manner as set out in para. 7.40 of this chapter. [Ss 104A(1), (2), 150 of and Schedule 9 to the PHMSO, and s 4 of the Land (Miscellaneous Provisions) Ordinance]

Private Spots

7.22 If candidates display their EAs at places other than government land/property and designated spots, they must seek and **obtain written permission or authorisation** from the owner or occupier of those places by themselves. The relevant arrangement is solely a private arrangement between the candidate and the owner or occupier. However, copies of such permissions or authorisations must be published by the candidate for public inspection in the

manner as set out in para. 7.40 of this chapter (see para. 7.21 of this chapter). [S 104A(1) of the PHMSO]

7.23 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 normally used for commercial purposes,

the actual rent charged, or the usual rent that would generally be charged or market rent must 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).

7.24 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, under this circumstance, the provision of this kind of rent-free space should be regarded as election donation, and its market value should be counted as the candidate's election expenses. This requirement ensures that the candidate concerned will not have unfair advantage over the others who are unable to use the spot. For details on how the estimated value of the rent should be assessed, see Chapter 15.

7.25 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.

PART IV : ALLOCATION OF DESIGNATED SPOTS

7.26 When candidates submit the nomination forms, they can obtain from the ROs of the Rural Area on the general locations of the designated spots, which may include unleased government land, land and buildings managed by the Housing Bureau/Housing Department, and private land/property (if any). After the end of the nomination period, RO will, taking into account the number of candidates contested in the Rural Area, decide the number and size of designated spots available for allocation to candidates for the display of EAs. The allocation of designated spots would normally be held within five to ten working days after the end of the nomination period.

7.27 To enable the ROs of the respective Rural Areas to ascertain the number and size of designated spots available for allocation, candidates wishing to display EAs at designated spots **must register their interests in writing by lodging a completed form to the relevant ROs within the nomination period**. **Candidates who fail to submit such form by the end of the nomination period will not be allocated any designated spots. Besides, only validly nominated candidates of contested Rural Areas will be allocated with designated spots.**

7.28 Designated spots are allocated by drawing of lots, or by agreement among the candidates or their representatives of all the contested Rural Areas. Each candidate contesting in the same Rural Area will be allocated the same number and equal area of designated spots.

7.29 Subject to para. 7.31 of this chapter, designated spots allocated are neither transferable nor exchangeable among candidates. Where a candidate of a particular Rural Area no longer wishes to use any designated spots allocated to him, he should inform the RO concerned in writing within one week after the allocation of those spots. Upon the request by other candidates filed in

accordance with the procedures as set out in para. 7.27 of this chapter, the RO, if he considers appropriate, will re-allocate the designated spots by drawing of lots or by agreement to other candidates of the same Rural Area.

7.30 As a matter of principle, the designated spots allocated to a candidate will not be located outside the Rural Area in which he stands 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 Rural Area, the DHA may include designated spots outside the Rural Area of the by-election to ensure that a reasonable number of designated spots can be made available for allocation to the candidates concerned.

7.31 An EA advertising two or more candidates (whether from the same or different Rural Areas) jointly is allowed to be displayed separately at the designated spots allocated to the relevant candidates. Nevertheless, it is important to ensure that, for the relevant candidates, the total areas of all the spaces actually occupied for displaying all their EAs (including the joint EAs) at the designated spots (as measured by the dimension of EAs) should not exceed the total areas of the designated spots allocated to the candidates. A joint EA should not exceed the size restrictions specified in para. 7.33 of this chapter. As relevant candidates would all receive publicity benefits 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 advertisement occupied. Each candidate or election expense agent must have been mutually authorised by each other. Candidates must seek prior written consent of support from each other before publishing the joint EA (see Part I of Chapter 17). Besides, each of the candidates must make available a copy of the EAs, the written consent of support, and other relevant information/documents for public inspection in accordance with para. 7.40 of this chapter. [S 27 of the ECICO]

PART V : CONDITIONS AND LIMITATIONS ON DISPLAY OF ELECTION ADVERTISEMENTS

Name of the Rural Area

7.32 To avoid confusion to electors, all candidates of a Rural Area must state in the EAs (including joint EAs) the name of the Rural Area in which they contest. If EAs are illegally displayed at designated spots, the approval for the use of the relevant spots may be revoked.

Size

7.33 EAs at designated spots should not exceed 1 metre high and 2.5 metres long. If designated spots of the EAs are at roadside railings, the promotional messages printed on the relevant EAs must be **single-sided** and **facing the designated direction in display**.

Posting-up and Installation to Display Advertisements

7.34 The EAs must be separately and firmly fastened, posted up or displayed in such a way that they do not cause injury or death to any person or damage to any property. See the "Conditions for Display of Election Advertisements at Designated Spots" provided in the candidate's folder and uploaded to the RR Election website (www.had.gov.hk/rre).

7.35 When processing candidates' 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 of posters and banners;

(c) after the end of the nomination period, make enquiries to the ROs regarding the number of candidates contesting in the Rural Area;

(d) divide available spots equally to the number of candidates based on factors such as pedestrian flow, location and quantity, on the principle of fairness as far as practicable;

(e) when one of the candidates of the relevant Rural Area applies to display EAs, allocate the display spots by drawing lots or by agreement; and

(f) approve joint EAs if two or more candidates wish to display joint EAs, provided that the areas occupied do not exceed the size limits in (b) of this paragraph and the joint EAs are displayed only within the allocated spots.

7.36 Owners or occupiers of a property including a government body may specify the way in which EAs are displayed, and have the right to claim for an indemnity against any damage arising from the display of such EAs.

Re-use of Previous Publicity Boards

7.37 A candidate may re-use publicity boards used at a previous election. However, the candidate must ensure that the information on the publicity boards is accurate and applicable to the current election, and does not cause confusion to electors or breach any law due to failure in obtaining written consent of support from relevant parties. The cost incurred in refurbishing as well as the estimated value of such publicity boards must be counted as the candidate's election expenses.

Removal of Election Advertisements

Government Land/Property

7.38 Candidates must remove all their EAs displayed on government land/property **within ten days** following an election. Failure to do so within a specified period may result in prosecution against the candidates. Relevant authorities also have the rights to remove such EAs and 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 relevant **cost of removal of EAs** will be regarded as **election expenses**.

Private Land/Property

7.39 Candidates should notify the owners or occupiers of private land/property and the owners or operators of public service vehicles to arrange prompt removal of EAs after the election to avoid misunderstanding or inviting complaints from the public due to display of outdated EAs.

PART VI : REQUIREMENTS RELATING TO PUBLICATION OF ELECTION ADVERTISEMENTS

Copies for Public Inspection

7.40 A candidate must make available a copy of each EA and the relevant information/documents, including the publication information, permission or Consent of Support, for public inspection in a way as stipulated in **Appendix 4 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 the relevant information/documents to the Central Platform or the Candidate's Platform in accordance with the procedures set out in **Appendix 4**. If the candidate uses the Candidate's Platform, he must provide the **hyperlink** of the Candidate's Platform to the RO **at least three working days before the publication of the first EA** (see **Appendix 4**);

(b) provide the RO or the DHA (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 or conveniently produced in specie) and one hard copy of the information/documents related to the EA; or

(c) provide the RO or the DHA (if RO has yet been appointed) with two copies of a CD-ROM or DVD-ROM, each containing the same EAs and one hard copy of the information/documents related to the EAs.

NOTE:

Candidates who fail to comply with the above requirements commit an offence, and are liable to a fine at level 2 ($5,000) and to imprisonment for 6 months.

[S 92(2), (3) and (9) of the EP (RRE) Reg]

Publication Details

7.41 When submitting the information of EAs, candidates should provide information related to the printing/publication (i.e. the name and address of the printer, date of printing/publication and number of copies printed), see para. 1(c) of **Appendix 4**. Candidates must ensure that all the information provided is accurate. [S 92(4) and (6) of the EP (RRE) Reg]

7.42 If the information of EAs submitted contains any mistake, the candidate should submit the relevant amended information in the manner as set out in para. 7.40 of this chapter for public inspection. All the amended information must be uploaded to the relevant platform or deposited with the relevant RO **within three working days at the latest after the polling day**. The relevant amended information will be used as the basis for checking the candidate's election return and for removing unauthorised display of EAs. For the avoidance of doubt, any amendment to the content of an EA will be regarded as the publication of a new EA, candidates must comply with the requirements mentioned in Part VI of this chapter. If only a candidate number is added to a published EA, only the copy of the EA bearing the newly added content and the relevant amended information shall be made available for public inspection in accordance with this paragraph.

7.43 Speeches orally delivered by a candidate during election meetings or ad hoc visits will not be regarded as EAs, but speeches 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 applicable for publishing EAs.

7.44 In the case where multiple candidates use identical copies of an EA, each of the candidates should, in accordance with the relevant requirements, submit the relevant copies and information/documents of that EA in a manner as specified in para. 7.40 of this chapter for public inspection. [S 92(2) and (3) of the EP (RRE) Reg]

NOTE:

A candidate who chooses to adopt the method set out in para. 7.40(a) of this chapter for submitting the copies and information/documents of EAs must ensure that his Candidate's Platform can operate properly

and retains electronic copies of all EAs until the end of the public inspection period[46], see **Appendix 4** (including the important notes in paras. 16 to 19). [S 41(6) of the ECICO and s 92(2)(b) and (7) of the EP (RRE) Reg]

PART VII : TEMPORARY OCCUPATION OF GOVERNMENT LAND AT PUBLIC PLACE FOR HOLDING ELECTIONEERING ACTIVITIES

7.45 For temporary occupation of government land (including any public street, pavement, footbridge, public escalator system and pedestrian tunnel) for holding electioneering activities (e.g. 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 the relevant District Lands Office of the Lands Department for consideration. Applications from uncontested candidates will not be considered. The site approved for free occupation must not exceed 2 m^2 (i.e. 1 m x 2 m) in area and 2 m in height. The respective District Lands Office will consult other government departments in considering the applications, and adjust the approved location in light of the onsite physical setting and actual situation, and its decision shall be final.

7.46 The Lands Department will issue detailed guidelines to candidates, setting out the arrangements for applications to temporarily occupy government land for electioneering activities during the election period. Candidates must observe the specified deadlines to submit applications. If necessary, the District

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[46] The public inspection period ends on the 30th day before the first anniversary of the date of the deadline for lodging election returns.

Lands Office will allocate spots by drawing lots. If an allocated spot falls within the NCZ on the polling day, the approval is deemed to have been revoked.

7.47 The District Lands Offices 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 VIII : PRINTED ELECTION ADVERTISEMENTS

Printing Details

7.48 All printed EAs, with the exception of those printed in registered local newspapers, 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. This requirement applies to all EAs reproduced by any method of making copies (e.g. using printing machines, duplicators or photocopiers). The following are some suggested formats for the printing details:

(a) Printed by ABC Printing Works
[Full address]
Date: _____
Number of copies: _____

or

(b) Printed by the machine in candidate's office
[Full address]
Date: _____
Number of copies: _____

[S 92(4) and (5) of the EP (RRE) Reg]

Election Advertisements Published through Print Media

7.49 Where an EA is published through 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

7.50 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 relevant EA. Candidates who take this remedial step will not be prosecuted for contravention of s 92(4) of the EP (RRE) Reg. Such statutory declaration will be made available for public inspection by the relevant ROs till the end of the period in which copies of election returns are available for inspection as stipulated under s 41(6) of the ECICO. [S 92(7) of the EP (RRE) Reg]

PART IX : VIOLATION OF THE LAW AND CONSEQUENCES

Enforcement and Penalty

7.51 A candidate who fails to comply with the requirements set out in Parts VI and VIII of this chapter commits an offence and is liable to a fine at level 2 ($5,000) and to imprisonment for 6 months. [S 92(9) of the EP (RRE) Reg]

7.52 Any person who discovers any illegal display of EAs violating the relevant provisions should report 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 agent may be prosecuted, and if convicted, may

be liable to a fine and to imprisonment. The cost of removal, being a civil debt, must be declared as the candidate's election expenses. The seized articles may be kept as evidence and will be disposed of or returned upon application in accordance with the procedures of the responsible authority. [Ss 92(9) and 94 of the EP (RRE) Reg, s 104C of the PHMSO, and s 24 of the Housing Ordinance (Cap. 283)]

7.53 Additional costs or compensations incurred by a candidate due to breaching agreements with the owners or occupiers of the private land/property in relation to the display of EAs, or for other reasons, may be regarded as election expenses.

7.54 The EAC may also issue a public statement regarding such complaints, **reprimand** or **censure** any non-compliance with the Guidelines and/or refer the matter to relevant departments for follow-up.

Relief for Election Advertisements

7.55 Candidates and their agents are responsible for understanding and complying with the requirements of the relevant legislation and the Guidelines. Any person who publishes an EA without complying with the requirements as set out in paras. 7.40 (except for the written permission/authorisation obtained as required under s 104A(1) of the PHMSO), 7.41, 7.42 and 7.48 of this chapter may apply to the CFI for an order allowing him to be excepted from the relevant requirements and relieving him from the relevant penalties. The CFI may grant an order of relief 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 judgment of precedent court decisions [47]

[47] *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).

regarding applications for the relief of election-related criminal liabilities is 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 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 93 of the EP (RRE) Reg]

PART X : POSTING ELECTION ADVERTISEMENTS

7.56 A candidate sending EAs to electors by post must pay postage. Please refer to the "Postage Rates and Services" leaflet of Hongkong Post (Pos 15) for the details on postage and types of services.

7.57 To avoid delay or misdelivery, the full postal address should be typed or legibly written on the front of the envelope in four rows as follows:

> Name of addressee
> Floor and flat number and name of building
> Street number, name of street
> Name of district

7.58 The name of the candidate and other publicity slogans, including photographs, should appear on the back of the mail item or on the front left-hand side of the mail item. The front right-hand side is reserved exclusively for the recipient's address.

PART XI : ELECTION ADVERTISEMENTS POSTED TO REGISTERED ELECTORS IN CUSTODY

7.59 If registered electors in the custody of the penal institutions have provided the addresses of the penal institutions for receiving EAs, candidates may send EAs to them according to the guidelines laid down by the CSD (see **Appendix 13**).

7.60 Registered electors 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 XII : COMMERCIAL ADVERTISEMENTS RELATING TO CANDIDATES

7.61 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 the possibility of gaining unfair publicity, candidates should make their best efforts to request the relevant persons or organisations to cease displaying such advertisements after they have declared an intention to stand for election or during the election period.

PART XIII : PROMOTION ADVERTISEMENTS OF POLITICAL BODIES, PROFESSIONAL BODIES, CHAMBERS OF COMMERCE OR OTHER ORGANISATIONS

7.62 Any form of publication published by any political body, professional body or chamber of commerce, owners' corporation, tenants' association, or 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 before** the **election period** by name or photograph or other information, with the intention to promote the election of the candidate at the election may be regarded as an EA published by, or on behalf of the candidate. If the advertisement has been authorised by the candidate or his agent, the expenses incurred will form part of the election expenses; otherwise, the organisation will be regarded as having incurred election expense illegally. A candidate should inform affiliated organisations or bodies of the guidelines above as soon as he intends or plans to stand for election. However, if the message published by the organisation or body (as opposed to the candidate himself) advertises only a particular activity which:

(a) is organised from time to time as part of the organisation's or body'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,

then even if the organisation or body publish the message with the name and/or photo of a candidate who is involved in organising the activity, the message will not be regarded as an EA.

7.63 To conclude the above points, if any organisation (including a political body) publishes an EA to promote a candidate, it should note 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 must 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 92 of the EP (RRE) Reg; and

(d) such advertisement can only be displayed at the locations with relevant written permission/authorisation.

CHAPTER 8

ELECTIONEERING ACTIVITIES IN BUILDINGS WHERE ELECTORS RESIDE, WORK OR FREQUENT

PART I : GENERAL

8.1 This chapter aims to illustrate general guidelines to be observed by candidates when conducting electioneering activities in the following places:

(a) the residing/working places of the electors;

(b) the buildings where the organisations of the electors are located; or

(c) the buildings which the electors frequent.

Electioneering activities may include conducting visits, contacting electors, and using sound amplifying devices to advertise in the common parts of the buildings, displaying or distributing EAs and holding election meetings at the above-mentioned places. **Building management organisations are responsible for observing the principles 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 or canvassing activities within the buildings concerned.**

8.2 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 may only conduct the electioneering activities in the places within their jurisdictions after obtaining their approval.

PART II : GUIDELINES TO BE OBSERVED BY CANDIDATES

8.3 Candidates should note that electors have the right to allow or refuse visits by anyone to places where they reside or work for conducting electioneering activities. When accessing private offices, government offices, or buildings where the organisations of the electors are located, candidates may also be required to obtain approval from the management organisations of the relevant office buildings or buildings, which have the authority to allow or refuse any person to conduct electioneering activities in such places.

8.4 For security reasons, arrangements will not be made for a candidate to conduct in-person electioneering activities in a penal institution and the premises of a law enforcement agency. A person, who visits a penal institution or the premises of a law enforcement agency for a business or official purpose, is not allowed to canvass for votes thereby, to avoid causing unfairness to other candidates. It is an offence for any person who canvasses for votes during the visit for the above-mentioned purpose. [S 79A of the EP (RRE) Reg]

8.5 A candidate and his supporters should respect and comply with the decision made by the relevant management organisation regarding electioneering activities and should not take advantage of or accept any unfair advantages over other candidates. If a candidate is dissatisfied with the relevant management organisation's decision or act, he may lodge a complaint to the EAC, who will determine whether the decision or act is fair or not.

8.6 Unless it is expressly agreed by the building management organisations, candidates and their supporters cannot use **the entrance intercom system** in a building to canvass for votes.

8.7 Before the commencement of the electioneering activities, candidates should inform the relevant building management office and at all times comply

with the instructions of the venue manager during the activity, so as to ensure the safety of the people present. At the same time, in order to avoid conflicts, candidates and their teams should avoid publicity activities involving high volume or bright lights as far as possible, so as to avoid disturbing the owners, tenants and occupants of the premises.

Identification of Canvassers

8.8 For security reasons, the EAC suggests that a candidate may consider providing his electioneering team with an identification document bearing the name of the electioneering team/name of the candidate, the name and photo of the electioneering staff, so that he can produce the identification document together with his HKID for inspection when entering a building for electioneering activities. Candidates should note that the production costs of this kind of identification documents shall be counted as election expenses.

PART III : GUIDELINES TO BE OBSERVED BY OWNERS, MANAGEMENT BODIES AND ORGANISATIONS

Rights of Tenants and Owners

8.9 It is the exclusive occupier of a private property (houses, flats, shops, offices, or factories), which means the tenant or user who has the exclusive right of occupancy, but not the owner who has the right to decide whether to allow individual candidates to display EAs or conduct electioneering activities in his property.

8.10 Candidates and tenants should note that, as a **tenant** has the exclusive right of occupancy of the flat that he resides, he has **the right to invite anyone to visit his flat for lawful purposes**, including conducting electioneering

activities. However, he has no right to allow his invitees to approach other tenants, such as knocking on the doors of other flats or conducting any activities in the common parts of the building.

8.11 **Any decision made by the owner(s) or owners' corporations or building management companies is not legally-binding, it cannot restrict a tenant's right to invite lawful visitors (including candidates and/or their supporters) to his flat, shop, office, or factory.**

Decisions of Management Organisations for Common Parts of the Buildings

8.12 When handling candidates' applications for displaying EAs or conducting electioneering activities in the **common parts** of the buildings, the management organisations for common parts of the buildings must adhere to the **principles of fairness and equality** in treating all candidates, and should note the following:

(a) the building management organisation should provide all candidates contesting in the same Rural Area **equal opportunity** to conduct electioneering activities;

(b) if any common parts of a building are available for candidates to display EAs or conduct other electioneering activities, the building management organisation should ensure all candidates contesting in the same Rural Area are given **equal opportunity** to use these spaces, and should establish rules for applying for use, and give reasonable notice to all candidates;

(c) as motions on whether candidates' electioneering activities should be allowed in buildings involve tenants' and occupants' rights, the building management organisations should invite all tenants and

occupants (including users who are not owners) to express their views, or decide on the motions by secret ballot when processing such applications. The building management organisations may also consider conducting a questionnaire survey to collect views of the tenants and occupants, and make decisions according to the majority view;

(d) when deciding on candidates' applications for electioneering activities in buildings, the building management organisations could also set out the time of the relevant activities as well as other reasonable rules to be observed by the candidates, such as not causing nuisance to users of the flats and the maximum number of persons allowed for home visits, so as to minimise the potential confrontation with or harassment of candidates by the attendees; and

(e) the building management organisation may consider to formulate rules applicable to all candidates for processing relevant applications.

Notification of Relevant Decision

8.13 After a decision is made on candidates' electioneering activities, building management organisations should notify the relevant RO in writing as soon as possible, enabling the RO to provide the candidates or members of the public with accurate information upon receiving their enquiries. A form of notifying the RO can be obtained from the HAD or downloaded from the RR Election website (www.had.gov.hk/rre). At the same time, building management organisations should also post a notice detailing the decision and the collateral conditions at the building entrance. If necessary, candidates may inquire with the DO or sub-offices of the District in which the building is located. However, if some building management organisations do not notify the ROs as they are unable to make a decision on candidates' electioneering activities, candidates should take that as such electioneering activities are not allowed.

PART IV : CONDUCT OF ELECTIONEERING ACTIVITIES IN HOUSING ESTATES MANAGED BY THE HOUSING DEPARTMENT AND THE HONG KONG HOUSING SOCIETY, AND "LIGHT PUBLIC HOUSING" MANAGED BY THE HOUSING BUREAU

8.14 Candidates should observe the specific guidelines when conducting electioneering activities in housing estates managed by the Housing Department and the Hong Kong Housing Society and "Light Public Housing" managed by the Housing Bureau, see **Appendix 6**.

PART V : PROTECTION OF ELECTORS' PERSONAL DATA PRIVACY

8.15 **Candidates and election agents should 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 (see **Appendix 7**), prepared by the Office of the Privacy Commissioner for Personal Data, serves as a general reference, illustrating matters relating to the collection, holding, processing and use of personal data that candidates should pay attention to when conducting electioneering activities.

8.16 In addition, any validly nominated candidate who requests the mailing labels of electors for his respective Rural Area from the RO must complete and sign the "Undertaking on the Proper Use of Electors' Information", undertaking that the relevant personal data will be used solely for the relevant electioneering activities of the election, and will be duly safeguarded to prevent disclosure to unauthorised persons. All the relevant personal data will also be duly destroyed after the election.

8.17 When conducting election-related 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 to electors by email, in order to ensure that individual electors' email addresses are not disclosed to other recipients.

8.18 To avoid emails containing election mails being mistakenly detected as spam emails and blocked, candidates may consider checking with the relevant email service providers in advance about restrictions on sending mass emails before sending election emails in bulk.

NOTE:

Information relating to individuals contained in any FR of electors or its extracts **can only be used for election-related purposes** prescribed by the electoral law. Any **abuse** or **misuse** of such information is an **offence**. [S 32(3) of the EAC (ROE) (RRE) Reg]

In accordance with 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 prescribed consent[48] of the data subject or an exemption under Part 8 of the PD(P)O, be used for a "new purpose"[49].

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

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[48] In accordance with s 2(3) of the PD(P)O, "prescribed consent" means the express consent given voluntarily, and not withdrawn in writing, by the data subject.

[49] In accordance with Data Protection Principle 3(4) of Schedule 1 to the PD(P)O, "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.

cause specified harm or being reckless as to whether specified harm[50] would be (or would likely be) caused to the data subject or his family member, the discloser commits an offence and is liable to a fine of $100,000 and to imprisonment for 2 years. Besides, 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]

PART VI : SANCTION

8.19 If the EAC receives a complaint of **unfair or unequal treatment** of candidates by any organisation, building or a person acting or purporting to act on behalf of such organisation or building, and is satisfied that the complaint is justified, it may issue a **reprimand** or **censure** in a public statement, and publish the names of the candidates favourably and unfavourably treated. Candidates should therefore pass on the relevant information in the Guidelines to the persons concerned when they come into contact with the building management organisations or building owners. However, if it is proved that a complainant has made a false, unfounded or unreasonable allegation, the EAC may issue a **reprimand** or **censure** in a public statement against the complainant.

8.20 Candidates must not accept unfair advantages offered by the relevant management organisations. The EAC may issue a public **reprimand** or **censure** against the candidate who contravenes the Guidelines or whose act or behaviour results in unfair or unequal treatment to other candidates.

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[50] In accordance with s 64(6) of the PD(P)O, "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.

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)]

CHAPTER 10

ELECTION BROADCASTING, MEDIA REPORTING AND ELECTION FORUMS

PART I : GENERAL

10.1 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 first day of the nomination period to the day on which the polling ends), in handling any 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 **principles of fair and equal treatment**. Their comments and reports must be impartial to ensure that no favourable or unfavourable treatment will be given to any candidate, and electors should be able to obtain sufficient election information through media reporting so as to make informed choices.

10.2 This chapter is not intended to regulate the contents of media reporting. If the media has covered all the candidates fairly and equally, he can express opinions provided that the comments are based on facts.

10.3 **Most importantly, media must ensure that their programmes or reports will not become EAs (i.e. promoting or prejudicing the election of a particular candidate or particular candidates) in order to avoid breaching s 23(1) of the ECICO because of incurring election expenses by the publishers who are not candidates or their authorised election expense agents.**

NOTE:

As there are various means and platforms for different persons to publicly declare their intention to stand for election, the media may have practical difficulties to fully grasp the information of all persons who have publicly declared 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[52]. **The above definition of "candidate" applies only to this chapter and it is not a definition under any legislation, including s 2 of the ECICO** in which "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 provision is applicable to the requirements on candidates' EAs and election expenses or other requirements under the ECICO. See Chapters 7 and 15.

10.4 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 related polls or making specific comments or projections on the performance of individual candidates before the close of poll, so as to prevent electors' voting behaviour from being unduly affected. See Part II of Chapter 14.

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[52] Upon receiving a nomination form, the RO must, as soon as practicable, determine the validity of nomination. Meanwhile, the information of the person concerned will be, as soon as practicable when the RO receives the nomination form, uploaded to the relevant election website for public information.

PART II : NEWS REPORTS

10.5 For news reports related to the election, in ReR and IIR elections, they could be reported independently even if they only cover an individual candidate. However, the media should clearly provide the total number of candidates and names of all candidates of the Rural Areas concerned. Due to the considerable number of seats and candidates in the KFR election, the media may have practical difficulties in mentioning all candidates of an MT in the same programme or publication. Therefore, the media may provide in the programme or publication:

(a) the total number of candidates in the MT; and

(b) the platform(s) maintained by the media (e.g. the webpage of the media organisation/programme/publication) on which the names of all candidates of the MT are set out.

10.6 News reports unrelated to the election could be reported according to the facts, even if they involve an individual candidate but his candidature is not mentioned. There is no need to mention other candidates of the same Rural Area.

PART III : ELECTION FORUMS

10.7 Broadcasters should invite all candidates of the same Rural Area to participate in election forums. If an individual candidate chooses not to attend the forum, the broadcaster may continue to organise the forum concerned and this does not contravene the principles of fair and equal treatment. However, the broadcaster must keep a record of the date, time and contents of the invitation and notice, and such record should be kept until three months after the election.

10.8 The principles of fair and equal treatment do not require the time of expression for each participating candidate in the entire election forum to be the same, but requires broadcasters to give each candidate "equivalent time" in the session of presenting his election platform. For the sessions other than presenting election platforms, such as the debate session, each candidate may freely express his views according to specific issues. It is crucial that the host should, at any time throughout the programme, make his best effort to ensure that each candidate has the opportunity to express his views/make responses.

10.9 Other organisations or groups, such as professional bodies or chambers of commerce, academic institutions or schools, should also act and keep relevant records in accordance with the principles in paras. 10.7 and 10.8 of this chapter when organising election forums.

10.10 Election forum organisers should take measures to ensure the forum is held in a safe and orderly manner. If an election forum is to be held at private premises, the election forum organiser should in advance arrange for appropriate security measures with the owners, occupiers, owners' corporations, building management offices concerned, etc., which include consideration of hiring security guards to help maintain order at the venue.

10.11 The EAC appeals to all candidates to attend these election forums as far as possible so as to keep members of the public apprised of candidates' election platforms.

PART IV : FEATURE REPORTS

10.12 When producing special programmes or interviews to introduce individual candidate, the media should clearly provide, within the same feature report, the total number of candidates and the names of all candidates of the Rural Area. For guidelines on feature reports on candidates of MTs, see para. 10.5 of this chapter.

10.13 When inviting a candidate for an interview, broadcasters must invite all candidates contesting in the same Rural Area 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 still proceed with the production of the programme. However, all records must be kept for three months after the election. Broadcasters, regardless of their airtime, should provide equal opportunity and comparable time to each candidate in the same Rural Area.

10.14 Furthermore, to treat all candidates concerned fairly, broadcasters should in particular take heed of the opinions by the Court in an election petition relating to the 2010 LegCo By-election as set out in **Appendix 8**, and where appropriate, follow the arrangements set out in **Appendix 8** when producing an election-related feature report with more than one episode.

10.15 The print media should give all candidates contesting in the same Rural Area an equal opportunity to be interviewed, or mention other candidates of the same Rural Area in an appropriate way. The way of mentioning is not necessarily in the same article, but in principle should facilitate readers to know about other candidates. For instance, when an interview with a candidate is published in a newspaper, the names of other candidates of the same Rural Area may be listed on the same page of the report or on other pages. The print media may also refer to the interpretation in **Appendix 9,** making his best effort to accord equal opportunity to all candidates, in order to ensure that the reporting will not cause unfairness to a particular candidate, or lead members of the public to perceive that such reporting is promoting a particular candidate.

PART V : NON-ELECTION-RELATED PROGRAMMES AND ARTICLES

10.16 During the election period, candidates or representatives of their affiliated political parties or political organisations may, in a non-candidate capacity, participate in a broadcaster's/the print media's interviews or programmes which are unrelated to the election. However, they must be invited by the broadcaster/print media to the programmes or interviews due to the close relationship of the invitees' professional knowledge or past experience and the topic of the programmes or interviews. 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 choices, etc. The broadcaster/print media must ensure that no election-related topics (including the election campaigns of candidates) would be mentioned in the programmes or articles and no election-related materials (including badges and clothing) of the political parties or political organisations to which the representatives belong, nor any materials making direct reference to a body any member of which is standing as a candidate at the election concerned or any political body would be displayed in order to avoid causing an unfair situation.

PART VI : AVOIDING UNFAIR PUBLICITY

10.17 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 his best effort to refrain from participating in related publicity in order to avoid unfair publicity.

Candidates Appearing on Television/Radio/Movies as Presenters, Regular Contributors, Actors, Musicians, Singers or Other Entertainers

10.18 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 the programme becoming unfair publicity at the critical time. However, the person concerned may participate as a candidate in election forums as described in Part III of this chapter.

10.19 A person who, in order to fulfil a contract, appears as presenter, regular contributor, actor, musician, singer or any other forms of performer in a performance scheduled before he has publicly declared his 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 he has publicly declared his 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 the performance concerned becoming unfair publicity.

Candidates Appearing in Commercial Advertisements

10.20 If a person is involved in the production of an advertisement in which his image, name or voice appears, and he also knows that such 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 such advertisement.

