

**Major Changes of the Guidelines on Election-related Activities  
in respect of the Rural Representative Election***(I) Amendments Pursuant to Amendments to Electoral Legislation*

- (a) Specifying the important dates in relation to registration under the standing arrangements adopted from the 2022 voter registration cycle onwards;
- (b) Specifying that for the Resident Representative elections and Kaifong Representative (“KFR”) elections, an applicant must, when submitting a new application for voter registration, provide documentary evidence to prove that the address stated in the application is the principal residential address of the applicant;
- (c) Specifying that only specified persons may inspect the registers of electors and omissions list containing the particulars of individual electors;
- (d) Specifying that a person who lodges an objection or a claim as regards the provisional register must provide sufficient information so as to inform the Revising Officer (“RevO”) of the grounds of the objection or claim. If the appellant neither appears at the hearing nor is represented at the hearing by a legal practitioner or an authorised representative, the RevO may dismiss the objection or claim, whether or not the appellant has made representations in writing regarding the objection or claim;
- (e) Updating the circumstances in which a person shall be

disqualified from being nominated as a candidate and from being elected as a Rural Representative (“RR”) for a Rural Area, and specifying that any person who, within the five years before the date of election, has vacated an office or has been disqualified from holding or entering on an office under the law for declining or neglecting to take a specified oath; or has been declared or decided in accordance with any law to be in breach of a specified oath, or to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China, shall be disqualified from being nominated as a candidate and from being elected as an RR for a Rural Area;

- (f) Specifying that the Director of Home Affairs may, by written notice, require an owner or occupier of a building occupied by any school or organisation/association/body receiving grants from the Government to make available the premises for use as a polling station or a counting station. Anyone who fails to comply with the requirement is liable to a fine of \$50,000;
- (g) Specifying the procedures for issuing ballot papers under different situations at the polling stations. For the issuance of ballot papers using the electronic poll register (“EPR”) system, an elector applying for the ballot paper(s) may observe on the display screen of the EPR system his/her name, part of his/her identity document number and types of ballot papers issued to

him/her to ensure accurate record-keeping;

- (h) Specifying that as a caring measure for electors with special needs (including persons who are not less than 70 years of age, pregnant women and persons who, because of illness, injury, disability or dependence on mobility aids, are not able to queue for a long time or have difficulty in queuing), the Presiding Officer may make special queuing arrangements for such persons with special needs, and specifying the practical arrangements to be made having regard to different ways of issuing ballot papers under different situations;
- (i) Relaxing the documentary requirement concerning an elector who has lost his/her identity document by allowing him/her to collect ballot paper(s) upon producing a memo of lost property and the original of a valid passport or similar travel document showing his/her name and photograph, without having to present a copy of his/her identity document in paper form at the same time;
- (j) Specifying the actions to be taken for polling-cum-counting stations and polling stations which are not counting stations after the close of poll (including arrangements for the delivery of ballot papers and/or counting procedures) as well as the procedures for the announcement of counting results and re-counting arrangements applicable to a Rural Area with two or more counting stations;

- (k) Lifting the requirement for the Returning Officer (“RO”) to disclose the identity card number of the election agents to candidates;
- (l) Specifying that in addition to delivering to the RO a signed notice of revocation in a specified manner, a candidate or his/her election agent may revoke the appointment of a counting agent before the close of poll by delivering the notice in person to the relevant Officer-in-charge of a counting station;
- (m) Specifying that a person (other than a candidate or his/her election expense agent) who publishes an election advertisement (“EA”) on the Internet will be exempted from the relevant criminal liability under section 23(1) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) (“ECICO”) if the only election expenses incurred are electricity charges and/or charges necessary for accessing the Internet;
- (n) Specifying that a document published by a candidate during the election period is regarded as an EA if it contains details of the work done by the candidate in the capacity of an Election Committee member;
- (o) Specifying the threshold regarding submission of invoices and receipts giving particulars of the election expenses to accompany a candidate’s election return and the limits regarding the relief for minor errors in election returns which allow correction by candidates;

- (p) Specifying that a person engages in illegal conduct if he carries out any activity in public during the election period that incites another person not to vote or to cast an invalid vote, and setting out the activities that are regarded as “activities in public”; and
- (q) Specifying that a person engages in corrupt conduct if he/she, by means of deception, induces another person (or gets another person to induce a third person) not to vote at an election, or to vote or not to vote for a particular candidate or particular candidates at an election. A person also engages in corrupt conduct if he/she wilfully obstructs or prevents another person (or gets another person to obstruct or prevent a third person) from voting at an election. In addition, it is also an offence to aid, abet, incite or attempt the said offence.

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

- (a) Specifying that in respect of the eligibility for being nominated as a candidate of an Indigenous Village election or a Composite Indigenous Village election, multiple factors and the circumstances of the case should be taken into consideration in determining whether or not a person has been “ordinarily residing in Hong Kong”;
- (b) Setting out the provisions on the postponement or adjournment of the poll/count at all or individual polling/counting stations;

