

Rural Representative Election
Action Checklist for Candidates

<u>Time</u>	<u>Action</u>
Before and during Nomination Period	<p>1. Obtain the following from the Returning Officer (“RO”) or a New Territories District Office (“DO”) of the Home Affairs Department (“HAD”):</p> <p>(a) “Nomination Form”</p> <p>(b) Grid paper for the production of the “Introduction to Candidates” and the “Guide on Completion of Grid paper”; and</p> <p>(c) the form of “Intention to Display Election Advertisements (“EAs”) at Designated Spots”.</p> <p>The “Nomination Form” and the form of “Intention to Display EAs at Designated Spots” can also be downloaded from the Rural Representative Election website: www.had.gov.hk/rre.</p>
During Nomination Period	<p>2. Except where the RO authorises otherwise, hand in the duly completed “Nomination Form” to the RO by the candidate in person <u>before the end of the Nomination Period</u>.</p> <p>3. Obtain from the RO a Candidate Folder containing various forms and reference materials for use by candidate participating in the election.</p> <p>4. Lodge with the RO a “Notice of Withdrawal of Candidature” if the candidate wishes to withdraw his/her candidature.</p>
Any time before, during or after handing in the “Nomination Form”	<p>5. (a) Ensure that all printed EAs, except for the category exempted, contain the name and address of the printer, date of printing and the number of copies printed.</p>

Time**Action**

- (b) Ensure that all prior written consent of support or permission/authorisation have been obtained before the publication of EAs and lodged with the RO (or the Director of Home Affairs (“DHA”) if the RO has not yet been appointed), if applicable.
- (c) (i) A candidate who chooses to post the electronic copy of the EAs and relevant information/documents onto the open platform maintained by the candidate or a person authorised by the candidate (“Candidate’s Platform”) for public inspection should provide the RO with the **electronic address** of the platform **at least 3 working days** (i.e. any day other than a general holiday or Saturday) **before the publication of the first EA**. The Candidate’s Platform, as well as the attachments uploaded, should be maintained and kept by the candidate till the end of the period during which copies of the “Return and Declaration of Election Expenses and Election Donations” (hereafter referred to as “election return”) are available for public inspection under section 41 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) (“ECICO”).
- (ii) A candidate who chooses to post the electronic copy of the EAs and the relevant information/documents onto the open platform maintained by the DHA or a person authorised by the DHA (“Central Platform”) for public inspection should submit to the DHA the “Application for Creating an Account of the Central Platform and Undertaking in respect of the Terms and Conditions in Using the Central Platform for Candidates”.

The DHA will provide each candidate with a username and 2 sets of passwords **within 3 working days** upon receipt of the duly completed application and undertaking.

Time**Action**

- (d) Make available a copy of each of the EAs and the relevant information/documents, including publication information, permission/consent of support in relation to the EAs, for public inspection **within 1 working day** after publication by:
- (i) posting an electronic copy each of all the candidate's EAs and the relevant information/documents onto the Central Platform in accordance with the procedures set out in **Appendix 4**;
 - (ii) posting an electronic copy each of all the candidate's EAs and the relevant information/documents onto the Candidate's Platform and providing the RO with the **electronic address** of the platform **at least 3 working days before publication of the first EA (for details, please see Appendix 4)**;
 - (iii) if it is technically impracticable to comply with (i) or (ii) above for EAs published through an open platform on the Internet (for example, when messages are exchanged on social network or communication websites on the Internet such as Instagram, Twitter, Facebook or blogs in a real-time interactive manner), posting a hyperlink of each of the EAs that is published through the open platform (the hyperlink to the specific EA published should be provided, rather than the hyperlink to the entire election website or dedicated social media page) 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;
 - (iv) providing 2 hardcopies each of the EAs (or 2 identical full colour photographs/printouts/photocopies of each EA which cannot be practically or conveniently produced in actual form) and 1 hardcopy of the

Time**Action**

information/documents in relation to the EA to the RO; or

- (v) providing 2 identical copies of a CD-ROM or DVD-ROM each containing the EAs and 1 hardcopy of the information/documents in relation to the EA to the RO.

Candidates may make submission as required from time to time. Candidates should keep records of all relevant information/documents and the EAs uploaded onto the Central Platform or lodged with the RO.

