

CHAPTER 7

ELECTION ADVERTISEMENTS

PART I : GENERAL

7.1 Election expenses are regulated by the law to ensure that the candidates compete on a level playing field within a reasonable level of expenditures. For the regulation of election expenses, see Chapter 15. *[Added in September 2019]*

7.2 Only candidates and their election expense agents are permitted to incur election expenses (see Chapter 6). As EAs account for an important portion of election expenses, it is necessary to set down statutory regulations for EAs. *[Added in September 2019 and amended in September 2023]*

7.3 EAs refer to any publicity materials which are published for the purpose of promoting or prejudicing the election of a candidate or candidates at the election. As to whether an individual statement will be construed as an EA, the overall circumstances, including the background, time of publication (e.g. whether the candidate has publicly declared his/her intention to stand for the election or whether the incident happens during the election period) etc., must be taken into account so as to infer whether there is any intention to promote or prejudice the election of a candidate or candidates. If the statement is simply for expression of views and comments based on the facts without any intention to promote or prejudice the election of a candidate or candidates at the election, then it is not to be treated as an EA. *[Added in September 2019]*

7.4 According to the provisions in s 106(2) and (3) of the EAC (EP) (DC) Reg and the requirements of the EAC, a candidate is required to post a copy of any EA he/she has published as well as the relevant information and documents (see **Appendix 4** for details) onto an open platform³⁹ maintained by the CEO or a person authorised by the CEO (“Central Platform”) or an open platform maintained by the candidate or a person authorised by the candidate (“Candidate’s Platform”), or submit a copy of the EA to the RO for public inspection within three working days after publication of the EA (see para. 7.56 below for details). This is not to restrict the contents of EAs. Rather, it keeps track of candidates’ publication of EAs for the purpose of regulating their election expenses. False statements in EAs are dealt with by other provisions under the subsisting law (see para. 7.22 below). *[Added in September 2019 and amended in September 2023]*

7.5 It is an illegal conduct at an election to publish materially false or misleading statements of fact about a candidate under s 26 of the ECICO (see para. 16.11 of Chapter 16 for details). In this regard, candidates must ascertain the factual basis of the contents in their EAs (including any reference made to any other candidates)⁴⁰. *[Added in September 2023]*

7.6 Interactive EAs published on Internet platforms are being updated constantly. When it is technically impracticable to post each and every EA separately onto the Candidate’s Platform or the Central Platform, the law permits candidates to upload the relevant hyperlinks onto the Candidate’s Platform or Central Platform showing the publication of the EAs concerned and allowing public inspection of the EA contents. *[Added in September 2019 and amended in September 2023]*

³⁹ An open platform means a platform operated through the Internet to which the public has access without having to go through an access control process put in place for that platform.

⁴⁰ In the 2019 DC Ordinary Election, the CFI of the High Court ruled in the election petition (HCAL 3665/2019) that an elected candidate (i.e. the first respondent) was not duly elected because that candidate had published a false and misleading statement about another candidate in one of the EAs.

7.7 With the proliferation of the Internet, online platforms are widely used to publish election-related opinions, which may sometimes constitute EAs. In case the publication involves the incurrence of election expenses, the publisher may have committed offences of incurring election expenses illegally if he/she is not a candidate or a candidate's election expense agent. Hence, legislative amendments have been made to provide exemption to third parties who are neither candidates nor candidates' election expense agents that where such person has published information constituting EAs, he/she will be exempted from criminal liability for incurring election expenses if the only expenses incurred are electricity charges and/or charges necessary for accessing the Internet. However, **it is important to note that** the exemption does not apply to candidates or election expense agents. In other words, all expenses incurred by a candidate, a candidate's election expense agent or a person who is authorised by a candidate or his/her election expense agent for publishing an EA of the candidate on the Internet, including electricity charges and/or charges necessary for accessing the Internet, will be included in the election expenses of the candidate and should be at the same time in compliance with the requirements set out in para. 7.56 below. *[Added in September 2019 and amended in September 2023]*

PART II : WHAT CONSTITUTES AN ELECTION ADVERTISEMENT

7.8 An EA means:

- (a) a publicly exhibited notice, leaflet, circular, bill, booklet, placard or poster;
- (b) a notice, leaflet, circular, bill, booklet, placard or poster delivered by hand or electronic transmission;

- (c) a public announcement made by radio or television or by video or cinematographic film; or
- (d) any other form of publication,

published for the purpose of promoting or prejudicing the election of a candidate or candidates at the election. [S 2 of the ECICO and s 2 of the EAC (EP) (DC) Reg] *[Amended in September 2012]*

IMPORTANT :

“Candidate” includes a person who has publicly declared an intention to stand for an election at any time before the close of nominations for an election, whether or not he/she has submitted a nomination form. [S 2 of the ECICO and s 2(2) of the EAC (EP) (DC) Reg]

“Publish” means print, display, exhibit, distribute, post up, publicly announce or make publicly known by any other means, and includes continue to publish. [S 105(1) of the EAC (EP) (DC) Reg] *[Added in September 2012]*

Any person who authorises the publication of an EA, that EA is taken to have been published by that person. [S 105(2) of the EAC (EP) (DC) Reg] *[Added in September 2012]*

7.9 Any form of publication containing messages for the purpose of promoting or prejudicing the election of a candidate or candidates at the election constitutes an EA, examples include:

- (a) address, notice, bill, placard, poster, board, banner, roll-up banner, flag, standard, colour, sign, message, sound, name card, letter paper bearing the name and/or logo of the candidate, image or picture and any article, thing or material; *[Amended in August 2008]*
- (b) audio/video cassette tape or disc, diskette, electronic message (e.g. messages published through social networking platforms, mobile messaging apps, communication networks, etc.), website, facsimile transmission, balloon, badge, emblem, carrier bag, head-dress and clothing; or *[Amended in September 2007]*
- (c) any form of publication published by any person or any organisation, including political organisation, professional or trade organisation, owners' corporation, tenants' association, owners' committee, etc. (irrespective of whether or not the candidate concerned is its office-bearer or member) showing support for any candidate or advertising the platform or services of such an organisation with reference to a candidate or candidates by name or photograph. *[Amended in September 2011 and September 2023]*

7.10 Any publicity materials published by any person or organisation during or before the election period to appeal directly or indirectly to electors to vote or not to vote for an organisation or organisations which a candidate or certain candidates belong to or are affiliated with, irrespective of the form of publication and whether they contain any names or photographs of a candidate or candidates, may also be regarded as EAs depending on all the circumstances (e.g. the materials concerned may be capable of being reasonably understood by an elector as referring to certain identified candidate or candidates). Materials issued through the press with the intent to promote or prejudice the

election of a candidate or candidates at an election may also be regarded as EAs. The expenses incurred for the publication of such materials will be regarded as election expenses incurred by or on behalf of the candidates. If expenses are involved in the publication of an EA and the publisher is neither a candidate nor a candidate's election expense agent, the publisher may have violated s 23(1) of the ECICO. If a candidate instructs that person or organisation to publish the EA, and such expenses are not accounted for as election expenses, the candidate will also violate the law. *[Added in September 2019 and amended in September 2023]*

7.11 In accordance with s 23(1A) of the ECICO, a person (other than candidates or their election expense agents) is exempted from the relevant criminal liability under s 23(1) of the ECICO if the person publishes an EA on the Internet and the only election expenses thus incurred are electricity charges and/or charges necessary for accessing the Internet. However, if a candidate, a candidate's election expense agent or a person who is authorised by a candidate or his/her election expense agent publishes an EA of the candidate on the Internet, any costs incurred, even though the costs only involve electricity charges and/or charges necessary for accessing the Internet, will still have to be included in the election expenses of the candidate. The candidate should also fully fulfill the requirements relating to publication of EAs as set out in para. 7.56 below. *[Added in September 2015 and amended in September 2019]*

