

CHAPTER 2

THE LEGISLATION AND THE GUIDELINES

Section 1 – The Electoral Legislation

Ordinances and Subsidiary Legislation

2.1 The 2021 ECSS Ordinary Elections and 2022 CE Election were governed by the following ordinances:

- (a) the EACO which empowers the EAC to perform its various functions in the conduct and supervision of the elections;
- (b) the CEEO which provides the legal basis for conducting the elections; and
- (c) the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) (“ECICO”) which prohibits election-related corrupt and illegal activities. This ordinance is administered by the Independent Commission Against Corruption (“ICAC”).

2.2 The above ordinances are complemented by the following 12 pieces of subsidiary legislation which stipulate the detailed procedures for the conduct of the elections or are relevant to the operation of the elections:

- (a) the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541A)¹;
- (b) the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541B) (“EAC (ROE) (FCSEC) Reg”);
- (c) the Electoral Affairs Commission (Nominations Advisory Committees (Election Committee)) Regulation (Cap. 541H);
- (d) the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541I) (“EAC (EP) (EC) Reg”);
- (e) the EP (CEE) Reg;
- (f) the Maximum Amount of Election Expenses (Chief Executive Election) Regulation (Cap. 554A);
- (g) the Maximum Scale of Election Expenses (Election Committee) Order (Cap. 554I);

¹ Pursuant to Sections 12(1) and 13(2) in the Schedule under the CEEO, an elector and an authorised representative of a corporate voter for an EC subsector must be a person who is either registered as an elector for a geographical constituency, or eligible to be registered as an elector for a geographical constituency and has applied to be so registered.

- (h) the Election Committee (Appeals) Regulation (Cap. 569A);
- (i) the Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation (Cap. 569B);
- (j) the Election Committee (Subscribers and Election Deposit for Nomination) Regulation (Cap. 569C);
- (k) the Chief Executive Election (Election Petition) Rules (Cap. 569E); and
- (l) the Emergency Regulation.

Legislative Amendments

2.3 The following ordinances and subsidiary legislation have been amended after the 2017 CE Election, and they are applicable to the elections reported in this report.

Electoral Affairs Commission (Electoral Procedure)(Election Committee) (Amendment) Regulation 2017

Electoral Procedure (Chief Executive Election)(Amendment) Regulation 2017

2.4 In light of the incident that certain electors were able to collect ballot papers by producing photocopies of their Hong Kong Permanent Identity Cards (“HKIDs”) in the 2016 Legislative Council General Election (“LCGE”), the EAC

made 5 Amendment Regulations on 19 June 2017 to amend 5 regulations under the EACO so as to implement the EAC's recommendations in its Report on the 2016 LCGE. Among them, the amendments made to the EAC (EP) (EC) Reg and the EP (CEE) Reg include:

- (a) specifying that a Presiding Officer ("PRO") must not give a ballot paper to a person unless the PRO is satisfied, by inspecting the original of that person's identity document (typically his/her HKID), that he/she is the person registered in the subsector final register (applicable to the ECSS Ordinary Elections)/the voter registered in the Final Register ("FR") of EC (applicable to the CE Election);
- (b) putting in place alternative measures to cater for voters/authorised representatives ("voters")/electors who are not able to produce the original of their identity documents, such that the PRO may still issue a ballot paper to a voter/elector upon inspection of the following document(s) which bear(s) the holder's name, photograph and HKID number, and is commonly accepted as proof of identity:
 - (i) a document issued by the Commissioner of Registration acknowledging that the voter/elector has applied:
 - (A) to be registered under the Registration of Persons Ordinance (Cap. 177); or

- (B) for a new HKID under regulation 13 or 14 of the Registration of Persons Regulations (Cap. 177A) and is awaiting its issuance;
- (ii) a valid Hong Kong Special Administrative Region (“HKSAR”) Passport issued to the voter/elector under the Hong Kong Special Administrative Region Passport Ordinance (Cap. 539);
- (iii) a valid identity book for a HKSAR seaman issued to the voter/elector under regulation 3 of the Immigration Regulations (Cap. 115A);
- (iv) a valid document of identity issued to the voter/elector under regulation 3 of the Immigration Regulations; or
- (v) a document evidencing the voter/elector’s report to a police officer of the loss or destruction of his/her identity document (commonly referred to as “memo of loss property”), along with the original of a valid passport or similar travel document (not being referred to in (i) to (iv) above) issued to him/her showing his/her name and photograph, and a copy of his/her HKID in paper form showing his/her name, photograph and HKID number; and

- (c) specifying that a voter/elector applying for a ballot paper at a Dedicated Polling Station (“DPS”) situated in a penal institution shall produce the document issued by the Commissioner of Correctional Services showing the voter/elector’s name, photograph and the prisoner registration number allocated by the Commissioner to the person for identification purposes.

2.5 The Amendment Regulations were tabled at the Legislative Council (“LegCo”) on 28 June 2017 for negative vetting and came into operation on 1 December 2017.

Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) (Amendment) Regulation 2017

2.6 The Constitutional and Mainland Affairs Bureau (“CMAB”) issued the Consultation Document on Enhancement of Voter Registration System on 26 November 2015 to consult members of the public on a series of proposed measures to enhance the voter registration (“VR”) systems. The majority of the views received during the public consultation were in support of introducing the address proof requirement for VR. After balancing various factors, such as facilitating VR, allowing adequate time for the public to adapt to the new requirement, etc., the Government decided to take a gradual approach by first implementing the address proof requirement for change of registered principal residential address. Accordingly, the EAC amended 3 regulations under the EACO. Amendments were made to the VR regulations for the geographical constituencies, the LegCo functional constituencies, voters for the EC subsectors

and members of the EC. With regard to the ECSS Elections, a voter is required to submit address proof when applying for change of registered principal residential address.

2.7 The Amendment Regulations were tabled at the LegCo on 25 October 2017 for negative vetting and came into effect on 1 February 2018.

