

CHAPTER 13

PROHIBITION AGAINST CANVASSING ACTIVITIES OUTSIDE POLLING STATIONS

PART I : GENERAL

13.1 This chapter deals with the ban on canvassing activities **outside polling stations** on the polling day. An NCZ will be designated outside each polling station to ensure that electors can gain access to the polling station without interference. In addition, an NSZ in which no one is allowed to stay or loiter will also be designated in the immediate vicinity outside the entrance/exit of the polling station to avoid any obstruction of the entry/exit. *[Amended in September 2019]*

13.2 No canvassing activities are allowed within the NCZ. Regarding buildings within the NCZ, all canvassing activities by candidates and their campaigners are prohibited in the entire building where a polling station is located as well as on the ground floor of other buildings, regardless of whether they are government or private premises, and even if approval from the building management concerned is obtained. *[Amended in September 2019]*

13.3 Any deliberate but disguised conduct for the canvassing of votes in the NCZ is prohibited, such as staying or loitering in the NCZ, smiling or showing goodwill to the electors, etc. for the purpose of canvassing votes. See **Appendix 6** for details. *[Added in September 2019]*

PART II : DETERMINATION OF NO CANVASSING ZONE AND NO STAYING ZONE

13.4 The RO for a constituency must determine, in respect of each polling station designated for that constituency, an area outside the polling station to be an NCZ. In so doing, he/she will take into account the characteristics and special conditions of individual polling station. He/She must also determine an area within the NCZ outside the entrance/exit of the polling station as an NSZ. These two zones are to be determined with reference to a map or plan. [S 43(1) of the EAC (EP) (DC) Reg] *[Amended in September 2007 and September 2012]*

13.5 For a polling station which serves more than one constituency, the determination of the NCZ and NSZ is to be made by the RO specified for the purpose by the CEO. [S 43(3) of the EAC (EP) (DC) Reg] *[Amended in September 2012]*

13.6 The RO who made the determination of an NCZ and an NSZ in respect of a polling station must, at least **seven days** before the polling day, give a notice of the determination to the candidates of his/her own constituency and, where appropriate, to the ROs of other constituencies for which polling will be held at that polling station so that each of the ROs of these relevant constituencies can notify the candidates of his/her own constituency of the determination as soon as practicable. [S 43(2), (3), (4) and (5) of the EAC (EP) (DC) Reg]

13.7 The notice will be given in writing, and may be delivered by hand, by post, by electronic mail or by facsimile transmission, to the candidates, the election agents or the polling agents of the candidates. [Ss 43(2), (3), (11) and 98(2)(e) of the EAC (EP) (DC) Reg] *[Amended in September 2007, September 2012 and September 2015]*

13.8 Where the circumstances so warrant, the RO may vary the NCZ or NSZ. Notice of the variation must be given as soon as practicable after the variation in the same manner as a notice referred to in para. 13.7 above [s 43(6) of the EAC (EP) (DC) Reg]. The notice of variation may however be given orally if delivering it in the manner as referred to in para. 13.7 above is not practicable on the polling day or is not suitable in the circumstances [s 98(3) of the EAC (EP) (DC) Reg]. A notice of variation needs not be given to the candidates if it is not reasonably practicable to do so before the close of the poll [s 43(10) of the EAC (EP) (DC) Reg]. *[Amended in September 2012 and September 2015]*

13.9 A notice of the determination or the variation, together with indication of the boundaries of the NCZ or the NSZ, must be displayed on the polling day at or near the relevant polling station, in order to make the determination or variation effective. [S 43(7), (8) and (9) of the EAC (EP) (DC) Reg]

13.10 The RO who is authorised to determine the NCZ and NSZ may authorise his/her ARO or the PRO of the relevant polling station to exercise the power to vary the determination and to perform the associated duties on the polling day. [Ss 43(8A) and 90 of the EAC (EP) (DC) Reg]

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

13.11 Canvassing activities (including displaying or wearing of propaganda materials, or suggesting voting or not voting for any candidate) will not be allowed within an NCZ, except for static display of EAs that are authorised by the RO (e.g. EAs mounted at designated spots) and the permitted

activities described in para. 13.12 below. [S 43(13) of the EAC (EP) (DC) Reg] *[Added in September 2019]*

13.12 Within an NCZ, door-to-door canvassing may be allowed on the storeys above or below the street level in any building other than the building in which the polling station is located, provided that permission has been obtained for entry to the building for canvassing votes, no obstruction is caused to any person and no sound amplifying system or device is used. For the purpose of such canvassing, the display or wearing of any promotional material (e.g. badge, emblem, clothing or head-dress which may promote or prejudice the election of a candidate or candidates at the election) or any material making direct reference to any body a member of which is standing as a candidate in the election, or the registered name or emblem of a prescribed body printed on any ballot paper for the election, may be allowed. However, no canvassing is allowed and in no case shall the above material appear at the street level (i.e. ground floor) within the NCZ. [S 43(13), (14) and (15) of the EAC (EP) (DC) Reg] *[Amended in September 2007, September 2011, September 2012, September 2019 and September 2023]*

