

**NOTICE OF APPOINTMENT OF  
POLLING AGENT FOR A DEDICATED POLLING STATION SITUATED  
IN A PRISON (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 PRISON  
(OTHER THAN A MAXIMUM SECURITY PRISON)**

Sections 12, 25 and 70 of the Electoral Procedure (Chief Executive Election) Regulation (Cap 541J)

**2017 CHIEF EXECUTIVE ELECTION**

Date of Election: 26 March 2017

*[Note: Before completing this notice/application, please read the “Notes on Completion of Notice of Appointment of Polling Agent for a Dedicated Polling Station situated in a Prison (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 Prison (other than a Maximum Security Prison)” (“Note(s)”).]*

**PART I** (To be completed by candidate or election agent)

Name of Candidate (in BLOCK LETTERS) : \_\_\_\_\_  
( Surname ) ( Other name )

1. I, being the \* above-named candidate/election agent of the above-named candidate, hereby apply for the consent of the Commissioner of Correctional Services to the presence of the person(s) listed on page 2 in the dedicated polling station(s) situated in a prison at the above election.
2. ^ I confirm that the notice of appointment of the election agent named on page 2 has been delivered to the Returning Officer, and the appointment has not been revoked.
3. I understand this application (where applicable) also serves as a notice of appointment of the polling agent(s) listed on page 2 for the respective dedicated polling station(s) named thereon.
4. I understand the requirements stated in sections 12 and 25 of the Electoral Procedure (Chief Executive Election) Regulation (Cap 541J) regarding the presence of election agent/polling agent in a dedicated polling station situated in a prison (see Note 4).
5. I understand that \* my election agent/my polling agent(s)/the candidate’s polling agent(s) may do all the things on \* my/the candidate’s behalf that \* I/the candidate can lawfully do for any purpose connected with the conduct of the poll, including observing all proceedings inside the dedicated polling station(s) listed on page 2 and recording their observations. Nevertheless, they shall not do anything which is contrary to law or interfere with the conduct of the poll.
6. I also understand that on the polling day whenever the candidate is present in a dedicated polling station to observe the poll, his/her election agent and polling agent cannot be present at the same time in that dedicated polling station. Moreover, the Presiding Officer of the dedicated polling station may regulate the number of people entering the dedicated polling station.
7. I also understand that the appointment of polling agents may be revoked by me by delivering to the Chief Electoral Officer a notice in the specified form and signed by me to that effect.
8. This application is made in respect of the poll to be conducted on the date stated on this page and (where applicable) the postponed or adjourned poll and the fourth and subsequent rounds of voting in the poll.

Note: \* Please delete whichever is inapplicable.  
^ If this application is made by the election agent, please delete this clause.

Particulars of the dedicated polling station(s) situated in a prison (other than a maximum security prison) and the agent(s)-

Name of Dedicated Polling Station #	Type of Agent	Name in Chinese	Name in English (in BLOCK LETTERS) (Surname first)	Hong Kong Identity Card No.	Address	Contact Telephone Number	(For Official Use Only) Application No.
	* Election agent/ Polling agent						
	* Election agent/ Polling agent						
	* Election agent/ Polling agent						
	* Election agent/ Polling agent						
	* Election agent/ Polling agent						
	* Election agent/ Polling agent						
	* Election agent/ Polling agent						
	* Election agent/ Polling agent						
	* Election agent/ Polling agent						

\* Please delete whichever is inapplicable.

# If the election agent or the same polling agent intends to be present in all the dedicated polling stations situated in a prison (other than a maximum security prison) with electors in custody, please put "All" in this column.

Signature of \* Candidate/Election Agent: \_\_\_\_\_

Name of \* Candidate/Election Agent (in BLOCK LETTERS): \_\_\_\_\_  
( Surname ) ( Other name )

Hong Kong Identity Card Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_ Date: \_\_\_\_\_

\* Please delete whichever is inapplicable.

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## **PART II ELECTION AGENT'S/POLLING AGENT'S ACCEPTANCE OF APPOINTMENT AND UNDERSTANDING**

(To be completed by election agent and/or polling agent(s) who intend(s) to be present in the above-named dedicated polling station(s) situated in a prison)