- 6. (a) Record all election expenses incurred and all election donations received.
- (b) Keep all original invoices and receipts issued by the goods or service providers for each item of expenditure of \$500 or above.
- (c) Issue a receipt to the donor for any non-anonymous donation of more than \$1,000 and keep a copy of the receipt. (Candidates may use the “Standard Receipt for Election Donations” provided by the HAD through the RO.)
- (d) Submit to the DHA, through the RO, an “Advance Return and Declaration of Election Donations” when an election donation is received (if required and as appropriate).

Any time before handing in the “Nomination Form” till the end of election period

- 7. Appointment of Election Expense Agent(s):
 - (a) Lodge with the RO (or the DHA if the RO has not yet been appointed) an “Authorisation to Incur Election Expenses”.

Time**Action**

- (b) Each candidate may appoint 1 person or more as the election expense agent(s) to incur election expenses on his/her behalf (at a prescribed amount specified by the candidate). A candidate **may** also appoint his/her election agent as an election expense agent. These agents can only incur election expenses upon appointment by the candidate. It is important to note that the appointment is not effective until it has been received by the RO (or the DHA if the RO has not yet been appointed).
- (c) An election expense agent must be a person who has attained the age of 18 years.

Any time after handing in the “Nomination Form”

8. Appointment of Election Agent:

- (a) Lodge with the RO a “Notice of Appointment of Election Agent.”
- (b) Each candidate can only appoint 1 election agent. An election agent has the authority to handle all affairs a candidate is appointed to handle under the Electoral Procedure (Rural Representative Election) Regulation (Cap. 541L) for the purposes of the election, **except**:
 - (i) to sign the “Nomination Form” or make any requisite declaration in relation to a candidate’s nomination;
 - (ii) to withdraw the candidate’s candidature;
 - (iii) to appoint an election agent;

<u>Time</u>	<u>Action</u>
	<ul style="list-style-type: none"> (iv) to appoint an election expense agent; (v) to incur election expenses save where he/she has been appointed as an election expense agent by the candidate; (vi) to revoke the appointment of an election agent or election expense agent; and (vii) to be present at a dedicated polling station situated in a maximum security prison.
	(c) An election agent must be a holder of the Hong Kong Identity Card and has attained the age of 18 years.
Any time after handing in the “Nomination Form”, but before the end of Nomination Period	<p>9. (a) If a candidate wishes to have his/her photograph and electoral message printed in the “Introduction to Candidates”, he/she should:</p> <ul style="list-style-type: none"> (i) lodge with the RO a duly completed grid paper affixed with a colour photograph of the candidate which must be in a specified size and should be taken within the last 6 months; and (ii) provide 2 additional copies of the photograph identical to the one affixed to the grid paper with the names of the candidate, the Rural Committee and Rural Area concerned labelled on the back. <p>(If a candidate does not submit the grid paper, the “Introduction to Candidates” will only show the name and number of the candidate, with the sentence “Relevant Information has not been provided by the candidate” printed in the space provided for the electoral message.)</p> <p>(b) Lodge with the RO the form “Intention to Display EAs at Designated Spots”.</p>

<u>Time</u>	<u>Action</u>
Any time after handing in the “Nomination Form”, but at least 7 days before polling day	<p>10. Lodge with the RO the “Notice of Appointment of Polling Agents for a Polling Station not Situated in a Penal Institution” by hand, by post, by electronic mail or by facsimile transmission.</p> <p>11. Lodge with the RO the “Notice of Appointment of Polling Agent for a Dedicated Polling Station Situated in a Penal Institution (other than a Maximum Security Prison) and Application for Consent to the Presence of Election Agent/Polling Agent in a Dedicated Polling Station Situated in a Penal Institution (other than a Maximum Security Prison)” to seek consent from the Commissioner of Correctional Services (“CCS”) to the presence of an election agent or a polling agent at a dedicated polling station situated in a penal institution (other than a maximum security prison).</p> <p>(Note: (a) No consent will be given to the presence of an election agent at a dedicated polling station situated in a penal institution (other than a maximum security prison) if a polling agent has been appointed for that polling station. Likewise, if consent has been given by the CCS to the presence of an election agent at a dedicated polling station situated in a penal institution, no polling agent may be appointed for that polling station.</p> <p>(b) No polling agent may be appointed for nor may an election agent be present at a dedicated polling station situated in a maximum security prison.)</p>
Any time after handing in the “Nomination Form”, but before the 3 days preceding polling day	12. Lodge with the RO the “Notice of Appointment of Counting Agents” by hand, by post, by electronic mail or by facsimile transmission.