- (c) Reminding candidates to ensure that they must have the factual basis for the content of any EA published by them in order to avoid disputes and lawsuits;
- (d) Highlighting that any person who needs to incur election expenses in excess of the prescribed maximum amount for reasons other than bad faith should, before incurring such election expenses, seek independent legal advice to ascertain whether the statutory requirements under section 31 of the ECICO for applying for a court relief order are fulfilled;
- (e) Informing candidates of previous court judgments on applications for relief of liability for EAs. If an applicant did not place enough significance on the obligation to file an election return, the court would require some good reasons before it could exercise its discretion to grant relief. It is important that the discretion should be exercised in a manner which is consistent with the integrity of the electoral legislation;
- (f) Reminding candidates that any commercial advertisement in physical form showing the portrait and/or name of a candidate may give extra publicity to the candidate concerned. In order to avoid such unfair publicity, the candidate should make his/her best endeavours to request the person(s)-in-charge not to display the advertisement in question after his/her declaration of intention to stand for the election or during the election period;
- (g) Reminding candidates that to prevent an election mail from

being mistakenly-detected as a spam email and blocked by the email system, candidates may take note of the sending limit imposed by the relevant email service provider before sending election mails to their electors through email in bulk. If necessary, candidates may consider first applying to their email service providers for raising the daily sending limit of their email accounts;

- (h) Reminding candidates that any information relating to an individual contained in any register of electors or extract of the register can only be used for the election-related purposes specified under the electoral legislation. Any abuse or misuse of such information, use of such information for other purposes, or disclosure of any personal data relating to a data subject without the relevant consent of the data subject by a discloser with an intent to cause any specified harm to or being reckless as to whether any specified harm would be, or would likely be, caused to the data subject or any family member of the data subject is an offence;
- (i) Specifying that in respect of “treating” relating to election meetings, if an election meeting held by a candidate involves consumption of food and drink, where the participants have shared the costs of the food and drink and no intention to influence the participants’ voting preference is involved, it may not fall within the scope of corrupt conduct under section 12 of

the ECICO. Nevertheless, since an election meeting is for the purpose of promoting or prejudicing the election of a candidate or candidates, the costs borne by each participant should be treated as election expenses and election donations. Candidates are reminded to comply with the legal requirements in this regard;

- (j) Specifying that the licensed broadcasters and print media must follow the fair and equal treatment principle when producing and publishing election-related programmes and reports. In determining whether the media is in breach of the principle, the EAC will take into consideration the overall approach and circumstances of reporting by the media organisation during the election period;
- (k) Specifying that in terms of the fair and equal treatment principle in relation to election broadcasting, media reporting and election forums, “candidate” means a person whose nomination form has been received by the RO;
- (l) Specifying that for a KFR election, due to the considerable number of seats and candidates involved, the broadcasters and the print media producing or publishing a news report or feature report on the election of a candidate may have practical difficulties in mentioning all the other candidates of the same Market Town (“MT”) in the same programme or publication. Therefore, the media may choose to provide the viewers,



listeners or readers with the total number of candidates of the same MT during the programme or in the publication, and the media platform (such as the webpage of the organisation/programme/publication) on which the names of the other candidates of the relevant MT are mentioned;

- (m) Reminding any person who intends to stand as a candidate at an election to, for the sake of prudence, remove the publicity materials previously published before he/she is nominated as a candidate or has publicly declared his/her intention to stand for the election. Such publicity materials, in particular posters or banners bearing his/her name or photograph with the intent to promote his/her election at the election in public places or common areas in buildings, may be regarded as EAs;
- (n) Reminding candidates that no canvassing activities are allowed within the No Canvassing Zone (“NCZ”) and to arrange to remove the EAs on the windows or the bodywork of any public service vehicle before the polling day if the vehicle will pass through or be parked within the NCZ on the polling day;
- (o) Reminding persons or organisations applying for conducting exit polls that approval would normally not be granted if the applicant organisation, the person(s) responsible for the exit poll or the conduct of the proposed exit poll may cause embarrassment to the EAC given its role, cause disturbance or disorder at the polling station, compromise public perception of

the credibility of the election, or lead to any public order or public health concerns, etc. It also reminds that collection and retention of any personal data of electors are not allowed. Besides, exit polls approved by the HAD should not be used for electioneering purpose under any circumstances;

- (p) Reminding persons who intend to stand for the election to pay attention to the definition of “candidate” under the electoral legislation. It covers, inter alia, anyone having publicly declared an intention to stand as a candidate at an election at any time before the close of nominations for the election. Illustration as to whether a particular item of expense would be counted as election expenses is also provided by citing the points made by the court in a relevant case;
- (q) Reminding candidates that those who fail to submit an election return as required by the law are liable to a fine and to imprisonment, and may be disqualified as those convicted of illegal conduct;
- (r) Reminding candidates to, during the election period, avoid engaging in any financial dealing which may be perceived as having an influence on a person’s voting preference and any act that may be perceived as electoral bribery;
- (s) Reminding candidates to obtain before the publication of EAs the written consent from their supporters if the names of the supporters are to be included in the EAs. Besides, to comply

with section 27(1A) of the ECICO, the written consent has to be a single document expressly stating the supporter's consent to include his/her name, logo or pictorial representation in the candidate's EAs. Regardless of the number of individual(s) signing to give consent, the written consent has to be a single document rather than a composite document comprising multiple letters, documents or a chain of correspondence messages; and

- (t) Reminding candidates to comply with the requirements under the Personal Data (Privacy) Ordinance (Cap. 486) ("PD(P)O") when handling the personal data of their supporters and to seek prior written consent from the supporters concerned if candidates intend to publish EAs or live broadcast of electioneering activities through online platforms.

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

- (a) Reminding candidates that, when using loudspeakers, they should take into account the needs of persons with visual impairment and 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.

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

- (a) Attaching the latest version of the “Guidance on Election Activities for Candidates, Government Departments, Public Opinion Research Organisations and Members of the Public” issued by the Office of the Privacy Commissioner for Personal Data to provide guidance on the compliance of the PD(P)O when conducting electioneering activities that may involve the collection and use of personal data; and
- (b) Quoting from the Reasons for Sentence of a recent court case to illustrate that the court considers election-related offences and contravention of the ECICO as serious crimes.