

## **IMPORTANT**

1. These Guidelines apply to all Rural Representative elections (i.e. rural ordinary elections and by-elections) conducted under the Rural Representative Election Ordinance (Cap. 576) to be held after publication, subject to any subsequent revisions.
2. The law stated in these Guidelines is that prevailing as at the date of publication (unless otherwise specified).
3. All specified forms referred to in these Guidelines are obtainable from the Home Affairs Department (tel: 2152 1521; fax: 2591 6392; e-mail: [rre@had.gov.hk](mailto:rre@had.gov.hk)) and its website at [www.had.gov.hk/rre](http://www.had.gov.hk/rre).
4. Electioneering, campaigning and canvassing activities referred to in these Guidelines include any positive and negative campaigning conducted for the purpose of promoting or prejudicing the election of a candidate or candidates at the election.
5. In the event that future amendments to these Guidelines are necessary, the updated Guidelines will be made available at the website of the Electoral Affairs Commission at [www.eac.hk](http://www.eac.hk).

## ABBREVIATIONS

ARO, AROs	Assistant Returning Officer, Assistant Returning Officers
BO	Buildings Ordinance (Cap. 123)
Cap.	Chapter of the Laws of Hong Kong
CAS	Civil Aid Service
CE	Chief Executive
CEEEO	Chief Executive Election Ordinance (Cap. 569)
CEO	Chief Electoral Officer
CFA	Court of Final Appeal
CFI	Court of First Instance
CIV, CIVs	Composite Indigenous Village, Composite Indigenous Villages
CSD	Correctional Services Department
CCS	Commissioner of Correctional Services
DC	District Council
DCO	District Councils Ordinance (Cap. 547)
DHA	Director of Home Affairs
DLO	District Lands Office
DO, DOs	District Office
EA, EAs	Election Advertisement, Election Advertisements
EAC	Electoral Affairs Commission

EAC (ROE) (RRE) Reg	Electoral Affairs Commission (Registration of Electors) (Rural Representative Election) Regulation (Cap. 541K)
EACO	Electoral Affairs Commission Ordinance (Cap. 541)
EC	Election Committee
ECICO	Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554)
election	ordinary election or by-election as appropriate
EP (RRE) Reg	Electoral Procedure (Rural Representative Election) Regulation (Cap. 541L)
EPR	electronic poll register
ERO	Electoral Registration Officer
EV, EVs	Existing Village, Existing Villages
FR	final register
HAD	Home Affairs Department
HKID	Hong Kong Permanent Identity card
HKSAR	Hong Kong Special Administrative Region
ICAC	Independent Commission Against Corruption
IIR, IIRs	Indigenous Inhabitant Representative, Indigenous Inhabitant Representatives
IV, IVs	Indigenous Village, Indigenous Villages
KFR, KFRs	Kaifong Representative, Kaifong Representatives
LCO	Legislative Council Ordinance (Cap. 542)
LegCo	Legislative Council

MAC, MACs	Mutual Aid Committee, Mutual Aid Committees
MT, MTs	Market Town, Market Towns
NCO	Noise Control Ordinance (Cap. 400)
NCZ, NCZs	No Canvassing Zone, No Canvassing Zones
NSZ	No Staying Zone
OL	omissions list
para., paras.	paragraph, paragraphs
PCPD	Office of the Privacy Commissioner for Personal Data, Hong Kong
PD(P)O	Personal Data (Privacy) Ordinance (Cap. 486)
PHMSO	Public Health and Municipal Services Ordinance (Cap. 132)
PICS	Personal Information Collection Statement
POBO	Prevention of Bribery Ordinance (Cap. 201)
POO	Public Order Ordinance (Cap. 245)
PR	provisional register
PRO, PROs	Presiding Officer, Presiding Officers
ReR, ReRs	Resident Representative, Resident Representatives
REO	Registration and Electoral Office
RO, ROs	Returning Officer, Returning Officers
RR, RRs	Rural Representative, Rural Representatives
RREO	Rural Representative Election Ordinance (Cap. 576)

RTO	Road Traffic Ordinance (Cap. 374)
S, s, Ss, ss	Section, sections
SHYA	Secretary for Home and Youth Affairs
SOO	Summary Offences Ordinance (Cap. 228)
TD	Transport Department