10.21 If a candidate decides to stand for election after the advertisement in which his image, name or voice appears has been made, and he also knows that

such 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 make his utmost endeavours to request the person(s)-in-charge not to broadcast such advertisement after he has publicly declared his 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 the advertisement concerned from becoming unfair publicity.

Candidates Contributing Regularly to Print Media

10.22 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 in order to fulfil a contract should make his utmost endeavours to request the person(s)-in-charge not to publish his articles in any media after he has publicly declared his 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 the article concerned becoming unfair publicity.

PART VII : PUBLISHING ELECTION ADVERTISEMENTS THROUGH MEDIA

10.23 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 with a political slant unless prior approval is obtained.

10.24 If a candidate publishes EAs through the print media, he must also comply with the requirements set out in Part VIII of Chapter 7. If the EA is published 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 election return. The EAC appeals to all print media to give all candidates contesting in the same Rural Area **equal opportunity** for publishing EAs in the print media.

PART VIII : SANCTION

10.25 The EAC, when assessing whether a news report or feature report by the media (including broadcasters and the print media) violates the principles of fair and equal treatment, will take into account the overall reporting by that organisation during the election period.

10.26 If the EAC finds that any broadcaster, print media or election forum organiser has treated the candidates in an unfair or unequal manner, the EAC may issue a **reprimand** or **censure** in a public statement against the person concerned, and publish the names of the candidates who have received favourable or unfavourable treatment as well as the names of the broadcasters, the print media or election forum organisers concerned. The EAC may also refer the case to the relevant authorities for appropriate action to be taken. Moreover, the programmes, news reports or articles 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 EAs for the candidate(s) concerned. As such, it may contravene the statutory requirements on EAs and election expenses (see Chapters 7 and 15). Both the media and candidate(s) may be subject to criminal liability. The EAC will refer cases of possible breaches to the law enforcement agencies for follow-up. In view of the above,

the EAC appeals to all broadcasters, print media, election forum organisers and candidates to strictly comply with the guidelines set out in this chapter to avoid any conduct which will cause concern from members of the public about the impartiality of the election.

CHAPTER 11

USE OF SOUND AMPLIFYING DEVICES AND VEHICLES

PART I : GENERAL

11.1 This chapter outlines the legal provisions that candidates must observe when using sound amplifying devices and vehicles for electioneering activities, including the POO, the Noise Control Ordinance (Cap. 400) and the Road Traffic Ordinance (Cap. 374), etc., as well as the relevant guidelines issued by the EAC.

11.2 Candidates are reminded that some members of the public may find the sound emitted by sound amplifying devices annoying and intrusive. Therefore, 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, domestic premises, etc. Furthermore, 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. [S 35(2) of the EP (RRE) Reg]

11.3 Regarding the use of vehicles for electioneering activities, candidates must note that if any public service vehicles will pass through or be parked within the NCZ on the polling day, they should arrange the removal of EAs on the windows or bodywork of the vehicles concerned so as to avoid violation of the statutory requirements prohibiting canvassing in the NCZ (see Chapter 13).

PART II : USE OF SOUND AMPLIFYING DEVICES FOR ELECTIONEERING ACTIVITIES

11.4 Under the subsisting law, candidates are **not required** to apply to the Commissioner of Police for a permit to use sound amplifying devices. However, the Noise Control Ordinance stipulates that it is an offence for any person at any time of the day to use sound amplifying devices or other sound magnifying instruments to emit noise that causes annoyance in either domestic premises or public places.

11.5 Candidates using sound amplifying devices for electioneering activities should comply with the following statutory requirements/guidelines to reduce the nuisance caused to members of the public:

(a) sound amplifying devices **must not** be used for electioneering activities **between 9 pm and 9 am of the following day**;

(b) if using sound amplifying devices near hospitals, homes for the elderly, kindergartens, nurseries, schools, domestic premises, etc., candidates should as far as possible, keep the volume down to reduce the nuisance caused to nearby persons;

(c) candidates should, as far as possible, stay away from areas equipped with audible signaling facilities, such as pedestrian crossings, escalators, etc., to prevent interference with the safety of visually impaired persons; and

(d) sound amplifying devices must not be used within the NCZ, and if they are used outside the NCZ, the sound emitted must not be audible within the NCZ.

11.6 Should any complaint be received by the HKPF concerning the volume of sound amplifying devices, it will, depending on the circumstances, issue verbal warning or give appropriate instructions. The user must reduce the volume of sound amplifying devices on the instructions of police officers, or he may be prosecuted.

PART III : USE OF VEHICLES FOR ELECTIONEERING ACTIVITIES

11.7 All vehicles used for electioneering activities must comply with the requirements of the Road Traffic Ordinance. Candidates and their supporters must also observe the statutory requirements of the Road Traffic (Safety Equipment) Regulations (Cap. 374F), the Road Traffic (Traffic Control) Regulations (Cap. 374G), and the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A), including those relating to seating requirement, use of seat belts and carriage of passengers, etc. Standing in moving vehicles is illegal except on trams, single-decked buses, and the lower deck of double-decked buses. If passengers wish to stand on a vehicle used as a float, the registered owner of the vehicle must submit an application to the Licensing Office of the Transport Department ("TD") for exemption. Additionally, drivers of all vehicles must strictly comply with all the stopping and parking requirements of the Road Traffic Ordinance. Deliberate slow driving may constitute the offence of "careless driving". [Ss 53(2), 53A and 61 of the Road Traffic (Traffic Control) Regulations]

11.8 For display of EAs on public light buses and taxis, their owners/operators (with owners' permission) must obtain prior written approval from the TD and comply with the conditions as stipulated in the approval letter, particularly note the following conditions:

(a) (i) for taxis, no EAs shall be displayed on windows;

(ii) for public light buses, no EAs 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,

EA(s) displayed on each of the above-mentioned 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/reflective material shall be used for EAs; and

(c) no EAs shall obstruct any lighting/label/marking required to be shown on the vehicle body as specified by the Commissioner for Transport or stipulated in the legislation.

11.9 The TD has issued general approval to all franchised bus companies for displaying advertisements on the bodywork and windows of buses subject to conditions stipulated by the TD. Nevertheless, there are no specific guidelines regulating the display of EAs on buses. For display of advertisements on the bodywork and windows of non-franchised buses, their owners/operators (with owners' permission) must obtain prior written approval from the TD. Both

franchised and non-franchised bus companies should comply with the conditions set out in the TD's approval letters when displaying advertisements on their buses.

11.10 For other public transports, candidates should check with the operators concerned on their procedures for displaying advertisements and the conditions that must be complied 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 publicity materials previously published (e.g. EAs displayed on public light buses at the previous election), such publicity materials may be regarded as EAs, and the relevant expenses will be counted as election expenses. Candidates must comply with the relevant requirements (see Chapters 7 and 15). For prudence's sake, the person concerned should remove the publicity materials previously published before being nominated as a candidate or has publicly declared the intention to stand for election.

11.11 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 10**. [S 53A of the Road Traffic (Traffic Control) Regulations]

11.12 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, those vehicles will not be allowed to enter the NCZ on the polling day (see Chapter 13).

PART IV : SANCTION

11.13 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 taking actions, it may make a **reprimand** or **censure** in a public statement and publish his name. Additionally, it is an offence to conduct canvassing activities unlawfully within the NCZ and is liable to a fine at level 2 ($5,000) and to imprisonment for 3 months upon conviction. Candidates should remind their supporters to observe the above-mentioned guidelines when conducting electioneering activities for the candidates. [Ss 35 and 89(1) of the EP (RRE) Reg]

CHAPTER 12

ELECTIONEERING ACTIVITIES CONDUCTED IN SCHOOLS OR INVOLVING SCHOOL PUPILS

PART I : GENERAL

12.1 The involvement of school pupils in electioneering activities has always been a matter of public concern. School administrators (e.g. school supervisors, principals and teachers) **must not** use their authority to exert undue influence on pupils in school under their charge (including those in pre-primary, primary, or secondary schools) to recruit them to participate in electioneering activities. If the EAC comes to know that a school administrator has abused his power to involve pupils in school under his charge in electioneering activities, it may issue a **reprimand** or **censure** against the person. For regulatory requirements on use of force or duress to influence a person's voting preference, see s 13 of the ECICO.

12.2 School administrators, whether as candidates themselves or supporters of particular candidate(s), should not instruct pupils in school to help distribute candidate(s)' EAs to their parents, let alone instruct pupils to ask their parents to vote for particular candidate(s), so as not to mislead the public that the school authority has exerted undue influence on pupils in school.

PART II : SCHOOL PUPILS PARTICIPATING IN ELECTIONEERING ACTIVITIES

12.3 To promote civic education, schools should encourage pupils to care about social affairs (including elections). However, electioneering activities often involve gathering of people in a crowded environment, which may be more likely to pose a danger to the pupils themselves or others. Therefore, the EAC does not suggest pre-primary or primary school pupils participate in electioneering activities.

12.4 By law, pupils aged 18 or above are responsible for their own acts and can make decisions regarding election-related matters.

12.5 The EAC adopts the circular on electioneering activities issued by the Secretary for Education to all schools. If schools allow pupils to participate in electioneering activities, they must comply with the following guidelines:

(a) pupils' participation in electioneering activities must be **entirely voluntary**;

(b) the schools must obtain prior **written consent** from parents or guardians;

(c) under no circumstances should schools recruit pre-primary or primary school pupils to participate in electioneering activities;

(d) under no circumstances should schools interrupt normal lessons to allow pupils to participate in electioneering activities, as it affects pupils' learning progress; and

(e) under no circumstances should schools instruct pupils to participate in electioneering activities in danger-prone areas, including areas where traffic accidents are likely to occur.

12.6 Pupils who participate in electioneering activities should pay attention to their own school regulation regarding the wearing of school uniforms when participating in electioneering activities.

PART III : ELECTIONEERING ACTIVITIES CONDUCTED IN SCHOOLS

12.7 To be in line with the principles of **fair and equal treatment** of candidates, the EAC appeals to all school administrators to provide all candidates of the same Rural Area with equal opportunities to conduct electioneering activities. If school administrators decide to allow particular candidate(s) to conduct electioneering activities in the schools (e.g. hosting talks for pupils, distributing campaign materials to pupils with a view to giving the campaign materials to their parents), they should also give the same opportunity to other candidates of the same Rural Area.

PART IV : SANCTION

12.8 If the EAC comes to know that a candidate or school administrator has breached the Guidelines, it may issue a public **reprimand** or **censure** against the relevant person, 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 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.

CHAPTER 14

EXIT POLL

PART I : GENERAL

14.1 This chapter sets out the guidelines for the conduct, publication and broadcast of exit polls on the polling day. The EAC respects academic freedom and freedom of speech in the conduct of exit polls, and also strives to conduct public elections under the principles of openness, honesty and fairness, and strikes an appropriate balance between ensuring there is no undue influence on and interference with the electors and maintaining the good order outside the polling stations.

14.2 Secrecy of voting is an important principle under the electoral system. It is entirely voluntary for the electors to participate in the exit polls.

14.3 Unless permitted by the RO of the Rural Area of the polling station, no person shall conduct exit polls within a polling station, an NCZ or an NSZ. [S 82(1)(e) of the EP (RRE) Reg]

14.4 Exit polls approved by the ROs must not be used for 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 will not be disclosed to any candidate or person before the close of poll.

14.5 **The EAC appeals to the media to act with self-discipline, goodwill, and in a 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 poll so as to avoid undue influence on electors' voting behaviour.

PART II : SECRECY OF VOTING

14.6 **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 relevant details relating to, the candidate for whom the elector has voted. Interviewers conducting exit polls must respect the electors' rights and their wish not to be disturbed**, and must inform the electors being interviewed explicitly that their participation in the exit poll is entirely voluntary prior to the conduct of the exit poll. [S 38 of the RREO and s 82 of the EP (RRE) Reg]

14.7 **The EAC reminds the media and the persons/organisations concerned that they must not announce the results of exit polls or publish specific comments or predictions on the performance of individual candidates before the close of poll so as to avoid undue influence on electors' voting behaviour. Additionally, interviewers conducting exit polls must not talk to or communicate with candidates or their agents when conducting the poll.**

PART III : CONDUCT OF EXIT POLLS

14.8 Any person aged 18 or above or any organisation may apply to the ROs via the HAD to conduct exit polls within the NCZs on the polling day. The RO will issue an approval letter to the above-mentioned person or organisation

(referred to as "applicant or applicant organisation" in this chapter) as appropriate. The applicant or applicant organisation must make a statutory declaration in accordance with the Oaths and Declarations Ordinance to abide by the terms and guidelines set out by the EAC. If the applicant or applicant organisation knowingly makes false statutory declaration, he is liable to imprisonment for 2 years and to a fine once convicted. [S 36 of the Crimes Ordinance]

14.9 To forestall public perception of unfairness and take into consideration the necessity to maintain the order at the polling stations, the ROs generally would not approve exit poll applications in any of the following circumstances:

(a) the applicant or applicant organisation/the person(s) responsible for the exit poll or interviewer(s) conducting exit poll belong(s) to an organisation that has publicly expressed support for any candidate(s) contesting in the Rural Area, of which any polling stations are covered by the exit poll;

(b) the applicant or applicant organisation/the person(s) responsible for the exit poll or interviewer(s) conducting the exit poll belong(s) to an organisation that has member(s) standing as candidate(s) contesting in the Rural Area, of which any polling stations are covered by the exit poll;

(c) the applicant or applicant organisation, 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; or

(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 ROs 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 or applicant organisation (including his/its affiliation) and the applicant or applicant organisation/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.

14.10 For security reasons, exit polls shall not be conducted at dedicated polling stations.

14.11 Applicants or applicant organisations must provide the following information through the HAD at the **latest ten days before the polling day**:

(a) the name and address of the applicant or applicant organisation, as well as the name, identity document number of the person responsible for the exit poll and the phone number(s) at which he 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(s).

14.12 The names and contact phone numbers of applicants or applicant organisations who are approved to conduct exit polls will be uploaded to the RR Election website (www.had.gov.hk/rre) and displayed at the respective polling stations.

14.13 If the applicants or applicant organisations which are approved to conduct exit polls fail to comply with the terms stipulated in the approval letter and the Guidelines, the approval may be revoked. The EAC may also publish the names of the applicants or applicant organisations concerned, make a **reprimand** or **censure** in a public statement, and publish the names of the applicants or applicant organisations who/which fail to comply with the terms stipulated in the approval letter and the Guidelines.

NOTE:

Applicants or applicant organisations must not collect or retain any personal data relating to 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).

14.14 Exit polls shall not be conducted inside polling stations and the NSZs. However, with the RO's approval, exit polls may be conducted within the NCZ outside the exit of the polling station. Interviewers conducting exit polls must note that canvassing is strictly prohibited within the NCZ, contravention is subject to criminal sanction. Interviewers conducting exit polls must therefore be extremely careful when conducting exit polls so as to avoid any suspicion that they are canvassing electors. Like others, unless permitted by the RO, interviewers conducting exit polls are not allowed to stay, loiter, or accost the electors in the NSZ. [Ss 35 and 82(1)(e) of the EP (RRE) Reg]

14.15 The PRO may, if circumstances permit, designate an area **outside the exit of the polling station** for interviewers conducting exit polls to conduct exit polls in the designated area. Interviewers conducting exit polls should keep a reasonable distance from the entrance/exit of the polling stations, especially at those with the entrance and exit at the same location, to ensure that the electors will not be affected when conducting the exit polls.

PART IV : IDENTIFICATION OF INTERVIEWERS CONDUCTING EXIT POLLS

14.16 After the applicant or applicant organisation has obtained the RO's approval, the HAD will notify the applicant or applicant organisation to collect a number of identification badges bearing the name of the applicant or applicant organisation. Interviewers conducting exit polls are required to wear the badges in a prominent position, showing the identity of the person or organisation conducting the exit poll so that the electors will not mistakenly believe that they are appointed by the Government or the EAC. Persons who violate this requirement will not be allowed to conduct the exit poll outside any polling station. In addition, the interviewers conducting exit polls are required to inform the electors that any response is entirely voluntary and state at the start of the exit poll the name of the person or organisation conducting the exit poll and the fact that the exit poll is not commissioned by the Government or the EAC.

PART V : SANCTION

14.17 Apart from the criminal sanction stipulated under the RREO and the EP (RRE) Reg, if the EAC comes to know that any broadcaster or organisation has failed to heed or comply with the Guidelines, it may make a **reprimand** or **censure** in a public statement and publish the name of the broadcaster or the organisation concerned.

CHAPTER 15

ELECTION EXPENSES AND ELECTION DONATIONS

PART I : GENERAL

15.1 The law has prescribed the maximum amount of election expenses aiming to ensure that all candidates can compete on a level playing field under a reasonable level of expenditures. Candidates must submit an election return to the DHA through the relevant RO on time after the election and in accordance with the statutory requirements. All election expenses incurred and the election donations received by the candidates and election expense agents must be listed out in the election returns.

15.2 The law stipulates that only candidates and their authorised election expense agents can incur election expenses. Other persons commit an offence if they incur any election expenses. Nevertheless, other persons who publish EAs on the Internet are exempted from the relevant criminal liability if the election expenses incurred are only electricity charges and/or charges for the Internet access.

15.3 Election expenses incurred by other persons without the consent or knowledge of a candidate are not attributed to the candidate concerned and the relevant consequences will be borne by the persons. However, if the election expenses are incurred by a person under the instruction of the candidate, the candidate must declare such expenses in the election return, otherwise he will be held legally responsible.

15.4 **Voluntary service** is defined as any service provided by any 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 exempted from being counted as election expenses. Nonetheless, any goods or materials given to the candidate incidental to the provision of voluntary service must be counted as election donations; such election donations must also be counted as election expenses after they are used.

PART II : WHAT CONSTITUTES ELECTION EXPENSES

15.5 Pursuant to s 2 of the ECICO:

(a) **Election Expenses —** in relation to a candidate at an election, "election expenses" 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. Election expenses include the value of election donations consisting of goods and services used for the above purposes;

(b) **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, whether he has withdrawn his nomination after submission of the nomination form, or whether his nomination is ruled invalid by the RO. 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;

(c) **Election Donation —** in relation to a candidate at an election, election donation means any of the following donations. All such donations, whether in cash or in kind, should all be counted as election expenses after they are spent or used, see Part IV of this chapter:

(i) any money given to or in respect of the candidate for the purpose of meeting, or contributing towards meeting, the election expenses of the candidate;

(ii) any goods given to or in respect of the candidate for the purpose of promoting the election of the candidate or prejudicing the election of another candidate, and includes any goods given incidental to the provision of voluntary service; or

(iii) any service provided to or in respect of the candidate for the purpose of promoting the election of the candidate or prejudicing the election of another candidate, with the exception of voluntary service (see para. 15.4 of this chapter).

15.6 As to whether a particular item of expenditure would constitute an election expense, the CFA has pointed out in a judgement relating to the 2008 LegCo General Election (FACV 2/2012) that expenses are likely to qualify as "election expenses" if they meet the following five criteria:

(a) they have been incurred by or 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[53], or during the period when the relevant person was a candidate.

The person(s) concerned must also take note of the following two issues:

(f) the date when the relevant expenses were incurred (although this is not a critical question 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 an apportionment exercise appropriate between election expenses and non-election expenses is necessary.

15.7 Whether a particular item of expenditure should be regarded as an election expense depends on the actual use of each item of expenditure, and one should also take into account the nature, circumstances and context of the expenditure incurred. 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 should be included in the election return. As

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[53] In relation to an election, 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.

a general principle, factors that can be considered when apportioning expenses include time and usage. The candidate may refer to the examples on the apportionment of expenses shown in the "Guide to Return and Declaration of Election Expenses and Election Donations" and the video on the completion of election returns provided by the HAD. The candidate should seek independent legal advice in case of doubt on whether a particular item of expenditure should be counted as an election expense or on the apportionment of expenses. Any legal fees so incurred will not be regarded as election expenses.

15.8 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 items to be counted as election expenses is at **Appendix 11**. The list serves only as an illustration and example, and should not be regarded as taking precedence over the relevant legislation.

15.9 A candidate who misappropriates any public resources for election purposes may be in breach of the law.

PART III : WHO MAY INCUR ELECTION EXPENSES AND THE LIMIT

Maximum Amount of Election Expenses

15.10 The maximum amount of election expenses for the RRE is prescribed by the Maximum Amount of Election Expenses (Rural Representative Election) Regulation. Candidates and election expense agents must not incur election expenses in excess of that maximum amount. The relevant requirements would prevent candidates with ample financial resources from having an unfair advantage when conducting electioneering activities. [S 24(1) of the ECICO]

15.11 The maximum amount of election expenses is set out in the following table. Inquiry can be made with the relevant RO to ascertain the number of registered electors referred to in items (a) to (c).

Rural Areas	Maximum Amount of Election Expenses
(a) for an election in respect of a Rural Area where the number of registered electors is not more than 1 000	$18,000
(b) for an election in respect of a Rural Area where the number of registered electors is between 1 001 and 5 000	$28,000
(c) for an election in respect of a Rural Area where the number of registered electors is over 5 000	$38,000

[S 2 of the Maximum Amount of Election Expenses (Rural Representative Election) Regulation]

Persons Authorised to Incur Election Expenses

15.12 Only a candidate or a person who is authorised by the candidate to act as the election expense agent may incur election expenses. For the authorisation matters, see Part VI of Chapter 6. [S 23(1) of the ECICO]

15.13 Any person who is going to carry out **negative campaigning (i.e. publicity activities to prejudice the election of other candidates)** against other candidates for promoting the election of a candidate and hence incurring expenses must obtain the prior authorisation of the candidate who benefits from it to act as the election expense agent. The expenses must be counted as the election expenses of the candidate. If the negative campaigning includes EAs, it must comply with the relevant requirements of the ECICO and of the EP (RRE) Reg.

15.14 Prospective candidates who have the plan to stand for election should inform the organisations which they are associated with and may support their standing for election of the requirements relating to incurring election expenses as soon as possible, to prevent the relevant organisations from breaching the law by incurring election expenses without authorisations.

15.15 A candidate is responsible for the whole amount of his election expenses. If the aggregate amount of election expenses incurred by the candidate and/or the person acting on his behalf exceeds the maximum amount prescribed by the law, the candidate is subject to criminal liability, 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 agents must not incur election expenses exceeding the maximum amount authorised by the candidate, or else they commit an offence. [Ss 23 and 24 of the ECICO]

PART IV : ELECTION DONATIONS

General Requirements

15.16 A candidate may accept election donations, but the donations can only be used for meeting, or contributing towards meeting a candidate's 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 prejudicing the election of other candidates. [S 18 of the ECICO]

15.17 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, must be counted as the aggregate amount of election expenses, and must not exceed the maximum amount prescribed by law.

15.18 Any election donations that are unspent, unused or exceed the maximum amount of election expense must be given to charitable institution(s) or trust(s) of a public character chosen by the candidate. The candidate must dispose of the above election donations before the election return is lodged. [Ss 19 and 37 of the ECICO]

15.19 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 donation receipt is made available from the ROs for candidates to obtain. Anonymous donations of more than $1,000 in value must not be used for meeting election expenses. If the candidate fails to issue a receipt according to the above requirements for election donations of more than $1,000 in value (including cases where a receipt cannot be issued due to anonymous donations), such donations cannot be used for election-related purpose and must be disposed of in accordance with para. 15.18 of this chapter. [S 19(1) and (2) of the ECICO]

15.20 Any person or organisation (including a political party) acting as an agent for one or more candidates must pay attention to the fact that the requirements for receiving election donations by an agent on behalf of a candidate are the same as those when the election donations are received by the candidate(s) direct. They should also note the points and adopt the good practice suggested in **Appendix 12**.

Election Donations in Kind

15.21 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
Goods or services obtained **free of charge** (including loans obtained at no interest[Note], premises provided free of charge for the conduct of electioneering activities)	(i) if the donor also offers similar goods or services to the public for a fee, the declared value shall be assessed based on the price charged by the donor to the public at that time; or (ii) if the donor does not offer similar goods or services to the public, the declared value shall be assessed based on the fair market price of similar goods or services provided by others.
Goods or services **obtained at a discount not available to general customers** (including loans obtained at an interest rate lower than usual[Note], premises rented at below-market rates for the conduct of electioneering activities)	The declared value shall be assessed based on the differences between the market/regular price of the relevant goods or services and the price paid by the candidate.

Note: The waived/reduced interest must be declared as an election donation and election expense in the election return.

15.22 **Voluntary service** is the only free-of-charge service which can be exempted from being counted as election expenses. Nonetheless, any goods or materials given to the candidate incidental to the provision of voluntary service must be counted as election donations. In case the free service so provided is not offered by the supplier voluntarily and personally in his own time, the

relevant service should be treated as an election donation and must be counted as election expenses at a fair estimated value. [S 2 of the ECICO]

PART V : RETURN AND DECLARATION OF ELECTION EXPENSES AND ELECTION DONATIONS

15.23 A candidate must keep an accurate account of all election expenses incurred and election donations received (whether in cash or in kind), and must submit an election return to the DHA through the relevant RO before the expiry of the period of 30 days after the election is settled. **An election is settled on the date on which any of the following events occurs:**

(a) the result of the election is notified in the Gazette;

(b) the proceedings for the election are declared to have been terminated;

(c) the election is declared to have failed.

If more than one of the above events occurs in relation to the election, that election shall be deemed concluded on the date on which the last of those events occurred. If RR elections in relation to the same Rural Committee to be held on the same date settled on different dates, the 30-day period shall be counted from the last settling date. A candidate may also submit an election return within the extended period as permitted by the CFI under the relevant law. The election return must be completed in the specified form.

[S 37(1), (1L), (1M) and (1N) of the ECICO]

15.24 At the time when a candidate submits his nomination form, he will be given:

(a) the specified form for election return and a standard form of receipt for election donations (see paras. 15.19 and 15.23 of this chapter);

(b) the standard form for advance return of election donations (see Part VI of this chapter);

(c) the "Guide to Return and Declaration of Election Expenses and Election Donations" on how to complete the election return (accompanied by the relevant video link); and

(d) frequently asked questions 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 frequently asked questions before completing the election return. In addition, **Appendix 14** provides the frequently asked questions and answers concerning issues which candidates in the past found relatively confusing when completing the election returns for reference.

15.25 When completing the election return, the candidate must set out all the election expenses incurred by him and the election expense agents, and must be accompanied by an invoice and a receipt issued by the goods or service suppliers for each paid expenditure of $500 or more. 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 submit within 30 days from the payment date the invoice and receipt for each election expense of $500 or more after settlement of the claim(s) with the relevant suppliers on the scheduled date(s). 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 must contain the following particulars, including:

(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) providing the goods or services; and

(d) information which proves that the organisation or person (other than the candidate himself) providing the goods or services has received the relevant payment in full (e.g. name and signature of the payee or stamp of the organisation receiving payment or signature of representative).

[S 37(2)(b) of the ECICO]

15.26 Furthermore, a candidate must also set out in the election return all election donations received by him, the election agent and other person(s) on the candidate's behalf, whether in cash or in kind, and must be accompanied by copies of receipts issued by the candidate for each election donation of more than $1,000 in value. For any election donations which remain unspent, unused, or for which a receipt has not been issued in accordance with the above requirements (including those of more than $1,000 in value but for which receipts cannot be issued due to anonymous donations), or election donations exceeding the maximum amount of election expenses, the candidate must also attach to the election return copies of receipts issued by the charitable institutions or trusts of a public character for the receipt of the election donations. The candidate must also submit, together with the election return, a declaration verifying the contents of the election return. [S 37 of the ECICO]

Simplified Relief Arrangement

15.27 If a candidate makes any error and/or false statement in the election return (for example, failing to declare one or more items of election expense or election donation, by mistake stating the amount of election expense or election donation, or failing to submit any relevant documents for the election expense or election donation as required), and the aggregate amount of value involved does **not** exceed $600, he 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 RO deems the simplified relief arrangement applicable, the RO, acting on behalf of the DHA as the authority to administer the arrangement, would issue a notice to the candidate. Upon receipt of the notice, the candidate must, within the specified period (see para. 15.28(a) of this chapter), lodge with the DHA through the RO a revised election return. In such revised election return, the necessary revision to the error(s) or false statement(s) should be marked on a copy of the originally submitted election return. An error or false statement made in an election return 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 and item 9 of the Schedule to the ECICO]

15.28 A revised election return lodged by a candidate must comply with the following requirements, otherwise it is of no effect:

(a) it must be lodged within 30 days after the date of receiving notice from the RO relating to the error(s) and/or false statement(s) in the election return;

(b) it is accompanied by all relevant documents (e.g. invoice and/or receipt) and an explanation (if applicable); and

(c) it is 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 candidate may only lodge one revised election return under the simplified relief arrangement, and the revised election return cannot be withdrawn or further amended once lodged with the RO. 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.

15.29 If, **after including the cumulative amount of errors and false statements, the aggregate amount of election expenses incurred by a candidate exceeds the maximum amount of election expenses prescribed for a particular election, the candidate engages in illegal conduct at an 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 the submitted election return or 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 prosecuted. Moreover, the simplified relief arrangement will not relieve the candidate from the liabilities for committing the relevant offences if the election return of the candidate violates other statutory requirements. [Ss 20, 24 and 37A of the ECICO]

<u>Statutory Relief Mechanism</u>

15.30 If a candidate fails to send to the DHA through the relevant RO the election return before the statutory deadline (see para. 15.23 of this chapter), he commits an offence (see para. 15.40 of this chapter for the relevant penalties). However, 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 inadvertence or accidental miscalculation by the candidate or any other person, or any other reasonable causes (but not due to the candidate's bad faith), he may make an application to the CFI for an order allowing him to send the election return to the DHA through the relevant RO within a further period as specified by the CFI. [S 40(1) and (2) of the ECICO]

15.31 If a candidate notices an error or a false statement in the election return after the expiration of the statutory deadline, and it is due to misconduct of any agent or employee of the candidate, or inadvertence or accidental miscalculation by the candidate or any other person, or any other reasonable causes (but 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. [S 40(3) and (4) of the ECICO]

15.32 The legal fees incurred for applying to the CFI for the aforementioned order will not be counted as election expenses.

15.33 If the candidate finds himself in any of the situations set out in paras. 15.30 and 15.31 of this chapter, unless the simplified relief arrangement mentioned in para. 15.27 is applicable, he should make an application to the CFI and inform the relevant RO as soon as possible. For previous court rulings on applications for the relief of election-related liabilities, relevant judgements are set out in Part IX of Chapter 7.

PART VI : ADVANCE RETURN OF ELECTION DONATIONS

15.34 Any candidate who is an incumbent public servant under the POBO, such as a serving member of the LegCo or a DC, etc., may disclose to the RO in advance any election donations received. However, even though the above election donations have been disclosed in advance, candidates must still observe the general requirements regarding election donations in Part IV and Part V of this chapter and set out the relevant information in the election return. [S 37(1) of the ECICO]

15.35 Any **advance return of election donations** must be made on the standard form mentioned in para. 15.24(b) of this chapter. A candidate may submit multiple advance returns of election donations as needed.