7.12 Under s 105(1) of the EAC (EP) (DC) Reg, the definition of "publish" includes "continue to publish". In this regard, for any person who intends to stand as a candidate at the election, after he/she has been nominated as a candidate or has publicly declared an intention to stand as a candidate at the election, if he/she continues to publish any previously published publicity materials, irrespective of the form, with an intent to promote his/her election, such publicity materials **may** be regarded as EAs. For the sake of prudence, the person concerned should remove all the published publicity materials

before he/she is nominated as a candidate or publicly declares an intention to run for the election. *[Added in September 2019 and September 2023]*

7.13 Under s 105(4) of the EAC (EP) (DC) Reg, a document published by a candidate **during** an election period that gives details of the work done by the candidate in the capacity of:

- (a) the CE;
- (b) a member of the Election Committee (“EC”);
- (c) a member of the LegCo;
- (d) a member of a DC;
- (e) a member of the Heung Yee Kuk;
- (f) the Chairman or Vice-Chairman or a member of the Executive Committee of a Rural Committee within the meaning of s 3(3)(a) of the Heung Yee Kuk Ordinance (Cap 1097); or
- (g) a Rural Representative (“RR”),

is also regarded as an EA.

[Amended in September 2012, September 2015 and September 2023]

7.14 For the avoidance of doubt, if a person has publicly declared his/her intention to stand as a candidate at an election **before** the election period, and then publishes a document as mentioned in para. 7.13 above, the document will also be regarded as an EA as long as it is published for the purpose of promoting or prejudicing the election of a candidate or candidates at the election. It is important to note that a document referred to in this

paragraph and para. 7.13 above must comply with all the requirements for an EA and the expenses so incurred must be accounted for as election expenses. *[Amended in September 2012 and September 2015]*

7.15 If a person publishes a document to give details of the work done by him/her in a capacity listed in para. 7.13 above without promoting or prejudicing the election of a candidate or candidates at the election before submitting the nomination form or publicly declaring an intention to stand as a candidate, the document will not be construed as an EA. On such basis, the expenses incurred in the publication of such a document would not be counted as election expenses. *[Amended in September 2012]*

7.16 A candidate at an election should put up and display EAs in accordance with all the relevant laws and regulations and this set of Guidelines.

Election Advertisements Prejudicing the Election of a Candidate

7.17 There are occasions that a candidate or a third party may publish EAs for the purpose of prejudicing the election of other candidates at the election. At a contested election, the concept of “promoting” and “prejudicing” the election of someone can be relative. Any kind of publication with the intent to persuade electors not to vote for one candidate would have the effect of improving the chances of success of other candidates and could therefore be said to have the purpose of promoting the latter’s election. For example:

- (a) If candidate A criticises candidate B in his/her own EAs with a view to prejudicing B’s candidature at the election, candidate A has to include the expenses incurred in his/her election expenses;

- (b) If a third party criticises candidate B in an EA and the EA has the effect of indicating support for candidate A, the third party must obtain candidate A's prior written authorisation for incurring the production expenses before he/she produces that EA, and the expenses incurred will have to be included in candidate A's election expenses; or
- (c) If the third party publishes an EA as described in (b) above without the prior written authorisation of candidate A, that third party will be in breach of s 23 of the ECICO (unless exempted under s 23(1A) as mentioned in para. 7.11 above) because only a candidate or a person who has been duly authorised by a candidate as his/her election expense agent may incur election expenses. It would only be fair to candidate A that the third party needs to obtain candidate A's written authorisation before incurring such expenses. This requirement would also prevent candidate A from circumventing the law by asking the third party to publish materials prejudicing candidate B without having to account for the expenses of those materials.

[Amended in September 2015 and September 2019]

7.18 Materials published by any person, including a candidate, for the purpose of prejudicing the election of other candidates are treated as EAs if reference could be made from the materials to identify the candidate or candidates being prejudiced.

7.19 The **election expenses** allowed by the law to be incurred by a candidate include the expenses he/she incurs for the preparation, publication and/or display of EAs. (For the definition of election expenses, see s 2 of the ECICO)

7.20 There is no restriction as to the quantity of EAs published by a candidate, but the relevant expenses together with other election expenses must not exceed the maximum amount of election expenses, otherwise the candidate commits an offence[s 24 of the ECICO]. The maximum amount allowed for the DCC and DCGC elections are specified in ss 3 and 3A of the Maximum Amount of Election Expenses (District Council Election) Regulation (Cap 554C) respectively (see para. 15.17 of Chapter 15 for details). *[Amended in September 2007, September 2011, September 2015, September 2019 and September 2023]*

7.21 However, if election expenses exceeding the prescribed maximum amount have been incurred by a candidate, he/she may apply to the CFI for a relief order according to the relevant legislation. The CFI may make an order relieving the candidate from consequences of the illegal conduct if it is satisfied that the illegal conduct of incurring election expenses over the prescribed maximum amount was due to inadvertence, an accidental miscalculation or any other reasonable cause and was not due to bad faith, and considers that the candidate should not be subjected to corresponding penalties/punishments under the principle of justice [s 31 of the ECICO]. Any person who, because of any reason not due to bad faith, may incur election expenses exceeding the prescribed maximum amount should seek independent legal advice to ascertain whether the statutory requirements for applying a court relief order may be fulfilled before incurring such election expenses. *[Added in September 2023]*

7.22 A candidate must ensure the correctness and accuracy of the factual information in his/her EAs. In particular, a candidate is reminded to comply with the requirements for obtaining prior written consent of support from other persons or organisations, which are summarised in paras. 16.12 to 16.16 of Chapter 16 and Chapter 17. If a candidate has any question about the statutory requirements on EAs and election expenses, he/she should seek

independent legal advice. (For criminal sanctions, see ss 25, 26 and 27 of the ECICO) [*Amended in September 2015 and September 2019*]

PART III : PERIOD AND AREA OF DISPLAY

7.23 After obtaining the necessary **written permission or authorisation**, a candidate may display EAs on government or private land and property. [S 104A(1) of the Public Health and Municipal Services Ordinance (Cap 132) (“PHMSO”) and s 4 of the Land (Miscellaneous Provisions) Ordinance (Cap 28)]

7.24 Display spots are classified into two types:

- (a) **designated spots** which are spots on government land/property allocated to candidates by the Government (can be on government or privately owned land/property); and
- (b) **private spots** which are spots on private land/property in respect of which written permission or authorisation for display has to be obtained from the owner or occupier concerned by the candidate himself/herself.

Government or Private Land/Property – Designated Spots

7.25 Designated spots for **contested** candidates to display their EAs will be allocated by the RO of the relevant constituency. Some of the government land/property have been allocated to public authorities, such as the Housing Authority, and are under their respective control. The RO for the relevant constituency may designate spots on such allocated land/property in coordination with the said authorities. **Each candidate** (who has registered

his/her interest in displaying EAs at designated spots) **competing in the same constituency** will be allocated **the same number of designated spots**.
[Amended in September 2011, September 2012 and September 2023]

7.26 Prospective candidates and political organisations are welcome to suggest to the respective ROs the locations of display in which they are interested. The ROs concerned will take into consideration such suggestions in drawing up the list of “**designated spots**”, but with absolute discretion to decide whether to adopt the suggestions.