Electoral Affairs Commission (Electoral Procedure) (Election Committee) (Amendment) Regulation 2018

Electoral Procedure (Chief Executive Election) (Amendment) Regulation 2018

2.8 In order to improve the requirements on the production of identity documents by voters/electors in applying for ballot papers, the EAC made 5 Amendment Regulations on 1 August 2018 to amend 5 regulations under the EACO. Among them, the amendments made to the EAC (EP) (EC) Reg and the EP (CEE) Reg are as follows:

- (a) relaxing the document requirement set out in paragraph 2.4(b)(v) above, such that a voter/elector would be allowed to collect a ballot paper by producing the memo of lost property and the original of a valid passport or similar travel document showing his/her name and photograph, without presenting a copy of his/her HKID in paper form at the same time; and
- (b) setting out more clearly the identity documents accepted, i.e. HKIDs and the Certificates of Exemption issued by the Commissioner of Registration.

2.9 The Amendment Regulations were tabled at the LegCo on 10 October 2018 for negative vetting and came into effect on 10 December 2018.

Electoral Legislation (Miscellaneous Amendment) Ordinance 2019

2.10 The Government introduced the Electoral Legislation (Miscellaneous Amendments) Bill 2018 to the LegCo on 11 July 2018 with a view to enhancing the VR arrangements and the electoral procedures. The major amendments relating to the ECSS Elections and CE Election include the following items:

- (a) increasing the maximum penalties for offences relating to VR and improving the VR claim and objection mechanism;
- (b) including former and retired magistrates in the pool of eligible candidates for appointment as Revising Officer;
- (c) introducing an exemption from the criminal liability under section 23(1) of the ECICO for a third party (other than a candidate and his/her election expense agents) publishing an election advertisement (“EA”) on the Internet and the election expenses thus incurred are merely electricity and/or Internet access charges;
- (d) clarifying that a person who is voting as both a voter and an authorised representative (“AR”) in the ECSS Elections must be handed over two ballot papers in one go;

- (e) rationalising the counting process for CE Election by specifying the arrangements before the counting of votes, viz. to count, record and verify the number of ballot papers and prepare a written statement for ballot papers from dedicated polling station(s), and to mix such ballot papers with ballot papers in at least one of the ballot boxes at the main polling station. And, after the counting of votes, to count, record and verify the number of ballot papers and prepare a written statement for the ballot papers from the main polling station;
- (f) rationalising the authority for issuing to the Director of Accounting Services the notification for returning or forfeiting election deposits in relation to the ECSS Elections to the effect that, in addition to the Returning Officer (“RO”), Assistant RO or the CEO is also allowed to issue the notification concerned;
- (g) specifying certain overmarked ballot papers (for the ECSS Elections), ballot papers with vote recorded for more than one candidate (for a contested CE Election) or both options of “SUPPORT” and “NOT SUPPORT” (for an uncontested CE Election) as clearly invalid and not to be counted; and
- (h) rationalising the arrangements for ballot papers under specified circumstances in the ECSS Elections to the effect that, the name and other related information of any validly nominated candidate who is deceased or disqualified before the date of the election is crossed out by a line, instead of stamping, on the

ballot paper and a corresponding notice is displayed in a prominent place of each polling station.

2.11 The Electoral Legislation (Miscellaneous Amendments) Bill 2018 was passed by the LegCo on 16 January 2019. The amendments came into effect on the day of publication in the Gazette (i.e. 25 January 2019). The ordinance is cited as the Electoral Legislation (Miscellaneous Amendments) Ordinance 2019.

Electoral Legislation (Miscellaneous Amendments) (No. 2) Ordinance 2019

2.12 The Government introduced the Electoral Legislation (Miscellaneous Amendments) Bill 2019 to the LegCo on 20 March 2019 in order to refine the VR arrangements and the electoral procedures. The amendments relating to the ECSS Elections and CE Election include the following items:

- (a) raising the limits, as set out in the simplified relief mechanism, i.e., de minimis arrangement, under section 37A of the ECICO, for rectifying minor errors or omissions for the ECSS Elections and CE Election to \$5,000 and \$50,000 respectively so as to facilitate candidates to rectify the minor errors or omissions in their election returns under the de minimis arrangement;
- (b) revising the threshold, as specified under section 37(2)(b) of the ECICO, for candidates' submission of invoices and receipts giving particulars of the expenditure in their election returns from \$100 to \$500 for all public elections, so as to help alleviate

the workload of candidates throughout the election and when preparing their election returns;

- (c) extending the deadline as prescribed under section 37(1A) and (1B) of the ECICO for submission of election return for the CE Election from 30 days to 60 days after the result of the election is published in the Gazette, in line with that for the LegCo Election; and
- (d) refining the requirement on size and thickness of each letter that may be sent free of postage by candidates, such that the letters do not exceed 165 mm x 245 mm in size and 5 mm in thickness.

2.13 The Electoral Legislation (Miscellaneous Amendments) Bill 2019 was passed by LegCo on 28 November 2019. The amendments came into effect on the day of publication in the Gazette (i.e. 6 December 2019). This ordinance is cited as the Electoral Legislation (Miscellaneous Amendments) (No. 2) Ordinance 2019.

Public Offices (Candidacy and Taking Up Offices) (Miscellaneous Amendments) Ordinance 2021

2.14 Article 104 of the Basic Law provides that when assuming office, the CE, principal officials, Members of the Executive Council and of the LegCo, judges of the courts at all levels and other members of the Judiciary in the HKSAR must, in accordance with the law, swear to uphold the Basic Law and swear allegiance to the HKSAR of the People's Republic of China ("PRC"). On

7 November 2016, the Standing Committee of the National People's Congress (“NPCSC”) adopted the Interpretation of Article 104 of the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China by the Standing Committee of the National People’s Congress (“Interpretation”), which explains that oath taking is the legal prerequisite and required procedure for public officers specified in Article 104 of the Basic Law to assume office, and must comply with the legal requirements in respect of its form and content. The Interpretation also makes it clear that an oath taker shall bear legal responsibility in accordance with the law if he/she makes a false oath or, after taking the oath, engages in conduct in breach of the oath.

2.15 In addition, Article 6 of “The Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region” (“National Security Law”), which was promulgated on 30 June 2020, also stipulates that a resident of the HKSAR who stands for election or assumes public office shall confirm in writing or take an oath to uphold the Basic Law and bear allegiance to the HKSAR of the PRC in accordance with the law.