## CONTENTS

	<u>Page</u>
<b>PROLOGUE</b>	<b>1</b>
<b>CHAPTER 1      INTRODUCTION</b>	<b>10</b>
Part I           :   The Rural Representative Election	10
Part II          :   The Guidelines	15
Part III         :   Sanction	16
<b>CHAPTER 2      REGISTRATION OF ELECTORS AND                     VOTING SYSTEM</b>	<b>18</b>
Part I           :   General	18
Part II          :   Registration of Electors	21
Part III         :   The Voting System	39
<b>CHAPTER 3      NOMINATION OF CANDIDATES</b>	<b>44</b>
Part I           :   Eligibility and Disqualification for Nomination	44
Part II          :   When and How to Nominate	50
Part III         :   Validity of Nominations	55
Part IV         :   Withdrawal of Candidature	58
Part V          :   Notice of Valid Nominations	59
Part VI         :   Candidates' Briefing and Introduction to Candidates	59
<b>CHAPTER 4      POLLING AND COUNTING                     ARRANGEMENTS</b>	<b>62</b>
Part I           :   General	62
Part II          :   Before the Poll	66
Part III         :   Outside the Polling Station	69
Part IV         :   Polling Hours	71
Part V          :   Persons to be Admitted to the Polling Station	73
Part VI         :   How to Issue Ballot Papers	77
Part VII        :   Queuing Arrangement	81

Part VIII	:	Presentation of Document for Collecting Ballot Paper	84
Part IX	:	Voting Methods	86
Part X	:	Conduct Inside the Polling Station	95
Part XI	:	Close of Poll	97
Part XII	:	Sorting of Ballot Papers	102
Part XIII	:	The Count	106
Part XIV	:	Declaration of Result	116
Part XV	:	Disposal of Documents	117
Part XVI	:	Postponement or Adjournment of the Poll or the Count	117
Part XVII	:	Rural by-election to be Held	119
<b>CHAPTER 5</b>		<b>ELECTION PETITIONS</b>	<b>120</b>
Part I	:	Grounds for Lodging an Election Petition	120
Part II	:	Who could, and When to, Lodge Election Petitions	121
<b>CHAPTER 6</b>		<b>APPOINTMENT AND ROLES OF ELECTION AGENT, ELECTION EXPENSE AGENTS, POLLING AGENTS AND COUNTING AGENTS</b>	<b>123</b>
Part I	:	General	123
Part II	:	Types and Numbers of Agents	124
Part III	:	Qualifications of Agents	125
Part IV	:	Civil Servants Acting as Agents	125
Part V	:	Election Agent	126
Part VI	:	Election Expense Agents	131
Part VII	:	Polling Agents	135
Part VIII	:	Counting Agents	149
<b>CHAPTER 7</b>		<b>ELECTION ADVERTISEMENTS</b>	<b>155</b>
Part I	:	General	155
Part II	:	What Constitutes an Election Advertisement	157
Part III	:	Period and Area of Display	165

Part IV	:	Allocation of Designated Spots	171
Part V	:	Conditions and Limitations on Display	174
Part VI	:	Application for Temporary Occupation of Government Land at Public Place for Holding Electioneering Activities	177
Part VII	:	Requirements Relating to Publication of Election Advertisements	178
Part VIII	:	Requirements Relating to Printed Election Materials	182
Part IX	:	Non-Compliance with the Law and its Consequences	184
Part X	:	Advertisements of Political, Professional Bodies, Trade Organisations or other Organisations	186
Part XI	:	Posting Election Advertisements	188
Part XII	:	Election Advertisements for Registered Electors in the Custody of CSD and Other Law Enforcement Agencies	189
Part XIII	:	Commercial Advertisements relating to Candidates	189
<b>CHAPTER 8</b>		<b>ELECTIONEERING ACTIVITIES IN PREMISES OR BUILDINGS WHERE ELECTORS RESIDE, WORK OR FREQUENT</b>	<b>191</b>
Part I	:	General	191
Part II	:	Rights of Tenants and Owners	193
Part III	:	Guidelines to be Observed by Candidates in the Conduct of Electioneering Activities	195
Part IV	:	Guidelines to be Observed by Owners, Management Bodies and Organisations for Handling Applications for Conduct of Electioneering Activities in the Premises Within their Jurisdiction	202
Part V	:	Conduct of Electioneering Activities in Premises Under the Management of Housing Department and Hong Kong Housing Society	209
Part VI	:	Sanction	210