IMPORTANT :

Suggestions under para. 7.26 should reach the CEO not later than **eight weeks before the polling day**. *[Amended in August 2008 and September 2012]*

Other Land/Property – Private Spots

7.27 Candidates who wish to display their EAs on land/property other than government land/property and other than the designated spots must **obtain the prior written permission or authorisation** of the owner or occupier [s 104A(1) of the PHMSO]. The obtaining of written permission or authorisation from the private owner or occupier is a matter for private arrangement between the candidate and the owner or occupier. A copy of all the permissions or authorisations obtained by a candidate himself/herself must be provided by him/her for public inspection in the manner as set out in para. 7.56 below (also see para. 7.32 below). Any consideration, fee or money incurred or agreed to be paid by or on behalf of the candidate to the owner or occupier for display of his/her EAs forms part of his/her election expenses. If the private spot secured for displaying the EA is normally used for commercial purpose, or for non-commercial advertising purpose but similar spaces

belonging to other owners or occupiers are normally used for commercial advertising purpose, the actual rent charged or the usual rent or market rent that would normally be charged should be counted as the election expenses of the candidate concerned, irrespective of whether that private spot is owned by the candidate or whether the owner of it allows the candidate to use it free of charge (in which case it would be a donation of the rent). The provision of this kind of rent-free spaces is regarded as election donations and should be counted as election expenses. This requirement is to ensure that the candidate concerned will not have any unfair advantage over the others who do not have access to such facilities. For details on how the estimated value should be assessed, see para. 15.30 of Chapter 15. If a space is not the type normally used by any private owners or occupiers for commercial advertising, there is no need for the candidate to account for its value. *[Amended in September 2012 and September 2015]*

7.28 For the display of EAs at the common parts of private land/property (those parts for which exclusive rights of use or occupation do not belong to a particular owner or tenant), the EAC appeals to owners or occupiers of the private land/property concerned to give all candidates competing in the same constituency **fair and equal treatment**. (See Chapter 8) *[Amended in September 2019]*

7.29 Candidates should note that public corporations (e.g. the MTR Corporation Limited) may have their own rules for display of EAs in properties under their management. *[Amended in September 2015]*

Allocation of Designated Spots

7.30 In principle, available designated spots in each District will be allocated to the relevant constituency on the following basis:

<u>Constituency</u>	<u>Proportion in total</u>
DCC	1/3
DCGC	2/3

The RO for each constituency will allocate the designated spots to candidates of his/her constituency either in accordance with the agreement among the candidates or by the drawing of lots after the number of validly nominated candidates in the relevant constituency is ascertained. **The RO will not allocate designated spots for an uncontested election. No display of EAs will be allowed on any designated spots before the allocation** (also see the requirements in para. 7.36 and Part VII below). EAs displayed by the candidates on government land/property other than designated spots are unauthorised display and will be removed (save those EAs displayed during electioneering activities approved by the Lands Department, see para. 7.53 below). A candidate will be provided with a list of the designated spots allocated to him/her, together with a set of maps to help identify the designated locations for display of EAs. *[Amended in August 2008, September 2012 and September 2023]*

7.31 Candidates using the designated spots are required to read and comply with all the requirements and conditions stipulated in the “Conditions for Display of Election Advertisements at Designated Spots”, which will be provided to each candidate in the candidate’s folder and uploaded onto the EAC’s website. To safeguard the safety of road users, candidates must ensure that the EAs on display do not distract motorists or interfere with the sight lines of motorists and pedestrians, or obscure any traffic sign or traffic light signal, or obstruct the circulation of pedestrians. *[Amended in September 2015 and September 2023]*

Written Permission or Authorisation

7.32 The RO will obtain prior approval from the relevant authorities under s 104A(1) of the PHMSO and s 4 of the Land (Miscellaneous Provisions) Ordinance for candidates to display their EAs at designated spots. Immediately after the allocation of designated spots is made, a copy of that permission or authorisation as required under the relevant legislation will be provided to the candidates by the RO of the constituency concerned (see Part IV of this chapter). For display of EAs on private land/property, written permission or authorisation of the private owner or occupier will have to be obtained by the candidates themselves [s 104A(1)(a) of the PHMSO]. A person displaying an EA without the necessary written permission or authorisation commits an offence and will be liable to a fine at level 3 (\$10,000) and, where the offence is a continuing offence, an additional penalty of \$300 for each day during which it is proved to the satisfaction of the court that the offence has continued [ss 104A(2), 150 and the Ninth Schedule of the PHMSO]. A copy of all the permissions or authorisations obtained by a candidate himself/herself, as opposed to those provided to him/her by the RO, must be furnished by him/her for public inspection in the manner as set out in para. 7.56 below. All candidates should note that if building works (including erection of signboards) in private premises or on private land are involved for the display of an EA, the relevant provisions of the Buildings Ordinance (Application to the New Territories) Ordinance (Cap 121) or the Buildings Ordinance (Cap 123) (“BO”) and its subsidiary regulations must be complied with. In this regard, prior to the commencement of works, it is advisable to consult Building Professionals, Registered Contractors and, where necessary, Authorised Persons on whether the building works are in compliance with the requirement of relevant ordinances. Subject to the nature, scale, complexity and safety risks of the works project, minor works should be dealt with in accordance with the simplified requirements of the Minor Works Control System, or the work plans should be submitted to the Buildings Department for

approval and consent prior to the commencement of the project. *[Amended in September 2012, September 2015, September 2019 and September 2023]*

No Canvassing Zone

7.33 No EA may be displayed within the boundaries of a polling station or within any NCZ on the polling day (see Chapter 13), except for static display of EAs that are authorised by the RO (e.g. EAs mounted at designated spots). Where there are premises situated within the NCZ, the RO should issue a notice in advance to all the candidates for the constituency concerned asking them to remove all of their EAs displayed at the premises within the NCZ before the polling day. The exhibition of portable displays of EAs on vehicles (whether in motion or parked within the NCZ) or held or carried by persons is also regarded as a canvassing activity which is forbidden within an NCZ. Therefore, candidates are required to arrange the removal of EAs on the windows or bodywork of any public service vehicles (e.g. public light buses, taxis, etc.) before the polling day if those vehicles will pass through or be parked within the NCZ concerned on the polling day. If a candidate fails to remove the EAs as requested by the RO, the RO may issue a warning to him/her to remove the offending EAs immediately. If the candidate does not comply, the EAC may issue a censure or reprimand. The RO for the constituency will provide each candidate of that constituency with one set of sketch maps or plans showing the boundaries of all polling stations in respect of the relevant constituency and all NCZs outside those polling stations. *[Amended in September 2019]*

PART IV : ALLOCATION OF DESIGNATED SPOTS

7.34 A candidate can obtain the following information from the RO for his/her constituency upon submission of the nomination form: *[Amended in September 2012]*

- (a) the general locations of the designated spots, which may include unleased government land, property and buildings managed by the Housing Department, and private land/property (if any) available for allocation of designated spots to the candidates. The size and number of spots for allocation will be finalised by the RO, taking into account the number of contested candidates in the constituency, **after** the close of the nomination period. In order to allow all contested candidates to display their EAs at all locations (particularly popular ones), the size of each spot may vary from location to location; and
- (b) the date and time for conducting the allocation of designated spots, which would normally be held within five to ten working days after the close of the nomination period. The RO will invite representatives from the relevant authorities relating to government land/property, save those that have already given a blanket approval, to be present to give the necessary written authorisation for the spots allocated. *[Amended in September 2023]*