<u>Time</u>	<u>Action</u>
As soon as practicable after the RO determines the candidate as validly nominated or not	13. Receive from the RO the notification on the validity of the candidate's nomination for the relevant Rural Area (which will also be sent to every other validly nominated candidate of the same Rural Area, if there are more than one in the Rural Area).
As soon as practicable after the RO receives a "Notice of Appointment of Election Agent" from other candidates	14. Receive from the RO information about the election agents appointed by all candidates of the same Rural Area.
Around 7 days after the end of Nomination Period	15. Attend the briefing for candidates and collect from the RO name badges for candidates and their agents. 16. Attend meetings held by the RO to determine, by drawing of lots, the candidate numbers and to allocate display spots, if any, for display of EAs. 17. Receive from the RO the copy of the permission/authorisation for display of EAs at designated spots allocated to candidates (except for uncontested candidates who will not be allocated with designated spots).
Around 14 days after the end of Nomination Period	18. Check the ballot paper printing proof and verify the particulars relating to the candidate to be printed on the ballot paper. If a candidate or his/her election agent cannot perform the checking in person, the candidate may authorise a representative in writing to check the particulars concerned on the ballot paper printing proof on his/her behalf. (If a candidate or his/her election agent/authorised representative does not perform the checking at the date and venue specified by the HAD, the printing proof of the ballot paper will be printed without further notice.)
Within 14 days after the end of Nomination Period	19. Receive from the RO the location maps and layout plans of the polling stations, counting stations and ballot paper sorting station.

<u>Time</u>	<u>Action</u>
Any time before polling day	20. Lodge with the RO the “Notice of Revocation of Appointment of Agent”, if any, by hand, by post, by electronic mail or by facsimile transmission.
At least 10 days before polling day	21. Receive information from the RO on when and where the counting/sorting of votes is to take place.
During the week before the polling day	<p>22. Lodge with the RO the “Notice of Appointment of Polling Agent for a Dedicated Polling Station Situated in a Penal Institution (other than a Maximum Security Prison) and Application for Consent to the Presence of Election Agent/Polling Agent in a Dedicated Polling Station Situated in a Penal Institution (other than a Maximum Security Prison)” ONLY when –</p> <p>(a) during the week before the polling day, an elector imprisoned or held in custody who is entitled to vote for the relevant Rural Area at the aforesaid dedicated polling station situated in a penal institution is admitted or transferred to the penal institution; and</p> <p>(b) the application is lodged without undue delay after the admission or transfer.</p>
Not later than 2 days before polling day	23. Receive from the RO the information regarding the delineation of no canvassing zones and no staying zones for the polling stations (including dedicated polling stations).
Before entering the polling station, counting station or the ballot paper sorting station	24. Complete the “Declaration of Secrecy” (a declaration of secrecy should be made by all candidates, their election agents, polling agents and counting agents).
On the polling day	25. Attend and observe the poll and the count if so wishes, bringing along the “Declaration of Secrecy”.