<b>CHAPTER 9</b>	<b>ELECTION MEETINGS</b>	<b>211</b>
Part I	: General	211
Part II	: Election-related “Treating”	213
Part III	: Election Meetings in Public Places	214
Part IV	: Election Meetings in Private Premises	221
Part V	: Electioneering Exhibitions	221
Part VI	: Fund Raising Activities at Election Meetings	222
<b>CHAPTER 10</b>	<b>ELECTION BROADCASTING, MEDIA REPORTING AND ELECTION FORUMS</b>	<b>223</b>
Part I	: General	223
Part II	: News Reports (Broadcasters and Print Media)	225
Part III	: Election Forums	227
Part IV	: Feature Reports (Broadcasters)	228
Part V	: Feature Reports (Print Media)	230
Part VI	: Non-Election-Related Programmes and Articles	231
Part VII	: Avoiding Unfair Publicity	232
Part VIII	: Placing Election Advertisements in Media	235
Part IX	: Sanction	235
<b>CHAPTER 11</b>	<b>USE OF SOUND AMPLIFYING DEVICE AND VEHICLES</b>	<b>237</b>
Part I	: General	237
Part II	: Use of Loudspeakers and Vehicles	238
Part III	: Sanction	243
<b>CHAPTER 12</b>	<b>ELECTIONEERING ACTIVITIES CONDUCTED IN SCHOOLS OR PARTICIPATED BY SCHOOL PUPILS</b>	<b>244</b>
Part I	: General	244
Part II	: School Pupils	245
Part III	: Electioneering Activities in Schools	246
Part IV	: Sanction	247

<b>CHAPTER 13</b>	<b>PROHIBITION AGAINST CANVASSING ACTIVITIES OUTSIDE POLLING STATIONS</b>	<b>248</b>
Part I	: General	248
Part II	: Determination of No Canvassing Zone and No Staying Zone	249
Part III	: Conduct Inside the No Canvassing Zone and No Staying Zone	250
Part IV	: Penalty	253
<b>CHAPTER 14</b>	<b>EXIT POLL</b>	<b>254</b>
Part I	: General	254
Part II	: Secrecy of the Vote	255
Part III	: Conduct of Exit Polls	256
Part IV	: Identification of Interviewers	260
Part V	: Exit Polls and other Opinion Polls for Electioneering	261
Part VI	: Sanction	261
<b>CHAPTER 15</b>	<b>ELECTION EXPENSES AND ELECTION DONATIONS</b>	<b>263</b>
Part I	: General	263
Part II	: What Constitutes Election Expenses	265
Part III	: Who may Incur Election Expenses and the Limit	269
Part IV	: Election Donations	271
Part V	: Election Return	274
Part VI	: Advance Return of Election Donations	281
Part VII	: Enforcement and Penalty	281
<b>CHAPTER 16</b>	<b>CORRUPT AND ILLEGAL CONDUCT</b>	<b>285</b>
Part I	: General	285
Part II	: Corrupt Conduct relating to Nomination and Withdrawal of Candidature	287
Part III	: Illegal Conduct relating to Electioneering	288
Part IV	: Corrupt Conduct relating to Electioneering and Voting	293

Part V	:	Corrupt and Illegal Conduct relating to Election Expenses and Election Donations	296
Part VI	:	Power of Court to Excuse Innocent Acts	297
Part VII	:	Non-Compliance with the Law and Sanction	298
<b>CHAPTER 17</b>		<b>NAMEDROPPING</b>	<b>301</b>
Part I	:	General	301
Part II	:	Claim of Support	302
<b>CHAPTER 18</b>		<b>PARTICIPATION IN ELECTION-RELATED ACTIVITIES BY CIVIL SERVANTS AND OFFICIALS UNDER THE POLITICAL APPOINTMENT SYSTEM AND ATTENDANCE OF PUBLIC FUNCTIONS BY BOTH CIVIL SERVANTS AND CANDIDATES</b>	<b>312</b>
Part I	:	General	312
Part II	:	Participation in the Rural Representative Election by Civil Servants	313
Part III	:	Attendance of Public Functions by Civil Servants	314
Part IV	:	Attendance of Public Functions by Candidates	315
Part V	:	Officials under the Political Appointment System	316
<b>CHAPTER 19</b>		<b>COMPLAINTS PROCEDURE</b>	<b>318</b>
Part I	:	General	318
Part II	:	To Whom a Complaint may be Made	319
Part III	:	Time and Procedure for Making Complaint	320
Part IV	:	Complaints inside a Polling Station	321
Part V	:	The Processing of Complaints	322
Part VI	:	Electoral Affairs Commission's Report on Complaints	324
Part VII	:	Obligations of the Director of Home Affairs, the Returning Officers, the Presiding Officers and the Chief Electoral Officer	324
Part VIII	:	Sanction for False Complaint	325

**APPENDICES**

Appendix 1	:	Rural Representative Election Action Checklist for Candidates	327
Appendix 2	:	A List of Existing Village, Indigenous Village, Composite Indigenous Village and Market Town	340
Appendix 3	:	Specified Persons Eligible to Inspect Registers for Rural Area	399
Appendix 4	:	Submission Method, Format and Standard for Posting Electronic Copy of Election Advertisement and Relevant Information onto an Open Platform for Public Inspection (with Annex (I) and Annex (II) on the Guidelines and basic layout design Requirements for Candidate's Platform)	402
Appendix 5	:	Canvassing Activities which are Forbidden Within a No Canvassing Zone	410
Appendix 6	:	Conduct of Electioneering Activities and Election Meetings in Premises under the Management of the Housing Department and the Hong Kong Housing Society	412
Appendix 7	:	Guidance on Election Activities for Candidates, Government Departments, Public Opinion Research Organisations and Members of the Public	414
Appendix 8	:	Guidance Note on Safe Conduct of Election-related Activities	424
Appendix 9	:	Application for a Permit under S4(17) of Summary Offences Ordinance, Cap. 228 for Non-Charitable Purposes	426