7.35 The RO for the constituency will need to know the exact number of candidates who wish to display EAs at designated spots, so that he/she can finalise the number of designated spots and their size for allocation. Therefore, candidates who wish to display EAs at designated spots **must register their interest in writing by filing the relevant form to the RO of their constituencies within the nomination period.** *[Amended in September 2012]*

7.36 The principle of allocation of designated spots is that candidates contesting in the same constituency should each be allocated the same number and an equal area of designated spots. Designated spots are allocated by

agreement among the representatives of all the contested candidates of a constituency or by drawing of lots. After allocation of the spots and the necessary authorisations have been obtained from the relevant authorities [s 104A(1) of the PHMSO and s 4 of the Land (Miscellaneous Provisions) Ordinance], and subject to the requirements set out in Part VII of this chapter being complied with, the candidate may display EAs at the allocated spots. *[Amended in September 2015]*

7.37 A copy of the permissions or authorisations obtained by a candidate himself/herself, as opposed to those provided to him/her by the RO, must be furnished by him/her in the manner as set out in para. 7.56 below for public inspection [s 106 of the EAC (EP) (DC) Reg]. *[Amended in September 2007, September 2011 and September 2012]*

7.38 Subject to para. 7.40 below, designated spots allocated are neither transferable nor exchangeable with other spots. Where a candidate of a particular constituency no longer wishes to use one or more of the designated spots allocated to him/her, he/she should inform the RO of that constituency in writing within one week after the allocation of those spots. At a contested election, upon request by any other candidate of the same constituency, the RO, if he/she considers appropriate, will re-allocate those spots by agreement or by the drawing of lots among all other candidates who are eligible to be allocated with designated spots of the same constituency. In such a case, the procedures mentioned in paras. 7.36 and 7.37 above apply. *[Amended in August 2008 and September 2012]*

7.39 In principle, candidates of each constituency in all elections (including ordinary election and by-election(s)) will not be allocated designated spots outside the District of the DCC or the relevant DCGC in which they stand for election. In the case of a by-election, if the spots for display in the District of the relevant DCC or DCGC are occupied for other purposes already, there

may be insufficient designated spots for the candidates contesting in the by-election. Then the RO may include designated spots outside the District of the relevant DCC or DCGC of the by-election to ensure that a reasonable number of designated spots can be made available for allocation to the candidates concerned. *[Amended in September 2011, September 2015, September 2019 and September 2023]*

7.40 An EA advertising two or more candidates of the same or different constituencies jointly is allowed to be displayed at the designated spots allocated to these candidates. Nevertheless, it is important to ensure that, for each one of the joint candidates, the total area of all the spaces actually occupied for advertising the candidate on all his/her EAs, including the joint EAs, mounted at the designated spots (as measured by the dimension of EAs) does not exceed the total area of the designated spots allocated to each of the candidates. A joint EA is also subject to the size restrictions specified in para. 7.43 below. Candidates using a joint advertisement to promote themselves at the election would all benefit from the joint advertisement. The expenses incurred for the joint EA will therefore have to be borne by the candidates concerned in equal or proportional shares as their respective election expenses, to be calculated by the proportion of the size of the portion advertising each. Any candidates involved in a joint EA or his/her election expense agent must be authorised to incur expenses for that particular EA[s 23 of the ECICO]. In order to comply with the requirement stipulated in s 27 of the ECICO, the candidates concerned also have to seek prior written consent of support from each other before publishing the joint EA. (See paras. 6.17 to 6.21 of Chapter 6 and para. 17.12 of Chapter 17) Besides, each of the candidates concerned must make available a copy of each of his/her EAs, and the relevant information/documents for public inspection in accordance with para. 7.56 below. *[Amended in September 2007, September 2011, September 2012, September 2015 and September 2023]*

PART V : CONDITIONS AND LIMITATIONS ON DISPLAY

Name of the Constituency

7.41 To avoid possible confusion to electors, EAs of all candidates of the constituency must bear the name of the constituency for which the candidate concerned is standing. Similarly, in respect of joint EAs or joint canvassing activities, the name of the constituency in relation to each of the candidates should be stated in the EAs or displayed during the activities clearly. Either the full name of the constituency or its abbreviated name (to be advised by the RO for the constituency) may be used, dependent on the choice of the candidate for the constituency. In the case of a breach for EAs displayed at designated spots, the approval for the use of the designated spots in question may be revoked. *[Amended in September 2019 and September 2023]*

Re-use of Old Publicity Boards

7.42 A candidate may re-use old publicity boards used at a previous election. However, any information in relation to the previous election, such as the candidate number, name of constituency, party affiliation and names of persons who supported the candidate at that election, should be updated with the information in relation to the current election to avoid confusion to electors or violation of the law by not obtaining consent of support from certain persons at the current election. The cost incurred in refurbishing as well as the estimated value of the old publicity boards will be counted towards the candidate's election expenses. *[Amended in September 2011 and September 2023]*

Size

7.43 As a general rule, EAs displayed at designated spots should not exceed 1 metre high and 2.5 metres long. In the case of designated spots at roadside railings, the promotional messages of the relevant EAs must be **printed on one side only and facing the designated direction of the spots**. Before displaying any EAs, candidates are reminded to ensure that the EAs must not distract motorists or interfere with the sight lines of motorists and pedestrians, obscure any traffic sign or traffic light signal, or obstruct the circulation of pedestrians (see para. 7.31 above). For the rules on display of joint advertisements, see para. 7.40 above. *[Amended in September 2007, August 2008, September 2012, September 2015, September 2019 and September 2023]*

Mounting and Installation

7.44 The EAs must be firmly and separately fastened. The mounting and display of EAs must not cause any risk of injuries or property damage. *[Amended in September 2012]*

7.45 Permanent fixing devices, such as nails or insoluble glue, should not be used.

7.46 “Tie-on” posters (rather than “stick-on” posters or metallic wires) should be used to facilitate subsequent removal. *[Amended in September 2012]*

7.47 Use of metal wires for fixing flags onto any highway structure, railing, barrier, fence, post or any other street furniture, is strictly prohibited. *[Added in September 2019]*

7.48 Do not stick EAs on painted or varnished surfaces as their subsequent removal will cause damage or leave irremovable marks.

7.49 Do not excavate or erect any structure on public pavements, such as nailing boards to the ground. Do not use any tree or plant as anchor point for EAs. *[Amended in September 2012 and September 2023]*

7.50 Owners or occupiers of a property including a government authority may specify the way in which EAs are to be displayed, and may require an indemnity against any claim or damage arising from the display of such materials.