PART VII : ENFORCEMENT AND PENALTY

Enforcement

15.36 The election returns will be made available at the office of the relevant RO for public inspection up to the 30th day before the first anniversary of the date of the deadline for lodging the election return (any order made by the CFI allowing an extension of the deadline will not be counted). Copies of the election returns will be furnished to any person upon request during the above period, subject to the payment of a copying fee at a fixed rate. [S 41 of the ECICO]

15.37 The RO will check all election returns. Irregularities detected will be reported to the relevant government departments/authorities for investigation.

Penalty

15.38 Except the exemption mentioned in para. 15.39 of this chapter, it is illegal conduct for a person other than a candidate or an election expense agent to incur election expenses. Besides, it is also illegal conduct for a candidate to incur election expenses in excess of the maximum amount prescribed, or 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]

15.39 Any person other than a candidate or an election expense agent is exempted from the relevant criminal liability if the person publishes an EA on Internet, and the only election expenses incurred are electricity charges and/or charges for the Internet access. However, if a person who is authorised by a candidate or an election expense agent publishes an EA of the candidate on Internet platforms, even though the only election expenses incurred are electricity charges and/or charges for the Internet access, such expenses must still be included in the election expenses of the candidate.

NOTE:

If a candidate or an election expense agent publishes an EA on Internet platforms, even though the only election expenses are electricity charges and/or charges for the Internet access, such expenses must still be included in the election expenses of the candidate.

[S 23(1A) of the ECICO]

15.40 If a candidate fails to submit the election return before the statutory deadline or fails to provide an accurate account of all election expenses incurred and all election donations received, or fails to provide the supporting invoices

and receipts issued by the goods or service suppliers, he commits an offence and is liable to a fine of $200,000 and to imprisonment for 3 years. Moreover, the candidate will also be subject to the same disqualifications from elections (for example, disqualification from being nominated as a candidate or elected at an election) as a person convicted of having engaged in illegal conduct (see Part VII of Chapter 16). [S 38(1) and (4) of the ECICO]

15.41 If a candidate, who, having been elected as an RR, acts in the office or participates in the affairs as an RR without lodging an election return before the statutory deadline, he commits an offence and is liable to a fine of $5,000 for each day. [S 39(1) and (2) of the ECICO]

15.42 A candidate or other person who uses election donation for a purpose other than meeting or contributing towards meeting the election expenses, or fails to dispose of unspent or exceeded amount of election donations in accordance with s 19 of the ECICO engages in corrupt conduct at an election and is liable to a fine of $500,000 and to imprisonment for 7 years. [Ss 6, 18 and 19 of the ECICO]

15.43 If a candidate makes a statement that he knows or ought to know is materially false or misleading in his lodged election return or a copy of a revised election return, he engages in corrupt conduct at an election and is liable to a fine of $500,000 and to imprisonment for 7 years. [Ss 6 and 20 of the ECICO]

15.44 Any complaint or report of a breach of the relevant legislation may be made to the EAC or its Complaints Committee and the RO. The relevant cases may be referred to the relevant authorities for investigation.

CHAPTER 16

CORRUPT AND ILLEGAL CONDUCT

PART I : GENERAL

16.1 When conducting election-related activities, candidates must be mindful of situations that may involve corrupt and illegal conduct, and take appropriate precautions to avoid violation of law due to negligence.

16.2 The ICAC has compiled an information booklet titled "Clean Rural Elections" to help candidates and their agents to familiarise themselves with the key provisions of the ECICO. The content of the information booklet has also been uploaded to the ICAC website.

16.3 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 vote or not to vote for a particular candidate or particular candidates, or not to vote at an election by offering an advantage, food, drink or entertainment, or by using force or duress, or by a deception, and to wilfully obstruct or prevent an elector from voting. Such acts violate the ECICO. For the penalties of violating the relevant legislation, see Part VII of this chapter. Electors may sometimes require assistance from others or transportation services in accessing a polling station. However, the persons concerned must not deliberately use the above-mentioned means 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 CANDIDATES TO STAND FOR ELECTION OR NOT

16.4 Specifically, any person who engages in or expressly or implicitly authorises another person to engage in the following acts engages in corrupt conduct at an election:

(a) <u>Bribing Candidates or Prospective Candidates</u>:

offering an advantage to another person as an inducement or reward for that person or a third person to, or soliciting or accepting an advantage to get that person or another person to:

(i) stand or not stand as a candidate at the election;

(ii) withdraw a nomination; or

(iii) not to use his best endeavours to promote the election;

(b) <u>Force or Duress</u>:

using or threatening to use force or duress against another person, to induce that person to, or to induce that person to get a third person to, or because the other person or a third person:

(i) stand or not stand/stood or did not stand (as the case may be) as a candidate at the election; or

(ii) withdraw/withdrew (as the case may be) a nomination (if the other person or the third person has been nominated as a candidate at the election);

(c) <u>Deceptive Behaviour</u>:

by a deception, inducing another person to, or inducing another person to get a third person to:

(i) stand or not stand as a candidate at the election; or

(ii) withdraw a nomination (if the other person or the third person has been nominated as a candidate at the election);

(d) <u>Defacing or Destroying Nomination Papers</u>:

defacing or destroying a completed or partly completed nomination paper in order to prevent or obstruct another person from standing for election.

For more information on upholding clean elections and examples of the above corrupt conduct in relation to election, see the "Clean Rural Elections Information Booklet" and the Clean Rural Elections Website of the ICAC.

[Ss 7, 8, 9 and 10 of the ECICO]

PART III : ILLEGAL CONDUCT RELATING TO ELECTIONEERING ACTIVITIES

16.5 Candidates conducting electioneering activities must comply with the ECICO. Candidates and campaign helpers should note the following illegal conduct relating to electioneering activities. For the penalties for violating the relevant legislation, see Part VII of this chapter.

False Statement relating to a Candidate

16.6 A person engages in illegal conduct at an election if the person publishes a false statement relating to a candidate, including:

(a) publishing a statement, knowing it to be false, that a person is or is no longer a candidate at the election; and

(b) publishing a materially false or misleading statement of fact relating to a particular candidate or particular candidates, including but not limited to a statement 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 the candidate or candidates may also contravene the above-mentioned requirements. Therefore, before publishing a statement of fact about a candidate or candidates, every effort should be made to ensure the accuracy of the statement.

[Ss 25 and 26 of the ECICO]

Claim of Support

16.7 Unless with prior written consent from the relevant person or organisation, any person is not permitted to:

(a) publish EAs containing that person's or that organisation's, or that is substantially similar to the name, logo or pictorial representation of or associated with that person or that 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) modify and authorise any person to modify EAs provided by a supporter or organisation, which contain the name, logo or pictorial representation of that supporter or organisation, and any content of the EAs provided by them.

For the detailed statutory requirements relating to claim of support, see Chapter 17.

[S 27 of the ECICO]

Inciting Another Person Not to Vote or to Cast Invalid Vote by Activity in Public

16.8 A person engages in illegal conduct at an election if the person incites[54] another person not to vote or to cast an invalid vote by activity in public during the election period. Activity in public includes the following activities, whether or not the persons concerned are in a public place while carrying out such activity:

(a) any form of communication to the public, including speaking, writing, printing, displaying notices, broadcasting, screening and playing of tapes or other recorded materials;

(b) except for (a) of this paragraph, any other conduct observable by the public, including actions and gestures and the wearing or display of clothing, signs, flags, emblems and insignia; or

(c) the distribution or dissemination of any matter to the public.

[S 27A(1), (2) and (5) of the ECICO]

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[54] 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.

16.9 To determine whether an activity in public incites another person not to vote or to cast an invalid vote, considerations may be given 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 if he 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

16.10 As stated in para. 16.4 of this chapter, a person engages in corrupt conduct at an election if the person affects a person's voting preference by offering, soliciting or accepting an advantage. For the penalties for violating the relevant legislation, see Part VII of this chapter. Voting preference covers voting for a particular candidate or particular candidates, not voting at the election, or not voting for a particular candidate or particular candidates. [S 11 of the ECICO]

16.11 Besides, during the election period, any person should refrain from engaging in any act which may be perceived as electoral bribery, such as attaching election leaflets of candidate(s) when distributing leaflets of community activities on free medical check-up, free legal consultation, free classes or discounted meals, etc.

Treating

16.12 A person engages in corrupt conduct at an election if the person provides another person with food, drink or entertainment (e.g. singing performance) or pays all or part of the cost of providing such treating for the purpose of affecting that person's or a third person's voting preference. It is

also unlawful to solicit or accept any of such improper treating. 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]

Force or Duress

16.13 A person engages in corrupt conduct at an election if the person uses force or duress, or threatens to use force or duress to induce another person to vote or not to vote at an election, or to vote or not to vote for a particular candidate or particular candidates, or to get a third person to do so. Persons in a position which they can exert pressure and influence on others, such as employers over employees, school principals or teachers over students, religious advisers over believers and doctors over patients, etc., should be careful not to breach the relevant requirements. [S 13 of the ECICO]

Deception or Obstruction

16.14 A person engages in corrupt conduct at an election if the person, 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. A person also engages in corrupt conduct at an election if the person 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 to commit the above corrupt conduct. [S 14(1) and (1A) of the ECICO]

16.15 Other corrupt conduct relating to voting includes (but is not limited to):

(a) 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) vote knowing that he is not entitled to do so;

(c) 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, to vote more than once in the same ReR Election, IIR Election or KFR Election; or

(e) to invite or induce another person to commit (b), (c) or (d) of this paragraph.

[Ss 2, 15, 16(1) and (2) of the ECICO]

16.16 For more details on other corrupt conduct, see the ECICO.

PART V : CORRUPT AND ILLEGAL CONDUCT RELATING TO ELECTION EXPENSES AND ELECTION DONATIONS

16.17 Candidates should be careful when handling election expenses and election donations as violation of the relevant requirements will also be corrupt or illegal conduct. For the requirements that have to be observed by candidates and the penalties for conviction because of the relevant acts, see Chapter 15.

PART VI : POWER OF COURT TO EXEMPT UNWILFUL ACTS

16.18 A candidate, agent or other person may apply to the CFI for an order to relieve himself from criminal liability if he violates the requirements relating

to illegal conduct due to inadvertence, an accidental miscalculation or any reasonable cause (but not due to bad faith). No prosecution against him may be instituted or carried on by relevant law enforcement agency, until the application for the relief of penalties and liabilities is disposed of by the CFI. The candidate, agent or other person will not be convicted of violation of law by the court if the relevant illegal conduct has been exempted by an order made by the court under s 31(2) of the ECICO. [S 31 of the ECICO]

16.19 If a candidate is unable or has failed to send to the relevant RO the election return before the expiry of the statutory deadline (see Part V of Chapter 15) due to the following reasons, but not due to the applicant's bad faith:

(a) the candidate's own illness or absence from Hong Kong; or

(b) the death, illness, absence from Hong Kong or misconduct of an agent or employee of the candidate; or

(c) inadvertence or an accidental miscalculation by the candidate or any other person; or

(d) any reasonable cause (but not due to bad faith),

the candidate can apply to the CFI for an order to allow him to send the election return to the relevant RO within a further period as specified by the CFI. [S 40(1) and (2) of the ECICO]

16.20 If, after the statutory deadline, a candidate spots an error or a false statement in the election return due to misconduct of an agent or employee of the candidate, or by reason of inadvertence or an accidental miscalculation by the candidate or any other person, or any reasonable cause (but not due to 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. [S 40(3) and (4) of the ECICO]

16.21 When the candidate finds himself in any of the situations set out in paras. 16.19 and 16.20 of this chapter, other than the situations where correction of errors or false statements is allowed under the simplified relief arrangement in para. 15.27 of Chapter 15, he should apply to the CFI and inform the relevant RO as soon as possible.

PART VII : VIOLATION OF THE LAW AND SANCTION

16.22 A person who engages in:

(a) **corrupt conduct** at an election is liable to a fine of $500,000 and to imprisonment for 7 years, and must pay to the court the amount or value of the money or anything worth money 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 to imprisonment for 3 years [s 22(1) of the ECICO].

16.23 A person convicted of **corrupt or illegal conduct** within the meaning of the ECICO will, in addition to the penalties set out in para. 16.22 of this chapter, be disqualified:

(a) if the election is held within five years after the date of conviction, from:

(i) being nominated as a candidate for the election(s) of the CE, LegCo, DC, EC Subsector or an RR; or

(ii) being elected as the CE, a member of the LegCo, DC or EC, or an RR; and

[Ss 14 and 20 of the Chief Executive Election Ordinance (Cap. 569) ("CEEO") and s 18 of the Schedule to the CEEO, s 39 of the LCO, s 21 of the District Council Ordinance (Cap. 547) ("DCO"), and s 23 of the RREO]

(b) within five years after the date of the person's conviction, from:

(i) being appointed as a member of the DC;

(ii) being nominated as a nominee for the EC subsector; or

(iii) being registered as an ex-officio member of the EC or DC.

[Ss 5M and 9 of the Schedule to the CEEO, and ss 14 and 19 of the DCO]

16.24 Election-related offences and violation of the ECICO are serious crimes. On 27 November 1997, the Court of Appeal laid down sentencing guidelines stating that a person who is convicted of any serious election-related offence should be sentenced to immediate imprisonment. In addition, the District Court also reaffirmed the relevant position in May 2022 when it concluded a case of engaging in illegal conduct at an election by incurring election expense[55]. The reasons for sentence are extracted below:

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[55] *HKSAR v. Tai Yiu Ting* (DCCC 683/2021).

"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 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 17

NAMEDROPPING

PART I : CLAIM OF SUPPORT

17.1 It is an offence if a candidate includes a person's or an organisation's, or that is substantially similar to the name, logo or pictorial representation of or associated with that person or that organisation in his EA in a manner as to imply, or to be likely to cause electors to believe that the candidate (or anyone associated with him) has obtained 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 his/its name, logo, or pictorial representation in such advertisement; or

(b) the candidate does not personally/authorise anyone to request or direct the inclusion of the name, logo, or pictorial representation of the relevant person or organisation in that advertisement (e.g. the content of the EA is provided by the supporter on his own initiative).

If the EA meets the conditions in (a) or (b) of this paragraph, and the relevant person or organisation has provided any content of the advertisement, the candidate must not modify or authorise any person to modify the name, logo, or pictorial representation or any provided content unless **written consent** has been obtained from the relevant person or organisation.

[S 27 of the ECICO]

17.2 It is still an offence even if the EA contains a statement to the effect that it does not imply support by the person or organisation for 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 statutory requirements. Additionally, a consent of support, regardless of the number of individual(s) by whom it is signed, has to be a single document and cannot be composed of multiple documents or inferred from a chain of correspondences or messages.

17.3 The EAC has prepared a sample form to facilitate candidates to seek **consent of support** in writing from **a person or an organisation**. The sample 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 relevant ROs or download it from the RR Election website (www.had.gov.hk/rre).

17.4 If a supporter only provides the consent of support to a candidate in his personal capacity and he intends to mention his office title(s) or the name of his organisation, he should avoid giving the impression that the relevant organisation also supports the candidate. If the EA indicates support by the relevant organisation, approval given by the governing body of the organisation or a resolution passed at a general meeting is required.

17.5 Moreover, when including personal data[56] (which may include the name, logo, pictorial representation and/or the content) of the relevant person in an EA, the candidate shall take all practicable steps to ensure that the relevant personal data is correct and accurate. Otherwise, it may contravene the Data Protection Principle 2(1)[57] of Schedule 1 to the PD(P)O.

17.6 Regarding EAs published by candidates on online platforms, some persons or organisations may show their support to a candidate out of their own initiatives by giving "like" or response to the EAs published by the candidates or including their names, logos or pictorial representations in the EAs. If the candidate has not requested or directed, or authorised any person to request or direct the relevant person or organisation to give support, then the candidate is not required to seek the prior written consent from the relevant person. Yet, the candidate is not allowed to modify the relevant EA before obtaining the consent from the relevant person or organisation. Nevertheless, if the candidate invites a person to show his support by giving response to an online EA or participating in a live streaming electioneering activity, the candidate should obtain the prior written consent from the person. [S 27(1), (1A) and (1B) of the ECICO]

17.7 It is an offence for a person to make false claim of support. It is also an offence for a person to give information to a candidate or candidates which he knows or ought to know is materially false or misleading for the purpose of promoting or prejudicing the election of the candidate or candidates. [S 27(6) of the ECICO]

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[56] According to s 2(1) of the PD(P)O, personal data means any data:
(a) relating directly or indirectly to a living individual;
(b) from which it is practicable for the identity of the individual to be directly or indirectly ascertained; and
(c) in a form in which access to or processing of the data is practicable.

[57] Data Protection Principle 2(1) of the PD(P)O: 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.

Consent of Support

17.8 For the avoidance of doubt, the Consent of Support should set out clearly in what capacity the supporter is expressing support:

(a) support given in his personal capacity - the supporter's office title(s) should not be mentioned in the candidate's EAs or electioneering activities;

(b) support where his office title(s) may be mentioned (without mention of the name of the organisation concerned) - the Consent of Support 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 the usage of the information does not give a wrong impression that the organisation(s) concerned support(s) that candidate.

For example, if an office title of "the school principal" (e.g. "Chan Tai Man, the Principal") or "chairman of an owners' corporation" (e.g. "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 more desirable for the candidate to seek the relevant organisation's prior written approval;

(c) support where his office title(s) and the name of the organisation concerned may be mentioned - the candidate should ensure that the supporter has obtained the prior written approval of his organisation in accordance with the organisation's internal rules and procedures before using both the supporter's office title(s) and the name of the organisation. In case of doubt, the candidate or his supporter should

consult the relevant organisation regarding its internal rules and procedures. The candidate should avoid giving a wrong impression that the whole organisation supports that candidate; and

(d) support given in the capacity of an organisation - the Consent of Support 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 of Support must be signed by an authorised person of the organisation (such as the director, chairman or chief executive, etc. of that organisation). [S 27(5) of the ECICO]

17.9 A person or an organisation may support more than one candidate (even candidates who are contesting in the same Rural Area), but the above situation must be stated in the Consent of Support.

Revocation of Consent of Support

17.10 A consent of support given to a candidate may be revoked by a person or an organisation. In order to avoid dispute, if the consent of support to a candidate is revoked, the person or organisation should send a notice of the revocation of the consent of support to the candidate concerned.

17.11 Candidates are required to upload the written consent for the relevant EAs to the Candidate's Platform or Central Platform or deposit a copy of the written consent with the relevant RO in the manner as set out in para. 7.40 of Chapter 7. Candidates are also **required to upload** the notice of revocation of the consent of support to the platforms concerned **or notify** the relevant RO that such consent of support has been revoked in the manner as set out in para. 7.40 of Chapter 7. 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 92(2) and (3) of the EP (RRE) Reg]

17.12 After a consent of support for a candidate is revoked, the candidate concerned should immediately cease to publish any EA which contains the person or organisation that has revoked the consent. Moreover, in accordance with the requirements of the Data Protection 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 relevant person is not retained for a period longer than necessary[58]. 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 the purpose for which it was used, unless any such erasure is prohibited under any law or it is in the public interest for the data not to be erased.

NOTE:

The costs incurred for the production of EAs bearing such claim of support should be regarded as the candidate's election expenses and be declared in the election return.

17.13 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:

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, that EA should not be regarded as a joint EA. The election expenses incurred should be counted towards

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[58] That is the time required for retaining the personal data for the fulfilment of the purpose (including any directly related purpose) for which the data is or is to be used.

candidate B's election expenses only. In such circumstances, candidate B has to obtain 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, the relevant EA will be regarded as a joint EA. Candidate A and candidate B should obtain prior written consent of support from each other before publishing the joint EA, and candidate B must also obtain prior written authorisation from candidate A to be the election expense agent. 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. [S 27 of the ECICO]

17.14 If a candidate uses photos in his EAs to show the activities he attended in the past and there are other persons in the photos (which may include other candidates in the same election), then publishing the EAs may imply or is likely to cause electors to believe that that candidate has obtained the support of those persons in the photos. Therefore, the candidate must obtain written consent from the relevant persons before publishing that EA; otherwise, the candidate should take effective measures to avoid making electors believe that the persons in the photos support the candidate. For instance, if an EA includes a photo of the candidate and other persons participating in an activity, the candidate may add a caption below the photo specifying the particular nature and relevant information of the activity, so as to ensure that any reasonable and neutral person would not mistakenly 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 it does not imply the support of the persons in the photo has been obtained, the candidate still has to obtain the prior written consent of support from those persons. Failure to do so is an offence. [S 27(4) of the ECICO]

17.15 The law does not stipulate a minimum age for individuals signing the 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 of Support.

17.16 Unless a candidate has obtained the prior written consent of support from a person, body, government authority or government department, he should not attach any materials published by any such person, body, government authority or government department to his EA in order to avoid causing electors to believe that the candidate has obtained the support of the relevant person or organisation.

17.17 As images may be regarded as personal data, candidates should be mindful of whether the use of a person's image is consistent with or directly related to the original purpose of collecting such image. Additionally, the Privacy Commissioner for Personal Data has published the "Guidance on Election Activities for Candidates, Government Departments, Public Opinion Research Organisations and Members of the Public" (see **Appendix 7**), which serves as a general reference on matters that candidates need to note in respect of the collection, holding, processing and use of personal data when conducting electioneering activities.

PART II: COURT'S POWER AND PENALTY

17.18 If a candidate contravenes any requirements relating to 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 para. 7.55 of Chapter 7 and Part VI of Chapter 16). [S 31 of the ECICO]

17.19 The Court could grant an injunction to prohibit the publication of any materially false or misleading statement or claim of support. A candidate in the same Rural Area, an election agent, an elector of the Rural Area concerned and the person or body to whom or which the false information is related could apply for the injunction. [S 28 of the ECICO]

17.20 It is illegal conduct if any person makes a false claim of support, and he is liable to a fine of $200,000 and to imprisonment for 3 years. [Ss 22(1) and 27 of the ECICO]

CHAPTER 18

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 : STANDING FOR ELECTION AND PARTICIPATION IN ELECTIONEERING ACTIVITIES BY CIVIL SERVANTS AND NON-CIVIL SERVICE GOVERNMENT STAFF

18.1 Civil servants and non-civil service government staff (for the definition of non-civil service government staff, see Part IV of Chapter 6) who wish to engage in the RR election, including standing as RR candidates and/or participating in electioneering activities should observe the regulations, rules and guidelines issued by the Civil Service Bureau.

18.2 Directorate officers, Administrative Officers, Information Officers, police officers and those officers acting in the above grades or ranks with a view to substantive appointment, are not allowed to act as agents for candidates or participate in their electioneering activities. Other civil servants and non-civil service government staff, **unless** being appointed as the CRO, ROs, AROs, PROs, or polling or counting staff, may act as agents for candidates or participate in their electioneering activities. However, they should bear in mind their duty to uphold political neutrality, and take care to avoid creating possible embarrassment to the Government or acting in ways which could call into question the good name and impartiality of the civil service. They shall also ensure that there is no conflict of interest with their official duties and that no use of public resources (e.g. the Government's communication systems, including

email system) is involved. Additionally, when participating in electioneering activities, they should not wear government uniforms. To prevent unfairness, potential or perceived unfairness and to avoid conflict of interest, civil servants and non-civil service government staff working in a Rural Area or having extensive contacts with the public in a Rural Area, particularly staff members of the HAD and DOs of the New Territories, should avoid acting as an agent for a candidate in that Rural Area or participating in the electioneering activities in the Rural Area concerned. Civil servants and non-civil service government staff who participate in electioneering activities (including seeking of election donations) for any candidates should not use or give the impression of using any public resources for such purpose.

PART II : ATTENDANCE OF PUBLIC FUNCTIONS BY CIVIL SERVANTS AND NON-CIVIL SERVICE GOVERNMENT STAFF

Being Invited to Attend Public Functions

18.3 From the time any person publicly declares an intention to stand for election in respect of a particular Rural Area or from the commencement of the nomination period of the election (whichever is earlier) until the end of polling day, if civil servants and non-civil service government staff are invited to attend public functions where candidates may also attend, they should consider and act prudently.

18.4 Before accepting an invitation to attend the public function concerned, civil servants and non-civil service government staff must ensure that:

(a) attending the function concerned 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 the election of any candidate.

During the Public Function

18.5 The EAC appeals to all civil servants and non-civil service government staff that they should avoid taking photos with any candidates at the function concerned to prevent giving the impression of lending support to the candidates concerned, except in the following circumstances:

(a) taking such photos is needed for him to perform his official duty normally required of the post he is currently holding;

(b) taking such photos is a natural part of that function, and his refusal would be seen as acting against the proper etiquette of that function; or

(c) it is a group photo participated by all other candidates of the same Rural Area.

PART III : ATTENDANCE OF PUBLIC FUNCTIONS BY CANDIDATES

18.6 The EAC appeals to all candidates attending the function that they should avoid taking photos with any civil servants or non-civil service government staff to prevent giving the impression of receiving special advantages, except in the following circumstances:

(a) taking such photos is 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 that function, and his refusal would be seen as acting against the proper etiquette of that function; or

(c) it is a group photo participated by all other candidates of the same Rural Area.

PART IV : POLITICALLY APPOINTED OFFICIALS

18.7 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 bodies.

18.8 Nevertheless, politically appointed officials should exercise prudence when participating in election-related activities, and must comply with the "Code for Officials under the Political Appointment System". They should not use any public resources, and have to ensure that there is no actual or potential conflict of interest between their participation in such activities and the business of the Government or their own official duties.

CHAPTER 19

COMPLAINTS PROCEDURES

PART I : GENERAL

19.1 The EAC is responsible for handling election-related complaints. This chapter sets out the procedures for making complaints regarding **any breach of 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 handle such complaints. The EAC may set up a **Complaints Committee** to handle complaints, members of which consist of current EAC members and one or more independent and politically impartial professionals.

19.2 The EAC ensures that the complaints-handling process complies with the principle of procedural justice and is based on factual evidence. The party concerned shall be given the opportunity to defend himself, and the established procedures will not be circumvented or compressed because of time constraints.

19.3 If a complaint is substantiated, the EAC may, depending on the circumstances, issue a public **reprimand** or **censure** against the party involved to enable the public to be informed of the major occurrences during the election. The EAC may also, if necessary, issue press releases on matters of principle which have attracted widespread public concern in order to set the record straight.

19.4 Any complaint involving 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[59].

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[59] Under s 58(2) of the PD(P)O, personal data is exempt from the provisions of Data Protection Principle 3 in any case in which the use of the data is for any of the purposes referred to in subsection (1), including the prevention or detection of crime, and the prevention, preclusion or remedying (including punishment) of unlawful or seriously improper conduct or dishonesty or malpractice, by persons.

PART II : COMPLAINT CHANNELS

19.5 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 Rural Area appointed by the EAC; or

(c) the PRO (on the polling day).

NOTE:

If the complaint is against the conduct, behaviour or actions of the staff of the HAD and DO, the staff of the EAC Secretariat, or the RO, it must be submitted directly to the EAC or its Complaints Committee.

PART III : DEADLINE AND PROCEDURES FOR LODGING COMPLAINTS

19.6 **Complaints must be lodged within the complaints-handling period[60] of the election concerned.** This is to ensure that remedial measures can be taken timely, and proper investigations and follow-up actions can be carried out by the bodies or persons responsible for handling complaints while the evidence is still available.

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[60] Generally, the complaints-handling period of an election begins from the start of the nomination period and ends on the 45th day after the polling day.

19.7 A complaint can be lodged either orally or in writing. Complainant who wishes to make an oral complaint can lodge it 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 to use the designated complaint form available on the EAC website (www.eac.hk).

19.8 The complainant should identify himself and provide his correspondence address, email address, phone number, or other means of communication. Failure to do so may make the EAC unable to notify the complainant of the investigation outcomes. The EAC will record oral complaints in writing and the complainant must confirm the written record afterwards to enable the EAC to further follow up on the complaint. Complainants' personal data will be handled in accordance with the PD(P)O.

PART IV : COMPLAINTS INSIDE POLLING STATIONS

19.9 To lodge a complaint about matters 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 matter is not resolved, or still feels aggrieved at the outcome of the complaint, or if the complainees are the PRO, the Deputy PRO or an Assistant PRO, the complainant may lodge the complaint to the RO of the relevant Rural Area of the polling station. The phone numbers of the ROs are listed in the guide on procedures for handling complaints displayed inside the polling station; and

(c) if the complainant considers the complaint 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 inside the polling station, the complainant may need to leave 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.

19.10 The PRO or his Deputy PRO or Assistant PRO will record complaints mentioned in para. 19.9(a) and (b) of this chapter.

PART V : HANDLING OF COMPLAINTS

19.11 The EAC or its Complaints Committee, the ROs of the relevant Rural Area and the PROs will handle complaints as soon as practicable.

19.12 The DHA, ROs and PROs are obliged to report irregularities in elections, polling, or counting to the EAC or its Complaints Committee. They must also 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 EAC Secretariat will be forwarded to the EAC or its Complaints Committee with comments and the relevant information. The EAC or its Complaints Committee may seek further information or views from the relevant RO or the HAD, if necessary. [S 87 of the EP (RRE) Reg]

19.13 The EAC or its Complaints Committee, or the RO 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 as required or refuses to be interviewed or make the statutory declaration, the EAC or its Complaints Committee or the RO may not be able to take further action on the complaint.

19.14 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 matter, such as the removal of EAs in breach of the relevant guidelines;

(b) after making reasonable attempts to contact the relevant person(s) and giving the relevant person(s) an opportunity to make representations, issue a warning to the relevant person(s) regarding the matter under complaint and, where necessary, require the relevant person(s) to 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) complained of; and

(d) with or without comments, refer the complaint to the ICAC, the Department of Justice or the HKPF for follow up such as prosecution of the suspected person.

[Ss 5(e) and 6(4) of the EACO]

19.15 The EAC or its Complaints Committee will notify the complainant in writing of its decision, and provide explanation for unsubstantiated complaints. As each complaint must be examined in details, the EAC and/or other authorities need(s) some time to handle all complaints.

PART VI : ELECTORAL AFFAIRS COMMISSION'S REPORT ON COMPLAINTS RECEIVED

19.16 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 : SANCTION FOR FALSE COMPLAINTS

19.17 Any person who knowingly makes a false complaint and provides false information to the EAC or its Complaints Committee or the RO, knowing that such complaint and information will be referred to the ICAC or HKPF, commits an offence. If a person knowingly and wilfully makes a false statement on a particular material matter in a statutory declaration submitted to the EAC or its Complaints Committee or the RO, the person concerned also commits an offence and is liable to a fine and to imprisonment for 2 years. [S 36 of the Crimes Ordinance]

19.18 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 providing false information or by making false statements or accusations commits an offence and is liable to a fine at level 4 ($25,000) and to imprisonment for 1 year. Similarly, any person who knowingly makes or causes to be made to any police officer a false report of the commission of any offence, or misleads any police officer by giving false information or by making false statements or accusations, commits an offence and is liable to a fine at level 1 ($2,000) and to imprisonment for 6 months. [S 13B of the Independent Commission Against Corruption Ordinance (Cap. 204) and s 64 of the Police Force Ordinance (Cap. 232)]

APPENDICES

Appendix 1
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Rural Representative Election
Action Checklist for Candidates

Time	Action
Before and during nomination period	1. Obtain the following from the Returning Officer ("RO") or a New Territories District Office ("DO") of the Home Affairs Department ("HAD"): (a) nomination form for candidates ("nomination form"); (b) grid paper for the production of the "Introduction to Candidates" and the "Guide on Completion of Grid Paper"; and (c) the form of "Intention to Display Election Advertisements at Designated Spots". The nomination form and the form of "Intention to Display Election Advertisements at Designated Spots" can also be downloaded from the Rural Representative Election website (www.had.gov.hk/rre).
During nomination period	2. Hand in the duly completed nomination form to the RO by the candidate in person before the end of the nomination period. 3. Upon successful submission of the nomination form, candidate will receive a "Candidate Folder" containing various forms and reference materials for use by candidates. 4. Lodge with the RO a "Notice of Withdrawal of Candidature" in person or through the election agent before the end of the nomination period if the candidate wishes to withdraw his candidature.
Any time before, during or after handing in nomination form	5. Publication of Election Advertisements ("EAs"): (a) ensure that all printed EAs contain the name and address of the printer, date of printing and 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;

Time	**Action**

(c) (i) candidates who choose to set up an open platform maintained by the candidate or a person authorised by the candidate ("Candidate's Platform") should provide the RO with the **hyperlink** 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 open platform maintained by the Director of Home Affairs ("DHA") or a person authorised by the DHA ("Central Platform") should submit to the DHA 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"; and

(d) make available a copy of each of the EAs and the relevant information/documents, including publication information and 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) uploading to the Central Platform;

(ii) uploading to 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 open platform may be uploaded.