2.16 To accurately implement the requirements stipulated in Article 104 of the Basic Law, the Interpretation and the National Security Law, the Government tabled the Public Offices (Candidacy and Taking Up Offices) (Miscellaneous Amendments) Bill 2021 to the LegCo on 17 March 2021 to amend the relevant ordinances. The amendments under the Bill relating to the CE Election included amending the CEEO to restrict persons who have vacated an office/been disqualified from entering on an office owing to declining or neglecting their oath duties, or breached an oath or failed to fulfil the legal requirements and conditions

on upholding the Basic Law and bearing allegiance to the HKSAR of the PRC, from being nominated as candidates in the CE Election held within 5 years.

2.17 The Public Offices (Candidacy and Taking Up Offices) (Miscellaneous Amendments) Bill 2021 was passed by the LegCo on 12 May 2021. The amendments came into effect on the day of publication in the Gazette (i.e. 21 May 2021).

Improving Electoral System (Consolidated Amendments) Ordinance 2021

2.18 The National People's Congress ("NPC") passed the Decision of the NPC on Improving the Electoral System of the HKSAR on 11 March 2021, followed by the NPCSC's adoption of the amended Annex I and Annex II to the Basic Law on 30 March 2021 to revise the method for the selection of the CE as well as the method for the formation of the LegCo and its voting procedures to improve the electoral system. The amendments under the Bill relating to the ECSS Elections and CE Election are set out below:

- (a) reconstituting the composition and formation of the EC, updating the functions of the EC and introducing the oath-taking requirement and related matters:
 - (i) increasing the number of EC members from 1 200 to 1 500;
 - (ii) updating the formation of the 4 original sectors of the subsisting EC and creating a new Fifth

Sector - “HKSAR deputies to the NPC, HKSAR members of the National Committee of the Chinese People’s Political Consultative Conference (“CPPCC”), and representatives of Hong Kong members of relevant national organisations”;

- (iii) updating the functions of the EC and specifying that EC members are responsible for nominating candidates for the CE Election and electing the CE, as well as nominating candidates for becoming LegCo members and electing 40 members of the EC constituency in the LegCo Election; and
- (iv) introducing an oath-taking requirement for EC members, before taking office, to uphold the Basic Law and bear allegiance to the HKSAR, as well as a mechanism to deal with scenarios where an EC member breaches an oath. It is specified that a person is disqualified from being registered, nominated or elected as an EC member if the date of registration/nomination or polling date is within 5 years after the person has vacated an office or been disqualified from entering on an office for declining or neglecting to take an oath, breached the oath or failed to fulfil the legal requirements and conditions;

- (b) providing for the method for selecting the CE and related matters:
- (i) a CE candidate shall be nominated by not less than 188 EC members, with not less than 15 members from each of the 5 sectors of the EC. Each EC member may only nominate one candidate. The CE will be elected by the EC by secret ballot on a one-person-one-vote basis. A candidate shall obtain over 750 valid votes (in the case of a contested election) or “SUPPORT” votes (in the case of an uncontested election) in the poll to be elected and the CE-elect shall be appointed by the Central People’s Government; and
 - (ii) amending the Maximum Amount of Election Expenses (Chief Executive Election) Regulation to increase the maximum amount of election expenses at a CE Election to \$17,600,000 to reflect changes in the price level;
- (c) revising the eligibility of becoming candidates in ECSS Elections and CE Election to specify that the eligibility of candidates standing for these elections will be reviewed and confirmed by the newly established Candidate Eligibility Review Committee (“CERC”). The CERC will take into account the opinions of the RO and the Committee for Safeguarding National Security of HKSAR (“Committee on National Security”) in determining whether the nomination of a

candidate is valid. No legal proceedings may be instituted in respect of a decision made by the CERC on the eligibility of a candidate pursuant to the opinion of the Committee on National Security;

- (d) amending the Maximum Scale of Election Expenses (Election Committee) Order to reflect the changes to the EC subsectors;
- (e) introducing a new offence under the ECICO to prohibit any person from inciting another person not to vote, to cast a blank or invalid vote by way of public activity during an election period, and providing that any person who wilfully obstructs or prevents another person from voting at an election commits a corrupt conduct;
- (f) implementing the electronic poll register (“EPR”) in ECSS Elections and CE Election and amending 4 pieces of subsidiary legislation under the EACO, including:
 - (i) specifying the manner of making a record on the FR electronic copy upon issuance of the ballot paper(s) to an elector so as to accommodate the use of EPR;
 - (ii) specifying that the FR in printed form (if used) should be sealed in packets at the close of the poll, and that the FR (whether in printed or electronic form) should be

retained for at least 6 months after a poll before destruction; and

- (iii) introducing new provisions to use the FR electronic copy for the purpose of the relevant ballot paper issuance process; stipulating the permitted use of the electronic copy of the FR; empowering the EAC to authorise access to the FR electronic copy for specific purpose (such as for technical maintenance and for use in the ballot paper issuance process); and providing for the offences in relation to accessing the FR electronic copy without lawful authority, damaging any data or information contained in the FR electronic copy, or tampering with the FR electronic copy;

- (g) enhancing the compilation and inspection of the registers of EC and voters of EC subsectors: to ensure the transparency of the registers of EC and voters of EC subsectors while protecting the privacy of members and voters. The enhancement measures include:
 - (i) restricting access to the parts of registers containing individual voters/members linked information (i.e. their names and principal residential addresses) only to the press subscribing to the Government News and Media Information System, political parties/organisations and validly nominated candidates, while the parts of the

registers containing only corporate electors will be made available for public inspection;

- (ii) redacting the personal particulars of members'/voters' partially on the registers of members/voters; and
 - (iii) extending the requirement for submission of address proof to all new VR applications; and
- (h) empowering the PROs to set up a special queue for electors in need (including persons aged 70 or above, pregnant women and 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).

2.19 The Improving Electoral System (Consolidated Amendments) Bill 2021, tabled by the Government to the LegCo on 14 April 2021, was passed on 27 May 2021. Most of the amendments came into operation on the date of publication in the Gazette (i.e. 31 May 2021).