Dismounting

Government land / Property

7.51 All candidates should remove all their EAs displayed on government land/property **within 10 days** following an election. Failure to remove all EAs within the specified period may result in prosecution being brought against the offending candidate and such EAs removed and seized by the relevant authorities. The authorities will issue demand notes for the removal costs to the candidates concerned within 21 days after the publication of the election results in the Gazette (normally the first Friday after the polling day). The **cost of removal** will be construed as **election expenses** and the candidates must include all these costs as election expenses in their election returns. *[Amended in September 2007, September 2011, September 2012 and September 2019]*

Private land / Property

7.52 For EAs displayed on private land/property and on the windows or bodywork of any public service vehicles (e.g. public light buses, taxis, etc.), candidates should inform the owner or occupier of the private land/property concerned, and owner or manager of any public service vehicles to arrange the removal of all EAs as soon as possible after the election. If building works (including removal of signboards) in private premises or on private land are involved for the removal of an EA, the relevant provisions of the Buildings Ordinance (Application to the New Territories) Ordinance or the BO and its subsidiary regulations should be complied with. *[Added in September 2023]*

**PART VI : APPLICATION FOR TEMPORARY OCCUPATION OF
GOVERNMENT LAND AT PUBLIC PLACE FOR HOLDING
ELECTIONEERING ACTIVITIES**

7.53 For temporary occupation of government land including any public street, pavement, footbridge, public escalator system and pedestrian tunnel for holding electioneering activities (e.g. setting up a manned street counter and displaying EAs which may include banners, roll-up banners and vertical flying posters or bunting), candidates are required to submit applications specifying the scheduled date, time, location/spot and brief description of the proposed set-up to the relevant District Lands Office (“DLO”) of the Lands Department for consideration. DLOs will only consider applications from validly nominated candidates and applications from uncontested candidates will not be considered. The site approved for occupation must not exceed 2 m² (i.e. 1 m x 2 m) in area and 2 m in height. The DLO will consult the government departments concerned in considering the applications. Where necessary, the DLO may adjust the location of the government site to be occupied in light of the physical setting and actual

situation. The decision of the DLO shall prevail. *[Added in September 2015 and amended in September 2023]*

7.54 The Lands Department will issue detailed guidelines for candidates to apply for temporary occupation of government land at public places for holding electioneering activities during the election period. The deadlines for submission of applications will be specified in the guidelines. Applications should be submitted to the relevant DLO according to the designated deadlines. Applications for occupying government land on the polling day should be submitted to the relevant DLO by the deadline as specified in the guidelines. The DLO will arrange drawing of lots to determine the allocation if necessary. On the polling day, the approval will be deemed to have been revoked if and when the allocated spot falls within the NCZ. *[Added in September 2015]*

7.55 The DLOs will not consider applications for holding electioneering activities on government land outside the designated periods. No fee is required for the applications above. The display of EAs will not be permitted for a street counter not manned by staff. *[Added in September 2015]*

PART VII : REQUIREMENTS RELATING TO PUBLICATION OF ELECTION ADVERTISEMENTS

Copies for Public Inspection

7.56 In accordance with the provisions in s 106(2) and (3) of the EAC (EP) (DC) Reg and the requirements of the EAC, a candidate must make available a copy of each of his/her EAs and the relevant information/documents (see **Appendix 4**), including the publication information, permission or consent

in relation to the EAs, for public inspection **within three working days** (i.e. any day other than a general holiday and Saturday) **after the publication of the EAs** by the following means:

- (a) posting an electronic copy of each of his/her EAs and the relevant information/documents onto the Central Platform in accordance with the procedures set out in **Appendix 4**⁴¹;
- (b) posting an electronic copy of each of his/her EAs and the relevant information/documents onto the Candidate's Platform and providing the **electronic address** of the platform to the CEO **at least three working days before the publication of the first EA** (see **Appendix 4** for details);
- (c) if it is technically impracticable to comply with item (a) or (b) above for EAs published through an open platform on the Internet (e.g. when messages are exchanged on social networking or communication websites on the Internet, such as Instagram, Facebook or blogs, in a real-time interactive manner), posting hyperlinks of the EAs that are published through such open platform and the information/documents relevant to the EAs onto the Candidate's Platform or the Central Platform in accordance with the procedures set out in **Appendix 4**. In this case, if the hyperlink of the EAs has already been posted onto the Candidate's Platform or the Central Platform, there is no need for the candidate to upload each and every comment separately. Candidates must note that they must comply with the requirements set out in para. 1(b) of **Appendix 4** when they are

⁴¹ If the content and the manner/media of publication of the EAs are the same, candidates are only required to fill in clearly the number of publication (state the number of each type of recipients when the same message is published to a number of recipients), the manner/media of publication and other information, and upload one sample of that EA onto the Candidate's Platform or the Central Platform instead of posting each and every EA published separately.

posting the hyperlink to the entire website or to the dedicated social media page instead of the hyperlink of that EA;

- (d) providing two hard copies of each EA (or two identical full colour photographs/printouts/photocopies of each EA which cannot be practically or conveniently produced in specie) and a hard copy of the information/documents relevant to the EA to the RO; or
- (e) providing two identical copies of a CD-ROM or DVD-ROM each containing the EAs and a hard copy of the information/documents relevant to the EAs to the RO.

As an interim arrangement, pending the appointment of the RO and the establishment of the Central Platform, the candidates should deposit their EAs and the related information/documents with the CEO in the same manner as stated in item (d) or (e) above.

IMPORTANT :

According to s 106(9) of the EAC (EP) (DC) Reg, candidates who fail to comply with the above requirement commit an offence and shall be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months.

[S 106(2), (3) and (9) of the EAC (EP) (DC) Reg] *[Amended in September 2012, September 2019 and September 2023]*

Publication Details

7.57 A candidate should provide the information related to his/her EAs (e.g. number of copies published, date of publication, manner of publication

and details of printing (if applicable) (see Part VIII of this chapter) etc.) when posting the EAs onto the Candidate's Platform or Central Platform (see **Appendix 4**) or submitting the relevant information in a specified form to the RO **within three working days after the publication of the EAs** [s 106(1)(a), (4) and (6) of the EAC (EP) (DC) Reg]. A candidate must ensure the accuracy of all the information provided. *[Amended in September 2007, September 2012, September 2015 and September 2023]*

7.58 If the information of the EAs uploaded onto the Candidate's Platform or Central Platform or provided to the relevant RO as set out in para. 7.57 above contains a mistake, the candidate should post the corrected information onto his/her Candidate's Platform or the Central Platform or submit the corrected information in a specified form to the RO for public inspection. All the corrected information must be posted onto the Candidate's Platform or Central Platform or deposited with the relevant RO **within three working days at the latest after the polling day**. The corrected information will be used as the basis for checking the candidate's election return and for removing unauthorised or offending EAs on display. For the avoidance of doubt, any amendment to the content of an EA will be regarded as the publication of a new EA and hence subject to the requirements stated in paras. 7.56 and 7.57 above. However, if it involves only the addition of a candidate number allocated to the candidate onto a published EA, then it suffices to have a copy of the EA bearing the newly added particulars and the corrected information made available for public inspection in accordance with this paragraph. *[Amended in September 2012 and September 2019]*

7.59 Speeches orally delivered by a candidate during election meetings or ad hoc visits will not be treated as EAs, but speeches published in any form (e.g. the copies of speeches provided to the audience or media) will be regarded as EAs, the candidates concerned are required to comply with the requirements in this chapter regarding the publication of EAs. If the copies of speeches

provided to the audience are regarded as printed materials, the candidates concerned are also required to comply with the requirements in this chapter regarding printed election materials. *[Added in September 2007, amended in September 2011, September 2012 and September 2023]*

7.60 In the circumstances where candidates contesting in different constituencies use identical copies of an EA, these candidates should each submit an electronic copy or printed copy of the EA in accordance with the requirements set out in para. 7.56 above. [S 106(2) and (3) of EAC (EP) (DC) Reg] *[Amended in September 2012, September 2019 and September 2023]*