(iii) providing two hard copies of each of the EAs and one hard copy of the information/documents in relation to the EA to the RO (or the DHA if the RO has not yet been appointed); or

Time	**Action**
	(iv) providing two copies of a CD-ROM or DVD-ROM each containing the EA and one hard copy of the information/documents in relation to the EA to the RO (or the DHA if the RO has not yet been appointed).
	6. Incurring election expenses and receiving election donations: (a) record details of all election expenses and election donations; (b) keep the original invoices and receipts for all election expenses of goods or service of $500 or above; (c) issue a receipt to the non-anonymous donor for election donations of more than $1,000 and keep a copy of the receipt. (may use the "Standard Receipt for Election Donations" provided by the HAD through the RO); and (d) if necessary, submit to the DHA, through the RO, an "Advance Return and Declaration of Election Donations" when an election donation is received.
Any time before handing in nomination form till the end of election period	7. Appointment of election expense agent(s): (a) lodge with the RO (or the DHA if the RO has not yet been appointed) an "Authorisation to Incur Election Expenses"; and (b) may appoint one person or more as the election expense agents, **may** also appoint the election agent as an election expense agent. The appointment is not effective until it has been received by the RO or the DHA (if the RO has not yet been appointed).
Any time after handing in nomination form	8. Appointing election agent: (a) lodge with the RO a "Notice of Appointment of Election Agent"; and (b) each candidate can only appoint one election agent. An election agent **cannot** act on behalf of the candidate:

Time	**Action**
	(i) to sign the nomination form or make any requisite declaration;
	(ii) to withdraw the candidate's candidature;
	(iii) to appoint an election agent;
	(iv) to appoint an election expense agent;
	(v) to incur election expenses (unless separately appointed by the candidate);
	(vi) to revoke the appointment of an election agent or election expense agent; and
	(vii) to be present at a dedicated polling station situated in a maximum security prison.
Any time after handing in nomination form, but before the end of nomination period	9. (a) If a candidate wishes to use the "Introduction to Candidates" for promotion, he should, as soon as possible:
	(i) lodge with the RO a duly completed grid paper affixed with a colour photograph of the candidate which must be in a specified size and taken within the last six months; and
	(ii) provide two additional copies of the photograph identical to the one affixed to the grid paper with the candidate's name, the Rural Committee and Rural Area concerned labelled on the back; and
	(b) Lodge with the RO the form "Intention to Display Election Advertisements at Designated Spots".
Any time after handing in nomination form, but at least seven days before the polling day	10. If it is necessary, lodge with the RO the following documents:
	(a) 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)"; and

Time	**Action**
	(b) "Notice of Appointment of Polling Agents for a Polling Station Not Situated in a Penal Institution".
Any time after handing in nomination form, but at least three days before the polling day	11. Lodge with the RO the "Notice of Appointment of Counting Agents".
As soon as practicable after the RO determines the candidate as validly nominated or not	12. 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 Rural Area).
As soon as practicable after the RO receives a "Notice of Appointment of Election Agent" from other candidates	13. Receive from the RO information about the election agents appointed by other candidates of the same Rural Area.
Around seven days after the end of nomination period	14. Validly nominated candidates attend the candidates' briefing session.
	15. Attend the lots drawing session held by the RO for the contested Rural Areas to determine the candidate number or the order of appearance to be shown on the ballot paper and the designated spots allocated for the display of EAs.
	16. Receive from the RO the permission/authorisation for the display of EAs at designated spots allocated to the candidate (candidates for uncontested Rural Areas will not be allocated with designated spots).
Around 14 days after the end of nomination period	17. Check the ballot paper printing proof 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 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 HAD, the printing proof of the ballot paper will be adopted for printing without further notice.)

Time	**Action**
Within 14 days after the end of nomination period	18. Receive from the RO the location maps and layout plans of the polling stations, counting stations and ballot paper sorting stations.
Any time before polling day	19. Lodge with the RO, as applicable, the "Notice of Revocation of Appointment of Agent".
At least ten days before polling day	20. Receive notification from the RO on when and where the counting/sorting of votes is to take place.
During the week before the polling day	21. Lodge with the RO 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)" **only when:** (a) during the week before the polling day, an elector imprisoned or held in custody who is entitled to vote for the relevant Rural Area at the aforesaid dedicated polling station situated in a penal institution is admitted or transferred to the penal institution; and (b) the application is lodged without undue delay after the admission or transfer of the elector to that penal institution.
Not later than two days before the polling day	22. Receive from the RO the information regarding the delineation of no canvassing zones and no staying zones for the polling stations (including dedicated polling stations).
Before entering the polling station, counting station or the ballot paper sorting station	23. Complete the "Declaration of Secrecy" (a declaration of secrecy should be made by all candidates, their election agents, polling agents and counting agents).
On the polling day	24. If candidates or election 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 ("PROs") (except for penal institutions) or Officer-in-charge of the counting station.

Time	**Action**
Within three working days after the polling day	25. If required, upload the corrected EA particulars to the Candidate's Platform or the Central Platform; or submit the "Notification of Corrected Information in relation to Election Advertisements" to the ROs.
Within ten days after the polling day	26. Remove all EAs displayed on government land/property. **Note:** EAs displayed on private land/property and public service vehicles should also be removed as soon as possible after the election.
Before the statutory deadline for the submission of Return and Declaration of Election Expenses and Election Donations ("election returns") as required under section 37 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) ("ECICO") (The relevant RO will inform candidates in writing of the deadline for lodging election returns)	27. (a) Lodge with the DHA an election return; **Note:** Candidates are required to submit an election return even if they are returned uncontested, are not elected, have not incurred any election expenses or have not received any election donations. (b) Candidates should ensure that the election return is accompanied by an invoice and a receipt 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 receipt of the unspent election donations, anonymous donations of more than $1,000 in value and election donations exceeding the limit of election expenses (see Chapter 15 of the "Guidelines on Election-related Activities in respect of the Rural Representative Elections"); (c) Candidates must verify the contents of the election return and sign the declaration/supplementary declaration(s) in that return; (d) Any candidate who fails to lodge the election return before the deadline commits an offence. Those who are unable to lodge the election return before the deadline may apply to the Court of First Instance ("CFI") for an order allowing them to lodge at an extended deadline;

Time	**Action**
	(e) If a candidate wishes to make amendments to the submitted election return before the deadline, he may lodge with the DHA before the deadline a supplementary declaration stating the amendments, with attachment of the relevant supporting documents (if appropriate), such as receipts; and
	(f) If a candidate wishes to correct any error or false statement in the election return (including any document accompanying the election return) after the deadline, he must apply to the CFI for an order allowing him to do so. (Except the case where the aggregate amount of value involved in the error or false statement in the election return does not exceed the limit (i.e. $600) of the relief arrangement for as prescribed in section 37A of the ECICO, and the candidate, upon receipt of notification from the DHA, rectifies the error or false statement in the election return within a specified period) (see Part V of Chapter 15 of the "Guidelines on Election-related Activities in respect of the Rural Representative Elections").
Until the end of the period for which copies of election returns are available for public inspection under section 41 of the ECICO	28. If the hyperlinks to EAs have been uploaded to the Central Platform, the candidates must ensure that the hyperlinks remain validly operating throughout the whole public inspection period.
	29. Maintain the Candidate's Platform (if applicable) for public inspection.

Note: Most of the forms mentioned in this checklist can be downloaded from the Rural Representative Election website (www.had.gov.hk/rre).

(This "Action Checklist for Candidates" is for reference only. Candidates should refer to the "Action Checklist for Candidates" included in the Candidate Folder for the respective rural ordinary election/by-election, as well as the notification issued by the HAD regarding the election from time to time.)

Appendix 2
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A List of Existing Village, Indigenous Village, Composite Indigenous Village and Market Town

EXISTING VILLAGE

	Name of village	Number of persons to hold the office of resident representative	Rural Committee
1.	A Ma Wat (亞媽笏)	1	Sha Tau Kok District Rural Committee
2.	A Shan (鴉山)	1	Tai Po Rural Committee
3.	Ah Kung Kok Fishermen Village (亞公角漁民新村)	1	Sha Tin Rural Committee
4.	Ap Chau (鴨洲)	1	Sha Tau Kok District Rural Committee
5.	Au Ha (凹下)	1	Sha Tau Kok District Rural Committee
6.	Au Pui Wan (坳背灣)	1	Sha Tin Rural Committee
7.	Chai Kek (寨冚)	1	Tai Po Rural Committee
8.	Chap Wai Kon (插桅杆)	1	Sha Tin Rural Committee
9.	Chau Tau (洲頭)	1	San Tin Rural Committee
10.	Che Ha (崙下)	1	Sai Kung North Rural Committee
11.	Che Keng Tuk (崙徑篤)	1	Sai Kung Rural Committee
12.	Chek Keng (赤徑)	1	Sai Kung North Rural Committee
13.	Chek Lap Kok (赤鱲角)	1	Tung Chung Rural Committee
14.	Chek Nai Ping (赤坭坪)	1	Sha Tin Rural Committee
15.	Cheung Kong Tsuen (長江村)	1	Pat Heung Rural Committee
16.	Cheung Lek (長瀝)	1	Sheung Shui District Rural Committee
17.	Cheung Lek Mei (長瀝尾)	1	Sha Tin Rural Committee
18.	Cheung Muk Tau (樟木頭)	1	Sai Kung North Rural Committee
19.	Cheung Po Tsuen (長埔村)	1	Pat Heung Rural Committee
20.	Cheung Sha Lower Village (長沙下村)	1	South Lantao Rural Committee

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	Name of village	Number of persons to hold the office of resident representative	Rural Committee
21.	Cheung Sha Upper Village (長沙上村)	1	South Lantao Rural Committee
22.	Cheung Sheung (嶂上)	1	Sai Kung North Rural Committee
23.	Cheung Shue Tan (樟樹灘)	1	Tai Po Rural Committee
24.	Cheung Uk Tei (張屋地)	1	Tai Po Rural Committee
25.	Choi Uk Tsuen (蔡屋村)	1	Shap Pat Heung Rural Committee
26.	Chok Ko Wan and Pa Tau Kwu (竹篙灣及扒頭鼓)	1	Ma Wan Rural Committee
27.	Chow Tin Tsuen (週田村)	1	Ta Kwu Ling District Rural Committee
28.	Chuen Lung (川龍)	1	Tsuen Wan Rural Committee
29.	Chuk Hang Tsuen (竹坑村)	1	Pat Heung Rural Committee
30.	Chuk Yuen (竹園)	1	Ta Kwu Ling District Rural Committee
31.	Chuk Yuen (竹園)	1	San Tin Rural Committee
32.	Chung Hau (North) (涌口(北))	1	Mui Wo Rural Committee
33.	Chung Hau (South) (涌口(南))	1	Mui Wo Rural Committee
34.	Chung Kwai Chung (中葵涌)	1	Tsuen Wan Rural Committee
35.	Chung Mei Tsuen (涌美村)	1	Tsing Yi Rural Committee
37.	Chung Uk Tsuen (鍾屋村)	1	Tai Po Rural Committee
38.	Chung Uk Tsuen (鍾屋村)	1	Tuen Mun Rural Committee
39.	Fa Peng, Tso Wan and Tai Chuen (花坪、草灣及大轉)	1	Ma Wan Rural Committee
40.	Fan Lau (汾流)	1	Tai O Rural Committee
41.	Fan Leng Lau (粉嶺樓)	1	Fanling District Rural Committee
42.	Fan Tin San Yi Cho (蕃田莘野祖)	1	San Tin Rural Committee
43.	Fanling Wai (粉嶺圍)	1	Fanling District Rural Committee

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	Name of village	Number of persons to hold the office of resident representative	Rural Committee
44.	Fo Tan (火炭)	1	Sha Tin Rural Committee
45.	Fong Ma Po (放馬莆)	1	Tai Po Rural Committee
46.	Fu Tau Chau (斧頭洲)	1	Hang Hau Rural Committee
47.	Fu Tei Pai (虎地排)	1	Fanling District Rural Committee
48.	Fu Tei Tsuen (虎地村)	1	Tuen Mun Rural Committee
49.	Fu Yung Pei (芙蓉泌)	1	Sha Tin Rural Committee
50.	Fui Sha Wai (灰沙圍)	1	Ping Shan Heung Rural Committee
51.	Fui Yiu Ha and Tse Uk (灰窰下及謝屋)	1	Sha Tin Rural Committee
52.	Fuk Hang Tsuen (Lower) (福亨村(下))	1	Tuen Mun Rural Committee
53.	Fuk Hang Tsuen (Upper) (福亨村(上))	1	Tuen Mun Rural Committee
55.	Fung Chi Tsuen (鳳池村)	1	Ping Shan Heung Rural Committee
56.	Fung Hang (鳳坑)	1	Sha Tau Kok District Rural Committee
57.	Fung Ka Wai (馮家圍)	1	Ping Shan Heung Rural Committee
58.	Fung Kat Heung (逢吉鄉)	1	Kam Tin Rural Committee
59.	Fung Kong Tsuen (鳳降村)	1	Ha Tsuen Rural Committee
60.	Fung Wong Wu (鳳凰湖)	1	Ta Kwu Ling District Rural Committee
61.	Fung Yuen (鳳園)	1	Tai Po Rural Committee
62.	Ha Che Tsuen (下輋村)	1	Pat Heung Rural Committee
63.	Ha Fa Shan (下花山)	1	Tsuen Wan Rural Committee
64.	Ha Hang (下坑)	1	Tai Po Rural Committee
65.	Ha Keng Hau (下徑口)	1	Sha Tin Rural Committee
66.	Ha Kwai Chung (下葵涌)	1	Tsuen Wan Rural Committee
67.	Ha Ling Pei (下嶺皮)	1	Tung Chung Rural Committee
68.	Ha Mei San Tsuen (蝦尾新村)	1	Ping Shan Heung Rural Committee

	Name of village	Number of persons to hold the office of resident representative	Rural Committee
69.	Ha Pak Nai Tsuen (下白泥村)	1	Ha Tsuen Rural Committee
70.	Ha Shan Kai Wat (下山雞乙)	1	Ta Kwu Ling District Rural Committee
71.	Ha Tei Ha (蝦地下)	1	Tai Po Rural Committee
72.	Ha Tsuen Shi (廈村市)	1	Ha Tsuen Rural Committee
73.	Ha Wan Tsuen (下灣村)	1	San Tin Rural Committee
74.	Ha Wo Che (下禾輋)	1	Sha Tin Rural Committee
75.	Ha Wo Hang (下禾坑)	1	Sha Tau Kok District Rural Committee
76.	Ha Wong Yi Au (下黃宜坳)	1	Tai Po Rural Committee
77.	Ha Wun Yiu (下碗窰)	1	Tai Po Rural Committee
78.	Ha Yau Tin (下攸田)	1	Shap Pat Heung Rural Committee
79.	Ha Yeung (下洋)	1	Sai Kung North Rural Committee
80.	Ha Yeung (下洋)	1	Hang Hau Rural Committee
81.	Ham Tin (咸田)	1	South Lantao Rural Committee
82.	Ham Tin (咸田)	1	Tsuen Wan Rural Committee
83.	Hang Ha Po (坑下莆)	1	Tai Po Rural Committee
84.	Hang Hau (坑口)	1	Hang Hau Rural Committee
85.	Hang Mei Tsuen (坑尾村)	1	Ping Shan Heung Rural Committee
86.	Hang Tau (坑頭)	1	Sheung Shui District Rural Committee
87.	Hang Tau Tsuen (坑頭村)	1	Ping Shan Heung Rural Committee
88.	Heung Yuen Wai (香園圍)	1	Ta Kwu Ling District Rural Committee
89.	Hin Tin (顯田)	1	Sha Tin Rural Committee
90.	Hing Keng Shek (慶徑石)	1	Sai Kung Rural Committee
91.	Ho Chung (蠔涌)	1	Sai Kung Rural Committee
92.	Ho Lek Pui (河瀝背)	1	Sha Tin Rural Committee
93.	Ho Pui (河背)	1	Tsuen Wan Rural Committee
94.	Ho Pui Tsuen (河背村)	1	Pat Heung Rural Committee

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	Name of village	Number of persons to hold the office of resident representative	Rural Committee
95.	Ho Sheung Heung (河上鄉)	1	Sheung Shui District Rural Committee
96.	Ho Tin Tsuen (河田村)	1	Tuen Mun Rural Committee
97.	Hoi Ha (海下)	1	Sai Kung North Rural Committee
98.	Hoi Pa (Cheung Pei Shan Road) (海壩(象鼻山路))	1	Tsuen Wan Rural Committee
99.	Hoi Pa (South Platform) (海壩(南台))	1	Tsuen Wan Rural Committee
100.	Hoi Pa (Wo Yi Hop Road and Kwok Shui Road) (海壩(和宜合道及國瑞道))	1	Tsuen Wan Rural Committee
101.	Hoi Pong Street (海傍街)	1	Sai Kung Rural Committee
102.	Hok Tau Wai (鶴藪圍)	1	Fanling District Rural Committee
103.	Hong Mei Tsuen (巷尾村)	1	Ha Tsuen Rural Committee
104.	Hung Cho Tin (紅棗田)	1	Shap Pat Heung Rural Committee
105.	Hung Leng (孔嶺)	1	Fanling District Rural Committee
106.	Hung Uk Tsuen (洪屋村)	1	Ping Shan Heung Rural Committee
107.	Kai Ham (界咸)	1	Sai Kung Rural Committee
108.	Kai Kuk Shue Ha and Nam Hang Mei (雞谷樹下及南坑尾)	1	Sha Tau Kok District Rural Committee
109.	Kai Leng (雞嶺)	1	Sheung Shui District Rural Committee
110.	Kak Tin (隔田)	1	Sha Tin Rural Committee
111.	Kam Shan Village (錦山村)	1	Tai Po Rural Committee
112.	Kam Tin Shing Mun San Tsuen (錦田城門新村)	1	Kam Tin Rural Committee
113.	Kam Tsin (金錢)	1	Sheung Shui District Rural Committee
114.	Kam Tsin Wai Tsuen (金錢圍村)	1	Pat Heung Rural Committee
115.	Kan Tau Tsuen (簡頭村)	1	Fanling District Rural Committee
116.	Kan Tau Wai (簡頭圍)	1	Ta Kwu Ling District Rural Committee

	Name of village	Number of persons to hold the office of resident representative	Rural Committee
117.	Kap Lung Tsuen (甲龍村)	1	Pat Heung Rural Committee
118.	Kap Tong (蛤塘)	1	Sha Tau Kok District Rural Committee
119.	Kat Hing Back Street (吉慶後街)	1	Tai O Rural Committee
120.	Kat Hing Street (吉慶街)	1	Tai O Rural Committee
121.	Kat Hing Wai (吉慶圍)	1	Kam Tin Rural Committee
122.	Kat O (吉澳)	1	Sha Tau Kok District Rural Committee
123.	Kau Liu Ha (較寮下)	1	Tai Po Rural Committee
124.	Kau Lung Hang (九龍坑)	1	Tai Po Rural Committee
125.	Kau Sai San Tsuen (滘西新村)	1	Sai Kung Rural Committee
126.	Kau Tam Tso (九担租)	1	Sha Tau Kok District Rural Committee
127.	Kau To (九肚)	1	Sha Tin Rural Committee
128.	Kau Wah Keng (九華徑)	1	Tsuen Wan Rural Committee
129.	Kau Wah Keng San Tsuen (also known as Kau Wah San Tsuen) (九華徑新村(又名九華新村))	1	Tsuen Wan Rural Committee
130.	Kei Ling Ha Lo Wai (企嶺下老圍)	1	Sai Kung North Rural Committee
131.	Kei Ling Ha San Wai (企嶺下新圍)	1	Sai Kung North Rural Committee
132.	Kei Lun Wai (麒麟圍)	1	Tuen Mun Rural Committee
133.	Keung Shan, Lower (下羌山)	1	Tai O Rural Committee
134.	Keung Shan, Upper and Luk Wu (上羌山及鹿湖)	1	Tai O Rural Committee
135.	Kiu Tau Wai (橋頭圍)	1	Ping Shan Heung Rural Committee
136.	Ko Lau Wan (高流灣)	1	Sai Kung North Rural Committee

	Name of village	Number of persons to hold the office of resident representative	Rural Committee
137.	Ko Long (高塱)	1	Lamma Island (North) Rural Committee
138.	Ko Po (高莆)	1	Fanling District Rural Committee
139.	Ko Po Tsuen (高埔村)	1	Kam Tin Rural Committee
140.	Ko Tong (高塘)	1	Sai Kung North Rural Committee
141.	Kong Ha (崗下)	1	Sha Tau Kok District Rural Committee
142.	Kong Tau (港頭)	1	Shap Pat Heung Rural Committee
143.	Kuk Po (谷埔)	1	Sha Tau Kok District Rural Committee
144.	Kwan Mun Hau (關門口)	1	Tsuen Wan Rural Committee
145.	Kwan Tei (軍地)	1	Fanling District Rural Committee
146.	Kwong Shan Tsuen (礦山村)	1	Tuen Mun Rural Committee
147.	Kwu Hang (古坑)	1	Tsuen Wan Rural Committee
148.	Kwu Tung (North) (古洞(北))	1	Sheung Shui District Rural Committee
149.	Kwu Tung (South) (古洞(南))	1	Sheung Shui District Rural Committee
150.	Kwun Hang (官坑)	1	Sai Kung North Rural Committee
151.	Kwun Yam Shan and Kong Pui (觀音山及崗背)	1	Sha Tin Rural Committee
152.	Lai Chi Chong (荔枝莊)	1	Sai Kung North Rural Committee
153.	Lai Chi Shan (荔枝山)	1	Tai Po Rural Committee
154.	Lai Chi Wo (荔枝窩)	1	Sha Tau Kok District Rural Committee
154A.	Lai Pek Shan (犁壁山)	1	Tai Po Rural Committee
155.	Lai Tau Shek (犁頭石)	1	Sha Tau Kok District Rural Committee
156.	Lam Che and Nim Un (藍輋及稔園)	1	Tung Chung Rural Committee
157.	Lam Hau Tsuen (欖口村)	1	Ping Shan Heung Rural Committee

	Name of village	Number of persons to hold the office of resident representative	Rural Committee
158.	Lam Tei (藍地)	1	Tuen Mun Rural Committee
159.	Lam Tin Tsuen (藍田村)	1	Tsing Yi Rural Committee
161.	Lau Shui Heung (流水响)	1	Fanling District Rural Committee
162.	Lee Uk Tsuen (李屋村)	1	Ha Tsuen Rural Committee
163.	Lei Uk (李屋)	1	Ta Kwu Ling District Rural Committee
164.	Leng Pei Tsuen (嶺皮村)	1	Fanling District Rural Committee
165.	Leng Tsai (嶺仔)	1	Fanling District Rural Committee
166.	Leng Tsui (嶺咀)	1	Fanling District Rural Committee
167.	Leung Tin Tsuen (良田村)	1	Tuen Mun Rural Committee
168.	Leung Uk (梁屋)	1	Tai O Rural Committee
169.	Lin Au, Cheng Uk (蓮澳鄭屋)	1	Tai Po Rural Committee
170.	Lin Au, Lei Uk (蓮澳李屋)	1	Tai Po Rural Committee
171.	Lin Fa Tei (蓮花地)	1	Pat Heung Rural Committee
172.	Lin Ma Hang (蓮麻坑)	1	Sha Tau Kok District Rural Committee
173.	Lin Tong Mei (蓮塘尾)	1	Sheung Shui District Rural Committee
174.	Liu Pok (料壆)	1	Sheung Shui District Rural Committee
175.	Lo So Shing (蘆鬚城)	1	Lamma Island (South) Rural Committee
176.	Lo Tik Wan (蘆荻灣)	1	Lamma Island (North) Rural Committee
177.	Lo Tsz Tin (蘆慈田)	1	Tai Po Rural Committee
178.	Lo Uk Tsuen (老屋村)	1	Tsing Yi Rural Committee
179.	Lo Uk Tsuen (羅屋村)	1	Ha Tsuen Rural Committee
180.	Lo Wai (老圍)	1	Tsuen Wan Rural Committee
181.	Lo Wu (羅湖)	1	Ta Kwu Ling District Rural Committee
182.	Loi Tung (萊洞)	1	Sha Tau Kok District Rural Committee

	Name of village	Number of persons to hold the office of resident representative	Rural Committee
183.	Lok Lo Ha (落路下)	1	Sha Tin Rural Committee
184.	Lok Ma Chau (落馬洲)	1	San Tin Rural Committee
185.	Long Keng (浪徑)	1	Sai Kung Rural Committee
186.	Luen On San Tsuen (聯安新村)	1	Tuen Mun Rural Committee
187.	Luen Yick Fishermen Village (聯益漁村)	1	Tai Po Rural Committee
188.	Lui Kung Tin Tsuen (雷公田村)	1	Pat Heung Rural Committee
189.	Luk Chau (鹿洲)	1	Lamma Island (South) Rural Committee
190.	Luk Keng (鹿頸)	1	Ma Wan Rural Committee
191.	Luk Keng Chan Uk (鹿頸陳屋)	1	Sha Tau Kok District Rural Committee
192.	Luk Keng Wong Uk (鹿頸黃屋)	1	Sha Tau Kok District Rural Committee
193.	Luk Tei Tong (鹿地塘)	1	Mui Wo Rural Committee
194.	Lung A Pei (龍丫排)	1	Tai Po Rural Committee
195.	Lung Kwu Tan (龍鼓灘)	1	Tuen Mun Rural Committee
196.	Lung Mei (龍尾)	1	Tai Po Rural Committee
197.	Lung Mei (龍尾)	1	Sai Kung Rural Committee
198.	Lung Tin (龍田)	1	Shap Pat Heung Rural Committee
199.	Lung Yeuk Tau (龍躍頭)	1	Fanling District Rural Committee
200.	Ma Kwu Lam (馬牯纜)	1	Sai Kung North Rural Committee
201.	Ma Liu (馬料)	1	Sha Tin Rural Committee
202.	Ma Mei Ha (馬尾下)	1	Fanling District Rural Committee
203.	Ma Nam Wat (麻南笏)	1	Sai Kung Rural Committee
204.	Ma Niu Shui San Tsuen (馬料水新村)	1	Fanling District Rural Committee

	Name of village	Number of persons to hold the office of resident representative	Rural Committee
205.	Ma On Kong Tsuen (馬鞍崗村)	1	Pat Heung Rural Committee
206.	Ma On Shan (馬鞍山)	1	Sha Tin Rural Committee
207.	Ma Po Mei (麻布尾)	1	Tai Po Rural Committee
208.	Ma Sim Pai (馬閃排)	1	Tsuen Wan Rural Committee
209.	Ma Tin (馬田)	1	Shap Pat Heung Rural Committee
210.	Ma Tseuk Leng Ha (麻雀嶺下)	1	Sha Tau Kok District Rural Committee
211.	Ma Tseuk Leng Sheung (麻雀嶺上)	1	Sha Tau Kok District Rural Committee
212.	Ma Tso Lung (North) (馬草壠(北))	1	Sheung Shui District Rural Committee
213.	Ma Tso Lung (South) (馬草壠(南))	1	Sheung Shui District Rural Committee
214.	Ma Wan and Wong Nai Uk (馬灣及黃泥屋)	1	Tung Chung Rural Committee
215.	Ma Wan Chung (馬灣涌)	1	Tung Chung Rural Committee
216.	Ma Wan Main Street (馬灣大街)	1	Ma Wan Rural Committee
217.	Ma Wat Tsuen (麻笏村)	1	Fanling District Rural Committee
218.	Ma Wo Tsuen (馬窩村)	1	Tai Po Rural Committee
219.	Ma Yau Tong (馬游塘)	1	Hang Hau Rural Committee
220.	Mai Po Tsuen (米埔村)	1	San Tin Rural Committee
221.	Main Street (East) (正街(東))	1	Sai Kung Rural Committee
222.	Main Street (West) (正街(西))	1	Sai Kung Rural Committee
223.	Man Kok Tsui (萬角咀)	1	Mui Wo Rural Committee
224.	Man Uk Pin (萬屋邊)	1	Sha Tau Kok District Rural Committee
225.	Man Wo (蠻窩)	1	Sai Kung Rural Committee

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	Name of village	Number of persons to hold the office of resident representative	Rural Committee
226.	Man Yee Wan New Village (萬宜灣新村)	1	Sai Kung Rural Committee
227.	Mang Kung Uk (孟公屋)	1	Hang Hau Rural Committee
228.	Mau Ping New Village (茅坪新村)	1	Sai Kung Rural Committee
229.	Mau Tat (茅笪)	1	Sha Tin Rural Committee
230.	Mau Tso Ngam (茂草岩)	1	Sha Tin Rural Committee
231.	Mau Wu Tsai (茅湖仔)	1	Hang Hau Rural Committee
232.	Ming Tak Tong (明德堂)	1	San Tin Rural Committee
233.	Miu Tin (苗田)	1	Sha Tau Kok District Rural Committee
234.	Mo Tat (模達)	1	Lamma Island (South) Rural Committee
235.	Mo Tat Wan (模達灣)	1	Lamma Island (South) Rural Committee
236.	Mok Ka (莫家)	1	Tung Chung Rural Committee
237.	Mok Tse Che (莫遮輋)	1	Sai Kung Rural Committee
238.	Mong Tseng Tsuen (輞井村)	1	Ping Shan Heung Rural Committee
239.	Mong Tseng Wai (輞井圍)	1	Ping Shan Heung Rural Committee
240.	Mong Tung Wan (望東灣)	1	South Lantao Rural Committee
241.	Mui Shue Hang (梅樹坑)	1	Tai Po Rural Committee
242.	Mui Tsz Lam (梅子林)	1	Sha Tau Kok District Rural Committee
243.	Mui Tsz Lam (梅子林)	1	Sha Tin Rural Committee
244.	Muk Kiu Tau (木橋頭)	1	Shap Pat Heung Rural Committee
245.	Muk Min Ha (木棉下)	1	Tsuen Wan Rural Committee
246.	Muk Min Tau and Tsiu Hang (木棉頭及蕉坑)	1	Sha Tau Kok District Rural Committee
247.	Muk Wu (木湖)	1	Ta Kwu Ling District Rural Committee
248.	Nai Chung (泥涌)	1	Sai Kung North Rural Committee