Personal Data (Privacy) (Amendment) Ordinance 2021

2.20 A large number of doxxing cases (i.e. extensive leaking of personal data) have taken place in society since June 2019, where personal data were dispersed and reposted on online platforms. Therefore, the Government tabled the Personal Data (Privacy) (Amendment) Bill 2021 to the LegCo on 21 July 2021 to stipulate doxxing as a criminal offence. The Personal Data (Privacy)

(Amendment) Bill 2021 was passed by the LegCo on 29 September 2021 and came into effect on 8 October 2021.

2.21 The amended ordinance applies to the doxxing acts of disclosing personal data contained in the FR of the EC. According to section 64(3A) of the amended Personal Data (Privacy) Ordinance (Cap. 486) (“PD(P)O”), a person commits an offence if he/she (as a discloser) discloses any personal data relating to a person (as a data subject) contained in the FR of the EC or in any extract of the FR of the EC without the relevant consent of the data subject with an intent to cause any specified harm² 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, and the discloser will be liable on summary conviction to a fine of \$100,000 and to imprisonment for 2 years. According to section 64(3C) of the amended PD(P)O, if the disclosure causes specified harm to the data subject or any family member of the data subject, and satisfies the elements of the offence under section 64(3A), the discloser will be liable on conviction on indictment to a fine of \$1,000,000 and to imprisonment for 5 years.

Emergency (Date of Election) (Sixth Term Chief Executive) Regulation

2.22 The Government announced on 18 February 2022 that amid the severe COVID-19 epidemic situation, the CE in Council, in order to ensure that the election would not pose additional risks to public health and that the CE Election would be conducted in a fair, just, open and safe manner, had decided to postpone

² In accordance with section 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.

the polling day of the sixth-term CE Election, originally scheduled for 27 March 2022, to 8 May 2022.

2.23 Therefore, the CE in Council invoked the Emergency Regulations Ordinance to make the Emergency Regulation to specify a new polling date for the sixth-term CE Election and bring the current electoral process to an end, including:

- (a) revoking the notice of polling date for the sixth-term CE Election made by the SCMA under section 12 of the CEEO; and specifying a new polling day, i.e. 8 May 2022, (“Postponed Election”³) for the sixth-term CE Election. All electoral procedures are to apply on the basis of the new polling day; and
- (b) revoking the notice of nomination for CE Election published by the CEO under section 3 of the EP (CEE) Reg on the basis of the original polling day (i.e. 27 March 2022); and specifying a new nomination period, viz. 3 to 16 April 2022, for the sixth-term CE Election.

2.24 Upon the commencement date (i.e. 24 February 2022) of the Emergency Regulation, the CE Election scheduled for the original polling day is to be regarded as a “Discontinued Election”⁴, and all electoral matters (i.e. acts done or purportedly done under the electoral laws, including any nominations made, nomination forms and other election related documents that have been

³ The CE Election at which the poll was held on 8 May 2022.

⁴ The CE Election the poll at which was scheduled to be held on 27 March 2022.

submitted) in relation to the Discontinued Election would cease to have effect (unless otherwise specified). Electoral officers (including the RO and CEO) and the CERC are, unless otherwise specified, no longer required to perform any function provided in any electoral laws in relation to the Discontinued Election.

2.25 Notwithstanding that the electoral matters of the Discontinued Election would cease, the requirements on EAs, election expenses and election returns as set out in the ECICO and the CEEO shall continue to be complied with so as to ensure the election is fair, just and open. The Emergency Regulation provides that:

- (a) electoral officers and candidates are still be required to comply with the obligations in respect of making copies of EAs and related documents available for public inspection; and
- (b) candidates are required to lodge an election return in relation to the Discontinued Election so as to enable proper scrutiny by the relevant authorities of whether or not candidates have committed any corrupt or illegal conduct in the preceding period.

2.26 The Emergency Regulation specifies that when determining whether the election expenses have exceeded the statutory maximum limit, the election expenses incurred by (or on behalf of) the candidate will be “re-set” from 24 February 2022. Election expenses previously incurred would not be regarded as the election expenses of the Postponed Election. Further, any person who has, before 24 February 2022, publicly declared the intention to stand as a candidate

in the Discontinued Election will not be regarded as a candidate of the Postponed Election because of that previous public declaration.

2.27 The Emergency Regulation came into effect on 24 February 2022 and was introduced into the LegCo for negative vetting on 16 March 2022.

Section 2 – Electoral Guidelines

2.28 Under section 6(1)(a) of the EACO, the EAC is empowered to issue electoral guidelines to facilitate the conduct and supervision of an election. The purpose of issuing electoral guidelines is to ensure that all public elections are conducted in a fair, open and honest manner. The EAC will update the electoral guidelines before each public election. On the basis of the existing guidelines, revisions are made taking into account changes in electoral laws and experience drawn from previous elections. The electoral guidelines are not law, and cover the following two aspects: (1) to explain in simple language the subsisting electoral laws so as to remind candidates and other stakeholders of the provisions and requirements under the electoral laws; and (2) to promulgate a code of conduct based on the principle of fairness and equality with regard to election-related activities not stipulated by the law.

2.29 The EAC issued the guidelines for both the ECSS Ordinary Elections and CE Election. Although section 6(2) of the EACO stipulates that the EAC shall consult the public in relation to the guidelines, exceptions are allowed when the EAC considers that such consultation is not practicable due to the existence of an urgent need to issue the guidelines. The EAC did not conduct public consultation on the Guidelines in respect of the ECSS Ordinary Elections this time,

mainly because with the enactment of the Improving Electoral System (Consolidated Amendments) Ordinance 2021 in late May 2021, the EAC and the Registration and Electoral Office (“REO”) had to prepare and arrange for 3 major elections, namely the ECSS Ordinary Elections, the LCGE and the CE Election, in accordance with the amended electoral laws under a very tight schedule. In addition, the majority of the revisions to the Guidelines for ECSS Ordinary Elections were made pursuant to the Improving Electoral System (Consolidated Amendments) Ordinance 2021, which had been discussed and passed by the LegCo. Therefore, the EAC considered it not necessary to conduct public consultation on the guidelines. For the Guidelines in respect of the CE Election, the majority of the revisions to the Guidelines were made pursuant to the legislative amendments and to align with other electoral guidelines. Given that the amended electoral laws had been discussed and passed by the LegCo, and public consultation had been conducted on the guidelines for other elections, EAC considered it not necessary to conduct public consultation on the Guidelines for the CE Election.