7.61 A candidate electing to comply with para. 7.56(b) above must ensure that the Candidate's Platform is maintained with the electronic copies of all EAs kept therein till the end of the public inspection period (i.e. the period ending with the 60th day before the first anniversary of the date of the deadline for lodging the relevant election return) to enable public inspection of the EAs [s 41(6)(b) of the ECICO and s 106(2)(b) of the EAC (EP) (DC) Reg]. The CEO will also make public the Central Platform and the electronic address of the Candidate's Platform for public inspection of the EAs. For a candidate electing to comply with para. 7.56(d) or (e) above, the RO concerned will keep and make available a copy of the EAs and the relevant information/documents for public inspection at a specified address as soon as practicable after copies of such EAs and information/documents have been furnished till the end of the aforesaid public inspection period [s 106(7) of the EAC (EP) (DC) Reg]. *[Amended in September 2012, September 2019 and September 2023]*

PART VIII : REQUIREMENTS RELATING TO PRINTED ELECTION MATERIALS

Printing Details

7.62 All printed EAs, with the exception of those printed in a registered local newspaper, should bear the printing details in Chinese or English stating the name and address of the printer, the date of printing and the number of copies printed. It applies to all materials reproduced by any method of producing copies (e.g. using printing machines, duplicators or photocopiers). The following are some suggested formats:

(a) Printed by ABC Printing Works,
XX XZY Street, HK
On (date) in (number) copies

or

(b) Printed by own office machine
XX XZY Street, HK
On (date) in (number) copies

[S 106(4), (5) and (6) of the EAC (EP) (DC) Reg] *[Amended in September 2011 and September 2012]*

Election Advertisements Placed in Print Media

7.63 Where an EA is placed in the print media and takes the form of a news report or any other form which does not clearly show that it is an EA, the words “**Election Advertisement**” or “**選舉廣告**” must be stated in the advertisement, to avoid misunderstanding among readers that it is not an EA.

Inadvertent Omission of Printing Details

7.64 A candidate who has inadvertently omitted the printing details from his/her printed EAs can make a statutory declaration to give the omitted details, and deposit such declaration with the relevant RO **within seven days after the publication** of the offending EA [s 106(6) of the EAC (EP) (DC) Reg]. Candidates who have taken this remedial step will not be prosecuted for contravention of s 106(4) of the EAC (EP) (DC) Reg. The statutory declaration will be made available for public inspection by the relevant RO till the end of the period in which copies of election returns are available for inspection under s 41(6)(b) of the ECICO [s 106(7) of the EAC (EP) (DC) Reg]. *[Amended in September 2012, September 2019 and September 2023]*

PART IX : NON-COMPLIANCE WITH THE LAW AND ITS CONSEQUENCES

Enforcement and Penalties

7.65 A candidate who fails to comply with the requirements set out in Parts VII and VIII of this chapter commits an offence and is liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months [s 106(9) of the EAC (EP) (DC) Reg]. *[Amended in September 2012]*

7.66 Each candidate must comply with the conditions imposed by the permissions or authorisations for the display of EAs. Any EAs displayed in contravention of these requirements will be removed and seized. Candidates and their supporters should report any non-compliance to the RO and should not take removal action themselves against any unauthorised or offending EAs. *[Amended in September 2019]*

7.67 Any unauthorised or offending EAs displayed may be seized, disposed of, destroyed, obliterated or covered by the RO or any person authorised by him/her [s 108 of the EAC (EP) (DC) Reg]. The candidate or his/her election agent responsible for the matter may also be prosecuted and liable on conviction to a fine and to imprisonment [s 106(9) of the EAC (EP) (DC) Reg]. The cost of removal, being a civil debt, will be counted as election expenses and must be reported in the candidate's election return. The seized articles may be kept as evidence and will be disposed of or returned upon application in accordance with the PHMSO or the Housing Ordinance (Cap 283), as the case may be, and the procedures of the relevant authority. [S 104C of the PHMSO and s 24 of the Housing Ordinance] *[Amended in September 2007 and August 2008]*

7.68 Any additional charges or compensations, incurred by a candidate due to violation of the conditions agreed between him/her and the owner or occupier of the private land or property concerned for the display of EAs, or any other reasons, may be construed as election expenses.

7.69 Complaints on EAs, if any, should be made to the relevant RO. After a complaint is received, the EAC may also issue a public statement in such manner as it deems fit to reprimand or censure any non-compliance with the Guidelines, and/or make referral to relevant departments for follow-up action.

Relief for Election Advertisements

7.70 Candidates and their agents bear the responsibility to better understand and comply with relevant laws and the requirements in this set of Guidelines. However, a person who publishes an EA without complying with the requirements as set out in paras. 7.56 (except the requirement for submitting the written permission or authorisation under s 104A(1) of the

PHMSO), 7.57, 7.58 and 7.62 above may apply to the CFI for an order allowing the publication of the above EAs to be excepted from the relevant requirements and relieving him/her from the penalties. The CFI may make such an order provided that the CFI is satisfied that the non-compliance was due to inadvertence, an accidental miscalculation or any reasonable cause and was not due to bad faith. [S 107 of the EAC (EP) (DC) Reg] The judgment of a precedent court decision⁴² regarding applications for the relief of election-related penalties and liabilities is extracted below:

“... if an applicant did not place enough significance on the obligation to file an election return, the court would require some good reason before it should exercise its discretion to grant relief. Section 40(2) gives the court a discretion. I think it is important that the discretion should be exercised in a manner which is consistent with the integrity of our election legislation. Those participate in election should be aware that these are serious matters and therefore they should take reasonable steps to comply with their legal obligation at the time when they put themselves forward as a candidate for any election.”

[Amended in September 2012 and September 2023]

**PART X : ADVERTISEMENTS OF POLITICAL BODIES,
PROFESSIONAL BODIES, TRADE ORGANISATIONS OR
OTHER ORGANISATIONS**

7.71 Any form of publication published by any organisation, including a political body, professional body or trade organisation, owners’ corporation,

⁴² *Yiu Chun Fat* (HCMP 1482/2007), *Leung Wai Kuen Edward v. Secretary for Justice* (HCMP 1321/2012) and *Lee Hin Long (Timothy Lee) v. Secretary for Justice* (HCMP 1183/2020).

tenants' association or owners' committee, etc., which advertises its platform or services **with reference to a candidate** (irrespective of whether or not the candidate concerned is its office-bearer or member) **during or even before the election period** by name or photograph or otherwise with the intent to promote the election of the candidate at the election may be treated as an EA put up by, or on behalf of, or on account of, the candidate. The expenses of such EA may be construed as election expenses incurred by or on behalf of the candidate. A candidate should be responsible for election expenses incurred by himself/herself or his/her authorised election expense agents, excluding those incurred without his/her knowledge and consent. It is therefore a prudent step for the relevant organisations to suspend such advertising activities. However, if the material published by the organisation concerned, as opposed to the candidate himself/herself, advertises only a particular activity which:

- (a) is organised from time to time either as part of the organisation's normal functions, and/or according to the local tradition;
- (b) is not related to the election; and
- (c) does not explicitly or implicitly promote or prejudice the election of a candidate at the election,

then the appearance of the name and/or photograph of a candidate who is involved in organising the activity in the published material will not be regarded as an EA. *[Amended in September 2019 and September 2023]*

7.72 It is an offence for anyone to incur election expenses unless he/she is a candidate or an election expense agent of a candidate. [S 23 of the ECICO]

7.73 To protect their own interest, candidates should advise their political bodies or their organisations of these guidelines as soon as they have any intention or plan to run for an election.