- \* 1. (Applicable to polling agent(s) only) \*I/Each of us hereby accept(s) the appointment as a polling agent as stated in Part I of this notice/application.
2. \* I/Each of us, being the election agent/polling agent stated on page 2 of Part I of this notice/application, hereby confirm(s) that \* my/our particulars as contained in this notice/application form are true and correct. \* I/Each of us understand(s) that if there is any discrepancy between the particulars entered in this notice/application and on \* my/our Hong Kong Identity Card(s), the Commissioner of Correctional Services may refuse \* my/our entry to the dedicated polling station(s) concerned. \* I/Each of us understand(s) and consent(s) that \* my/our personal data will be provided to the Commissioner of Correctional Services for the processing of the application for \* my/our presence in the above-named dedicated polling station(s) situated in a prison.
3. \* I/Each of us understand(s) that \* I/we must make a Declaration of Secrecy in advance and produce such Declaration of Secrecy and \* my/our Hong Kong Identity Card(s) when reporting to the Presiding Officer(s) of the above dedicated polling station(s) on the polling day.
4. \* I/Each of us understand(s) that inside the dedicated polling station, \* I/we must not —
  - (a) engage in the canvassing of votes, speak to or communicate with or interfere with or attempt to influence any elector any elector;
  - (b) use a mobile telephone or any telephone or paging machine or any other form of communication device;
  - (c) film, take photograph or make any audio or video recording;
  - (d) display any propaganda material relating to any candidate or the election; or
  - (e) display any propaganda material relating to any candidate or the election of the Chief Executive; or
  - (f) seek to check or check any voter's identity document.
5. \*I/Each of us further understand(s) that \* I/we must not —
  - (a) divulge to any other person whether an elector has or has not applied for a ballot paper or voted at the dedicated polling station;
  - (b) divulge to any other person the identity of an elector in custody;
  - (c) interfere with an elector when he/she is marking the ballot paper;
  - (d) interfere with or attempt to interfere with a ballot box, a ballot paper or a copy of the final register;
  - (e) without the permission of the Electoral Affairs Commission or the Returning Officer, obtain or attempt to obtain in any manner within the dedicated polling station, no canvassing zone or no staying zone information as to —
    - (i) in the case of a contested election, the candidate for whom an elector is about to vote or has voted; or
    - (ii) in the case of an uncontested election, the choice as to whether to support the candidate which an elector is about to make or has made;



**Notes on Completion of Notice of Appointment of Polling Agent for a Dedicated Polling Station situated in a Prison (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 Prison (other than a Maximum Security Prison)**

1. The date of election referred to in this application is for a poll conducted under section 23 or 24 of the Chief Executive Election Ordinance (Cap 569). For a contested election, the date of election is for the first three rounds of voting. In accordance with section 17(3) of the Electoral Procedure (Chief Executive Election) Regulation (Cap 541J), if in a contested election the voting has to proceed to the fourth or any subsequent round, it will be held on the following day and, if necessary, day after day thereafter until a candidate is returned. This application for consent is applicable to any round of voting.
2. The agent is to be regarded as being appointed for the poll to be conducted on the scheduled date and (where applicable) the postponed or adjourned poll, unless the candidate expressly indicates otherwise in the specified form.
3. Each candidate can only apply for either his/her election agent or one of his/her polling agents to be present in a dedicated polling station situated in a prison. An election agent and a polling agent must not be present in a dedicated polling station situated in a maximum security prison.
4. The requirements for applying for the presence of election agent and polling agent in a dedicated polling station situated in a prison are stated in sections 12 and 25 of the Electoral Procedure (Chief Executive Election) Regulation (Cap 541J), an extract of which is reproduced below for reference -

***Appointment of election agent (section 12 of the Electoral Procedure (Chief Executive Election) Regulation (Cap 541J))***

- (3) An election agent appointed by a candidate may do all things which the candidate may do or is required to do under this Regulation in connection with an election except-
  - (a) making a declaration referred to in section 16(7) of the Election Ordinance or section 4(1)(b);
  - (b) signing on a nomination form as the candidate being nominated;
  - (c) signing on a notice of withdrawal of candidature referred to in section 19 of the Election Ordinance as the candidate;
  - (d) appointing an election agent under subsection (1);
  - (e) appointing an election expense agent under section 13;
  - (f) without prejudice to section 13, incurring election expenses on behalf of the candidate;
  - (g) revoking the appointment of an election agent or election expense agent under section 14(4);
  - (h) subject to paragraph (i), being present in a dedicated polling station situated in a prison unless, on an application in the specified form delivered by hand, by post, by electronic mail or by facsimile transmission to the Chief Electoral Officer at least one week before the polling date, the Commissioner of Correctional Services consents to his presence; or
  - (i) being present in a dedicated polling station situated in a maximum security prison.
- (3A) The Commissioner of Correctional Services must not give consent to an election agent under subsection (3)(h) in respect of a polling station if a polling agent has been appointed under section 25 by the same candidate for that polling station.
- (3B) Despite subsection (3)(h), the Commissioner of Correctional Services may, on an application made under that subsection during the week before the polling date, give consent under that subsection if he is satisfied that—
  - (a) an elector in custody who is entitled to vote at a dedicated polling station situated in a prison is admitted or transferred to the prison during that week; and
  - (b) the application is made without undue delay after the admission or transfer.
- (3C) If the Commissioner of Correctional Services refuses to give consent under subsection (3)(h), he must notify the candidate or the election agent as soon as practicable.