13.13 Where there are private premises situated within the NCZ, the RO should issue a notice in advance to all the candidates of the constituency concerned asking them to remove all of their EAs, if any, posted up at the private premises within the NCZ before the polling day. The exhibition of portable EAs displayed on vehicles (whether in motion or parked within the area) or held or carried by persons is also regarded as a canvassing activity which is forbidden within an NCZ. Therefore, 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. If a candidate fails to remove the EAs as requested by the RO, the RO may issue a warning to the candidate to remove the offending EAs immediately. If the candidate fails to do so, the EAC may

issue a censure or reprimand. Canvassing activities may take many different forms. A list of common canvassing activities which are forbidden in an NCZ is at **Appendix 6**. *[Amended in September 2007, September 2011, September 2012 and September 2019]*

13.14 On the polling day, the PRO will use his/her best endeavours to ensure that no person carries out any activity other than those permitted activities described in para. 13.12 above in the NCZ in respect of his/her polling station to persuade or induce any elector to vote or not to vote. Any EAs in the NCZ not complying with any requirements of s 106 of the EAC (EP) (DC) Reg will be removed by the RO or other persons authorised by the RO [s 108 of the EAC (EP) (DC) Reg]; and any person found to have conducted canvassing activities prohibited in the area will be asked to leave the area [s 44(2) and (3) of the EAC (EP) (DC) Reg]. *[Amended in September 2007 and September 2023]*

13.15 It is not permitted to use loudspeakers or loud-hailers within the NCZ, or use any such device or conduct any activity (e.g. lion dance) in the vicinity, so that the sound emitted can be heard within the NCZ [ss 43(13) and 44(1) of the EAC (EP) (DC) Reg]. However, an officer of the CSD may use a sound amplifying system or device in the NCZ of a dedicated polling station situated in a penal institution for performing his/her duties on the polling day [ss 43(13A) and 44(1C) of the EAC (EP) (DC) Reg]. Save for canvassing activities permitted in para. 13.12 above, candidates and their supporters are not allowed to pass, let alone shout, any appeal message to any persons while inside the NCZ (see Part II of Chapter 11 regarding the use of loudspeakers). *[Amended in September 2012]*

13.16 There will be an **NSZ** within the NCZ but immediately outside the entrance/exit of each polling station (the entrance and exit of some polling stations are at the same location). No person is allowed to stay or loiter in the

NSZ, except where a person has been expressly permitted to do so by the PRO [ss 43(13)(d) and 44(1)(d) of the EAC (EP) (DC) Reg]. This is for the purpose of securing safe and smooth passage of electors into and out of polling stations. *[Amended in September 2007]*

13.17 No person is allowed to obtain or attempt to obtain (in any manner) information as to which candidate an elector of the relevant polling station is about to vote for or has voted for in an NSZ, or in an NCZ without the express permission of the EAC or the PRO. The PRO should recognise and give due regard to those who conduct exit polls in accordance with the requirements set out in Chapter 14. [S 94(7) of the EAC (EP) (DC) Reg] *[Amended in September 2019]*

13.18 Any person who misconducts himself/herself or carries out any forbidden activity in an NCZ or NSZ, or fails to obey any lawful order of the RO (who has made the determination in respect of that NCZ or NSZ) or the PRO, commits an offence and will be liable to a fine and to imprisonment and may be ordered by the RO or the PRO to leave the NCZ or NSZ [ss 44(2), 48(4) and (7) of the EAC (EP) (DC) Reg]. If he/she fails to leave, he/she may be removed from the relevant zone by a police officer, an officer of the CSD or any law enforcement agency, or by any other person authorised in writing by the RO or the PRO [s 44(3) of the EAC (EP) (DC) Reg]. The person so removed may not re-enter the NCZ or NSZ on that day except with the permission of the RO or the PRO [s 44(4) of the EAC (EP) (DC) Reg]. *[Amended in September 2007 and January 2010]*

13.19 Nevertheless, the RO or the PRO shall not exercise his/her powers to order an elector to leave or remove an elector from the NCZ or NSZ so as to prevent the elector from voting at the polling station allocated to him/her. [Ss 44(5) and 49(5) of the EAC (EP) (DC) Reg]

PART IV : PENALTY

13.20 Any canvassing within an NCZ except those exempted and any conduct prohibited under paras. 13.16 and 13.18 above will be an offence and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 3 months [s 48(7) of the EAC (EP) (DC) Reg]. Any attempt to obtain information as described in para. 13.17 above without the necessary permission will be an offence under s 94(10) of the EAC (EP) (DC) Reg and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months. *[Amended in September 2007]*