7.74 In short, if any organisation, including a political body, publishes an EA promoting a candidate, then:

- (a) the expenses incurred will be treated as the candidate's own election expenses;
- (b) the officer-in-charge of the organisation must be authorised in writing by the candidate to be the candidate's election expense agent before any election expense is incurred, or else the organisation or the responsible person commits an offence under s 23 of the ECICO;
- (c) such advertisement must comply with the requirements of s 106 of the EAC (EP) (DC) Reg; and *[Amended in September 2012]*
- (d) such advertisement can only be displayed at the locations with the relevant written permission or authorisation. *[Amended in September 2015]*

PART XI : FREE POSTAGE FOR ELECTION ADVERTISEMENTS

Conditions for Free Postage

7.75 A candidate of a constituency who has been declared validly nominated in the notice of valid nominations published in the Gazette in accordance with regulations made under the EACO is permitted to send **one** letter to each elector of the constituency for which he/she is validly nominated

free of postage [s 37 of the DCO]. However, before the publication of the notice of valid nominations in the Gazette, a candidate wishing to exercise his/her right to free postage must furnish the Postmaster General with a security (i.e. the postage of all items in that bulk to be posted) which will cover the postage payment in the event that his/her name is not subsequently shown in the notice of valid nominations aforesaid. [S 6(2)(a) of the Post Office Regulations (Cap 98A)] *[Amended in September 2012]*

7.76 The purpose of the free postage is to enable the candidate to mail EAs to promote or advertise himself/herself in relation to the election to electors in the relevant constituency. The free postage arrangement, which is a privilege of validly nominated candidates, should not be abused. In particular, it cannot and should not be used for any other purpose or any other election or for promoting or advertising any other person. **As a general requirement, a candidate should publish EAs in accordance with all applicable laws and this set of Guidelines. In this regard, EAs sent by a candidate through free postage should not contain any unlawful content.** *[Amended in September 2019]*

7.77 Specifically, the letter must:

- (a) be posted and delivered to an address in Hong Kong;
- (b) contain materials relating only to the candidature of the candidate at the election concerned; *[Amended in September 2015]*
- (c) not exceed 50 grams in weight;
- (d) be not larger than 165 mm x 245 mm and not smaller than 90 mm x 140 mm in size; *[Amended in September 2023]*

- (e) not exceed 5 mm in thickness at any part of the letter; and
[Added in September 2023]
- (f) not contain any obscene, immoral, indecent, offensive or libellous writing, picture or other thing. *[Added in September 2019]*

[S 102(2) of the EAC (EP) (DC) Reg and s 32(1)(f) of the Post Office Ordinance (Cap 98)]

IMPORTANT :

Under s 102(5) of the EAC (EP) (DC) Reg, a candidate sending postage-free mail items to electors in bulk is liable for payment of postage for all items in that bulk if any item therein does not meet the requirements in items (a) to (e) above. Besides, according to s 32(1)(f) of the Post Office Ordinance, item (f) above refers to prohibited articles.
[Amended in September 2007 and September 2023]

Postal Requirements Stipulated by Hongkong Post

Make-up

7.78 The letter may take the form of an envelope, a lettergramme, a postcard or a folder. Items in roll form or enclosed in plastic wrappers are **not** acceptable.

7.79 Postcards and folders must be made of ordinary cardboard or paper not less than 0.25 mm thick, and must be rectangular in shape.

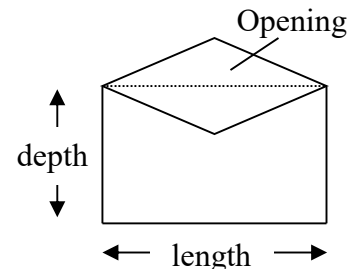
7.80 When a wrapper is used, it must be long enough to cover the full length of the item to be enclosed. Envelopes must not be fastened with staples or paper fasteners with sharp or pointy edges, but they may be sealed by means of an adhesive flap or tape.

7.81 Envelopes, folders and lettergrammes with an opening large enough to entrap smaller letters are prohibited. The **unsealed mail item** contained in envelopes with ordinary tuck-in flaps may be used subject to the following size limits (s 6.3 of the Post Office Guide):

Not over 90 mm in depth - opening not over 150 mm in length

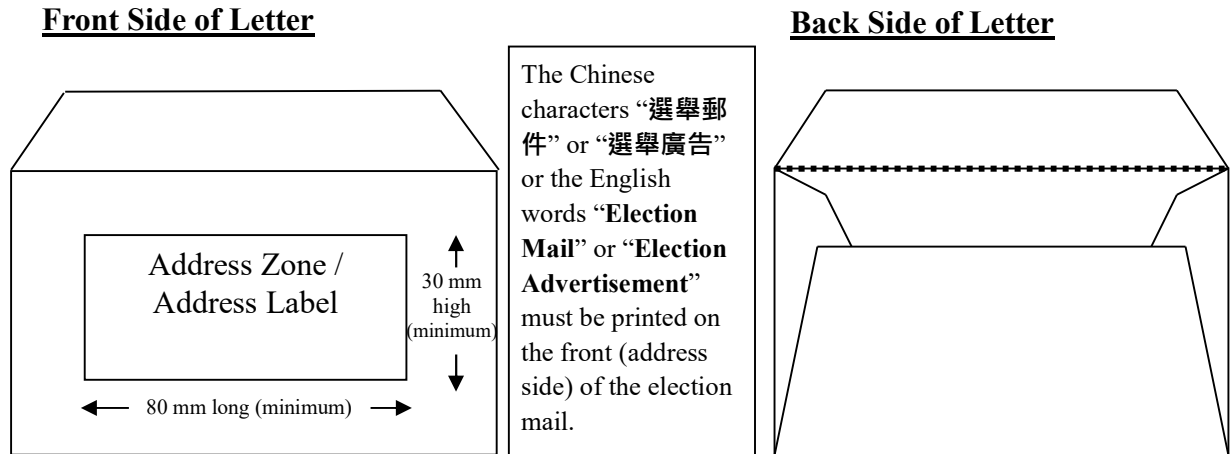
Not over 100 mm in depth - opening not over 140 mm in length

Over 100 mm in depth - opening not over 115 mm in length



7.82 Folders (e.g. A4 size paper) with openings should be sealed by means of adhesive flap or tape to avoid entrapping other letters of smaller sizes. All open edges must not be longer than 90 mm in width. Otherwise, adhesive tapes should be applied to the middle of the open edges to reduce the width. See the illustration in **Appendix 5** for details. *[Amended in August 2008]*

7.83 **The Chinese characters “選舉郵件” or “選舉廣告” or English words “Election Mail” or “Election Advertisement” must be printed on the front (address side) of the election mail or the folder (unenveloped mail). The layout of the election mail is as follows:**



[Amended in September 2007, August 2008 and September 2019]

Address

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

Name of addressee

Floor and flat number and name of building

Street number, name of street

Name of district

7.85 Address slips may be used for the mailing of EAs, provided that they are legible and **securely affixed** to the election mail. *[Amended in September 2007]*

IMPORTANT :

For the purpose of posting election mail, candidates may request the REO to provide one set of mailing labels in respect of the electors of the relevant constituencies and/or USB flash drives containing the “Candidate Mailing Label System”. To protect

the environment and respect the wishes of electors, candidates will not be provided with mailing labels in respect of electors who have provided their e-mail addresses for receiving EAs or who have indicated that they do not wish to receive any EA. *[Added in September 2019 and amended in September 2023]*

7.86 The name of the candidate and other publicity slogans, including photographs, should appear on the back or the front (address side) of the mail item. An address zone of at least 80 mm long and 30 mm high, preferably at the right-hand half or at the centre of the front (address side), should be reserved exclusively for the address. If an adhesive address label is used, it should not be less than 80 mm long and 30 mm high. The address label should only contain the name and address of the elector. The whole address zone and address label should be free of advertisement and the entire address label should be affixed to the address zone on the front of the mail item. The background colour of the address zone and address label should be white while the text colour of the postal address should be black. (See the clear illustration in para. 7.83 above) *[Amended in September 2007 and August 2008]*

