

CHAPTER 14

PROHIBITION AGAINST CANVASSING ACTIVITIES OUTSIDE POLLING STATIONS

PART I : GENERAL

14.1 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 voters/ARs 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 immediately outside the entrance/exit of a polling station to avoid any obstruction of the entry/exit. *[Amended in September 2016 and July 2021]*

14.2 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. *[Added in July 2021]*

14.3 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 voters/ARs, etc. for the purpose of canvassing votes. For details, please refer to **Appendix 7**. *[Added in July 2021]*

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

14.4 The RO for a subsector must determine, in respect of each polling station designated for that subsector 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 the 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 40(1) of the EAC (EP) (EC) Reg]. *[Amended in September 2006 and September 2016]*

14.5 For a polling station which is used for more than one subsector, the determination of the NCZ and NSZ is to be made by the RO specified for the purpose by the CEO [s 40(2) of the EAC (EP) (EC) Reg].

14.6 The RO who made the determination of an NCZ and an NSZ in respect of a polling station must, at least **7 days** before the polling day, give a notice of the determination to the candidates of his/her own subsector and, where appropriate, to the ROs of other subsectors for which polling will be held at the polling station; and thereafter each of the ROs of these other relevant subsectors must give the notice of the determination to the candidates of his/her own subsectors as soon as practicable [s 40(3), (4), (5) and (6) of the EAC (EP) (EC) Reg]. *[Amended in September 2006]*

14.7 The notice will be given in writing, and delivered by hand, by post, by electronic mail or by facsimile transmission, to the candidates or to the election agents or to the polling agents of the candidates [ss 40 (3), (4), (12) and 95(2) of the EAC (EP) (EC) Reg]. *[Amended in September 2016]*

14.8 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. 14.7 above [s 40(7)

of the EAC (EP) (EC) Reg]. The notice of variation of an NCZ or NSZ on the polling day may however be given orally if delivering it in the manner as referred to in para 14.7 above is not practicable or is not suitable in the circumstances [s 95(3) of the EAC (EP) (EC) Reg]. However, a notice of variation need not be given to the candidates if it is not reasonably practicable to do so before the close of poll [s 40(11) of the EAC (EP) (EC) Reg]. *[Amended in September 2016 and July 2021]*

14.9 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 40(8), (9) and (10) of the EAC (EP) (EC) Reg].

14.10 The RO who is empowered to determine 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 40(9A) and 89 of the EAC (EP) (EC) Reg]. *[Amended in September 2006 and October 2011]*

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

14.11 Canvassing activities (including displaying or wearing of promotional 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. 14.12 below [s 40(14) of the EAC (EP) (EC) Reg]. *[Added in July 2021]*

14.12 Apart from the building in which the polling station is located, no

canvassing is allowed on the street level (i.e. ground floor) within the 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 within an NCZ, provided that permission has been obtained for entry into the building for canvassing votes, that no obstruction is caused to any person, and that 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 any candidate at the election) or any material making direct reference to a body any member of which is standing as a candidate in the election or to a political body in Hong Kong, may be allowed but in no case to appear on the street level within the NCZ [s 40(14), (14A), (15) and (16) of the EAC (EP) (EC) Reg]. *[Amended in September 2006, September 2016 and July 2021]*

14.13 Where there are private premises situated within the NCZ, the ROs should issue a notice in advance to all the candidates in the subsectors concerned asking them to remove all of their EAs, posted up at the private premises within the NCZ before the polling day. The exhibition of portable displays 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 the candidates fail to remove the EAs as requested by the ROs, the ROs may issue a warning to them 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 7**. *[Amended in September 2006, September 2016 and July 2021]*

14.14 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. 14.12 above in the NCZ in respect of his/her polling station to persuade or induce any voter/AR to vote or not to vote [s 41(1) of the EAC (EP) (EC) Reg]. Any unauthorised display of EAs in the area will be removed by the RO or other persons authorised by the RO [s 110 of the EAC (EP) (EC) Reg]; and any person found to have conducted canvassing activities prohibited in the area will be asked to leave the area [s 41(2) of the EAC (EP) (EC) Reg]. *[Amended in September 2006 and September 2016]*

14.15 The use of loudspeakers or loud-hailers will not be permitted within the NCZ, nor will any such device or any activity (e.g. lion dance) be permitted in the vicinity so that the sound emitted can be heard within the NCZ [ss 40(14) and 41(1) of the EAC (EP) (EC) Reg]. However, an officer of the CSD may on the polling day use a sound amplifying system or device for the performance of his/her duties in the NCZ of a dedicated polling station situated in a penal institution [ss 40(14A) and 41(1A) of the EAC (EP) (EC) Reg]. Save for canvassing activities allowed in para. 14.12, candidates and their supporters are not allowed to pass, let alone shout, appeal message to persons while inside the NCZ (see Part II of Chapter 12 regarding the use of loudspeakers). *[Amended in September 2006 and September 2016]*

14.16 Within the NCZ but immediately outside the entrance/exit of each polling station (and sometimes the entrance is also the same as the exit), there will be an **NSZ**, in which no person is allowed to stay or loiter, except where a person has been expressly permitted to do so by the PRO [ss 40(14) and 41(1)(e) of the EAC (EP) (EC) Reg]. This is for the purpose of securing safe and smooth passage of voters/ARs into and out of polling stations. *[Amended in September 2006]*

14.17 A person shall not obtain or attempt to obtain (in any manner) information as to which candidate a voter/AR 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 have regard to exit pollsters who have complied with the requirements set out in Chapter 15. [S 93(7) of the EAC (EP) (EC) Reg]

14.18 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 such officer to leave the NCZ or NSZ [ss 41(2), 45(4) and (7) of the EAC (EP) (EC) Reg]. If he/she fails to leave immediately, 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 41(3) of the EAC (EP) (EC) 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 41(4) of the EAC (EP) (EC) Reg]. *[Amended in September 2006 and January 2010]*

14.19 Nevertheless, the RO or the PRO shall not exercise their powers to order a voter/AR to leave or remove a voter/AR from the NCZ or NSZ so as to prevent him/her from voting at the polling station allocated to that person [ss 41(5), 44(14) and 46(5) of the EAC (EP) (EC) Reg]. *[Amended in July 2021]*

PART IV : PENALTY

14.20 Any canvassing within an NCZ except those exempted and any conduct prohibited under paras. 14.16 and 14.18 above will be an offence and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 3 months [s 45(7) of the EAC (EP) (EC) Reg]. Any attempt to obtain information as described in para. 14.17 above without the necessary permission will be an offence under s 93(10) of the EAC (EP) (EC) Reg and will be liable to a fine at

level 2 (\$5,000) and to imprisonment for 6 months. *[Amended in October 2011 and September 2016]*