Guidelines on Election-related Activities in respect of the ECSS Elections

2.30 The Guidelines on Election-related Activities in respect of the ECSS Elections, published on 23 July 2021, are applicable to the 2021 ECSS Ordinary Elections and any ECSS by-elections afterwards. The revisions were made on the basis of the edition issued in September 2016 to reflect the legislative amendments in respect of ECSS Elections as mentioned in this Chapter, including the amendments made to the composition of the EC and the method for its formation under the Improving Electoral System (Consolidated Amendments) Ordinance 2021. The updates were also made with reference to the Guidelines

on Election-related Activities in respect of the DC Election published in September 2019 and the Guidelines on Election-related Activities in respect of the LegCo Election published in June 2020, as well as the operational experience gained in past elections.

2.31 The latest guidelines, as compared with the edition issued in September 2016, have incorporated the following major amendments:

(I) Amendments Pursuant to Amendments to Electoral Legislation

- (a) updating the functions of the EC by specifying that in addition to nominating candidates for the CE Election and electing the CE, the EC is also responsible for electing 40 LegCo Members and nominating candidates at LegCo Elections;
- (b) updating the composition of the EC and the method for its formation as well as detailing the distribution of seats among subsectors and methods for returning members of each subsector;
- (c) specifying that the EC shall be constituted on 22 October 2021 for the year of 2021 and the term of office shall end on 21 October 2026;
- (d) specifying that after the interim register (“IR”) of EC is published, each member-elect must submit a signed written oath

to the Electoral Registration Officer (“ERO”) 7 days before the publication of the FR of EC for that term of office;

- (e) specifying the circumstances of which a person will be regarded as having resigned from the membership of the EC as an ex-officio member;
- (f) specifying that if the end of the term of the current LegCo is more than 12 months away from the constitution date of the EC or the date of publication of the provisional register (“PR”) for the EC subsector by-election, an EC subsector by-election and/or supplementary nomination to fill the EC vacancies shall be arranged for the sake of the next LCGE;
- (g) setting out the registration arrangement for ex-officio members of the EC;
- (h) specifying the important dates in relation to registration under the “Special Voter Registration Arrangements” in 2021 and the standing arrangement of the voter registration cycle in 2022 and thereafter;
- (i) updating the eligibility to be registered as a voter;
- (j) specifying that the decision to appoint or substitute/replace an AR of a corporate voter may only be made by the governing authority of the corporate voter by whatever name called;

- (k) specifying that an individual voter or AR of a corporate voter is required to submit documentary evidence for an application for change of principal residential address; and specifying that with effect from 1 May 2022, an individual who has not yet registered as a GC elector (including an voter applicant and an AR of a corporate voter) is required to submit documentary evidence to support that the address stated in the application is the applicant's principal residential address when submitting an application for new voter registration for a GC;
- (l) specifying the deadlines for individual or bodies to apply for registration on the subsector PR;
- (m) updating the deadlines for submission of applications for change of particulars;
- (n) specifying the penalties of fine and imprisonment for knowingly or recklessly providing false or misleading information in voter registration;
- (o) updating the publication dates of PR, omissions list ("OL") and FR;
- (p) specifying that only specified persons may inspect the subsector register containing the particulars of individual voters. With effect from 1 May 2022, the register of individual voters for inspection purpose will show only the first Chinese character (if

the person's name is entered in Chinese) or the first word (if the person's name is entered in English) of the name of each individual voter and his/her principal residential address. The register containing entries of corporate voters only will show the whole name of each corporate voter and the name of its ARs in full;

- (q) updating the deadlines for members of the public to make objection or claim to the entries on the PR;
- (r) specifying that a person who lodges an objection or a claim must provide sufficient information so as to inform the Revising Officer of the grounds of the objection or claim, and that the Revising Officer may dismiss the objection or claim if that appellant does not appear at the hearing. However, as a special arrangement for claims and objections lodged in relation to the PR for 2021, the Revising Officer would determine the claims or objections on the basis of written submissions only, without a hearing;
- (s) updating the circumstances where a person shall be disqualified from being nominated as a candidate/nominee;
- (t) specifying that a nomination is invalid unless a candidate/nominee makes a declaration in the nomination form to the effect that he/she will uphold the Basic Law and pledge allegiance to the HKSAR;

- (u) specifying the time and method of nomination for EC members to be returned by designated bodies;
- (v) specifying that the Nominations Advisory Committee (“NAC”) is not empowered to advise on matters relating to the declaration by candidates/nominees of upholding the Basic Law and pledging allegiance to the HKSAR, and matters relating to their lodging of deposit, as the validity of the nomination of a candidate/nominee is ultimately a matter for the CERC to decide;
- (w) setting out the composition of the CERC as well as its duties to review and confirm the eligibility of candidates. The CERC may request the opinion of the RO and may also make a decision based on the opinion of the Committee on National Security. No legal proceedings may be instituted in respect of a decision made by the CERC on the eligibility of a candidate pursuant to the opinion of the Committee on National Security. Relevant procedures regarding the determination of the validity of nominations and declaration of valid nominations are also updated;
- (x) specifying that the CEO may, by written notice, require an owner or occupier of a building occupied by any school or organisation/association/body receiving grants from the Government to make available the premises for use as a polling station or counting station, and that a person who fails to comply

with the requirement is liable to pay a financial penalty of \$50,000;

- (y) specifying the procedures for issuing ballot papers under different situations in polling stations. For issuing ballot papers by using the EPR System, a voter may view on the screen of the EPR System his/her name, part of his/her HKID number and the type(s) of ballot paper(s) issued to ensure accuracy of the record;
- (z) specifying that as a caring measure for voters with special needs (including persons who are 70 years of age or above, pregnant women and persons who are not able to queue for a long time or had difficulty in queuing because of illness, injury, disability or dependence on mobility aids), the PRO may make special queuing arrangements for those in need, and specifying the practical arrangements to be made having regard to different ways of issuing ballot papers under different situations;
- (aa) setting out the identity document(s) that a voter should produce when applying for a ballot paper;
- (bb) updating the types of invalid ballot papers, and specifying that a ballot paper will not be regarded as valid if the number of candidates voted for exceeds the number of EC members to be elected;