7.87 No free postage will be given to any EA bearing an address outside Hong Kong. Specifically, **only one address is allowed on the postage-free election mail to electors.** *[Amended in August 2008]*

Posting Arrangements

7.88 In order to allow adequate time for Hongkong Post to process election mail during the election period, candidates are advised to send their postage-free EAs **before the posting deadline as designated by Hongkong Post.** Candidates and their agents are therefore **reminded that mail sent after**

the posting deadline will likely fail to reach the electors before the polling day. *[Amended in September 2007]*

7.89 Candidates should apply for a written approval from Hongkong Post of their EA specimens for free postage. They should read carefully the requirements regarding free postage for EAs before deciding on the content of their EAs, and should seek advice from Hongkong Post relating to the postal requirements and from the REO in respect of other matters as appropriate if in doubt. Candidates should make every effort to submit their EA specimens to Hongkong Post for written approval as early as possible before mass production of their EAs so as to allow sufficient time for revising the content of their EA specimens when necessary. *[Added in September 2011]*

7.90 Candidates should submit three unsealed specimens of their EAs, together with a “Notice of Posting of Election Mail” in duplicate (the notice will be provided by the REO to the candidates when they submit their nomination forms) to the designated manager(s) of Hongkong Post for written approval. At least **two clear working days** (excluding any Saturday, Sunday and general holiday) are required for Hongkong Post to process each set of specimens, and the EA should only be posted after an official approval has been received from Hongkong Post. As Hongkong Post may have to process a large quantity of EA specimens at the same time, there is no guarantee that the EA specimens will necessarily be approved in two working days immediately after the submission. *[Amended in September 2007, August 2008, September 2011, September 2015 and September 2019]*

7.91 To save time, candidates may consider submitting their EA specimens before being assigned with a candidate number or confirming the printing details of the election mail. Once the specimens concerned have been approved in writing by Hongkong Post, candidates may insert the candidate number or printing details into the election mail **without altering the**

approved design and content of the election mail. There is no need for the candidates to re-submit the revised specimens to Hongkong Post for approval.
[Added in September 2019]

7.92 To comply with the relevant requirements, candidates should attach the translations in Chinese or English together with the “Notice of Posting of Election Mail” if the EA specimens submitted contain languages other than Chinese and English. *[Added in September 2023]*

7.93 Candidates should post their postage-free election mail at the respective post offices designated by Hongkong Post for the election concerned. When posting those mails, candidates should furnish a copy of the election mail to such post office for record purpose. *[Amended in September 2007, September 2011 and September 2019]*

7.94 The election mail should be packed in bundles of 50 or 100 for easy counting. All of them must be stacked on the same side and arranged in the same order as the address labels/address lists (e.g. by building name or block number) provided by the REO. *[Amended in August 2008 and September 2019]*

7.95 When posting a mail item, the candidate or his/her election agent must present a signed “Declaration for Posting of Election Mail” (which will be given to the candidate by the REO when he/she submits the nomination form) **in duplicate** (the original to be kept by Hongkong Post while the duplicate copy to be duly signed by Hongkong Post and kept by the candidate or his/her election agent as a confirmation of the posting) on each occasion:

- (a) stating the quantity of mail items in the posting and the name of the candidate;

- (b) declaring that the mail to be sent is the postage-free mail of the candidate;
- (c) declaring that each mail packet contains materials relating only to the election concerned and that the item is identical to the unsealed specimen submitted by the candidate or his/her election agent for inspection and application for approval; and
[Amended in September 2012]
- (d) declaring that not more than one postage-free mail item will be sent to any of the electors.

It is important to note that under s 102(5) of the EAC (EP) (DC) Reg, a candidate sending postage-free mail items to electors in bulk is liable for the payment of postage for all the items in that bulk if the declaration made by him/her or his/her election agent is false in any particulars.

[Amended in September 2007, September 2011 and September 2023]

7.96 If a candidate sends the election mail in more than one batch, he/she must present the same “Declaration for Posting of Election Mail” at the same designated post office on each occasion. *[Amended in September 2011 and September 2023]*

7.97 If the name, logo or pictorial representation of another person or an organisation is included in the election mail, and the publication is in such a way as to imply or to be likely to cause electors to believe that the candidate has the support of the person or organisation concerned, the candidate must ensure that **prior written consent** has been obtained from the person or organisation concerned. See Chapter 17 for the detailed requirements.
[Added in September 2019]

7.98 The Government reserves the right to charge a candidate postage if any of the requirements under s 102(5) of the EAC (EP) (DC) Reg is not met or the free postage arrangements are abused in any way. The charge on postage counts towards the candidate's election expenses and must be included in his/her election return to be sent to the CEO. The EAC may also issue public statements in such a manner as it deems fit to censure any abuse of the free postage arrangements. *[Amended in August 2008]*

7.99 **The postal requirements stated in the above guidelines (paras. 7.78 to 7.96) are for general reference only. Candidates should comply with the latest requirements issued by Hongkong Post at the time of the election concerned.** *[Added in August 2008]*

Enquiries

7.100 For general enquiries concerning the posting of EAs, please contact:

Assistant Manager (Retail Business Support/Hong Kong)
Room 1M05
General Post Office
2 Connaught Place
Central
Hong Kong

Telephone: 2921 2190 / 2921 2307

Fax: 2501 5930

[Amended in September 2007, August 2008, September 2011 and September 2015]

**PART XII : ELECTION ADVERTISEMENTS FOR REGISTERED
ELECTORS IN THE CUSTODY OF CORRECTIONAL
SERVICES DEPARTMENT AND OTHER
LAW ENFORCEMENT AGENCIES**

7.101 Candidates may send EAs to registered electors held in custody in individual penal institutions if the electors have provided the addresses of the penal institutions concerned as their correspondence addresses for receiving EAs. For security reasons, candidates should adhere to the guidelines laid down by the CSD at **Appendix 16** when sending EAs to these electors. *[Added in January 2010, amended in September 2015 and September 2019]*

7.102 Candidates may note that registered electors imprisoned or held in custody by law enforcement agencies may have access to election-related information through the mass media in accordance with the existing policies of the law enforcement agencies on access to the mass media. *[Added in January 2010]*

**PART XIII : COMMERCIAL ADVERTISEMENTS RELATING TO
CANDIDATES**

7.103 Any commercial advertisement showing the portrait and/or name of a candidate (e.g. commercial advertisements displayed on the bodywork of buses or the exterior walls of buildings) will not be regarded as an EA if it is merely for business promotion without any intention to promote or prejudice the election of any candidate at the election. However, such a commercial advertisement may give extra publicity to the candidate concerned even though it is not an EA. In order to avoid such unfair publicity, the candidate should make his/her best endeavours to request the person-in-charge not to display the advertisement after his/her declaration of intention to stand for the election or

during the election period. The EAC appeals to persons-in-charge of such cases to accede to the request as far as practicable in order to avoid giving unfair publicity to the person concerned. Nevertheless, if the display of the advertisement cannot be suspended due to contractual obligation and the candidate has made best his/her endeavours to request the person-in-charge not to display the advertisement, the candidate will not be subject to any liability. (For commercial advertisements broadcast on television/radio or in cinemas, see paras. 10.31 to 10.32 of Chapter 10.) *[Added in September 2019 and amended in September 2023]*