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	Name of village	Number of persons to hold the office of resident representative	Rural Committee
249.	Nai Wai (泥圍)	1	Tuen Mun Rural Committee
250.	Nam A (南丫)	1	Sai Kung Rural Committee
251.	Nam Bin Wai (南邊圍)	1	Shap Pat Heung Rural Committee
252.	Nam Chung (南涌)	1	Sha Tau Kok District Rural Committee
253.	Nam Hang (南坑)	1	Tai Po Rural Committee
254.	Nam Hang (南坑)	1	Shap Pat Heung Rural Committee
255.	Nam Shan (南山)	1	Sai Kung Rural Committee
256.	Nam Shan Tung (南山洞)	1	Sai Kung North Rural Committee
257.	Nam Tong Sun Tsuen (南塘新村)	1	Tai O Rural Committee
258.	Nam Wa Po (南華莆)	1	Tai Po Rural Committee
259.	Nam Wai (南圍)	1	Sai Kung Rural Committee
260.	Ng Ka Tsuen (吳家村)	1	Pat Heung Rural Committee
261.	Ng Tung Chai (梧桐寨)	1	Tai Po Rural Committee
262.	Ng Uk Tsuen (吳屋村)	1	Sheung Shui District Rural Committee
263.	Ng Uk Tsuen (吳屋村)	1	Ping Shan Heung Rural Committee
264.	Nga Iu Tau Tsun (瓦窰頭村)	1	Sai Kung North Rural Committee
265.	Nga Yiu (瓦窰)	1	Ta Kwu Ling District Rural Committee
266.	Nga Yiu Ha (瓦窰下)	1	Ta Kwu Ling District Rural Committee
267.	Ngar Yiu Tau (瓦窰頭)	1	Shap Pat Heung Rural Committee
268.	Ngau Au (牛凹)	1	Tung Chung Rural Committee
269.	Ngau Hom Tsuen (鰲磡村)	1	Ping Shan Heung Rural Committee
270.	Ngau Keng Tsuen (牛徑村)	1	Pat Heung Rural Committee
271.	Ngau Kwu Long (牛牯塱)	1	Mui Wo Rural Committee
272.	Ngau Pei Sha (牛皮沙)	1	Sha Tin Rural Committee
273.	Ngau Shi Wu (牛屎湖)	1	Sha Tau Kok District Rural Committee

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	Name of village	Number of persons to hold the office of resident representative	Rural Committee
274.	Ngong Ping (昂坪)	1	Sai Kung North Rural Committee
275.	Ngong Ping (昂坪)	1	Tai O Rural Committee
276.	Ngong Wo (昂窩)	1	Sai Kung Rural Committee
277.	Nim Shu Wan (稔樹灣)	1	Peng Chau Rural Committee
278.	Nim Wan (稔灣)	1	Tuen Mun Rural Committee
279.	O Long (澳朗)	1	Sai Kung Rural Committee
280.	O Tau (澳頭)	1	Sai Kung Rural Committee
281.	On Lok Tsuen (East) (安樂村(東))	1	Fanling District Rural Committee
282.	On Lok Tsuen (West) (安樂村(西))	1	Fanling District Rural Committee
283.	On Lung Tsuen (安龍村)	1	San Tin Rural Committee
284.	Pa Mei (壩尾)	1	Tung Chung Rural Committee
285.	Pai Min Kok (排棉角)	1	Tsuen Wan Rural Committee
286.	Pai Tau (排頭)	1	Sha Tin Rural Committee
287.	Pak A (北丫)	1	Sai Kung Rural Committee
288.	Pak Kok Kau Tsuen (北角舊村)	1	Lamma Island (North) Rural Committee
289.	Pak Kok San Tsuen (北角新村)	1	Lamma Island (North) Rural Committee
290.	Pak Kong (北港)	1	Sai Kung Rural Committee
291.	Pak Kong Au (北港坳)	1	Sai Kung Rural Committee
292.	Pak Lap (白腊)	1	Sai Kung Rural Committee
293.	Pak Mong (白芒)	1	Mui Wo Rural Committee
294.	Pak Nai Tsuen (白泥村)	1	Ha Tsuen Rural Committee
295.	Pak Ngan Heung (白銀鄉)	1	Mui Wo Rural Committee
296.	Pak Ngau Shek Ha Tsuen (白牛石下村)	1	Tai Po Rural Committee
297.	Pak Ngau Shek Sheung Tsuen (白牛石上村)	1	Tai Po Rural Committee

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	Name of village	Number of persons to hold the office of resident representative	Rural Committee
298.	Pak Sha (白沙)	1	Shap Pat Heung Rural Committee
299.	Pak Sha O (白沙澳)	1	Sai Kung North Rural Committee
300.	Pak Sha Wan (白沙灣)	1	Sai Kung Rural Committee
301.	Pak Tam (北潭)	1	Sai Kung Rural Committee
302.	Pak Tam Au (北潭凹)	1	Sai Kung North Rural Committee
303.	Pak Tam Chung (北潭涌)	1	Sai Kung Rural Committee
304.	Pak Tin Pa (白田壩)	1	Tsuen Wan Rural Committee
305.	Pak Wai (北圍)	1	Sai Kung Rural Committee
306.	Pan Chung (泮涌)	1	Tai Po Rural Committee
307.	Pan Chung San Tsuen (泮涌新村)	1	Tai Po Rural Committee
308.	Pan Long Wan (檳榔灣)	1	Hang Hau Rural Committee
309.	Pang Ka Tsuen (彭家村)	1	Pat Heung Rural Committee
310.	Pat Tsz Wo (拔子窩)	1	Sha Tin Rural Committee
311.	Pik Uk (壁屋)	1	Sai Kung Rural Committee
312.	Ping Chau Chau Mei (平洲洲尾)	1	Sai Kung North Rural Committee
313.	Ping Chau Chau Tau (平洲洲頭)	1	Sai Kung North Rural Committee
314.	Ping Chau Nai Tau (平洲奶頭)	1	Sai Kung North Rural Committee
315.	Ping Chau Sha Tau (平洲沙頭)	1	Sai Kung North Rural Committee
316.	Ping Chau Tai Tong (平洲大塘)	1	Sai Kung North Rural Committee
317.	Ping Che (坪輋)	1	Ta Kwu Ling District Rural Committee
318.	Ping Kong (丙崗)	1	Sheung Shui District Rural Committee
319.	Ping Long (坪朗)	1	Tai Po Rural Committee
320.	Ping Shan Chai (坪山仔)	1	Tai Po Rural Committee

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	Name of village	Number of persons to hold the office of resident representative	Rural Committee
321.	Ping Shan San Tsuen (屏山新村)	1	Ping Shan Heung Rural Committee
322.	Ping Tun (坪墩)	1	Sai Kung Rural Committee
323.	Ping Yeung (坪洋)	1	Ta Kwu Ling District Rural Committee
324.	Po Sam Pai (布心排)	1	Tai Po Rural Committee
325.	Po Toi (蒲台)	1	Lamma Island (South) Rural Committee
326.	Po Toi O (布袋澳)	1	Hang Hau Rural Committee
327.	Po Tong Ha (寶塘下)	1	Tuen Mun Rural Committee
328.	Po Tung Road (East) (普通道(東))	1	Sai Kung Rural Committee
329.	Po Tung Road (West) (普通道(西))	1	Sai Kung Rural Committee
330.	Pok Wai (塱圍)	1	San Tin Rural Committee
331.	Pui O Lo Uk Tsuen (貝澳羅屋村)	1	South Lantao Rural Committee
332.	Pui O Lo Wai (貝澳老圍)	1	South Lantao Rural Committee
333.	Pui O San Wai (貝澳新圍)	1	South Lantao Rural Committee
334.	Pun Shan Chau (半山洲)	1	Tai Po Rural Committee
335.	Pun Uk Tsuen (潘屋村)	1	San Tin Rural Committee
336.	Sai Bin Wai (西邊圍)	1	Shap Pat Heung Rural Committee
337.	Sai Keng (西徑)	1	Sai Kung North Rural Committee
338.	Sai Kung Road (North) (西貢道(北))	1	Sai Kung Rural Committee
339.	Sai Kung Road (South) (西貢道(南))	1	Sai Kung Rural Committee
340.	Sai Lau Kok (西樓角)	1	Tsuen Wan Rural Committee
341.	Sai Lau Kong (西流江)	1	Sha Tau Kok District Rural Committee
342.	Sai O (西澳)	1	Sai Kung North Rural Committee

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	Name of village	Number of persons to hold the office of resident representative	Rural Committee
344.	Sai Wan (西灣)	1	Sai Kung Rural Committee
345.	Sam A (三椏)	1	Sha Tau Kok District Rural Committee
346.	Sam Mun Tsai (三門仔)	1	Tai Po Rural Committee
347.	Sam Tung Uk (三棟屋)	1	Tsuen Wan Rural Committee
348.	San Hing Tsuen (新慶村)	1	Tuen Mun Rural Committee
349.	San Hing Tsuen (新慶村)	1	Ping Shan Heung Rural Committee
350.	San Lung Tsuen (新龍村)	1	San Tin Rural Committee
351.	San Sang Tsuen (新生村)	1	Ha Tsuen Rural Committee
352.	San Shek Wan (磡石灣)	1	South Lantao Rural Committee
353.	San Tau (磡頭)	1	Tai O Rural Committee
354.	San Tau Kok (磡頭角)	1	Tai Po Rural Committee
355.	San Tin (新田)	1	Sha Tin Rural Committee
356.	San Tong (新塘)	1	Tai Po Rural Committee
357.	San Tong Po (新塘莆)	1	Fanling District Rural Committee
358.	San Tsuen (新村)	1	Sha Tau Kok District Rural Committee
359.	San Tsuen (新村)	1	Tsuen Wan Rural Committee
360.	San Tsuen (Lam Tsuen) (新村(林村))	1	Tai Po Rural Committee
361.	San Uk Ka (新屋家)	1	Tai Po Rural Committee
362.	San Uk Ling (新屋嶺)	1	Ta Kwu Ling District Rural Committee
363.	San Uk Tsai (新屋仔)	1	Fanling District Rural Committee
364.	San Uk Tsai (新屋仔)	1	Tai Po Rural Committee
365.	San Uk Tsuen (新屋村)	1	Tsing Yi Rural Committee
366.	San Uk Tsuen (新屋村)	1	Ha Tsuen Rural Committee
367.	San Wai (新圍)	1	Ha Tsuen Rural Committee
368.	San Wai (I) (新圍(一))	1	San Tin Rural Committee
369.	San Wai (II) (新圍(二))	1	San Tin Rural Committee

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	Name of village	Number of persons to hold the office of resident representative	Rural Committee
370.	San Wai Tsai (新圍仔)	1	Tai Po Rural Committee
371.	San Wai Tsai (新圍仔)	1	Tuen Mun Rural Committee
372.	See Cheung Street (市場街)	1	Sai Kung Rural Committee
373.	Sha Chau Lei (I) (沙洲里(一))	1	Ha Tsuen Rural Committee
374.	Sha Chau Lei (II) (沙洲里(二))	1	Ha Tsuen Rural Committee
375.	Sha Ha (沙下)	1	Sai Kung Rural Committee
376.	Sha Kiu Tsuen (I) (沙橋村(一))	1	Ping Shan Heung Rural Committee
377.	Sha Kiu Tsuen (II) (沙橋村(二))	1	Ping Shan Heung Rural Committee
378.	Sha Kok Mei (沙角尾)	1	Sai Kung Rural Committee
379.	Sha Kong Wai (沙江圍)	1	Ping Shan Heung Rural Committee
380.	Sha Lo Tung Cheung Uk (沙螺洞張屋)	1	Tai Po Rural Committee
381.	Sha Lo Tung Lei Uk (沙螺洞李屋)	1	Tai Po Rural Committee
382.	Sha Lo Wan (沙螺灣)	1	Tai O Rural Committee
383.	Sha Po (沙埔)	1	Lamma Island (North) Rural Committee
384.	Sha Po Tsuen (沙埔村)	1	Kam Tin Rural Committee
385.	Sha Tau Kok Market (East) (沙頭角墟(東))	1	Sha Tau Kok District Rural Committee
386.	Sha Tau Kok Market (West Lower) (沙頭角墟(西下))	1	Sha Tau Kok District Rural Committee
387.	Sha Tau Kok Market (West Upper) (沙頭角墟(西上))	1	Sha Tau Kok District Rural Committee
388.	Sha Tin Tau and Lee Uk (沙田頭及李屋)	1	Sha Tin Rural Committee
389.	Sha Tin Wai (沙田圍)	1	Sha Tin Rural Committee

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	Name of village	Number of persons to hold the office of resident representative	Rural Committee
390.	Sha Tsui New Village (沙咀新村)	1	Sai Kung Rural Committee
391.	Sham Chung (深涌)	1	Sai Kung North Rural Committee
392.	Sham Chung (深涌)	1	Shap Pat Heung Rural Committee
393.	Sham Shek (深石)	1	Tai O Rural Committee
394.	Sham Tseng (深井)	1	Tsuen Wan Rural Committee
395.	Shan Ha Tsuen (山廈村)	1	Ping Shan Heung Rural Committee
396.	Shan Ha Wai (山下圍)	1	Sha Tin Rural Committee
397.	Shan Liu (山寮)	1	Tai Po Rural Committee
398.	Shan Liu (山寮)	1	Sai Kung Rural Committee
399.	Shan Mei (山尾)	1	Sha Tin Rural Committee
400.	Shan Pui (山貝)	1	Shap Pat Heung Rural Committee
401.	Shan Pui Chung Hau (I) (山貝涌口(一))	1	Shap Pat Heung Rural Committee
402.	Shan Pui Chung Hau (II) (山貝涌口(二))	1	Shap Pat Heung Rural Committee
403.	Shan Tsui (山嘴)	1	Sha Tau Kok District Rural Committee
404.	Shap Long (拾浪)	1	South Lantao Rural Committee
405.	Shap Yi Wat (十二笏)	1	Sha Tin Rural Committee
406.	She Shan (社山)	1	Tai Po Rural Committee
407.	She Tau (蛇頭)	1	Sai Kung Rural Committee
408.	Shek Chung Au (石涌凹)	1	Sha Tau Kok District Rural Committee
409.	Shek Hang (石坑)	1	Sai Kung Rural Committee
410.	Shek Kiu Tau (石橋頭)	1	Sha Tau Kok District Rural Committee
411.	Shek Kwu Lung (石鼓壟)	1	Tai Po Rural Committee
412.	Shek Kwu Lung and Nam Shan (石古壟及南山)	1	Sha Tin Rural Committee
413.	Shek Lau Po (石榴埔)	1	Tung Chung Rural Committee

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	Name of village	Number of persons to hold the office of resident representative	Rural Committee
414.	Shek Lung Tsai (石壟仔)	1	Sha Tin Rural Committee
415.	Shek Mun Kap (石門甲)	1	Tung Chung Rural Committee
416.	Shek Pik San Tsuen (石碧新村)	1	Tsuen Wan Rural Committee
417.	Shek Po Tsuen (石坡村)	1	Ping Shan Heung Rural Committee
418.	Shek Tsai Po (East) (石仔坡(東))	1	Tai O Rural Committee
419.	Shek Tsai Po (West) (石仔坡(西))	1	Tai O Rural Committee
420.	Shek Wai Kok (石圍角)	1	Tsuen Wan Rural Committee
421.	Shek Wu Tong Tsuen (石湖塘村)	1	Pat Heung Rural Committee
422.	Shek Wu Wai (石湖圍)	1	San Tin Rural Committee
423.	Sheung Che Tsuen (上輋村)	1	Pat Heung Rural Committee
424.	Sheung Cheung Wai (上璋圍)	1	Ping Shan Heung Rural Committee
425.	Sheung Keng Hau (上徑口)	1	Sha Tin Rural Committee
426.	Sheung Kwai Chung (上葵涌)	1	Tsuen Wan Rural Committee
427.	Sheung Ling Pei (上嶺皮)	1	Tung Chung Rural Committee
428.	Sheung Shan Kai Wat (上山雞乙)	1	Ta Kwu Ling District Rural Committee
429.	Sheung Shui Heung (上水鄉)	1	Sheung Shui District Rural Committee
430.	Sheung Sze Wan (相思灣)	1	Hang Hau Rural Committee
431.	Sheung Tsuen (上村)	1	Pat Heung Rural Committee
432.	Sheung Wo Che (上禾輋)	1	Sha Tin Rural Committee
433.	Sheung Wo Hang (上禾坑)	1	Sha Tau Kok District Rural Committee
434.	Sheung Wong Yi Au (上黃宜坳)	1	Tai Po Rural Committee

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	Name of village	Number of persons to hold the office of resident representative	Rural Committee
435.	Sheung Wun Yiu (上碗窰)	1	Tai Po Rural Committee
436.	Sheung Yau Tin (上攸田)	1	Shap Pat Heung Rural Committee
437.	Sheung Yeung (上洋)	1	Hang Hau Rural Committee
438.	Shing Uk Tsuen (盛屋村)	1	Ping Shan Heung Rural Committee
439.	Shuen Wan Chan Uk (船灣陳屋)	1	Tai Po Rural Committee
440.	Shuen Wan Chim Uk (船灣詹屋)	1	Tai Po Rural Committee
441.	Shuen Wan Lei Uk (船灣李屋)	1	Tai Po Rural Committee
442.	Shuen Wan Sha Lan (船灣沙欄)	1	Tai Po Rural Committee
443.	Shuen Wan Wai Ha (船灣圍下)	1	Tai Po Rural Committee
444.	Shui Bin (水邊)	1	Hang Hau Rural Committee
445.	Shui Chiu Lo Wai (水蕉老圍)	1	Shap Pat Heung Rural Committee
446.	Shui Chiu San Tsuen (水蕉新村)	1	Shap Pat Heung Rural Committee
447.	Shui Hau (水口)	1	South Lantao Rural Committee
448.	Shui Lau Tin Tsuen (水流田村)	1	Pat Heung Rural Committee
449.	Shui Mei Tsuen (水尾村)	1	Kam Tin Rural Committee
450.	Shui Pin Tsuen (水邊村)	1	Ping Shan Heung Rural Committee
451.	Shui Pin Wai (水邊圍)	1	Ping Shan Heung Rural Committee
452.	Shui Tau Tsuen (水頭村)	1	Kam Tin Rural Committee
453.	Shui Tin Tsuen (水田村)	1	Ping Shan Heung Rural Committee
454.	Shui Tsan Tin Tsuen (水盞田村)	1	Pat Heung Rural Committee
455.	Shui Wo (水窩)	1	Tai Po Rural Committee

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	Name of village	Number of persons to hold the office of resident representative	Rural Committee
456.	Shung Ching San Tsuen (I) (崇正新村(一))	1	Shap Pat Heung Rural Committee
457.	Shung Ching San Tsuen (II) (崇正新村(二))	1	Shap Pat Heung Rural Committee
458.	Shung Him Tong (East) (崇謙堂(東))	1	Fanling District Rural Committee
459.	Shung Him Tong (West) (崇謙堂(西))	1	Fanling District Rural Committee
460.	Sik Kong Tsuen (錫降村)	1	Ha Tsuen Rural Committee
461.	Sik Kong Wai (錫降圍)	1	Ha Tsuen Rural Committee
462.	Siu A Chau (小鴉洲)	1	South Lantao Rural Committee
463.	Siu Hang San Tsuen (小坑新村)	1	Fanling District Rural Committee
464.	Siu Hang Tsuen (小坑村)	1	Tuen Mun Rural Committee
465.	Siu Lam (小欖)	1	Tuen Mun Rural Committee
466.	Siu Lek Yuen (小瀝源)	1	Sha Tin Rural Committee
467.	Siu Om Shan (小菴山)	1	Tai Po Rural Committee
468.	So Kwun Wat (掃管笏)	1	Tuen Mun Rural Committee
469.	So Lo Pun (鎖羅盆)	1	Sha Tau Kok District Rural Committee
470.	Sok Kwu Wan (索罟灣)	1	Lamma Island (South) Rural Committee
471.	Sun Fung Wai (順風圍)	1	Tuen Mun Rural Committee
472.	Sz Tau Leng (獅頭嶺)	1	Fanling District Rural Committee
473.	Ta Ho Tun (打蠔墩)	1	Sai Kung Rural Committee
474.	Ta Pang Po (打棚埔)	1	Ma Wan Rural Committee
475.	Ta Shek Wu Tsuen (打石湖村)	1	Pat Heung Rural Committee
476.	Ta Tit Yan (打鐵印)	1	Tai Po Rural Committee
477.	Tai A Chau (大鴉洲)	1	South Lantao Rural Committee
478.	Tai Hang (泰亨)	1	Tai Po Rural Committee

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	Name of village	Number of persons to hold the office of resident representative	Rural Committee
479.	Tai Hang Hau (大坑口)	1	Hang Hau Rural Committee
480.	Tai Ho (大蠔)	1	Mui Wo Rural Committee
481.	Tai Hong Wai (泰康圍)	1	Kam Tin Rural Committee
482.	Tai Kei Leng (I) (大旗嶺(一))	1	Shap Pat Heung Rural Committee
483.	Tai Kei Leng (II) (大旗嶺(二))	1	Shap Pat Heung Rural Committee
484.	Tai Kiu (大橋)	1	Shap Pat Heung Rural Committee
485.	Tai Kong Po Tsuen (大江埔村)	1	Pat Heung Rural Committee
486.	Tai Lam Chung (大欖涌)	1	Tuen Mun Rural Committee
487.	Tai Lam Liu (大南寮)	1	Sha Tin Rural Committee
488.	Tai Lam Wu (大藍湖)	1	Sai Kung Rural Committee
489.	Tai Long (大朗)	1	Sha Tau Kok District Rural Committee
490.	Tai Long (大浪)	1	South Lantao Rural Committee
491.	Tai Long (大浪)	1	Sai Kung Rural Committee
492.	Tai Long Wan (大浪灣)	1	Tai O Rural Committee
493.	Tai Mei Tuk (大美督)	1	Tai Po Rural Committee
495.	Tai Mong Tsai (大網仔)	1	Sai Kung Rural Committee
496.	Tai No (大腦)	1	Sai Kung Rural Committee
497.	Tai O Country Side (大澳市郊)	1	Tai O Rural Committee
498.	Tai O Market Street (大澳街市街)	1	Tai O Rural Committee
499.	Tai O Tai Ping Street (I) (大澳太平街(一))	1	Tai O Rural Committee
500.	Tai O Tai Ping Street (II) (大澳太平街(二))	1	Tai O Rural Committee

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	Name of village	Number of persons to hold the office of resident representative	Rural Committee
501.	Tai O Wing On Street (I) (大澳永安街(一))	1	Tai O Rural Committee
502.	Tai O Wing On Street (II) (大澳永安街(二))	1	Tai O Rural Committee
503.	Tai Om (大菴)	1	Tai Po Rural Committee
504.	Tai Om Shan (大菴山)	1	Tai Po Rural Committee
505.	Tai Peng Tsuen (大坪村)	1	Lamma Island (North) Rural Committee
506.	Tai Po (低埔)	1	Tung Chung Rural Committee
507.	Tai Po Kau (大埔滘)	1	Tai Po Rural Committee
508.	Tai Po Mei (大埔尾)	1	Tai Po Rural Committee
509.	Tai Po Tau (大埔頭)	1	Tai Po Rural Committee
510.	Tai Po Tau Shui Wai (大埔頭水圍)	1	Tai Po Rural Committee
511.	Tai Po Tin (大埔田)	1	Ta Kwu Ling District Rural Committee
512.	Tai Po Tsai (大埔仔)	1	Hang Hau Rural Committee
513.	Tai Po Tsai (大坳仔)	1	Sai Kung Rural Committee
514.	Tai Sang Wai (大生圍)	1	San Tin Rural Committee
515.	Tai She Wan (大蛇灣)	1	Sai Kung Rural Committee
516.	Tai Shui Hang (大水坑)	1	Sha Tin Rural Committee
517.	Tai Street (East) (大街(東))	1	Sai Kung Rural Committee
518.	Tai Street (West) (大街(西))	1	Sai Kung Rural Committee
519.	Tai Tan (大灘)	1	Sai Kung North Rural Committee
520.	Tai Tau Leng (大頭嶺)	1	Sheung Shui District Rural Committee
521.	Tai Tei Tong (大地塘)	1	Mui Wo Rural Committee
522.	Tai To Tsuen (大道村)	1	Ping Shan Heung Rural Committee
523.	Tai Tong (大棠)	1	Shap Pat Heung Rural Committee
524.	Tai Tong Wu (大塘湖)	1	Sha Tau Kok District Rural Committee

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	Name of village	Number of persons to hold the office of resident representative	Rural Committee
525.	Tai Tseng Wai (大井圍)	1	Ping Shan Heung Rural Committee
526.	Tai Tung (大洞)	1	Sai Kung North Rural Committee
527.	Tai Wai (大圍)	1	Shap Pat Heung Rural Committee
528.	Tai Wai (大圍)	1	Sha Tin Rural Committee
529.	Tai Wan (大環)	1	Sai Kung Rural Committee
530.	Tai Wan Kau Tsuen (大灣舊村)	1	Lamma Island (North) Rural Committee
531.	Tai Wan San Tsuen (大灣新村)	1	Lamma Island (North) Rural Committee
532.	Tai Wan Tau (大環頭)	1	Hang Hau Rural Committee
533.	Tai Wo (大窩)	1	Tai Po Rural Committee
534.	Tai Wo Tsuen (大窩村)	1	Pat Heung Rural Committee
535.	Tai Wong Ha Tsuen (大王下村)	1	Tsing Yi Rural Committee
535A.	Tai Yeung Che (大陽崙)	1	Tai Po Rural Committee
536.	Tai Yuen (大園)	1	Lamma Island (North) Rural Committee
537.	Tak Lung Back Street (德隆後街)	1	Sai Kung Rural Committee
538.	Tak Lung Front Street (德隆前街)	1	Sai Kung Rural Committee
539.	Tak Yuet Lau (得月樓)	1	Ta Kwu Ling District Rural Committee
540.	Tam Shui Hang (担水坑)	1	Sha Tau Kok District Rural Committee
541.	Tam Wat (冧笏)	1	Sai Kung Rural Committee
542.	Tan Chuk Hang (丹竹坑)	1	Fanling District Rural Committee
543.	Tan Ka Wan (蛋家灣)	1	Sai Kung North Rural Committee
544.	Tan Kwai Tsuen (丹桂村)	1	Ping Shan Heung Rural Committee
545.	Tap Mun (塔門)	1	Sai Kung North Rural Committee

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	Name of village	Number of persons to hold the office of resident representative	Rural Committee
546.	Tap Mun Fishermen Village (塔門漁民村)	1	Sai Kung North Rural Committee
547.	Tei Tong Tsai (地塘仔)	1	Tung Chung Rural Committee
548.	Tin Fu Tsai (田夫仔)	1	Tuen Mun Rural Committee
549.	Tin Ha Wan (田下灣)	1	Hang Hau Rural Committee
550.	Tin Liu (田寮)	1	Sai Kung North Rural Committee
551.	Tin Liu (田寮)	1	Ma Wan Rural Committee
552.	Tin Liu (田寮)	1	Shap Pat Heung Rural Committee
553.	Tin Liu Ha (田寮下)	1	Tai Po Rural Committee
554.	Tin Shui Wai (I) (天水圍(一))	1	Ping Shan Heung Rural Committee
555.	Tin Shui Wai (II) (天水圍(二))	1	Ping Shan Heung Rural Committee
556.	Tin Sum (田心)	1	Sha Tin Rural Committee
557.	Tin Sum Tsuen (田心村)	1	Ha Tsuen Rural Committee
558.	Tin Sum Tsuen (田心村)	1	Pat Heung Rural Committee
559.	Ting Kau (汀九)	1	Tsuen Wan Rural Committee
560.	Ting Kok (汀角)	1	Tai Po Rural Committee
561.	Tit Kim Hang (鐵鉗坑)	1	Sai Kung Rural Committee
562.	To Kwa Peng (土瓜坪)	1	Sai Kung North Rural Committee
563.	To Shek (多石)	1	Sha Tin Rural Committee
564.	To Tau Wan (渡頭灣)	1	Sha Tin Rural Committee
565.	To Yuen Tung (桃源洞)	1	Tai Po Rural Committee
566.	To Yuen Wai (桃園圍)	1	Tuen Mun Rural Committee
567.	Tong Fong (塘坊)	1	Ta Kwu Ling District Rural Committee
568.	Tong Fong Tsuen (塘坊村)	1	Ping Shan Heung Rural Committee
569.	Tong Fuk (塘福)	1	South Lantao Rural Committee
570.	Tong Hang (Lower) (塘坑(下))	1	Fanling District Rural Committee

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	Name of village	Number of persons to hold the office of resident representative	Rural Committee
571.	Tong Hang (Upper) (塘坑(上))	1	Fanling District Rural Committee
572.	Tong Kung Leng (唐公嶺)	1	Sheung Shui District Rural Committee
573.	Tong Sheung Tsuen (塘上村)	1	Tai Po Rural Committee
574.	Tong Tau Po (塘頭埔)	1	Shap Pat Heung Rural Committee
575.	Tong To (塘肚)	1	Sha Tau Kok District Rural Committee
576.	Tong Yan San Tsuen (I) (唐人新村(一))	1	Ping Shan Heung Rural Committee
577.	Tong Yan San Tsuen (II) (唐人新村(二))	1	Ping Shan Heung Rural Committee
578.	Tong Yan San Tsuen (III) (唐人新村(三))	1	Ping Shan Heung Rural Committee
579.	Tsak Yue Wu (鯽魚湖)	1	Sai Kung Rural Committee
580.	Tsam Chuk Wan (斬竹灣)	1	Sai Kung Rural Committee
581.	Tsat Muk Kiu (七木橋)	1	Sha Tau Kok District Rural Committee
582.	Tsat Sing Kong Tsuen (七星崗村)	1	Pat Heung Rural Committee
583.	Tseng Lan Shue (井欄樹)	1	Hang Hau Rural Committee
584.	Tseng Tau (井頭)	1	Sai Kung North Rural Committee
585.	Tseng Tau (井頭)	1	Tai Po Rural Committee
586.	Tseng Tau Tsuen (Middle and Lower) (井頭村(中及下))	1	Tuen Mun Rural Committee
587.	Tseng Tau Tsuen (Upper) (井頭村(上))	1	Tuen Mun Rural Committee
588.	Tseung Kong Wai (祥降圍)	1	Ha Tsuen Rural Committee
589.	Tseung Kwan O (將軍澳)	1	Hang Hau Rural Committee
590.	Tsing Chuen Wai (青磚圍)	1	Tuen Mun Rural Committee
591.	Tsing Fai Tong (清快塘)	1	Tsuen Wan Rural Committee
592.	Tsing Lung Tau (青龍頭)	1	Tsuen Wan Rural Committee

