

Supplementary Information to
the Guidelines on Election-related Activities
in respect of the Legislative Council Election
Issued by the Electoral Affairs Commission in October 2021

Candidates, members of the public and organisations/institutions must comply with the Guidelines on Election-related Activities in respect of the Legislative Council Election issued by the Electoral Affairs Commission (“EAC”) in October 2021. The person concerned should also note and comply with the following supplementary information for the 2022 Legislative Council (“LegCo”) Election Committee Constituency (“ECC”) By-election:

Supplementary Information (1) : Pointing out the criminal sanctions under subsisting law if candidates fail to comply with the requirements relating to publication of election advertisements (“EAs”)

CHAPTER 9 ELECTION ADVERTISEMENTS

PART VII : REQUIREMENT RELATING TO PUBLICATION OF ELECTION ADVERTISEMENTS (*Supplementing paragraph 9.59 and as shown in bold*)

According to s 105(2) and (3) of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation and the requirement of the EAC, a candidate must make available a copy of each of his/her EAs, and the relevant information/documents (see Appendix 6) including the publication information, permission or consent in relation to the EAs for public inspection within 1 working day (i.e. any day other than a general holiday or Saturday) after the publication of the EAs by the following means:

- (a) posting an electronic copy of each of his/her EAs and relevant information/documents onto the Central Platform in accordance with the procedures set out in Appendix 6;
- (b) posting an electronic copy of each of his/her EAs and relevant information/documents onto the Candidate’s Platform and provide the electronic address of the platform to the CEO at least 3 working days before the publication of the first EA (for details, please see Appendix 6);
- (c) if it is technically impracticable to comply with (a) or (b) above for EAs published through an open platform on the Internet (for example, when messages are exchanged on social networking or communication websites on the Internet, such as Instagram, Twitter, Facebook or blogs, in a real-time interactive manner), a hyperlink of the open platform and the information/documents relevant to the EAs should be posted onto

the Candidate's Platform or Central Platform in accordance with the procedures set out in Appendix 6. In this case, if the hyperlink of the EA 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;

- (d) providing 2 hard copies of each EA (or 2 identical full colour photographs/printouts/photocopies of each EA which cannot be practically or conveniently produced in specie) and a hardcopy of information/documents in relation to the EA to the RO; or
- (e) providing 2 identical copies of a CD-ROM or DVD-ROM each containing the EAs and a hardcopy of information/documents in relations to the EAs to the RO.

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

IMPORTANT:

According to s 105(9) of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation, 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.

Supplementary Information (2) : Reminding candidates and their supporters should take into account the needs of the visually impaired persons when using loudspeakers in electioneering activities

CHAPTER 10 ELECTIONEERING ACTIVITIES IN PREMISES OR BUILDINGS WHERE ELECTORS RESIDE, WORK OR FREQUENT

PART III : GUIDELINES TO BE OBSERVED BY CANDIDATES IN THE CONDUCT OF ELECTIONEERING ACTIVITIES *(Supplementing paragraph 10.23 and as shown in bold)*

Some candidates or their supporters may use loud-hailers to assist their campaign. They should exercise restraint in the use of loud-hailers so as not to create a nuisance to the persons in the vicinity, including those who live in the buildings nearby. They should be mindful that some people working shift hours need to take rest during the daytime and the noise generated from the use of loudspeakers may affect their daily life. In order to reduce the nuisance caused to members of the public, candidates are required not to use loudspeakers in electioneering between 9 pm and 9 am. If the EAC comes to know that a candidate has breached the time restriction, it may make a reprimand or

censure against the candidate. **Moreover, visually impaired persons rely upon sound to perceive surroundings, hence the need of audible signaling facilities for their daily travel. Candidates and their supporters should take such needs into account and, when using loudspeakers, stay away from locations with audible signaling devices, such as pedestrian crossings and escalators, as much as possible so as not to cause interference with the audible signals generated by barrier-free facilities and undermine the travel safety of the visually impaired.** Excessive noise will amount to an offence and the Police may be called. Anyway, it is unwise to create a nuisance through the use of loud-hailers, for the annoyance of the electors will obviously be reflected in their choice of candidates. (see also Chapter 13)

CHAPTER 13 USE OF SOUND AMPLIFYING DEVICE AND VEHICLES

PART II : USE OF LOUDSPEAKERS AND VEHICLES (Supplementing paragraph 13.5 and as shown in bold)

Although no permit is now required, any person using a loudspeaker should ensure that the noise emitted through the loudspeaker does not cause a nuisance to any other person. Under s 5(1)(b) of the NCO, making a nuisance by using a loudspeaker, megaphone, or other device or instrument for magnifying sound from which the noise emitted is a source of annoyance in either domestic premises or public places at any time of the day is an offence, and this includes use of loudspeakers attached to vehicles. Candidates should be mindful that some people working shift hours need to take rest during the daytime and the noise generated from the use of loudspeakers for electioneering activities may affect their daily life. In order to reduce the nuisance caused to members of the public, candidates are required not to use loudspeakers in electioneering between 9 pm and 9 am. If the EAC comes to know that a candidate has breached the time restriction, it may make a reprimand or censure against the candidate. Candidates should note that some members of the public may find the noise emitted from loudspeakers on vehicles disturbing. They should therefore seriously consider the public's tolerance over the sound level and try to keep the volume at a reasonable level. **Moreover, visually impaired persons rely upon sound to perceive their surroundings, hence the need of audible signaling facilities for their daily travel. Candidates and their supporters should take such needs into account and, when using loudspeakers, stay away from locations with audible signaling devices, such as pedestrian crossings and escalators, as much as possible so as not to cause interference with the audible signals generated by barrier-free facilities and undermine the travel safety of the visually impaired.**