***Polling agents (section 25 of the Electoral Procedure (Chief Executive Election) Regulation (Cap 541J))***

- (1) A candidate may appoint-
  - (a) not more than 3 persons as the candidate's polling agents for the main polling station; and
  - (b) one person as the candidate's polling agent for each dedicated polling station not situated in a maximum security prison.

- (1A) Despite subsection (1)-
- (a) no polling agent may be appointed by a candidate for a dedicated polling station situated in a prison if the Commissioner of Correctional Services has consented under section 12(3)(h) to the presence of the election agent of that candidate in that polling station;
  - (b) no polling agent may be appointed for a dedicated polling station situated in a maximum security prison.
- (2) A polling agent appointed by a candidate may attend at the polling station on behalf of the candidate for any purpose connected with the conduct of a poll.
- (3) Only a holder of an identity card who has attained the age of 18 years may be appointed as a polling agent.
- (4) An appointment of a polling agent is effective only if a notice of appointment is delivered to -
- (a) the Chief Electoral Officer by hand, by post, by electronic mail or by facsimile transmission at least 7 days before the polling date; or
  - (b) the Presiding Officer of the polling station by the candidate, or the election agent of the candidate, in person on the polling date.
- (4A) Despite subsections (1) and (4), the appointment of a polling agent for a dedicated polling station situated in a prison is not effective unless-
- (a) a notice of appointment is given in accordance with subsection (4)(a); and
  - (b) the Commissioner of Correctional Services consents to the appointment.
- (4B) Despite subsection (4A), even though a notice of appointment is given during the week before the polling date, the Commissioner of Correctional Services may still give consent under that subsection if he is satisfied that-
- (a) an elector in custody who is entitled to vote at a dedicated polling station situated in a prison is admitted or transferred to the prison during that week; and
  - (b) the notice of appointment is given without undue delay after the admission or transfer.
- (4C) If the Commissioner of Correctional Services refuses to give consent under subsection (4A), he must notify the candidate or his election agent as soon as practicable.
5. Any person who is a holder of a Hong Kong Identity Card and has attained the age of 18 years may be appointed as a polling agent. A person can be appointed as a polling agent for more than one polling station. A candidate or his/her election agent should not appoint as his/her polling agent any Returning Officer, Assistant Returning Officer, or any person (usually a government officer) already appointed by the Chief Electoral Officer to assist at the poll or the count.
  6. (a) A candidate and his/her election agent or polling agent shall not be present at the same time in the dedicated polling station.  
(b) The Presiding Officer of the dedicated polling station may regulate the number of people entering the dedicated polling station.
  7. Part I of the notice/application should be completed and signed by the candidate or the election agent. Part II should be completed and signed by his/her election agent and/or each of the polling agents.
  8. If there is insufficient space on page 2 or page 4, please make copy of the page to give the relevant details and attach to the notice/application.
  9. The notice/application shall be delivered to the Chief Electoral Officer by hand, by post (address: 10<sup>th</sup> Floor, Harbour Centre, 25 Harbour Road, Wanchai, Hong Kong), by electronic mail or facsimile transmission (fax no. 2827 4644) at least 7 days before the date of election (i.e. on or before 19 March 2017).
  10. If the candidate has any question in completing this notice/application, please call the Enquiry Hotline of the Registration and Electoral Office at 2891 1001 during office hours.
  11. Please note the following with regard to the personal data supplied in connection with this notice/application –
    - (a) **Purpose of Collection**  
The personal data and other related information supplied in connection with this form will be used by the Electoral Affairs Commission, the Registration and Electoral Office, the Returning Officer, the Presiding Officer of the relevant dedicated polling station(s) and other related government departments for election-related purposes.
    - (b) **Transfer of Information**  
The personal data and other related information provided in connection with this notice/application may be provided to other authorised departments or persons including but not limited to the law courts for election-related purposes.

(c) **Access to Personal Data**

A person has the right to request access to and correction of the personal data he/she supplied in accordance with the provisions of the Personal Data (Privacy) Ordinance (Cap 486).

(d) **Personal data Protection Principle**

Candidate/election agent must observe the Data Protection Principles in Schedule 1 to the Personal Data (Privacy) Ordinance (Cap 486) in collecting personal data of a third person in completing this notice/application, in particular Principle 4 concerning the requirement to take all practicable steps to ensure that personal data against unauthorised or accidental access and processing.

(e) **Enquiry**

Enquiries concerning the personal data collected by means of this notice/application (including request for access to and correction of personal data) should be addressed to the Chief Electoral Officer at 10<sup>th</sup> Floor, Harbour Centre, 25 Harbour Road, Wanchai, Hong Kong.

Electoral Affairs Commission  
December 2016