Time**Action**

26. If any required “Notice of Appointment of Polling Agents for a Polling Station not Situated in a Penal Institution” has not been lodged with the RO in the manner specified in para. 10 above, the candidate or his/her election agent must deliver the notice in person to the relevant Presiding Officer (“PRO”) (except for the PROs of dedicated polling stations situated in penal institutions).
27. If the “Notice of Revocation of Appointment of Agent” has not been lodged in the manner specified in para. 20 above, the notice must be delivered to the relevant RO by hand, by electronic mail or by facsimile transmission or the candidate or his/her election agent must deliver the notice in person to the relevant PRO (except for PROs of dedicated polling stations in penal institutions) in order to revoke the appointment of such a polling agent .
28. If it is necessary to revoke the appointment of a polling agent for a dedicated polling station situated in a penal institution but the “Notice of Revocation of Appointment of Agent” has not been lodged in the manner specified in para. 20 above, the notice must be delivered to the relevant RO by hand, by electronic mail or by facsimile transmission in order to revoke the appointment of such a polling agent.
29. If any required “Notice of Appointment of Counting Agents” has not been lodged with the RO in the manner specified in para. 12 above, the candidate or his/her election agent must deliver the notice in person to the relevant Officer-in-charge of the counting station.
30. If it is necessary to revoke the appointment of a counting agent but the “Notice of Revocation of Appointment of Agent” has not been lodged in the manner specified in para. 20 above, the notice must be delivered to the relevant RO by hand, by electronic mail or by facsimile transmission before the close of poll; alternatively, the candidate or his/her election agent must deliver the notice in person to the Officer-in-charge of the relevant counting station in order to revoke the appointment of such a counting agent.

<u>Time</u>	<u>Action</u>
Not later than 2 working days after polling day	31. Post the corrected EA particulars onto the Candidate's Platform or the Central Platform next to the original version and input the date of correction; or deposit with the RO a "Notification of Corrected Information in relation to EAs".
Within 10 days after polling day	32. Remove all EAs displayed on Government land / property.
Before the statutory deadline for the submission of election returns as required under section 37 of the ECICO	33. (a) Lodge with the DHA, through the RO, an "election return" setting out all election expenses incurred by the candidate and the election expense agents on his/her behalf and all election donations received by or on behalf of the candidate.
(The relevant RO will inform candidates in writing of the deadline for lodging "election returns")	<p><i>Candidates are required to submit an "election return" even if no election expenses have been incurred or no election donation has been received.</i></p> <p>(b) As required under section 37 of the ECICO, the election return must be accompanied by invoices and receipts for each election expense of \$500 or more, copies of standard receipts issued to donors for each election donation of more than \$1,000 in value, and copies of receipts issued by charitable institutions or trusts of a public character for the collection of any unspent election donations, anonymous donations of more than \$1,000 in value and election donations exceeding the limit of election expenses (see Chapter 15 of the Guidelines for details).</p> <p>(c) Make a declaration/supplementary declaration(s) verifying the contents of the election return before a Commissioner for Oaths (at DOs), a Justice of the Peace or a solicitor holding a practising certificate.</p>

Time**Action**

- (d) Any candidate who is unable/fails to lodge the “election return” before the deadline may apply to the Court of First Instance (“CFI”) for an order allowing him/her to lodge the election return within an extended period as specified by the CFI.
- (e) Any candidate who has submitted an “election return” and wishes to make amendments to the election return before the deadline may lodge with the DHA before the deadline a supplementary declaration stating the amendments and the relevant supporting documents (e.g. receipts) as appropriate.
- (f) Any candidate who wishes to correct any error or false statement in his/her election return (including any document accompanying his/her election return) after the deadline must apply to the CFI for an order allowing him/her to do so. Nevertheless, if the aggregate value of the error or false statement in the election return does not exceed the prescribed relief limit (i.e. \$600) as stipulated in section 37A of the ECICO, the candidate may, upon receipt of notification from the DHA of the error and/or false statement in the “election return”, rectify the error or false statement in the election return within a specified period in accordance with the simplified relief arrangement for minor errors or false statements in section 37A of the ECICO (see paras. 15.35 to 15.40 of the Guidelines).

Until the end of the period for which copies of election returns are available for public inspection under section 41 of the ECICO

34. Maintain the Candidate’s Platform for public inspection of the EAs and relevant information/documents. If the hyperlink of a website on which an EA is published has been uploaded onto the Central Platform, candidates should ensure that the hyperlink is valid and the relevant website continues to operate.

Note:

Most of the forms mentioned in this checklist can be downloaded from the Rural

Representative Election website at www.had.gov.hk/rre.

(This “Action Checklist for Candidates” is for general reference only. Candidates are advised to refer to the “Action Checklist for Candidates” included in the candidate folder for the respective rural ordinary election/by-election.)

[Amended in December 2009, October 2010, October 2011, October 2012, April 2014, October 2014, October 2018 and October 2022]