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	Name of village	Number of persons to hold the office of resident representative	Rural Committee
593.	Tsing Lung Tsuen (青龍村)	1	San Tin Rural Committee
594.	Tsing Shan Tsuen (青山村)	1	Tuen Mun Rural Committee
595.	Tsing Yi Fishermen and St. Paul's Village (青衣漁民及聖保祿村)	1	Tsing Yi Rural Committee
596.	Tsiu Hang (蕉坑)	1	Sai Kung Rural Committee
597.	Tsiu Keng (蕉徑)	1	Sheung Shui District Rural Committee
598.	Tso Wo Hang (早禾坑)	1	Sai Kung Rural Committee
599.	Tsok Pok Hang (作墦坑)	1	Sha Tin Rural Committee
600.	Tsuen Wan Sam Tsuen (荃灣三村)	1	Tsuen Wan Rural Committee
601.	Tsung Pak Long (松柏朗)	1	Sheung Shui District Rural Committee
602.	Tsung Yuen Ha (松園下)	1	Ta Kwu Ling District Rural Committee
603.	Tsz Tin Tsuen (紫田村)	1	Tuen Mun Rural Committee
604.	Tsz Tong Tsuen (祠堂村)	1	Fanling District Rural Committee
605.	Tsz Tong Tsuen (祠堂村)	1	Kam Tin Rural Committee
606.	Tuen Mun Kau Hui (屯門舊墟)	1	Tuen Mun Rural Committee
607.	Tuen Mun San Hui (屯門新墟)	1	Tuen Mun Rural Committee
608.	Tuen Mun San Tsuen (屯門新村)	1	Tuen Mun Rural Committee
609.	Tuen Tsz Wai (屯子圍)	1	Tuen Mun Rural Committee
610.	Tui Min Hoi (對面海)	1	Sai Kung Rural Committee
611.	Tung A (東丫)	1	Sai Kung Rural Committee
612.	Tung Chun Wai (東鎮圍)	1	San Tin Rural Committee
613.	Tung Lo Wan (銅鑼灣)	1	Sha Tin Rural Committee
614.	Tung O (東澳)	1	Lamma Island (South) Rural Committee
615.	Tung Sam Kei (東心淇)	1	Sai Kung North Rural Committee

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	Name of village	Number of persons to hold the office of resident representative	Rural Committee
616.	Tung Tau Tsuen (東頭村)	1	Ha Tsuen Rural Committee
617.	Tung Tau Tsuen (東頭村)	1	Shap Pat Heung Rural Committee
619.	Tung Tsz (洞梓)	1	Tai Po Rural Committee
620.	Uk Cheung (屋場)	1	Sai Kung Rural Committee
621.	Uk Tau (屋頭)	1	Sai Kung North Rural Committee
622.	Wa Mei Shan (畫眉山)	1	Fanling District Rural Committee
623.	Wa Shan Tsuen (華山村)	1	Sheung Shui District Rural Committee
624.	Wai Tau Tsuen (圍頭村)	1	Tai Po Rural Committee
625.	Wai Tsai (圍仔)	1	San Tin Rural Committee
625A.	Wang Chau Chung Sam Wai (橫洲忠心圍)	1	Ping Shan Heung Rural Committee
625B.	Wang Chau Fuk Hing Tsuen (橫洲福慶村)	1	Ping Shan Heung Rural Committee
625C.	Wang Chau Lam Uk Tsuen (橫洲林屋村)	1	Ping Shan Heung Rural Committee
625D.	Wang Chau Sai Tau Wai (橫洲西頭圍)	1	Ping Shan Heung Rural Committee
625E.	Wang Chau Tung Tau Wai (橫洲東頭圍)	1	Ping Shan Heung Rural Committee
625F.	Wang Chau Yeung Uk Tsuen (橫洲楊屋村)	1	Ping Shan Heung Rural Committee
626.	Wang Long (橫塱)	1	Lamma Island (North) Rural Committee
627.	Wang Shan Keuk (橫山腳)	1	Sha Tau Kok District Rural Committee
628.	Wang Toi Shan Ha San Uk Tsuen (橫台山下新屋村)	1	Pat Heung Rural Committee
629.	Wang Toi Shan Ho Lik Pui Tsuen (橫台山河瀝背村)	1	Pat Heung Rural Committee
630.	Wang Toi Shan Lo Uk Tsuen (橫台山羅屋村)	1	Pat Heung Rural Committee

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	Name of village	Number of persons to hold the office of resident representative	Rural Committee
631.	Wang Toi Shan Shan Tsuen (橫台山散村)	1	Pat Heung Rural Committee
632.	Wang Toi Shan Wing Ning Lei Tsuen (橫台山永寧里村)	1	Pat Heung Rural Committee
633.	Wing Lung Wai (永隆圍)	1	Kam Tin Rural Committee
634.	Wing Ning Tsuen (永寧村)	1	Ping Shan Heung Rural Committee
635.	Wing Ping Tsuen (永平村)	1	San Tin Rural Committee
636.	Wo Hop Shek (和合石)	1	Fanling District Rural Committee
637.	Wo Keng Shan (禾徑山)	1	Ta Kwu Ling District Rural Committee
638.	Wo Liu (禾寮)	1	Sai Kung Rural Committee
639.	Wo Liu Hang (禾寮坑)	1	Sha Tin Rural Committee
640.	Wo Mei (窩美)	1	Sai Kung Rural Committee
641.	Wo Ping San Tsuen (和平新村)	1	Tuen Mun Rural Committee
642.	Wo Sang Wai (和生圍)	1	San Tin Rural Committee
643.	Wo Tin (窩田)	1	Mui Wo Rural Committee
644.	Wo Yi Hop (和宜合)	1	Tsuen Wan Rural Committee
645.	Wong Chuk Shan New Village (黃竹山新村)	1	Sai Kung Rural Committee
646.	Wong Chuk Wan (黃竹灣)	1	Sai Kung Rural Committee
647.	Wong Chuk Yeung (黃竹洋)	1	Sai Kung North Rural Committee
648.	Wong Chuk Yeung (黃竹洋)	1	Sha Tin Rural Committee
649.	Wong Ka Wai and Lung Tseng Tau (黃家圍及龍井頭)	1	Tung Chung Rural Committee
650.	Wong Keng Tei (黃麠地)	1	Sai Kung Rural Committee
651.	Wong Keng Tsai (黃麠仔)	1	Sai Kung Rural Committee
652.	Wong Mo Ying (黃毛應)	1	Sai Kung Rural Committee

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	Name of village	Number of persons to hold the office of resident representative	Rural Committee
653.	Wong Nai Tau, Tai Che and Fa Sham Hang (黃泥頭、大輋及花心坑)	1	Sha Tin Rural Committee
654.	Wong Nai Tun (黃坭墩)	1	Shap Pat Heung Rural Committee
655.	Wong Uk (王屋)	1	Sha Tin Rural Committee
656.	Wong Uk Tsuen (黃屋村)	1	Shap Pat Heung Rural Committee
657.	Wong Yi Chau (黃宜洲)	1	Sai Kung Rural Committee
658.	Wong Yue Tan (黃魚灘)	1	Tai Po Rural Committee
659.	Wu Kai Sha and Cheung Kang (烏溪沙及長徑)	1	Sha Tin Rural Committee
660.	Wu Kau Tang (烏蛟騰)	1	Sha Tau Kok District Rural Committee
661.	Wu Shek Kok (烏石角)	1	Sha Tau Kok District Rural Committee
662.	Yan Sau Wai (仁壽圍)	1	San Tin Rural Committee
663.	Yau Kam Tau (油柑頭)	1	Tsuen Wan Rural Committee
664.	Yau Tam Mei (I) (攸潭美(一))	1	San Tin Rural Committee
665.	Yau Tam Mei (II) (攸潭美(二))	1	San Tin Rural Committee
666.	Yau Yue Wan (魷魚灣)	1	Hang Hau Rural Committee
667.	Yeung Siu Hang (楊小坑)	1	Tuen Mun Rural Committee
668.	Yeung Uk (楊屋)	1	Tsuen Wan Rural Committee
670.	Yeung Uk Tsuen (楊屋村)	1	Shap Pat Heung Rural Committee
671.	Yi O (二澳)	1	Tai O Rural Committee
672.	Yi Pei Chun (二陂圳)	1	Tsuen Wan Rural Committee
673.	Yick Yuen Tsuen (亦園村)	1	Tuen Mun Rural Committee
674.	Yim Tin Kok Tsuen (鹽田角村)	1	Tsing Yi Rural Committee
675.	Yim Tin Tsai (鹽田仔)	1	Sai Kung Rural Committee

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	Name of village	Number of persons to hold the office of resident representative	Rural Committee
676.	Yim Tso Ha and Pok Tau Ha (鹽灶下及膊頭下)	1	Sha Tau Kok District Rural Committee
677.	Yin Kong (燕崗)	1	Sheung Shui District Rural Committee
678.	Yin Ngam (燕岩)	1	Tai Po Rural Committee
679.	Ying Lung Wai (英龍圍)	1	Shap Pat Heung Rural Committee
680.	Ying Pun (營盤)	1	Sheung Shui District Rural Committee
681.	Ying Pun Ha Chuk Hang (營盤下竹坑)	1	Tai Po Rural Committee
682.	Yue Kok (魚角)	1	Tai Po Rural Committee
683.	Yuen Kong San Tsuen （元崗新村）	1	Pat Heung Rural Committee
684.	Yuen Kong Tsuen (元崗村)	1	Pat Heung Rural Committee
685.	Yuen Leng Lei Uk (元嶺李屋)	1	Tai Po Rural Committee
686.	Yuen Leng Yip Uk (元嶺葉屋)	1	Tai Po Rural Committee
686A.	Yuen Long Kau Hui (元朗舊墟)	1	Shap Pat Heung Rural Committee
687.	Yuen Tun (圓墩)	1	Tsuen Wan Rural Committee
688.	Yuen Tun Ha (元墩下)	1	Tai Po Rural Committee
689.	Yung Shu O (榕樹澳)	1	Sai Kung North Rural Committee
690.	Yung Shue Au (榕樹凹)	1	Sha Tau Kok District Rural Committee
691.	Yung Shue Ha (榕樹下)	1	Lamma Island (South) Rural Committee
692.	Yung Shue Long (榕樹塱)	1	Lamma Island (North) Rural Committee
693.	Yung Shue Wan (榕樹灣)	1	Lamma Island (North) Rural Committee

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INDIGENOUS VILLAGE

	Name of village	Number of persons to hold the office of indigenous inhabitant representative	Rural Committee
1.	A Ma Wat (亞媽笏)	1	Sha Tau Kok District Rural Committee
2.	A Shan (鴉山)	1	Tai Po Rural Committee
3.	Au Ha (凹下)	1	Sha Tau Kok District Rural Committee
4.	Au Pui Wan (坳背灣)	1	Sha Tin Rural Committee
5.	Chai Kek (寨凹)	1	Tai Po Rural Committee
6.	Chap Wai Kon (插桅杆)	1	Sha Tin Rural Committee
7.	Chau Tau (洲頭)	2	San Tin Rural Committee
8.	Che Ha (崙下)	1	Sai Kung North Rural Committee
9.	Che Keng Tuk (崙徑篤)	1	Sai Kung Rural Committee
10.	Chek Keng (赤徑)	1	Sai Kung North Rural Committee
11.	Chek Lap Kok (赤鱲角)	1	Tung Chung Rural Committee
12.	Chek Nai Ping (赤坭坪)	2	Sha Tin Rural Committee
13.	Cheung Kong Tsuen (長江村)	1	Pat Heung Rural Committee
14.	Cheung Lek (長瀝)	1	Sheung Shui District Rural Committee
15.	Cheung Lek Mei (長瀝尾)	1	Sha Tin Rural Committee
16.	Cheung Muk Tau (樟木頭)	1	Sai Kung North Rural Committee
17.	Cheung Po Tsuen (長埔村)	1	Pat Heung Rural Committee
18.	Cheung Sha Lower Village (長沙下村)	1	South Lantao Rural Committee
19.	Cheung Sha Upper Village (長沙上村)	1	South Lantao Rural Committee
20.	Cheung Sheung (嶂上)	1	Sai Kung North Rural Committee
21.	Cheung Shue Tan (樟樹灘)	2	Tai Po Rural Committee
22.	Cheung Uk Tei (張屋地)	1	Tai Po Rural Committee
23.	Choi Uk Tsuen (蔡屋村)	1	Shap Pat Heung Rural Committee

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	Name of village	Number of persons to hold the office of indigenous inhabitant representative	Rural Committee
24.	Chow Tin Tsuen (週田村)	2	Ta Kwu Ling District Rural Committee
25.	Chuen Lung (川龍)	3	Tsuen Wan Rural Committee
26.	Chuk Hang Tsuen (竹坑村)	1	Pat Heung Rural Committee
27.	Chuk Yuen (竹園)	1	Ta Kwu Ling District Rural Committee
28.	Chuk Yuen (竹園)	1	San Tin Rural Committee
29.	Chung Kwai Chung (中葵涌)	3	Tsuen Wan Rural Committee
30.	Chung Mei San Tsuen (涌尾新村)	1	Tai Po Rural Committee
31.	Chung Mei Tsuen (涌美村)	3	Tsing Yi Rural Committee
32.	Chung Pui San Tsuen (涌背新村)	1	Tai Po Rural Committee
34.	Chung Uk Tsuen (鍾屋村)	1	Tai Po Rural Committee
35.	Chung Uk Tsuen (鍾屋村)	2	Tuen Mun Rural Committee
36.	Fan Lau (汾流)	1	Tai O Rural Committee
37.	Fan Leng Lau (粉嶺樓)	2	Fanling District Rural Committee
38.	Fan Tin San Yi Cho (蕃田莘野祖)	3	San Tin Rural Committee
39.	Fanling Wai (粉嶺圍)	3	Fanling District Rural Committee
40.	Fo Tan (火炭)	1	Sha Tin Rural Committee
41.	Fong Ma Po (放馬莆)	1	Tai Po Rural Committee
42.	Fu Tau Chau (斧頭洲)	1	Hang Hau Rural Committee
43.	Fu Tei Pai (虎地排)	1	Fanling District Rural Committee
44.	Fu Tei Tsuen (虎地村)	1	Tuen Mun Rural Committee
45.	Fu Yung Pei (芙蓉泌)	1	Sha Tin Rural Committee
46.	Fui Sha Wai (灰沙圍)	1	Ping Shan Heung Rural Committee
48.	Fung Chi Tsuen (鳳池村)	1	Ping Shan Heung Rural Committee

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	Name of village	Number of persons to hold the office of indigenous inhabitant representative	Rural Committee
49.	Fung Hang (鳳坑)	1	Sha Tau Kok District Rural Committee
50.	Fung Kong Tsuen (鳳降村)	1	Ha Tsuen Rural Committee
51.	Fung Shue Wo Tsuen (楓樹窩村)	1	Tsing Yi Rural Committee
52.	Fung Wong Wu (鳳凰湖)	1	Ta Kwu Ling District Rural Committee
53.	Fung Yuen (鳳園)	1	Tai Po Rural Committee
54.	Ha Che Tsuen (下輋村)	1	Pat Heung Rural Committee
55.	Ha Fa Shan (下花山)	1	Tsuen Wan Rural Committee
56.	Ha Hang (下坑)	2	Tai Po Rural Committee
57.	Ha Keng Hau (下徑口)	1	Sha Tin Rural Committee
58.	Ha Kwai Chung (下葵涌)	2	Tsuen Wan Rural Committee
59.	Ha Ling Pei (下嶺皮)	1	Tung Chung Rural Committee
60.	Ha Mei San Tsuen (蝦尾新村)	1	Ping Shan Heung Rural Committee
61.	Ha Shan Kai Wat (下山雞乙)	1	Ta Kwu Ling District Rural Committee
62.	Ha Tei Ha (蝦地下)	1	Tai Po Rural Committee
63.	Ha Tsuen Shi (廈村市)	1	Ha Tsuen Rural Committee
64.	Ha Wo Che (下禾輋)	1	Sha Tin Rural Committee
65.	Ha Wo Hang (下禾坑)	1	Sha Tau Kok District Rural Committee
66.	Ha Wong Yi Au (下黃宜坳)	1	Tai Po Rural Committee
67.	Ha Wun Yiu (下碗窰)	1	Tai Po Rural Committee
68.	Ha Yau Tin (下攸田)	1	Shap Pat Heung Rural Committee
69.	Ha Yeung (下洋)	1	Sai Kung North Rural Committee
70.	Ha Yeung (下洋)	1	Hang Hau Rural Committee
71.	Ham Tin (咸田)	1	South Lantao Rural Committee
72.	Ham Tin (咸田)	1	Tsuen Wan Rural Committee

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	Name of village	Number of persons to hold the office of indigenous inhabitant representative	Rural Committee
73.	Hang Ha Po (坑下莆)	1	Tai Po Rural Committee
74.	Hang Hau (坑口)	3	Hang Hau Rural Committee
75.	Hang Mei Tsuen (坑尾村)	3	Ping Shan Heung Rural Committee
76.	Hang Tau (坑頭)	2	Sheung Shui District Rural Committee
77.	Hang Tau Tsuen (坑頭村)	2	Ping Shan Heung Rural Committee
78.	Heung Yuen Wai (香園圍)	1	Ta Kwu Ling District Rural Committee
79.	Hin Tin (顯田)	1	Sha Tin Rural Committee
80.	Hing Keng Shek (慶徑石)	1	Sai Kung Rural Committee
81.	Ho Chung (蠔涌)	2	Sai Kung Rural Committee
82.	Ho Lek Pui (河瀝背)	1	Sha Tin Rural Committee
83.	Ho Pui (河背)	2	Tsuen Wan Rural Committee
84.	Ho Pui Tsuen (河背村)	1	Pat Heung Rural Committee
85.	Ho Sheung Heung (河上鄉)	2	Sheung Shui District Rural Committee
86.	Hoi Ha (海下)	1	Sai Kung North Rural Committee
87.	Hoi Pa (Cheung Pei Shan Road) (海壩(象鼻山路))	2	Tsuen Wan Rural Committee
88.	Hoi Pa (South Platform) (海壩(南台))	1	Tsuen Wan Rural Committee
89.	Hoi Pa (Wo Yi Hop Road and Kwok Shui Road) (海壩(和宜合道及國瑞道))	3	Tsuen Wan Rural Committee
90.	Hok Tau Wai (鶴藪圍)	1	Fanling District Rural Committee
91.	Hong Mei Tsuen (巷尾村)	1	Ha Tsuen Rural Committee
92.	Hung Cho Tin (紅棗田)	1	Shap Pat Heung Rural Committee
93.	Hung Leng (孔嶺)	1	Fanling District Rural Committee
94.	Hung Uk Tsuen (洪屋村)	1	Ping Shan Heung Rural Committee
95.	Kai Ham (界咸)	1	Sai Kung Rural Committee
96.	Kai Leng (雞嶺)	1	Sheung Shui District Rural Committee
97.	Kak Tin (隔田)	2	Sha Tin Rural Committee

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	Name of village	Number of persons to hold the office of indigenous inhabitant representative	Rural Committee
98.	Kam Chuk Pai San Tsuen (金竹排新村)	1	Tai Po Rural Committee
99.	Kam Shan Village (錦山村)	3	Tai Po Rural Committee
100.	Kam Tin Shing Mun San Tsuen (錦田城門新村)	1	Kam Tin Rural Committee
101.	Kam Tsin (金錢)	2	Sheung Shui District Rural Committee
102.	Kam Tsin Wai Tsuen (金錢圍村)	1	Pat Heung Rural Committee
103.	Kan Tau Tsuen (簡頭村)	1	Fanling District Rural Committee
104.	Kan Tau Wai (簡頭圍)	1	Ta Kwu Ling District Rural Committee
105.	Kap Lung Tsuen (甲龍村)	1	Pat Heung Rural Committee
106.	Kap Tong (蛤塘)	1	Sha Tau Kok District Rural Committee
107.	Kat Hing Wai (吉慶圍)	2	Kam Tin Rural Committee
108.	Kat O (吉澳)	3	Sha Tau Kok District Rural Committee
109.	Kau Liu Ha (較寮下)	1	Tai Po Rural Committee
110.	Kau Lung Hang (九龍坑)	2	Tai Po Rural Committee
111.	Kau Sai San Tsuen (滘西新村)	1	Sai Kung Rural Committee
112.	Kau Tam Tso (九担租)	1	Sha Tau Kok District Rural Committee
113.	Kau To (九肚)	1	Sha Tin Rural Committee
114.	Kau Wah Keng (九華徑)	2	Tsuen Wan Rural Committee
115.	Kei Ling Ha Lo Wai (企嶺下老圍)	1	Sai Kung North Rural Committee
116.	Kei Ling Ha San Wai (企嶺下新圍)	1	Sai Kung North Rural Committee
117.	Kei Lun Wai (麒麟圍)	1	Tuen Mun Rural Committee

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	Name of village	Number of persons to hold the office of indigenous inhabitant representative	Rural Committee
118.	Keung Shan, Lower (下羌山)	1	Tai O Rural Committee
119.	Kiu Tau Wai (橋頭圍)	1	Ping Shan Heung Rural Committee
120.	Ko Lau Wan (高流灣)	2	Sai Kung North Rural Committee
121.	Ko Long (高塱)	1	Lamma Island (North) Rural Committee
122.	Ko Po (高莆)	1	Fanling District Rural Committee
123.	Ko Po Tsuen (高埔村)	1	Kam Tin Rural Committee
124.	Ko Tong (高塘)	1	Sai Kung North Rural Committee
125.	Kong Ha (崗下)	1	Sha Tau Kok District Rural Committee
126.	Kong Tau (港頭)	1	Shap Pat Heung Rural Committee
127.	Kuk Po (谷埔)	2	Sha Tau Kok District Rural Committee
128.	Kwan Mun Hau (關門口)	3	Tsuen Wan Rural Committee
129.	Kwan Tei (軍地)	2	Fanling District Rural Committee
130.	Kwu Hang (古坑)	1	Tsuen Wan Rural Committee
131.	Kwun Hang (官坑)	1	Sai Kung North Rural Committee
132.	Lai Chi Chong (荔枝莊)	1	Sai Kung North Rural Committee
133.	Lai Chi Shan (荔枝山)	1	Tai Po Rural Committee
134.	Lai Chi Wo (荔枝窩)	2	Sha Tau Kok District Rural Committee
134A.	Lai Pek Shan (犁壁山)	1	Tai Po Rural Committee
135.	Lai Tau Shek (犁頭石)	1	Sha Tau Kok District Rural Committee
136.	Lam Hau Tsuen (欖口村)	2	Ping Shan Heung Rural Committee
137.	Lam Tei (藍地)	1	Tuen Mun Rural Committee
138.	Lam Tin Tsuen (藍田村)	2	Tsing Yi Rural Committee
140.	Lau Shui Heung (流水响)	1	Fanling District Rural Committee
141.	Lee Uk Tsuen (李屋村)	1	Ha Tsuen Rural Committee

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	Name of village	Number of persons to hold the office of indigenous inhabitant representative	Rural Committee
142.	Lei Uk (李屋)	1	Ta Kwu Ling District Rural Committee
143.	Leng Pei Tsuen (嶺皮村)	1	Fanling District Rural Committee
144.	Leng Tsai (嶺仔)	1	Fanling District Rural Committee
145.	Leng Tsui (嶺咀)	1	Fanling District Rural Committee
146.	Leung Tin Tsuen (良田村)	1	Tuen Mun Rural Committee
147.	Leung Uk (梁屋)	1	Tai O Rural Committee
148.	Lin Au, Cheng Uk (蓮澳鄭屋)	1	Tai Po Rural Committee
149.	Lin Au, Lei Uk (蓮澳李屋)	1	Tai Po Rural Committee
150.	Lin Fa Tei (蓮花地)	2	Pat Heung Rural Committee
151.	Lin Ma Hang (蓮麻坑)	2	Sha Tau Kok District Rural Committee
152.	Lin Tong Mei (蓮塘尾)	1	Sheung Shui District Rural Committee
153.	Liu Pok (料壆)	2	Sheung Shui District Rural Committee
154.	Lo So Shing (蘆鬚城)	1	Lamma Island (South) Rural Committee
155.	Lo Tik Wan (蘆荻灣)	1	Lamma Island (North) Rural Committee
156.	Lo Tsz Tin (蘆慈田)	1	Tai Po Rural Committee
157.	Lo Uk Tsuen (老屋村)	1	Tsing Yi Rural Committee
158.	Lo Uk Tsuen (羅屋村)	1	Ha Tsuen Rural Committee
159.	Lo Wai (老圍)	3	Tsuen Wan Rural Committee
160.	Loi Tung (萊洞)	1	Sha Tau Kok District Rural Committee
161.	Lok Lo Ha (落路下)	1	Sha Tin Rural Committee
162.	Lok Ma Chau (落馬洲)	1	San Tin Rural Committee
163.	Long Ke (浪茄)	1	Sai Kung Rural Committee
164.	Long Keng (浪徑)	1	Sai Kung Rural Committee
165.	Luk Chau (鹿洲)	1	Lamma Island (South) Rural Committee

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	Name of village	Number of persons to hold the office of indigenous inhabitant representative	Rural Committee
166.	Luk Keng (鹿頸)	1	Ma Wan Rural Committee
167.	Luk Keng Chan Uk (鹿頸陳屋)	2	Sha Tau Kok District Rural Committee
168.	Luk Keng Wong Uk (鹿頸黃屋)	1	Sha Tau Kok District Rural Committee
169.	Luk Tei Tong (鹿地塘)	1	Mui Wo Rural Committee
170.	Lung A Pei (龍丫排)	1	Tai Po Rural Committee
171.	Lung Kwu Tan (龍鼓灘)	2	Tuen Mun Rural Committee
172.	Lung Mei (龍尾)	2	Tai Po Rural Committee
173.	Lung Mei (龍尾)	1	Sai Kung Rural Committee
174.	Lung Yeuk Tau (龍躍頭)	3	Fanling District Rural Committee
175.	Ma Kwu Lam (馬牯纜)	1	Sai Kung North Rural Committee
176.	Ma Liu (馬料)	1	Sha Tin Rural Committee
177.	Ma Mei Ha (馬尾下)	1	Fanling District Rural Committee
178.	Ma Nam Wat (麻南笏)	1	Sai Kung Rural Committee
179.	Ma Niu Shui San Tsuen (馬料水新村)	1	Fanling District Rural Committee
180.	Ma On Kong Tsuen (馬鞍崗村)	1	Pat Heung Rural Committee
181.	Ma On Shan (馬鞍山)	1	Sha Tin Rural Committee
182.	Ma Po Mei (麻布尾)	1	Tai Po Rural Committee
183.	Ma Sim Pai (馬閃排)	1	Tsuen Wan Rural Committee
184.	Ma Tin (馬田)	2	Shap Pat Heung Rural Committee
185.	Ma Tseuk Leng Ha (麻雀嶺下)	1	Sha Tau Kok District Rural Committee
186.	Ma Tseuk Leng Sheung (麻雀嶺上)	1	Sha Tau Kok District Rural Committee
187.	Ma Wan Chung (馬灣涌)	1	Tung Chung Rural Committee
188.	Ma Wan Main Street (馬灣大街)	5	Ma Wan Rural Committee

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	Name of village	Number of persons to hold the office of indigenous inhabitant representative	Rural Committee
189.	Ma Wat Tsuen (麻笏村)	2	Fanling District Rural Committee
190.	Ma Yau Tong (馬游塘)	1	Hang Hau Rural Committee
191.	Mai Po Tsuen (米埔村)	2	San Tin Rural Committee
192.	Man Kok Tsui (萬角咀)	1	Mui Wo Rural Committee
193.	Man Uk Pin (萬屋邊)	1	Sha Tau Kok District Rural Committee
194.	Man Wo (蠻窩)	1	Sai Kung Rural Committee
195.	Man Yee Wan New Village (萬宜灣新村)	1	Sai Kung Rural Committee
196.	Mang Kung Uk (孟公屋)	5	Hang Hau Rural Committee
197.	Mau Ping New Village (茅坪新村)	1	Sai Kung Rural Committee
198.	Mau Tat (茅笪)	1	Sha Tin Rural Committee
199.	Mau Tso Ngam (茂草岩)	1	Sha Tin Rural Committee
200.	Mau Wu Tsai (茅湖仔)	1	Hang Hau Rural Committee
201.	Ming Tak Tong (明德堂)	3	San Tin Rural Committee
202.	Miu Tin (苗田)	1	Sha Tau Kok District Rural Committee
203.	Mo Tat (模達)	1	Lamma Island (South) Rural Committee
204.	Mo Tat Wan (模達灣)	1	Lamma Island (South) Rural Committee
205.	Mok Ka (莫家)	1	Tung Chung Rural Committee
206.	Mok Tse Che (莫遮輋)	1	Sai Kung Rural Committee
207.	Mong Tseng Tsuen (輞井村)	2	Ping Shan Heung Rural Committee
208.	Mong Tseng Wai (輞井圍)	2	Ping Shan Heung Rural Committee
209.	Mong Tung Wan (望東灣)	1	South Lantao Rural Committee
210.	Mui Shue Hang (梅樹坑)	1	Tai Po Rural Committee
211.	Mui Tsz Lam (梅子林)	1	Sha Tau Kok District Rural Committee
212.	Mui Tsz Lam (梅子林)	1	Sha Tin Rural Committee

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	Name of village	Number of persons to hold the office of indigenous inhabitant representative	Rural Committee
213.	Muk Kiu Tau (木橋頭)	1	Shap Pat Heung Rural Committee
214.	Muk Min Ha (木棉下)	2	Tsuen Wan Rural Committee
215.	Muk Wu (木湖)	1	Ta Kwu Ling District Rural Committee
216.	Nai Chung (泥涌)	1	Sai Kung North Rural Committee
217.	Nai Wai (泥圍)	2	Tuen Mun Rural Committee
218.	Nam A (南丫)	1	Sai Kung Rural Committee
219.	Nam Bin Wai (南邊圍)	4	Shap Pat Heung Rural Committee
220.	Nam Chung (南涌)	2	Sha Tau Kok District Rural Committee
221.	Nam Hang (南坑)	2	Tai Po Rural Committee
222.	Nam Hang (南坑)	1	Shap Pat Heung Rural Committee
223.	Nam Shan (南山)	1	Sai Kung Rural Committee
224.	Nam Shan Tung (南山洞)	1	Sai Kung North Rural Committee
225.	Nam Wa Po (南華莆)	1	Tai Po Rural Committee
226.	Nam Wai (南圍)	2	Sai Kung Rural Committee
227.	Ng Tung Chai (梧桐寨)	1	Tai Po Rural Committee
228.	Ng Uk Tsuen (吳屋村)	1	Sheung Shui District Rural Committee
229.	Ng Uk Tsuen (吳屋村)	2	Ping Shan Heung Rural Committee
230.	Nga Iu Tau Tsun (瓦窰頭村)	1	Sai Kung North Rural Committee
231.	Nga Yiu Ha (瓦窰下)	1	Ta Kwu Ling District Rural Committee
232.	Ngar Yiu Tau (瓦窰頭)	1	Shap Pat Heung Rural Committee
233.	Ngau Au (牛凹)	1	Tung Chung Rural Committee
234.	Ngau Hom Tsuen (鰲磡村)	1	Ping Shan Heung Rural Committee
235.	Ngau Keng Tsuen (牛徑村)	2	Pat Heung Rural Committee
236.	Ngau Kwu Long (牛牯塱)	1	Mui Wo Rural Committee
237.	Ngau Pei Sha (牛皮沙)	1	Sha Tin Rural Committee
238.	Ngau Shi Wu (牛屎湖)	1	Sha Tau Kok District Rural Committee