- (cc) specifying that during the count of votes, questionable ballot papers must be separated and forwarded to the RO to decide whether they should to be counted;
- (dd) specifying that after the ERO has published a PR of the EC, the EAC must arrange for a supplementary nomination or a subsector by-election (as the case may be) to be held to fill the vacancy if the number of members ascertained as representing a subsector is less than the number of members allocated to the subsector;
- (ee) specifying that if a person considers that an error occurred in relation to the process of registration for a nominee who has been declared as an EC member, he/she may submit a written representation to object to the declaration of the nominee as an EC member and such registration in the IR or FR;
- (ff) specifying the justifications and procedures for lodging an appeal in relation to the registration of ex-officio members as EC members;
- (gg) specifying that a person (other than a candidate or his/her election expense agent) who publishes an EA on the Internet will be exempted from the criminal liability under section 23(1) of the ECICO if the only election expenses incurred are electricity charges and/or charges necessary for accessing the Internet;

- (hh) specifying that a document published by a candidate during the election period is regarded as an EA if it contains the details of the work done by the candidate in the capacity of an EC member;
- (ii) setting out the new technical requirements for postage-free election mail that may be sent by candidates;
- (jj) specifying the permitted maximum amounts of election expenses to be incurred by candidates based on the number of registered voters in the subsector;
- (kk) setting out the thresholds regarding submission of invoices and receipts giving particulars of the election expenses to accompany a candidate's election return;
- (ll) specifying the limits regarding the relief for minor errors in election returns which allow correction by candidates;
- (mm) specifying that a person engages in illegal conduct if he/she carries out any activity in public during the election period that incites another person not to vote or to cast an invalid vote, and setting out the activities that are regarded as "activity in public";
and
- (nn) specifying that a person engages in corrupt conduct if he/she, 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 at an election. A person also engages in corrupt conduct if he/she wilfully obstructs or prevents another person (or gets another person to obstruct or prevent a third person) from voting at an election. In addition, it is also an offence to aid, abet, incite or attempt the said offence.

(II) Amendments Made to Align with Other Electoral Guidelines

- (a) specifying that to enable polling staff to return to their work posts as soon as possible to serve the voters, when they arrive at their assigned polling stations to vote but find a queue outside, they may present to the staff of the relevant polling station their own polling staff identification so that they can be given priority admission into the polling station to queue up for ballot papers and cast their votes;
- (b) setting out the provisions on the postponement or adjournment of the ECSS Elections or of the poll/count at a particular polling/counting station;
- (c) revising the deadline for candidates' posting of amended information in relation to EAs after the polling day;
- (d) specifying that the licensed broadcasters as well as the print media must follow the fair and equal treatment principle when producing and publishing election-related programmes and

reports. In determining whether there is a breach of the principle, the EAC will take into consideration the overall approach and circumstances of reporting by the media organisation during the election period;

- (e) specifying that in terms of the fair and equal treatment principle in relation to election broadcasting, media reporting and election forums, “candidate” means a person whose nomination form has been received by the RO;
- (f) reminding candidates that no canvassing activities are allowed within the No Canvassing Zone (“NCZ”) and setting out clearly that no canvassing is allowed by law at the street level of buildings within the NCZ;
- (g) reminding candidates to arrange to remove the EAs on the windows or the bodywork of any public service vehicle before the polling day if the vehicle will pass through or be parked within the NCZ on the polling day;
- (h) reminding persons who intend to stand for the election to pay attention to the definition of “candidate” under the electoral legislation. It covers, inter alia, anyone having publicly declared an intention to stand as a candidate at an election at any time before the close of nominations for the election. Illustration as to whether a particular item of expense would be

counted as election expenses is also provided by citing the points made by the court in a relevant case;

- (i) reminding candidates to comply with the requirements under the PD(P)O when handling the personal data of their supporters; and
- (j) setting out clear guidelines on seeking prior written consent from the supporters concerned if candidates intend to publish EAs or live broadcast of electioneering activities through online platforms.

(III) Amendments Made to Reflect the New Electoral Arrangements and Procedures

- (a) specifying that notices will be displayed at counting stations to show the capacity of the area where members of the public and the media can enter to observe the count, and that closed-circuit television (“CCTV”) cameras will be installed in counting stations to record the situation inside for record purpose.

(IV) Amendments Made to Further Explain the Content of the Guidelines

- (a) specifying that in determining whether or not a person has been “ordinarily residing in Hong Kong” in respect of the eligibility for being registered as a registered individual voter or AR of a

corporate voter, a host of factors and the circumstances of the case should be taken into consideration;

- (b) reminding candidates that it is imperative for any candidate claiming to be “independent” or “non-affiliated” (or other similar descriptions) to have the factual basis for such claim. Candidates should seek independent legal advice in advance if they have any doubts about the information on political affiliation to be provided for the nomination form and the Introduction to Candidates. Besides, it is an offence for a candidate to make a false statement about his/her political affiliation in an election-related document;
- (c) reminding candidates to ensure that they have the factual basis for the content of any EA published by them in order to avoid disputes and lawsuits;
- (d) reminding candidates of earlier court judgments on applications for relief of liability for EAs. 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. The discretion should be exercised in a manner which is consistent with the integrity of the electoral legislation;
- (e) reminding candidates that any information relating to an individual contained in a register of voters or extract of the

register can only be used for the election-related purposes specified under the electoral legislation, and that any abuse or misuse of such information, use of such information for other purposes, or disclosure of such information causing psychological harm to the voter is an offence;

- (f) reminding the persons or organisations conducting exit polls that no collection or retention of any personal data of voters is allowed;
- (g) reminding candidates that those who fail to submit an election return as required by the law are liable to a fine and to imprisonment, and may be disqualified as those convicted of illegal conduct;
- (h) reminding candidates to, during the election period, avoid engaging in any financial dealing which may be perceived as having an influence on a person's voting preference and any act that may be perceived as electoral bribery; and
- (i) reminding candidates to obtain before the publication of EAs the written consent from their supporters if the names of the supporters are to be included in the EAs. Besides, to comply with section 27(1A) of the ECICO, the written consent has to be a single document expressly stating the supporter's consent to include his/her/its name, logo or pictorial representation in the candidate's EAs. Regardless of the number of supporters, the

written consent has to be a single document rather than a composite document comprising multiple letters, documents or a chain of correspondence messages.

(V) Amendments Made to Incorporate Amendments Proposed by Other Government Departments/Organisations

- (a) attaching the latest version of the “Guidance on Election Activities for Candidates, Government Departments, Public Opinion Research Organisations and Members of the Public” issued by the Office of the Privacy Commissioner for Personal Data (“PCPD”) to provide guidance on the compliance of the PD(P)O when conducting electioneering activities that may involve the collection and use of personal data.

2.32 The EAC published the guidelines on 23 July 2021 and informed the public through a press release. The guidelines were uploaded onto the EAC’s website and made available for public viewing at the Home Affairs Enquiry Centres of all districts and the REO on the same day.

Guidelines on Election-related Activities in respect of the CE Election

2.33 For the 2022 CE Election, the EAC published the Guidelines on Election-related Activities in respect of the CE Election (“the CE Election Guidelines”) on 27 January 2022. The CE Election Guidelines were prepared on the basis of the version issued in October 2016, with appropriate and necessary amendments. The amendments were primarily classified into 3 categories.

The first category reflected the amendments to relevant electoral laws, including those made under the Improved Electoral System (Consolidated Amendments) Ordinance 2021 by the LegCo in May 2021 following the amendment of Annex I and Annex II to the Basic Law by the NPCSC in March 2021. The second category was related to amendments made to align with the other election guidelines. The third category was the elaboration of new electoral arrangements and procedures.

2.34 The major changes made in the CE Election Guidelines, as compared with the CE Election Guidelines issued in October 2016, include:

(I) Amendments Pursuant to Amendments to Electoral Legislation

- (a) updating the required number of nominations from members of the EC a person has to secure for being nominated as a CE candidate and the required number of votes a CE candidate has to obtain to be elected;
- (b) specifying that in respect of the new term of EC elected in 2021, the term of office is from 22 October 2021 to 21 October 2026. Besides, it also updates the composition of the EC;
- (c) specifying the circumstances where a member of the EC shall be disqualified from making nomination and voting at a CE Election;

- (d) updating the circumstances in which a person shall be disqualified from being nominated as a candidate. It is specified that any person who, within 5 years before the date of nomination, vacates an office or is disqualified from entering on an office under the law for declining or neglecting to take a specified oath; or is declared or decided in accordance with any law to be in breach of a specified oath, or to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the HKSAR of the PRC, shall be disqualified from being nominated as a candidate;
- (e) specifying that a nomination form for CE Election must be subscribed by not less than 188 EC members, with not less than 15 members from each of the 5 sectors of the EC;
- (f) setting out the composition of the CERC and specifying that the CERC will review and confirm the eligibility of CE candidates. The CERC may request the opinion of RO and may also make decision based on the opinion of the Committee on National Security. No legal proceedings may be instituted in respect of a decision made by the CERC on the eligibility of a candidate pursuant to the opinion of the Committee on National Security. Besides, it also specifies the circumstances where the CERC may decide a nomination of a candidate to be invalid and the procedures for declaring who is/are validly nominated;

- (g) updating the voting systems of contested elections and uncontested elections, and specifying that a candidate who obtains more than 750 valid votes (at a contested election) or “SUPPORT” votes (at an uncontested election) is returned at the election;
- (h) specifying the procedures for issuing ballot papers at the polling stations under different circumstances. For issuing ballot papers by using the EPR System, the elector may view his/her name and partial HKID number on the screen of the EPR System to ensure accuracy of the record;
- (i) setting out the identity document(s) that an elector should produce when applying for a ballot paper;
- (j) updating the types of invalid ballot papers, and specifying that a ballot paper will be regarded as invalid if the number of candidates voted for is more than one candidate (for a contested election) or both “SUPPORT” and “NOT SUPPORT” are recorded thereon (for an uncontested election);
- (k) setting out the provisions on the postponement or adjournment of the polling or counting of votes in respect of the CE Election;
- (l) updating the persons who may lodge an election petition;

- (m) specifying that a person (other than a candidate or his/her election expense agent) who publishes an EA on the Internet will be exempted from the criminal liability under section 23(1) of the ECICO if the only expenses incurred are electricity charges and/or charges necessary for accessing the Internet;
- (n) specifying that a document published by a candidate during the election period is regarded as an EA if it contains the details of the work done by the candidate in the capacity of the CE, a member of the EC, a member of the LegCo, a member of a District Council, a member of the Heung Yee Kuk, the Chairman/Vice-Chairman or a member of the Executive Committee of a Rural Committee or a Rural Representative;
- (o) setting out the new technical requirements for postage-free election mail that may be sent by candidates;
- (p) specifying the permitted maximum amount of election expenses to be incurred by candidates;
- (q) specifying the deadline for a CE candidate to submit an election return to the CEO. Besides, it revises the threshold regarding submission of invoices and receipts giving particulars of the election expenses to accompany a candidate's election return. Moreover, it specifies the limit regarding relief for minor errors in election returns which allows correction by candidates;

- (r) specifying that a person engages in illegal conduct if he/she carries out any activity in public during the election period that incites another person not to vote or to cast an invalid vote, and setting out the activities that are regarded as “activity in public”; and
- (s) specifying that a person engages in corrupt conduct if he/she, 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 at an election. Besides, a person also engages in corrupt conduct if he/she willfully obstructs or prevents another person (or gets another person to obstruct or prevent a third person) from voting at an election. In addition, it is also an offence to aid, abet, incite or attempt the said offence.