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	Name of village	Number of persons to hold the office of indigenous inhabitant representative	Rural Committee
239.	Ngong Ping (昂坪)	1	Sai Kung North Rural Committee
240.	Ngong Ping (昂坪)	2	Tai O Rural Committee
241.	Ngong Wo (昂窩)	1	Sai Kung Rural Committee
242.	Nim Wan (稔灣)	2	Tuen Mun Rural Committee
243.	O Tau (澳頭)	1	Sai Kung Rural Committee
244.	On Lung Tsuen (安龍村)	1	San Tin Rural Committee
245.	Pa Mei (壩尾)	1	Tung Chung Rural Committee
246.	Pai Tau (排頭)	2	Sha Tin Rural Committee
247.	Pak A (北丫)	1	Sai Kung Rural Committee
248.	Pak Kok Kau Tsuen (北角舊村)	2	Lamma Island (North) Rural Committee
249.	Pak Kok San Tsuen (北角新村)	1	Lamma Island (North) Rural Committee
250.	Pak Kong (北港)	1	Sai Kung Rural Committee
251.	Pak Kong Au (北港坳)	1	Sai Kung Rural Committee
252.	Pak Lap (白腊)	1	Sai Kung Rural Committee
253.	Pak Mong (白芒)	1	Mui Wo Rural Committee
254.	Pak Ngan Heung (白銀鄉)	1	Mui Wo Rural Committee
255.	Pak Ngau Shek Ha Tsuen (白牛石下村)	1	Tai Po Rural Committee
256.	Pak Ngau Shek Sheung Tsuen (白牛石上村)	1	Tai Po Rural Committee
257.	Pak Sha (白沙)	1	Shap Pat Heung Rural Committee
258.	Pak Sha O (白沙澳)	1	Sai Kung North Rural Committee
259.	Pak Tam (北潭)	1	Sai Kung Rural Committee
260.	Pak Tam Au (北潭凹)	1	Sai Kung North Rural Committee
261.	Pak Tam Chung (北潭涌)	1	Sai Kung Rural Committee
262.	Pak Tin Pa (白田壩)	1	Tsuen Wan Rural Committee
263.	Pak Wai (北圍)	1	Sai Kung Rural Committee

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	Name of village	Number of persons to hold the office of indigenous inhabitant representative	Rural Committee
264.	Pan Chung (泮涌)	2	Tai Po Rural Committee
265.	Pan Chung San Tsuen (泮涌新村)	1	Tai Po Rural Committee
266.	Pan Long Wan (檳榔灣)	1	Hang Hau Rural Committee
267.	Pat Tsz Wo (拔子窩)	1	Sha Tin Rural Committee
268.	Pik Uk (壁屋)	1	Sai Kung Rural Committee
269.	Ping Chau Chau Mei (平洲洲尾)	1	Sai Kung North Rural Committee
270.	Ping Chau Chau Tau (平洲洲頭)	1	Sai Kung North Rural Committee
271.	Ping Chau Nai Tau (平洲奶頭)	1	Sai Kung North Rural Committee
272.	Ping Chau Sha Tau (平洲沙頭)	1	Sai Kung North Rural Committee
273.	Ping Chau Tai Tong (平洲大塘)	1	Sai Kung North Rural Committee
274.	Ping Che (坪輋)	1	Ta Kwu Ling District Rural Committee
275.	Ping Kong (丙崗)	1	Sheung Shui District Rural Committee
276.	Ping Long (坪朗)	1	Tai Po Rural Committee
277.	Ping Shan Chai (坪山仔)	1	Tai Po Rural Committee
278.	Ping Shan San Tsuen (屏山新村)	1	Ping Shan Heung Rural Committee
279.	Ping Tun (坪墩)	1	Sai Kung Rural Committee
280.	Ping Yeung (坪洋)	4	Ta Kwu Ling District Rural Committee
281.	Po Sam Pai (布心排)	2	Tai Po Rural Committee
282.	Po Toi (蒲台)	1	Lamma Island (South) Rural Committee
283.	Po Toi O (布袋澳)	1	Hang Hau Rural Committee
284.	Po Tong Ha (寶塘下)	1	Tuen Mun Rural Committee

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	Name of village	Number of persons to hold the office of indigenous inhabitant representative	Rural Committee
285.	Pok Wai (墈圍)	2	San Tin Rural Committee
286.	Pui O Lo Uk Tsuen (貝澳羅屋村)	1	South Lantao Rural Committee
287.	Pui O Lo Wai (貝澳老圍)	2	South Lantao Rural Committee
288.	Pui O San Wai (貝澳新圍)	1	South Lantao Rural Committee
289.	Pun Shan Chau (半山洲)	1	Tai Po Rural Committee
290.	Pun Uk Tsuen (潘屋村)	1	San Tin Rural Committee
291.	Sai Bin Wai (西邊圍)	2	Shap Pat Heung Rural Committee
292.	Sai Keng (西徑)	1	Sai Kung North Rural Committee
293.	Sai Lau Kok (西樓角)	1	Tsuen Wan Rural Committee
294.	Sai O (西澳)	1	Sai Kung North Rural Committee
296.	Sai Wan (西灣)	1	Sai Kung Rural Committee
297.	Sam A (三椏)	1	Sha Tau Kok District Rural Committee
298.	Sam Tung Uk (三棟屋)	3	Tsuen Wan Rural Committee
299.	San Hing Tsuen (新慶村)	1	Tuen Mun Rural Committee
300.	San Hing Tsuen (新慶村)	1	Ping Shan Heung Rural Committee
301.	San Lung Tsuen (新龍村)	1	San Tin Rural Committee
302.	San Sang Tsuen (新生村)	1	Ha Tsuen Rural Committee
303.	San Shek Wan (磡石灣)	1	South Lantao Rural Committee
304.	San Tau (磡頭)	1	Tai O Rural Committee
305.	San Tau Kok (磡頭角)	2	Tai Po Rural Committee
306.	San Tin (新田)	2	Sha Tin Rural Committee
307.	San Tong (新塘)	1	Tai Po Rural Committee
308.	San Tong Po (新塘莆)	1	Fanling District Rural Committee
309.	San Tsuen (新村)	1	Sha Tau Kok District Rural Committee
310.	San Tsuen (新村)	3	Tsuen Wan Rural Committee
311.	San Tsuen (Lam Tsuen) (新村(林村))	1	Tai Po Rural Committee

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	Name of village	Number of persons to hold the office of indigenous inhabitant representative	Rural Committee
312.	San Uk Ka (新屋家)	1	Tai Po Rural Committee
313.	San Uk Ling (新屋嶺)	1	Ta Kwu Ling District Rural Committee
314.	San Uk Tsai (新屋仔)	1	Fanling District Rural Committee
315.	San Uk Tsai (新屋仔)	1	Tai Po Rural Committee
316.	San Uk Tsuen (新屋村)	1	Tsing Yi Rural Committee
317.	San Uk Tsuen (新屋村)	1	Ha Tsuen Rural Committee
318.	San Wai (新圍)	4	Ha Tsuen Rural Committee
319.	San Wai Tsai (新圍仔)	2	Tai Po Rural Committee
320.	San Wai Tsai (新圍仔)	1	Tuen Mun Rural Committee
321.	Sha Ha (沙下)	1	Sai Kung Rural Committee
322.	Sha Kok Mei (沙角尾)	3	Sai Kung Rural Committee
323.	Sha Kong Wai (沙江圍)	2	Ping Shan Heung Rural Committee
324.	Sha Lo Tung Cheung Uk (沙螺洞張屋)	2	Tai Po Rural Committee
325.	Sha Lo Tung Lei Uk (沙螺洞李屋)	1	Tai Po Rural Committee
326.	Sha Lo Wan (沙螺灣)	1	Tai O Rural Committee
327.	Sha Po (沙埔)	1	Lamma Island (North) Rural Committee
328.	Sha Po Tsuen (沙埔村)	2	Kam Tin Rural Committee
329.	Sha Tin Wai (沙田圍)	1	Sha Tin Rural Committee
330.	Sha Tsui New Village (沙咀新村)	1	Sai Kung Rural Committee
331.	Sham Chung (深涌)	2	Sai Kung North Rural Committee
332.	Sham Chung (深涌)	1	Shap Pat Heung Rural Committee
333.	Sham Tseng (深井)	2	Tsuen Wan Rural Committee
334.	Shan Ha Tsuen (山廈村)	3	Ping Shan Heung Rural Committee
335.	Shan Ha Wai (山下圍)	1	Sha Tin Rural Committee
336.	Shan Liu (山寮)	1	Tai Po Rural Committee

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	Name of village	Number of persons to hold the office of indigenous inhabitant representative	Rural Committee
337.	Shan Liu (山寮)	1	Sai Kung Rural Committee
338.	Shan Mei (山尾)	1	Sha Tin Rural Committee
339.	Shan Pui (山貝)	3	Shap Pat Heung Rural Committee
340.	Shan Tsui (山嘴)	2	Sha Tau Kok District Rural Committee
341.	Shap Long (拾浪)	1	South Lantao Rural Committee
342.	Shap Yi Wat (十二笏)	1	Sha Tin Rural Committee
343.	She Shan (社山)	1	Tai Po Rural Committee
344.	She Tau (蛇頭)	1	Sai Kung Rural Committee
345.	Shek Hang (石坑)	1	Sai Kung Rural Committee
346.	Shek Kiu Tau (石橋頭)	1	Sha Tau Kok District Rural Committee
347.	Shek Kwu Lung (石鼓壟)	1	Tai Po Rural Committee
348.	Shek Lau Po (石榴埔)	1	Tung Chung Rural Committee
349.	Shek Lung Tsai (石壟仔)	1	Sha Tin Rural Committee
350.	Shek Mun Kap (石門甲)	1	Tung Chung Rural Committee
351.	Shek Pik San Tsuen (石碧新村)	1	Tsuen Wan Rural Committee
352.	Shek Po Tsuen (石坡村)	2	Ping Shan Heung Rural Committee
353.	Shek Wai Kok (石圍角)	1	Tsuen Wan Rural Committee
354.	Shek Wu Tong Tsuen (石湖塘村)	2	Pat Heung Rural Committee
355.	Shek Wu Wai (石湖圍)	1	San Tin Rural Committee
356.	Sheung Che Tsuen (上輋村)	1	Pat Heung Rural Committee
357.	Sheung Cheung Wai (上璋圍)	1	Ping Shan Heung Rural Committee
358.	Sheung Keng Hau (上徑口)	1	Sha Tin Rural Committee
359.	Sheung Kwai Chung (上葵涌)	2	Tsuen Wan Rural Committee
360.	Sheung Ling Pei (上嶺皮)	1	Tung Chung Rural Committee

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	Name of village	Number of persons to hold the office of indigenous inhabitant representative	Rural Committee
361.	Sheung Shan Kai Wat (上山雞乙)	1	Ta Kwu Ling District Rural Committee
362.	Sheung Shui Heung (上水鄉)	3	Sheung Shui District Rural Committee
363.	Sheung Sze Wan (相思灣)	1	Hang Hau Rural Committee
364.	Sheung Tsuen (上村)	3	Pat Heung Rural Committee
365.	Sheung Wo Che (上禾輋)	1	Sha Tin Rural Committee
366.	Sheung Wo Hang (上禾坑)	2	Sha Tau Kok District Rural Committee
367.	Sheung Wong Yi Au (上黃宜坳)	1	Tai Po Rural Committee
368.	Sheung Wun Yiu (上碗窰)	1	Tai Po Rural Committee
369.	Sheung Yau Tin (上攸田)	1	Shap Pat Heung Rural Committee
370.	Sheung Yeung (上洋)	1	Hang Hau Rural Committee
371.	Shing Uk Tsuen (盛屋村)	1	Ping Shan Heung Rural Committee
372.	Shuen Wan Chan Uk (船灣陳屋)	1	Tai Po Rural Committee
373.	Shuen Wan Chim Uk (船灣詹屋)	1	Tai Po Rural Committee
374.	Shuen Wan Lei Uk (船灣李屋)	1	Tai Po Rural Committee
375.	Shuen Wan Sha Lan (船灣沙欄)	1	Tai Po Rural Committee
376.	Shuen Wan Wai Ha (船灣圍下)	1	Tai Po Rural Committee
377.	Shui Chiu Lo Wai (水蕉老圍)	2	Shap Pat Heung Rural Committee
378.	Shui Chiu San Tsuen (水蕉新村)	2	Shap Pat Heung Rural Committee
379.	Shui Hau (水口)	1	South Lantao Rural Committee

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	Name of village	Number of persons to hold the office of indigenous inhabitant representative	Rural Committee
380.	Shui Lau Tin Tsuen (水流田村)	1	Pat Heung Rural Committee
381.	Shui Mei Tsuen (水尾村)	1	Kam Tin Rural Committee
382.	Shui Pin Tsuen (水邊村)	1	Ping Shan Heung Rural Committee
383.	Shui Pin Wai (水邊圍)	1	Ping Shan Heung Rural Committee
384.	Shui Tau Tsuen (水頭村)	2	Kam Tin Rural Committee
385.	Shui Tin Tsuen (水田村)	1	Ping Shan Heung Rural Committee
386.	Shui Tsan Tin Tsuen (水盞田村)	1	Pat Heung Rural Committee
387.	Shui Wo (水窩)	1	Tai Po Rural Committee
388.	Sik Kong Tsuen (錫降村)	2	Ha Tsuen Rural Committee
389.	Sik Kong Wai (錫降圍)	2	Ha Tsuen Rural Committee
390.	Siu A Chau (小鴉洲)	1	South Lantao Rural Committee
391.	Siu Hang San Tsuen (小坑新村)	1	Fanling District Rural Committee
392.	Siu Hang Tsuen (小坑村)	1	Tuen Mun Rural Committee
393.	Siu Kau San Tsuen (小滘新村)	1	Tai Po Rural Committee
394.	Siu Lek Yuen (小瀝源)	2	Sha Tin Rural Committee
395.	Siu Om Shan (小菴山)	1	Tai Po Rural Committee
396.	So Kwun Wat (掃管笏)	3	Tuen Mun Rural Committee
397.	So Lo Pun (鎖羅盆)	1	Sha Tau Kok District Rural Committee
398.	Sok Kwu Wan (索罟灣)	1	Lamma Island (South) Rural Committee
399.	Sun Fung Wai (順風圍)	2	Tuen Mun Rural Committee
400.	Sz Tau Leng (獅頭嶺)	1	Fanling District Rural Committee
401.	Ta Ho Tun (打蠔墩)	1	Sai Kung Rural Committee
402.	Ta Pang Po (打棚埔)	1	Ma Wan Rural Committee

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	Name of village	Number of persons to hold the office of indigenous inhabitant representative	Rural Committee
403.	Ta Shek Wu Tsuen (打石湖村)	1	Pat Heung Rural Committee
404.	Ta Tit Yan (打鐵印)	1	Tai Po Rural Committee
405.	Tai A Chau (大鴉洲)	1	South Lantao Rural Committee
406.	Tai Hang (泰亨)	3	Tai Po Rural Committee
407.	Tai Hang Hau (大坑口)	1	Hang Hau Rural Committee
408.	Tai Ho (大蠔)	1	Mui Wo Rural Committee
409.	Tai Hong Wai (泰康圍)	1	Kam Tin Rural Committee
410.	Tai Kau San Tsuen (大滘新村)	1	Tai Po Rural Committee
411.	Tai Kiu (大橋)	1	Shap Pat Heung Rural Committee
412.	Tai Lam Chung (大欖涌)	2	Tuen Mun Rural Committee
413.	Tai Lam Liu (大南寮)	1	Sha Tin Rural Committee
414.	Tai Lam Wu (大藍湖)	1	Sai Kung Rural Committee
415.	Tai Long (大朗)	1	Sha Tau Kok District Rural Committee
416.	Tai Long (大浪)	1	South Lantao Rural Committee
417.	Tai Long (大浪)	1	Sai Kung Rural Committee
418.	Tai Long Wan (大浪灣)	1	Tai O Rural Committee
419.	Tai Mei Tuk (大美督)	2	Tai Po Rural Committee
421.	Tai Mong Tsai (大網仔)	1	Sai Kung Rural Committee
422.	Tai No (大腦)	1	Sai Kung Rural Committee
423.	Tai Om (大菴)	1	Tai Po Rural Committee
424.	Tai Om Shan (大菴山)	1	Tai Po Rural Committee
425.	Tai Pak (大白)	1	Peng Chau Rural Committee
426.	Tai Peng Tsuen (大坪村)	2	Lamma Island (North) Rural Committee
427.	Tai Po (低埔)	1	Tung Chung Rural Committee
428.	Tai Po Kau (大埔滘)	1	Tai Po Rural Committee
429.	Tai Po Kau Hui (大埔舊墟)	3	Tai Po Rural Committee

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	Name of village	Number of persons to hold the office of indigenous inhabitant representative	Rural Committee
430.	Tai Po Mei (大埔尾)	2	Tai Po Rural Committee
431.	Tai Po Tau (大埔頭)	2	Tai Po Rural Committee
432.	Tai Po Tau Shui Wai (大埔頭水圍)	1	Tai Po Rural Committee
433.	Tai Po Tin (大埔田)	1	Ta Kwu Ling District Rural Committee
434.	Tai Po Tsai (大埔仔)	2	Hang Hau Rural Committee
435.	Tai Po Tsai (大埗仔)	1	Sai Kung Rural Committee
436.	Tai She Wan (大蛇灣)	1	Sai Kung Rural Committee
437.	Tai Shui Hang (大水坑)	1	Sha Tin Rural Committee
438.	Tai Tan (大灘)	1	Sai Kung North Rural Committee
439.	Tai Tau Leng (大頭嶺)	2	Sheung Shui District Rural Committee
440.	Tai Tei Tong (大地塘)	1	Mui Wo Rural Committee
441.	Tai Tong (大棠)	1	Shap Pat Heung Rural Committee
442.	Tai Tong Wu (大塘湖)	1	Sha Tau Kok District Rural Committee
443.	Tai Tseng Wai (大井圍)	1	Ping Shan Heung Rural Committee
444.	Tai Tsing Chau (大青洲)	1	Ma Wan Rural Committee
445.	Tai Tung (大洞)	1	Sai Kung North Rural Committee
446.	Tai Uk Wai (大屋圍)	2	Tsuen Wan Rural Committee
447.	Tai Wai (大圍)	2	Shap Pat Heung Rural Committee
448.	Tai Wai (大圍)	3	Sha Tin Rural Committee
449.	Tai Wan (大環)	1	Sai Kung Rural Committee
450.	Tai Wan Kau Tsuen (大灣舊村)	1	Lamma Island (North) Rural Committee
451.	Tai Wan San Tsuen (大灣新村)	1	Lamma Island (North) Rural Committee
452.	Tai Wan Tau (大環頭)	1	Hang Hau Rural Committee
453.	Tai Wo (大窩)	1	Tai Po Rural Committee
454.	Tai Wo Tsuen (大窩村)	1	Pat Heung Rural Committee

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	Name of village	Number of persons to hold the office of indigenous inhabitant representative	Rural Committee
455.	Tai Wong Ha Tsuen (大王下村)	5	Tsing Yi Rural Committee
455A.	Tai Yeung Che (大陽崙)	1	Tai Po Rural Committee
456.	Tai Yuen (大園)	1	Lamma Island (North) Rural Committee
457.	Tam Shui Hang (担水坑)	3	Sha Tau Kok District Rural Committee
458.	Tam Wat (冼笏)	1	Sai Kung Rural Committee
459.	Tan Chuk Hang (丹竹坑)	1	Fanling District Rural Committee
460.	Tan Ka Wan (蛋家灣)	1	Sai Kung North Rural Committee
461.	Tap Mun (塔門)	2	Sai Kung North Rural Committee
462.	Tei Tong Tsai (地塘仔)	1	Tung Chung Rural Committee
463.	Tin Fu Tsai (田夫仔)	1	Tuen Mun Rural Committee
464.	Tin Ha Wan (田下灣)	1	Hang Hau Rural Committee
465.	Tin Liu (田寮)	1	Sai Kung North Rural Committee
466.	Tin Liu (田寮)	4	Ma Wan Rural Committee
467.	Tin Liu (田寮)	1	Shap Pat Heung Rural Committee
468.	Tin Liu Ha (田寮下)	2	Tai Po Rural Committee
469.	Tin Sum (田心)	2	Sha Tin Rural Committee
470.	Tin Sum Tsuen (田心村)	2	Ha Tsuen Rural Committee
471.	Tin Sum Tsuen (田心村)	1	Pat Heung Rural Committee
472.	Ting Kau (汀九)	1	Tsuen Wan Rural Committee
473.	Ting Kok (汀角)	3	Tai Po Rural Committee
474.	Tit Kim Hang (鐵鉗坑)	1	Sai Kung Rural Committee
475.	To Kwa Peng (土瓜坪)	1	Sai Kung North Rural Committee
476.	To Shek (多石)	1	Sha Tin Rural Committee
477.	To Yuen Tung (桃源洞)	1	Tai Po Rural Committee
478.	To Yuen Wai (桃園圍)	1	Tuen Mun Rural Committee
479.	Tong Fong (塘坊)	1	Ta Kwu Ling District Rural Committee

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	Name of village	Number of persons to hold the office of indigenous inhabitant representative	Rural Committee
480.	Tong Fong Tsuen (塘坊村)	1	Ping Shan Heung Rural Committee
481.	Tong Fuk (塘福)	1	South Lantao Rural Committee
482.	Tong Kung Leng (唐公嶺)	1	Sheung Shui District Rural Committee
483.	Tong Sheung Tsuen (塘上村)	1	Tai Po Rural Committee
484.	Tong Tau Po (塘頭埔)	1	Shap Pat Heung Rural Committee
485.	Tong To (塘肚)	1	Sha Tau Kok District Rural Committee
486.	Tsak Yue Wu (鯽魚湖)	1	Sai Kung Rural Committee
487.	Tsam Chuk Wan (斬竹灣)	1	Sai Kung Rural Committee
488.	Tsat Muk Kiu (七木橋)	1	Sha Tau Kok District Rural Committee
489.	Tsat Sing Kong Tsuen (七星崗村)	1	Pat Heung Rural Committee
490.	Tseng Lan Shue (井欄樹)	2	Hang Hau Rural Committee
491.	Tseng Tau (井頭)	1	Sai Kung North Rural Committee
492.	Tseng Tau (井頭)	1	Tai Po Rural Committee
493.	Tseung Kong Wai (祥降圍)	1	Ha Tsuen Rural Committee
494.	Tseung Kwan O (將軍澳)	1	Hang Hau Rural Committee
495.	Tsing Chuen Wai (青磚圍)	1	Tuen Mun Rural Committee
496.	Tsing Fai Tong (清快塘)	1	Tsuen Wan Rural Committee
497.	Tsing Lung Tau (青龍頭)	1	Tsuen Wan Rural Committee
498.	Tsing Lung Tsuen (青龍村)	1	San Tin Rural Committee
499.	Tsiu Hang (蕉坑)	1	Sai Kung Rural Committee
500.	Tsiu Keng (蕉徑)	1	Sheung Shui District Rural Committee
501.	Tso Wo Hang (早禾坑)	1	Sai Kung Rural Committee
502.	Tsok Pok Hang (作墦坑)	1	Sha Tin Rural Committee
503.	Tsuen Wan Sam Tsuen (荃灣三村)	1	Tsuen Wan Rural Committee
504.	Tsung Pak Long (松柏朗)	3	Sheung Shui District Rural Committee

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	Name of village	Number of persons to hold the office of indigenous inhabitant representative	Rural Committee
505.	Tsung Yuen Ha (松園下)	1	Ta Kwu Ling District Rural Committee
506.	Tsz Tin Tsuen (紫田村)	1	Tuen Mun Rural Committee
507.	Tsz Tong Tsuen (祠堂村)	2	Fanling District Rural Committee
508.	Tsz Tong Tsuen (祠堂村)	1	Kam Tin Rural Committee
509.	Tuen Mun Kau Hui (屯門舊墟)	1	Tuen Mun Rural Committee
510.	Tuen Mun San Hui (屯門新墟)	2	Tuen Mun Rural Committee
511.	Tuen Mun San Tsuen (屯門新村)	1	Tuen Mun Rural Committee
512.	Tuen Tsz Wai (屯子圍)	1	Tuen Mun Rural Committee
513.	Tui Min Hoi (對面海)	1	Sai Kung Rural Committee
514.	Tung A (東丫)	1	Sai Kung Rural Committee
515.	Tung Chun Wai (東鎮圍)	2	San Tin Rural Committee
516.	Tung Lo Wan (銅鑼灣)	2	Sha Tin Rural Committee
517.	Tung O (東澳)	1	Lamma Island (South) Rural Committee
518.	Tung Sam Kei (東心淇)	1	Sai Kung North Rural Committee
519.	Tung Tau Tsuen (東頭村)	1	Ha Tsuen Rural Committee
520.	Tung Tau Tsuen (東頭村)	2	Shap Pat Heung Rural Committee
522.	Tung Tsz (洞梓)	1	Tai Po Rural Committee
523.	Uk Cheung (屋場)	1	Sai Kung Rural Committee
524.	Uk Tau (屋頭)	1	Sai Kung North Rural Committee
525.	Wa Mei Shan (畫眉山)	1	Fanling District Rural Committee
526.	Wa Shan Tsuen (華山村)	1	Sheung Shui District Rural Committee
527.	Wai Tau Tsuen (圍頭村)	1	Tai Po Rural Committee
528.	Wai Tsai (圍仔)	1	San Tin Rural Committee
529.	Wan Tau Kok (運頭角)	1	Tai Po Rural Committee

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	Name of village	Number of persons to hold the office of indigenous inhabitant representative	Rural Committee
529A.	Wang Chau Chung Sam Wai (橫洲忠心圍)	1	Ping Shan Heung Rural Committee
529B.	Wang Chau Fuk Hing Tsuen (橫洲福慶村)	2	Ping Shan Heung Rural Committee
529C.	Wang Chau Lam Uk Tsuen (橫洲林屋村)	1	Ping Shan Heung Rural Committee
529D.	Wang Chau Sai Tau Wai (橫洲西頭圍)	1	Ping Shan Heung Rural Committee
529E.	Wang Chau Tung Tau Wai (橫洲東頭圍)	2	Ping Shan Heung Rural Committee
529F.	Wang Chau Yeung Uk Tsuen (橫洲楊屋村)	2	Ping Shan Heung Rural Committee
530.	Wang Ling Tau San Tsuen (橫嶺頭新村)	1	Tai Po Rural Committee
531.	Wang Long (橫塱)	1	Lamma Island (North) Rural Committee
532.	Wang Shan Keuk (橫山腳)	1	Sha Tau Kok District Rural Committee
533.	Wang Toi Shan Ha San Uk Tsuen (橫台山下新屋村)	1	Pat Heung Rural Committee
534.	Wang Toi Shan Ho Lik Pui Tsuen (橫台山河瀝背村)	1	Pat Heung Rural Committee
535.	Wang Toi Shan Lo Uk Tsuen (橫台山羅屋村)	1	Pat Heung Rural Committee
536.	Wang Toi Shan Shan Tsuen (橫台山散村)	1	Pat Heung Rural Committee
537.	Wang Toi Shan Wing Ning Lei Tsuen (橫台山永寧里村)	1	Pat Heung Rural Committee
538.	Wing Lung Wai (永隆圍)	1	Kam Tin Rural Committee
539.	Wing Ping Tsuen (永平村)	1	San Tin Rural Committee
540.	Wo Hop Shek (和合石)	3	Fanling District Rural Committee
541.	Wo Keng Shan (禾徑山)	1	Ta Kwu Ling District Rural Committee

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	Name of village	Number of persons to hold the office of indigenous inhabitant representative	Rural Committee
542.	Wo Liu (禾寮)	1	Sai Kung Rural Committee
543.	Wo Liu Hang (禾寮坑)	1	Sha Tin Rural Committee
544.	Wo Mei (窩美)	1	Sai Kung Rural Committee
545.	Wo Yi Hop (和宜合)	2	Tsuen Wan Rural Committee
546.	Wong Chuk Shan New Village (黃竹山新村)	1	Sai Kung Rural Committee
547.	Wong Chuk Wan (黃竹灣)	1	Sai Kung Rural Committee
548.	Wong Chuk Yeung (黃竹洋)	1	Sai Kung North Rural Committee
549.	Wong Chuk Yeung (黃竹洋)	1	Sha Tin Rural Committee
550.	Wong Keng Tei (黃麠地)	1	Sai Kung Rural Committee
551.	Wong Keng Tsai (黃麠仔)	1	Sai Kung Rural Committee
552.	Wong Mo Ying (黃毛應)	1	Sai Kung Rural Committee
553.	Wong Nai Tun (黃坭墩)	1	Shap Pat Heung Rural Committee
554.	Wong Uk (王屋)	1	Sha Tin Rural Committee
555.	Wong Uk Tsuen (黃屋村)	2	Shap Pat Heung Rural Committee
556.	Wong Yi Chau (黃宜洲)	1	Sai Kung Rural Committee
557.	Wong Yue Tan (黃魚灘)	1	Tai Po Rural Committee
558.	Wu Kau Tang (烏蛟騰)	2	Sha Tau Kok District Rural Committee
559.	Wu Shek Kok (烏石角)	1	Sha Tau Kok District Rural Committee
560.	Yan Sau Wai (仁壽圍)	2	San Tin Rural Committee
561.	Yau Kam Tau (油柑頭)	2	Tsuen Wan Rural Committee
562.	Yau Yue Wan (魷魚灣)	1	Hang Hau Rural Committee
563.	Yeung Siu Hang (楊小坑)	1	Tuen Mun Rural Committee
564.	Yeung Uk (楊屋)	3	Tsuen Wan Rural Committee
566.	Yeung Uk Tsuen (楊屋村)	1	Shap Pat Heung Rural Committee
567.	Yi O (二澳)	1	Tai O Rural Committee
568.	Yi Pak (二白)	1	Peng Chau Rural Committee
569.	Yi Pei Chun (二陂圳)	1	Tsuen Wan Rural Committee

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	Name of village	Number of persons to hold the office of indigenous inhabitant representative	Rural Committee
570.	Yim Tin Kok Tsuen (鹽田角村)	1	Tsing Yi Rural Committee
571.	Yim Tin Tsai (鹽田仔)	1	Sai Kung Rural Committee
572.	Yin Kong (燕崗)	1	Sheung Shui District Rural Committee
573.	Yin Ngam (燕岩)	1	Tai Po Rural Committee
574.	Ying Lung Wai (英龍圍)	1	Shap Pat Heung Rural Committee
575.	Yue Kok (魚角)	1	Tai Po Rural Committee
576.	Yuen Kong San Tsuen (元崗新村)	1	Pat Heung Rural Committee
577.	Yuen Kong Tsuen (元崗村)	2	Pat Heung Rural Committee
578.	Yuen Leng Lei Uk (元嶺李屋)	2	Tai Po Rural Committee
579.	Yuen Leng Yip Uk (元嶺葉屋)	1	Tai Po Rural Committee
579A.	Yuen Long Kau Hui (元朗舊墟)	1	Shap Pat Heung Rural Committee
580.	Yuen Tun (圓墩)	1	Tsuen Wan Rural Committee
581.	Yuen Tun Ha (元墩下)	1	Tai Po Rural Committee
582.	Yung Shu O (榕樹澳)	1	Sai Kung North Rural Committee
583.	Yung Shue Au (榕樹凹)	1	Sha Tau Kok District Rural Committee
584.	Yung Shue Ha (榕樹下)	1	Lamma Island (South) Rural Committee
585.	Yung Shue Long (榕樹塱)	1	Lamma Island (North) Rural Committee
586.	Yung Shue Wan (榕樹灣)	2	Lamma Island (North) Rural Committee

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COMPOSITE INDIGENOUS VILLAGE

	Name of community	Number of persons to hold the office of indigenous inhabitant representative	Rural Committee
1.	Chok Ko Wan and Pa Tau Kwu (竹篙灣及扒頭鼓)	1	Ma Wan Rural Committee
2.	Fa Peng, Tso Wan and Tai Chuen (花坪、草灣及大轉)	1	Ma Wan Rural Committee
3.	Fui Yiu Ha and Tse Uk (灰窰下及謝屋)	1	Sha Tin Rural Committee
4.	Kai Kuk Shue Ha and Nam Hang Mei (雞谷樹下及南坑尾)	1	Sha Tau Kok District Rural Committee
5.	Keung Shan, Upper and Luk Wu (上羌山及鹿湖)	1	Tai O Rural Committee
6.	Kwun Yam Shan and Kong Pui (觀音山及崗背)	1	Sha Tin Rural Committee
7.	Lam Che and Nim Un (藍輋及稔園)	1	Tung Chung Rural Committee
8.	Ma Wan and Wong Nai Uk (馬灣及黃泥屋)	1	Tung Chung Rural Committee
9.	Muk Min Tau and Tsiu Hang (木棉頭及蕉坑)	1	Sha Tau Kok District Rural Committee
10.	Sha Tin Tau and Lee Uk (沙田頭及李屋)	1	Sha Tin Rural Committee
11.	Shek Kwu Lung and Nam Shan (石古壟及南山)	1	Sha Tin Rural Committee
12.	Wong Ka Wai and Lung Tseng Tau (黃家圍及龍井頭)	1	Tung Chung Rural Committee
13.	Wong Nai Tau, Tai Che and Fa Sham Hang (黃泥頭、大輋及花心坑)	1	Sha Tin Rural Committee

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	Name of community	Number of persons to hold the office of indigenous inhabitant representative	Rural Committee
14.	Wu Kai Sha and Cheung Kang (烏溪沙及長徑)	1	Sha Tin Rural Committee
15.	Yim Tso Ha and Pok Tau Ha (鹽灶下及膊頭下)	1	Sha Tau Kok District Rural Committee

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MARKET TOWN

	Name of Market Town	Number of persons to hold the office of Kaifong Representative	Rural Committee
1.	Cheung Chau (長洲)	39	Cheung Chau Rural Committee
2.	Peng Chau (坪洲)	17	Peng Chau Rural Committee

Appendix 3
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Specified Persons Eligible to Inspect Registers[1] for Rural Area

Statutory Document	Specified Persons
(1) Omissions list and (2) Provisional register ("PR") of electors	(a) a person who subscribes to the Government News and Media Information System maintained by the Director of Information Services; (b) a body or organisation that is incorporated, or is registered or exempt from registration, under any law of Hong Kong – (i) to which an extract was made available by the Electoral Registration Officer ("ERO") for a purpose related to a previous election[2]; (ii) and was represented by a validly nominated candidate at a previous election; or (iii) and 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[3]; (c) the Heung Yee Kuk; (d) a Rural Committee (for inspecting a copy of the specific division of the PR of electors that relates to the respective Rural Area only);

[1] Applicable to registers for Existing Villages ("EVs"), Indigenous Villages ("IVs"), Composite Indigenous Villages ("CIVs") and Market Towns ("MTs").