(II) Amendments Made to Align with the Other Electoral Guidelines

- (a) specifying that in respect of eligibility for being nominated as a candidate, in determining whether or not a person has been “ordinarily resided in Hong Kong”, multiple factors and the circumstances of the case should be taken into account with reference to relevant court cases;
- (b) reminding candidates to ensure they have a factual basis for the content of any EA published by them in order to avoid disputes and lawsuits;

- (c) highlighting that any person who needs to incur election expenses in excess of the prescribed maximum amount for reasons other than bad faith should, before incurring such election expenses, seek independent legal advice to ascertain whether the statutory requirement under section 31 of the ECICO for applying a court relief order has been fulfilled;
- (d) revising the deadline for candidates' posting of amended information in relation to EAs after the polling day;
- (e) informing candidates of previous court judgments on applications for relief of liability for EAs. 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 could exercise its discretion to grant relief. It is important that the discretion should be exercised in a manner which is consistent with the integrity of the electoral legislation;
- (f) reminding candidates that any commercial advertisement in physical form showing the portrait and/or name of a candidate may give extra publicity to the candidate concerned. In order to avoid such unfair publicity, the candidate should make his/her best endeavours to request the person(s)-in-charge not to display the advertisement in question after his/her declaration of intention to stand for the election or during the election period;

- (g) informing candidates, by attaching the latest version of a guidance issued by the PCPD, of the importance of complying with the requirements under the PD(P)O when they conduct electioneering activities that may involve the collection and use of personal data of an individual;
- (h) reminding candidates that to prevent an election mail from being mistakenly detected as a spam email and blocked by the email system, candidates may take note of the sending limit imposed by the relevant email service provider before sending election mails to their electors through email in bulk. If necessary, candidates may consider first applying to their email service providers for raising the daily sending limit of their email accounts;
- (i) reminding candidates that any information relating to an individual contained in FR of the EC or extract of the register can only be used for the election-related purposes specified under the electoral legislation. Any abuse or misuse of such information, use of such information for other purposes, or disclosure of any personal data relating to a data subject without the relevant consent of the data subject by a discloser with an intent to cause any specified harm 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 is an offence;

- (j) specifying that in respect of “treating” relating to election meetings, if an election meeting held by a candidate involves consumption of food and drink, where the participants have shared the costs of the food and drink and no intention to influence the participants’ voting preference is involved, then it may not fall under section 12 of the ECICO. Nevertheless, since an election meeting is for the purpose of promoting or prejudicing the election of a candidate or candidates, the costs borne by each participant should be treated as election expenses and election donations. Candidates are reminded to comply with the legal requirements in this regard;
- (k) reminding licensed broadcasters as well as the print media must treat all candidates in accordance with the principle of fair and equal treatment when producing and publishing election-related programmes and reports. In regard of this requirement, “candidate” means a person whose nomination form has been received by the RO;
- (l) reminding any person who intends to stand as a candidate at an election to, for the sake of prudence, remove the publicity materials previously published before he/she is nominated as a candidate or has publicly declared his/her intention to stand for the election. Such publicity materials, in particular posters or banners bearing his/her name or photograph with the intent to promote him/her at the election in public places or common areas in buildings, may be regarded as EAs;

- (m) reminding candidates that no canvassing activities are allowed within the NCZ and to arrange to remove the EAs on the windows or the bodywork of any public service vehicles before the polling day if the vehicles will pass through or be parked within the NCZ on the polling day;
- (n) reminding persons or organisations applying for conducting exit polls that approval would normally not be granted if the applicant organisation, the person(s) responsible for the exit poll or the conduct of the proposed exit poll may cause embarrassment to the EAC given its role, cause disturbance or disorder at the polling station, compromise public perception of the credibility of the election, or lead to any public order or public health concerns, etc. It also reminds that collection and retention of any personal data of electors are not allowed. Besides, exit polls approved by the EAC should not be used for electioneering purpose under any circumstances;
- (o) reminding persons who intend to stand for the election to pay attention to the definition of “candidate” under the electoral legislation. It covers, inter alia, anyone having publicly declared an intention to stand as a candidate at an election at any time before the close of nominations for the election. Illustration as to whether a particular item of expense would be counted as election expenses is also provided by citing the points made by the court in a relevant case;

- (p) reminding candidates that those who fail to submit an election return as required by the law are liable to a fine and to imprisonment, and may be disqualified as those convicted of illegal conduct;
- (q) reminding candidates to, during the election period, avoid engaging in any financial dealing which may be perceived as having an influence on a person's voting preference and any act that may be perceived as electoral bribery;
- (r) reminding candidates to obtain before the publication of EAs the written consent from their supporters if the names of the supporters are to be included in the EAs. Besides, to comply with section 27(1A) of the ECICO, the written consent has to be a single document expressly stating the supporter's consent to include his/her/its name, logo or pictorial representation in the candidate's EAs. Regardless of the number of supporters, the written consent has to be a single document rather than a composite document comprising multiple letters, documents or a chain of correspondence messages; and
- (s) reminding candidates to comply with the requirements under the PD(P)O when handling the personal data of their supporters and to seek prior written consent from the supporters concerned if candidates intend to publish EAs or live broadcast of electioneering activities through online platforms.

(III) Changes Made for Elaboration of New Electoral Arrangements and Procedures

- (a) specifying the polling hours for any required second round of voting at a contested election;
- (b) specifying the practical arrangements for applying for ballot paper at the ballot paper issuing desks having regard to different ways of issuing ballot papers; and
- (c) specifying that a notice will be displayed outside the counting station by the RO to show the capacity of the area where members of the public and the media can enter to observe the count, and that CCTV will be installed in the counting station to record the situation inside for record purpose.

2.35 The EAC published the CE Election Guidelines on 27 January 2022 and informed the public through a press release. The guidelines were uploaded onto the EAC's website and made available for public viewing at the Home Affairs Enquiry Centres of all Districts and the REO on the same date.

2.36 As in previous CE Elections, an enquiry service was available for candidates, any persons who have publicly declared an intention to stand for election pending submission of the nomination forms and their election agents. They could make enquiries in writing to the EAC on the interpretation or operation of the CE Election Guidelines. The service, however, did not cover enquiries on the parts of the guidelines relating to the ECICO, which were to be

directly handled by the ICAC since it was the enforcement authority for the legislation. The provision of the enquiry service was laid down in the first chapter of the CE Election Guidelines.

2.37 The enquiry service was available until the close of ordinary business hours before the polling day of the Postponed Election (i.e. 6 May 2022). No candidate (or election agent) has used the enquiry service.