[2] "Previous election" means –
(a) the last rural ordinary election that was held before the publication date; or
(b) any rural by-election that was held after the election mentioned in item (a) and before the publication date.

[3] "Coming election" means any of the following elections that is held within one year after the publication date –
(a) a rural ordinary election; or
(b) a rural by-election.

Statutory Document	Specified Persons
	(e) a resident of an EV (for inspecting a copy of the specific division of the PR of electors that relates to the EV only); (f) an indigenous inhabitant of an IV or a CIV (for inspecting a copy of the specific division of the PR of electors that relates to the IV or the CIV only); or (g) a resident of an MT (for inspecting a copy of the specific division of the PR of electors that relates to the MT only). [Ss 19 and 22 of the Electoral Affairs Commission (Registration of Electors) (Rural Representative Election) Regulation (Cap. 541K) ("EAC (ROE) (RRE) Reg")]
(3) Final register ("FR") of electors	(a) a person who subscribes to the Government News and Media Information System maintained by the Director of Information Services; (b) a body or organisation that is incorporated, or is registered or exempt from registration, under any law of Hong Kong– (i) to which an extract was made available by the ERO for a purpose related to a previous election[4]; (ii) and was represented by a validly nominated candidate at a previous election; or

[4] See footnote 2.

Statutory Document	Specified Persons
	(iii) and 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[5]; (c) a person who is a validly nominated candidate for a Rural Area at a coming election; (d) the Heung Yee Kuk; (e) a Rural Committee (for inspecting a copy of the specific division of the FR of electors that relates to the respective Rural Area only); (f) a resident of an EV (for inspecting a copy of the specific division of the FR of electors that relates to the EV only); (g) an indigenous inhabitant of an IV or a CIV (for inspecting a copy of the specific division of the FR of electors that relates to the IV or the CIV only); or (h) a resident of an MT (for inspecting a copy of the specific division of the FR of electors that relates to the MT only). [S 30 of the EAC (ROE) (RRE) Reg]

[5] See footnote 3.

Appendix 4
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Submission Method, Format and Standard for Uploading Electronic Copy of Election Advertisements and Relevant Information/Documents to an Open Platform for Public Inspection

1. Regarding the electronic submission of election advertisements ("EAs") according to s 92(2) of the Electoral Procedure (Rural Representative Election) Regulation (Cap. 541L), in order to comply with the legislation and the requirements of the Electoral Affairs Commission ("EAC"), a candidate must upload the following EA particulars (if applicable), **within three working days**[1] after the publication of an EA, to either an **open platform**[2] maintained by the Director of Home Affairs ("DHA") or a person authorised by the DHA ("Central Platform") or an **open platform** maintained by the candidate 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 that 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 upload the hyperlink of every EA to the Central Platform or the Candidate's Platform (e.g. when messages are disseminated in a real-time interactive manner through social network on the Internet such as Instagram, Facebook, blogs, etc.), a candidate may upload the hyperlink of the open platform and the information/documents related to the EAs to the Central Platform or the Candidate's Platform. In this case, if the hyperlink of the related open platform has already been uploaded to the Central Platform or the Candidate's Platform, there is no need for the candidate to upload every comment separately. The candidate must however note that the related open platform of such hyperlink must be the dedicated election website of the candidate that all content within that website must be EAs. In addition, the candidate may only upload the hyperlink of the website instead of uploading each EA separately when it is technically impracticable to upload each EA separately to the

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1 A "working day" means any day other than a general holiday and Saturday.

2 "Open platform" means an Internet platform that the public has access without having to go through an access control process.

Central Platform or the Candidate's 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. EAs published should not be removed at discretion);

(c) printing/publication information related to the EA includes, (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 related to the EA (if applicable) (except for the relevant permission/authorisation in connection with the designated spots allocated by the Returning Officer); and

(e) an electronic copy of each Consent of Support.

Central Platform

2. If a candidate chooses to upload the EA particulars to the Central Platform, he must comply with the following requirements:

Submission Method

3. A candidate must apply to the DHA in a specified form for the creation of an account to log in to the Central Platform before uploading the EA particulars to the platform for public inspection. Each candidate can only create one account.

4. The DHA will create an account for the candidate and inform the relevant 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 in to 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 of this appendix, there is no restriction on the number of EAs or other documents to be attached in each submission. If correction to any submitted EA particulars is required, the candidate must upload the corrected EA particulars, including the corrected printing/publication information ("corrected information"), to 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. Any corrected information should be uploaded to the Central Platform **not later than three working days after the polling day**.

6. An acknowledgement of receipt in the form of a summary of the EA particulars successfully uploaded will be displayed on the computer screen after each submission by the candidate. The acknowledgement of receipt will also be sent via an email and SMS to the email address and 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 50 MB (Megabyte)** or else such submission will be rejected. In such case, candidate may upload the relevant 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 each 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 computer files that facilitate persons with visual impairment to read (including text and video, etc.) to the Central Platform.

Computer Instructions

10. All files uploaded must not contain any computer viruses or any 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 attachments themselves or the information system displaying the attachments).

Candidate's Platform

11. If a candidate chooses to maintain a platform on his own for the uploading of his EA particulars for public inspection, he must provide the hyperlink of the platform to the RO **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. Candidates of different Rural Areas are allowed to share a platform, but they

must ensure that it will not cause confusion to members of the public during the public inspection. The EAs uploaded to 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 arranged alongside the information of the corresponding EA. To maintain the consistency in design and to facilitate public inspection, the DHA will provide guidelines and specify the basic requirements on layout design for the above platform (see **Annex (I) and Annex (II)**). The guidelines and basic requirements on layout design can also be downloaded from the Rural Representative Election website (www.had.gov.hk/rre).

12. If a candidate needs to correct any uploaded EA particulars on the platform, he should upload the corrected EA particulars and the date of correction alongside with the original EA particulars (see **Annex (II)**). Any corrected information should be uploaded to the relevant platform **not later than three working days after the polling day**.

13. Candidates should not remove any EA particulars uploaded to the Candidate's Platform at their own discretion, unless such removal is directed by the DHA, the EAC or the Court (if applicable) on the grounds that the EA concerned contains content/information that is unlawful or unrelated to the EAs published by the candidate. In the event that an EA has to be removed as directed by the DHA, the EAC or the Court, the candidate must publish this incident to the platform and the reason for such removal, and must retain other information/documents related to that EA on the platform for public inspection (see **Annex (II)**).

14. When uploading EA particulars to the Candidate's Platform, candidates should also follow the requirements on file format and computer instructions as mentioned in paras. 9 and 10 of this appendix.

15. The DHA will publicise the hyperlink of the Candidate's Platform for public inspection of the EA particulars.

Important Notes

16. EA particulars must conform to the requirements as set out above. Any electronic copies containing images should have sufficient resolution to ensure that the content of which can be clearly viewed by readers.

17. Each candidate must be fully responsible for (and that the DHA has no responsibility to him or any third party) the content/information of the EAs uploaded to the Central Platform, including any hyperlinks connecting to external websites. If the content/information of the EA particulars uploaded to the Central Platform is unlawful, unrelated to the EAs published by the candidate or infected by computer virus, the DHA reserves the right to remove the content/information concerned. In the event of removal due to computer virus infection, the candidate will be informed that he should upload the relevant EA particulars to the Central Platform again.

18. Candidates should follow the legislation related to personal data privacy when uploading information/documents to the Central Platform and the Candidate's Platform for public inspection. As a reminder in particular, candidates must mask the Hong Kong Identity Card ("HKID") number(s) therein (if any), of the relevant person(s) before uploading permission/authorisation or Consent of Support, etc. to the platforms.

19. When uploading a hyperlink of an EA to the Central Platform or the Candidate's Platform, candidates must ensure that the hyperlink remains validly operating until the end of the period for which copies of return and declaration of election expenses and election donations ("election return") are available for public inspection pursuant to s 41 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554)[3].

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[3] According to s 41 of the Elections (Corrupt and Illegal Conduct) Ordinance, the RO must keep at the office all copies of election returns submitted by candidates, and ensure that they are made available for inspection by any person who, during business hours, ask to inspect such documents, until the 30th day before the first anniversary of the date of the deadline for lodging the relevant election return (disregarding any relief granted by the Court of First Instance to candidates in certain circumstances).

Points to Note for Building Candidate's Platform

General

1. The name of the election must be shown on the Candidate's Platform, e.g. 20XX Rural Ordinary Election / 20XX XX Rural By-election.
2. The name of the Rural Area and Rural Committee concerned should be shown on the Candidate's Platform.
3. The name of the candidate must be shown on the Candidate's Platform.
4. Once confirmed, the candidate number must 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) must be displayed in descending order according to the date of publication.
6. Regarding the required information/documents to be shown on the Candidate's Platform for each EA, see **Annex (II)**.
7. The corrected EA particulars must be displayed next to or under the original version.
8. Candidates should not remove any EA particulars uploaded to the Candidate's Platform at their own discretion, unless such removal is directed by the DHA, the EAC or the Court (if applicable) on the grounds that the EA concerned contains content/information that is unlawful or unrelated to the EAs published by the candidate. In the event that an EA has to be removed as directed by the DHA, the EAC or the Court, the candidate must publish this incident to the platform and the reason for such removal, and must retain other information/documents related to that EA on the platform for public inspection.
9. The file format and computer instruction must follow the details set out in the Guidelines on Election-related Activities in respect of the Rural Representative Election.
10. Sensitive personal data must not be uploaded to the Candidate's Platform. For example, HKID number(s) shown on the Consent of Support must be masked before it is uploaded to the Candidate's Platform.
11. Candidates should, where practical, provide an email address and/or phone number on the platform for handling public enquiries and offering technical assistance when necessary.

Security Measures

1. The Candidate's Platform must 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 uploading to the Candidate's Platform.
3. To protect against data loss, information on the Candidate's Platform, must be backed up on a regular basis.
4. The hyperlinks to external websites must 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.

Accessibility

1. The Candidate's Platform should be accessible by browsers and operating systems commonly used in personal computers.
2. Any electronic copies containing images should have sufficient resolution to ensure that the content of which can be clearly viewed by readers.
3. The Candidate's Platform should be available in both English and Chinese versions, and the content should be concise and easy to understand. 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 年鄉郊一般選舉 ／ 20XX 年 XX 月鄉郊補選
* 20XX Rural Ordinary Election / 20XX XX Rural By-election

鄉郊地區 Rural Area: 屋頭 Uk Tau

鄉事委員會 Rural Committee: 上水區 Sheung Shui District

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) [原因 Reason]
1	-	小冊子 Pamphlets	17-12-20XX	A4	100	100	20-12-20XX	街頭派發 Distributed on street	AA 印刷公司 AA Printing Company	地址 Address	File1.jpg	-	-
2	-	橫額 Banners	17-12-20XX	1 米 x 2.5 米 1 m x 2.5 m	20	20	20-12-20XX	懸掛於路邊鐵欄 Hung on roadside railings	BB 製作公司 BB Producer	地址 Address	File2.jpg	Authorisation.jpg	-
註 Note	18-12-20XX	-	-	-	-	-	-	-	-	-	File2 (Revised).jpg	-	-
3	-	電子海報 Electronic Posters	17-12-20XX	10 MB	1501	3	20-12-20XX	Facebook, Instagram	CC 廣告設計公司 CC Advertising Company	地址 Address	www.XXX.com.hk/poster.jpg	Permission.jpg	-

註：只顯示曾被修正的資料。Note: 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 Remarks
1	Consent1.jpg	
2	Consent2.jpg	同意書已於 18-12-20XX 撤銷 Consent revoked on 18-12-20XX

Appendix 5
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Canvassing Activities which are Prohibited Within a No Canvassing Zone

(Note : (1) This list only illustrates some common canvassing activities and is not an exhaustive list of all canvassing activities which are prohibited within a No Canvassing Zone ("NCZ").

(2) For **buildings other than the one housing the polling station** within an NCZ (including residential and commercial buildings such as restaurants or shops), if permission has been obtained to enter the building for canvassing votes, door-to-door canvassing will be allowed on **storeys above or below street level (i.e. excluding the ground floor)** without obstructing others or using sound amplifying systems or devices. During door-to-door canvassing, promotional materials regarding (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 Rural Representatives may be displayed. **Nevertheless, all canvassing activities are strictly prohibited on the ground floor of all buildings within an NCZ.**)

1. Unauthorised static display of election advertisements ("EAs") on walls (including the outer walls of the polling stations), windows, railings, fences, etc.

2. Display of movable EAs on vehicles (whether in motion or parked within the NCZ), or such exhibits held by persons.

3. Except for the purpose of door-to-door canvassing referred to in Note (2) of this appendix, displaying or wearing any promotional materials, such as badge, emblem, clothing, carrier bags or head-dress relating to:

   (a) any candidate or his candidate number;

   (b) a body any member of which is standing as a candidate in the election concerned or a political body; or

   (c) the election of Rural Representatives.

4. Distribution of EAs.

5. Canvassing votes by:

   (a) talking to electors;

   (b) greeting electors by smiling, waving, nodding, or handshaking, etc.;

   (c) shouting slogans or the name or number of a candidate or any appeal messages;

   (d) singing or chanting; or

   (e) making signals or signs to electors.

6. Broadcast of audio or video recordings to appeal to or induce electors to vote or not to vote.

7. Using sound amplifying devices, loud-hailers, or similar equipment (whether hand-held or mounted on a vehicle or installed in any other manner) to broadcast any messages which appeal to or induce electors to vote or not to vote.

8. Wilfully staying or loitering in the NCZ and showing goodwill to electors, and such behaviours constitute canvassing votes.

Appendix 6
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Conduct of Electioneering Activities and 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

Validly nominated candidates must obtain **prior approval**[1] from an estate manager/project manager or officer-in-charge before conducting any electioneering activities or election meetings within a housing estate/"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 Saturdays, Sundays and general holidays) before the date of the proposed election meeting/electioneering activity,** and the relevant estate manager/project manager or officer-in-charge will notify the applicant of the relevant decision as soon as possible. To avoid any conflict that may arise from allowing two or more candidates and their supporters to organise election meetings/electioneering activities at the same venue and time in a housing estate/"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 organising 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 organising an election meeting/electioneering activity at 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 prior to the event, the applicants will be advised to negotiate among themselves to reach an agreement on condition that no canvassing votes from two or more groups will be conducted at the same venue and at the same time

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[1] The Housing Department, the Hong Kong Housing Society and the 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/"Light Public Housing". Validly nominated candidates can only conduct the electioneering activities or election meetings within the areas of the housing estate/"Light Public Housing" following the approval given by the housing estate office/"Light Public Housing" office and the lots drawing session for candidates conducted by Returning Officers.

to avoid any dispute or conflict. If no agreement can be reached, allocation of venue or time will be made by the drawing of lots at a time to be decided by the relevant housing estate office/"Light Public Housing" office;

(c) for the purpose of (a) and (b) of this paragraph, an application for several periods will be treated as separate applications for each of the periods; and

(d) the housing estate office/"Light Public Housing" office should send a copy of the letter of approval to the respective Returning Officer for record and for public inspection.

Appendix 7
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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[1]. 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)[2].

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[3] set out in the Ordinance by, for example, providing a "Personal Information Collection Statement" (PICS) to the individual.

[1] 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.

[2] 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.

[3] 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[4]. 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.[5]

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.

[4] Such as telephone, fax messages, SMS/MMS or emails.

[5] 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[6].

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[7] 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[8]. The Court of Appeal held, amongst others, that displaying the Linked Information of

[6] 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.

[7] 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).

[8] 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.

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[9] (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)[10]. 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[11] 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[12] 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[13]. 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.

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9 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.

10 See paragraphs 95-96 of the judgment.

11 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.

12 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).

13 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[14]. 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[15] 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[16]; and (ii) unauthorised or accidental access, processing, erasure, loss or use[17].

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[18]. 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[19]. 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[20] (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)[21]. 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.

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14 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.

15 "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.

16 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.

17 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.

18 See footnote 2 and footnote 5.

19 See footnote 3.

20 See footnote 6.

21 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[22]. 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[23]. 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[24]. 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)[25].

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.

[22] See footnote 14.

[23] See footnote 13.

[24] See footnote 13.

[25] Reference can be made to the *Guidance on the Use of Protable 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)[26] of the Ordinance. An enforcement notice was served on the government department to remedy and prevent recurrence of the contravention[27].

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[28]. In making such a determination, the exemptions provided in Part 8 of the Ordinance[29] 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[30].

[26] See footnote 13.

[27] The investigation report (R17-6249) is available on the PCPD website.

[28] See footnote 6.

[29] 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.

[30] 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[31].

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.[32] 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[33]. 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.

[31] See footnote 5.

[32] See footnote 13.

[33] 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[34]. 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[35]. 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.

[34] footnote 3.

[35] Reference can be made to the *Guidance on Data Breach Handling and Data Breach Notifications* issued by the PCPD.

Appendix 7
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Appendix 8
(Page 1/1)

Notes for Broadcasters on Producing Television Programmes Introducing Candidates' Election Platforms

1. A candidate of the 2010 Legislative Council By-election made an election petition relating to a television programme which introduced the election platforms of all candidates. That television programme is multi-episode. 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 introducing 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 of candidates and the names of all candidates in the same Rural Area in each relevant episode (except for Kaifong Representative elections); 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 Rural Area even if they watch only one single episode instead of all episodes on the same Rural Area 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 of this appendix when producing multi-episode programmes which are election-related.

Appendix 9
(Page 1/1)

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 environmental 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 limitations of column space and staff resources; situations in which some candidates have extensive opinions on issues of public relevance while other candidates have none; some candidates have published newsworthy statements or speeches while other candidates have not said anything; the difference in status and standing of some candidates as public figures, etc.

2. No person is allowed to generally use these practical problems as an excuse, without specific explanations, for not giving fair and equal treatment and reporting to all candidates of the same Rural Area. Merely saying that practical problems gave rise to the selective reporting will be viewed as a lame excuse. However, if the print media concerned had approached 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 on Election-related Activities in respect of the Rural Representative Elections".

3. Equal treatment and reporting do not necessarily mean using the same length and word count when reporting each candidate of the same Rural Area, 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 each candidate of the same Rural Area, so as to help electors make informed choices.

4. If the media has given fair and equal treatment to all candidates of the same Rural Area, its editorial and commentator can freely express opinions on each of the candidates, insofar as their comments are fair and based on facts. Any newspaper is at full liberty to express its support for or disagreement with a candidate. The "Guidelines on Election-related Activities in respect of the Rural Representative Elections" is not aimed at imposing any restrictions on the expression of such ideas.

Appendix 10
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Application Procedures for the Approval of Float Design

1. Any person must submit a written application for the float design, and specify the brand, 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 document must be accompanied by three copies of a drawing, certified by qualified electrical or mechanical engineers, in a minimum size of A3 paper, and must show the following details:

   (1) the decorations of 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 enables 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;

   (6) equipment for communication with the passengers on the float; and

   (7) location of passengers and support for passengers (seats, handles, etc.) on the float.

   Applicants shall pay attention 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 his vehicle unless that passenger is seated in a properly constructed seat which is securely installed 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 relevant 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 enquiries, please contact the Type Approval Section (Phone: 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 the notice, resubmit revised drawings in accordance with the requirements set out in para. 2 of this appendix.

Appendix 11
(Page 1/4)

Items to be Counted as Election Expenses

(Note: This list only illustrates some common items of expenses, and is by no means an exhaustive list of all items to be counted as election expenses.)

1. Fees and allowances paid to agents and assistants engaged for electioneering activities, including travelling expenses and contributions to Mandatory Provident Fund Schemes.

2. Costs incurred for meals and drinks for agents and assistants before and on the 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) circulars;
   (f) publicity booklets;
   (g) video and audio recordings;
   (h) electronic messages; and
   (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 removed by government departments, the costs charged by government departments should also be included in the election expenses.

5. Costs incurred by relevant government departments for the removal of EAs displayed without authorisation.

6. Costs incurred for renting space for electioneering activities. (Note: (a) If the candidate is an incumbent member of the Legislative Council ("LegCo") or a District Council ("DC") and is using his ward office for electioneering activities, an appropriate apportionment of the

rentals paid must be declared in the return and declaration of election expenses and election donations ("election return"). Additionally, the candidate should provide relevant invoices and receipts issued by the landlord instead of being issued by the incumbent member of the LegCo or a DC. (b) If a candidate (who is not an incumbent member of the LegCo or a DC) rents part of the ward office of an incumbent member of LegCo or a DC for electioneering activities, an appropriate apportionment of the rentals paid must be declared in the election return, and relevant invoices and receipts should be issued by the recipient of the apportioned rentals paid.)

7. Costs of stationery used in connection with the electioneering activities.

8. Operation/miscellaneous costs in connection with the electioneering activities, such as 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 for electioneering purpose.

11. Costs of deploying vehicles for publicity, such as car rental fees, petrol/charging fees, parking fees and tunnel fees. (Note: If a vehicle is lent to the candidate by any person(s) free of charge, the candidate shall, apart from declaring the goods or service provided free of charge as an election donation, declare the estimated market value of leasing a vehicle of similar kind in his election return.)

12. Costs of advertisements for promotion 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, etc. and other identification materials for election agents and assistants.

15. Costs incurred for refurbishing old publicity boards and their estimated value.

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 29 of the Rural Representative Election Ordinance (Cap. 576) or s 19 of the Electoral

Procedure (Rural Representative Election) Regulation (Cap. 541L); (b) or 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, DC or 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 a political body or organisation with which the candidate is affiliated to promote his electioneering. (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 incurred by an uncontested candidate who participates in electioneering activities (e.g. campaign rallies) to promote the election of other contested candidates after declaration of the election result in respect of his Rural Area will **not** be counted as election expenses of the uncontested candidate.)

18. Costs incurred for obtaining legal/professional advice in respect of conduct of electioneering (e.g. (a) where a candidate hires a lawyer to vet an election publicity booklet 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 will 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 a candidate for using the results 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 counted as election expenses. The relevant person should estimate a reasonable amount with reference to the market interest rate.)

21. Allowance for organising promotional activities for a candidate is a form of election donation which should be counted as election expenses (e.g. (a) an allowance paid to the workers in the activities

organised by political party(ies) for promoting the election of a candidate and/or (b) the sponsorship made by the political party(ies) for the relevant activities).

22. Although some people may not charge the candidate for the work, goods supplied, labour or services provided (except voluntary services), the difference between the reasonable charges estimated for these items and any allowance or discount generally available to customers is an election expense (which should be correspondingly counted as an election donation given by these suppliers).

23. Goods incidentally given because of the provision of a voluntary service.

24. Costs for charitable activities conducted for promoting a candidate.

25. Costs for any negative publicity launched against other candidates.

Appendix 12
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Acceptance of Election Donations

1. Any person or organisation[1] (including a political party) acting as an agent for a candidate or candidates to solicit, receive or accept election donations shall:

(a) obtain 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/organisations if more than one candidate or other persons/organisations are involved;

(d) comply with all the requirements under the Elections (Corrupt and Illegal Conduct) Ordinance in respect of election donations, as in the case of donations accepted by the candidate(s) direct. For example, for election donations 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(s) of their donations; and

(f) apply for permission from the Secretary for Home and Youth Affairs in advance if the donations are accepted 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 message of the donation 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 they be misled that the donation solicited is used for the election of the candidate.

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[1] All costs incurred by any person or organisation in the course of providing relevant service to the candidate(s) should be counted as election expenses, and are therefore subject to the relevant requirements governing the authorisation of election expense agents as set out in Chapter 6 of the "Guidelines on Election-related Activities in respect of the Rural Representative Elections". If the person handles electioneering matters for the candidate in his own time voluntarily, personally and free of charge, the service provided by him is regarded as "voluntary service" according to s 2 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554). The candidate is not required to include the costs of such service in his election expenses (this exemption does not apply to service(s) provided in the capacity of an organisation).

Appendix 13
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Guidelines on Posting Election Advertisements to Registered Electors in Custody

(Note : The following is not an exhaustive list of items which will be rejected by penal institutions.)

For security reasons and to maintain the order and good discipline in the penal institutions, any election advertisement ("EA") posted to registered electors in the custody of the penal institutions must be subject to security check; penal institutions 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 any escape by any inmate/prisoner from the penal institutions;

(c) that encourages gambling in the penal institutions, or adversely affects the rehabilitation of electors in the custody of the penal institutions;

(d) that abets or induces electors in the custody of the penal institutions 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) larger than A4 size; or

(b) oversized in terms of volume.

For enquiries, please contact the Principal Officer (Penal Operations)3 of the Correctional Services Department at 2582 4023.

Frequently Asked Questions and Answers for Completing the Return and Declaration of Election Expenses and Election Donations

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: All goods and services (except for voluntary service) obtained by a candidate free of charge must be declared as election donations, and the estimated value of relevant goods and services must also be declared as election expenses in the corresponding parts of a return and declaration of election expenses and election donations ("election return"). "Voluntary service" is the only free-of-charge service which can be exempted from being counted as election expenses (see Part IV of Chapter 15 of the "Guidelines on Election-related Activities in respect of the Rural Representative Elections").

The following is an example of declaring the relevant 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 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 at the same time. Candidates may refer to other examples provided in Section H and Section I of the "Guide to Return and Declaration of Election Expenses and Election Donations".

In addition, 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 estimate 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 estimated 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 bodywork of public light buses ("PLBs")) for publicity purposes, but only displays election advertisements ("EAs") on certain days of the renting period, how should the candidate declare the relevant election expenses?

A2: If the candidate rents advertising spots of PLBs, taxis or other public transportation for displaying EAs, he should count the rent paid as a relevant election expense and declare it as required. Since the purpose of renting those advertising spots is for promoting the election of himself, or prejudicing the election of another candidate, even if the candidate uses the advertising 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:

Assuming that the candidate rents the bodywork of PLBs as spots for displaying EAs for a month (e.g. from 1 to 30 November), but EAs are displayed on the bodywork of PLBs only from 10 to 30 November. Even though the candidate does not display EAs on the bodywork of PLBs 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 bodywork of PLBs as an election expense in the election return as the only purpose of renting the bodywork of PLBs is to promote his standing for election.

Q3: If a candidate uses personal assets for electioneering purposes, how should the candidate 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 relevant 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 cannot be declared as election donations.

The following example illustrates how a candidate who uses a self-owned property as the campaign office declares the relevant election expenses in the election return:

Assuming that the candidate wholly owns a property, and the property is only used as his campaign office during the election period (e.g. from September to November), although the candidate does not have to pay rent for that 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 relevant election expense is as follows:

Relevant election expense = rateable value of that property ×proportion of time of self-owned property being used as campaign office (i.e. 3 months/12 months)

In addition, other relevant expenses, such as 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") / District Council ("DC") 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 candidate 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/DC Secretariat for the remuneration of the staff member concerned for working in the ward office, the portion which has already been calculated as election expenses cannot be claimed as an allowance from the LegCo Secretariat/DC Secretariat. He can only claim an allowance for the portion after deducting the election expenses from the LegCo Secretariat/DC Secretariat.

The following example illustrates specifically how the aforesaid candidate declares the relevant election expenses in the election return:

Assuming that the candidate is an incumbent DC Member and, during the election period (e.g. from November to January), instructs a staff member of his ward office to assist in handling election publicity work for him 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 November to January) × 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 to Return and Declaration of Election Expenses and Election Donations".