Appendix 10	:	Observations made by the Court in an Election Petition relating to a Television Programme on 2010 Legislative Council By-election	435
Appendix 11	:	Fair and Equal Treatment of Candidates by the Print Media	436
Appendix 12	:	Application Procedure for the Approval of Float Design	437
Appendix 13	:	Items of Expenses to be Counted towards Election Expenses	439
Appendix 14	:	Collection of Election Donations	443
Appendix 15	:	Guidelines for Mutual Aid Committees Participating in Electioneering Activities	444
Appendix 16	:	Guidelines for Candidates on Sending Election Advertisements to Registered Electors in the Custody of the Correctional Services Department	445
<b>INDEX</b>			<b>447</b>

## PROLOGUE

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### **ROLE OF THE ELECTORAL AFFAIRS COMMISSION AND THE GUIDELINES**

1. Under the Electoral Affairs Commission Ordinance (Cap. 541) (“EACO”), the Electoral Affairs Commission (“EAC”) is an impartial, independent and apolitical body responsible for conducting and supervising public elections in accordance with the electoral law and strives to conduct public elections under the principles of openness, fairness and honesty. Although the EAC is responsible for making the subsidiary legislation on electoral procedures, the guidelines on election-related activities, and the related practical arrangements, it is not part of the Government. All along, the EAC does not formulate electoral policies nor take into account any political considerations, but considers whether the relevant arrangements do comply with the law and are reasonably practicable and will facilitate the smooth operation of the election. Under the EACO, the EAC shall perform its function through the Director of Home Affairs (“DHA”) for the Rural Representative (“RR”) Election. The Home Affairs Department (“HAD”) is the executive arm of the EAC for the RR Election. Apart from making the practical arrangements for the elections, the HAD also advises the EAC on the practicality of various electoral arrangements.

2. All electoral arrangements in Hong Kong are regulated under the relevant primary legislation and subsidiary legislation. The EAC must conduct and supervise the conduct of elections in strict compliance with the subsisting law. Under the present institution, matters relating to electoral policies and system are under the purview of the executive authorities, whereas the legislature is responsible for the enactment and amendment of the primary legislation. On the other hand, pursuant to the principles and provisions in the primary

legislation, the EAC makes the corresponding subsidiary legislation to specify the detailed electoral procedures for various elections. The EAC cannot act beyond the power conferred by the primary legislation. Where necessary, the EAC would provide its advice from practical and operational points of view for the Government's reference. Under the existing arrangement, any enactment or amendment of the primary legislation must be introduced by the Government in the form of bills to the Legislative Council ("LegCo") for deliberation and passage. Subsidiary legislation must also be submitted by the Government to the LegCo by way of the negative vetting procedure.

3. The EAC is empowered by the law to issue guidelines on election-related activities. The electoral guidelines are not law, and cover the following two aspects: (1) to explain in simple language the subsisting electoral law so as to remind candidates and other stakeholders of the provisions and requirements under the electoral law. As the EAC is not a court of law, it has no authority to make judicial interpretation for disputed provisions of the statutes; and (2) with regard to election-related activities not stipulated by the law, to promulgate a code of conduct based on the principle of fairness and equality.

### **Legislation Aspect**

4. With regard to the legislation aspect, all relevant provisions are enacted by the legislature. The guidelines only seek to explain in simple language the relevant provisions based on the electoral law, and where applicable to give examples to illustrate the best practices.

5. In order to ensure the fairness of an election, safeguarding the autonomy and secrecy of the vote is the most important principle of the electoral law. Electors must mark the ballot papers by themselves inside the voting compartments, and are not required to disclose their voting preference. It is a

criminal offence to influence the voting preference of the elector by corrupt conduct such as the use of force, threat, coercion, inducement, deception or obstruction; or by the illegal conduct of making false statements about a candidate. It is also a criminal offence to compel an elector to disclose his/her voting preference. In any case, the voting choice is ultimately made by the elector voluntarily and under the protection of secrecy. Electors may well discuss among themselves their voting preference, but in no case involving any corrupt or illegal conduct.

6. One of the important aspects of the law is to prescribe the maximum limit for election expenses. The setting of a maximum limit of election expenses is to ensure that the candidates do compete on a level playing field and within a reasonable level of expenditures. According to the law, election expenses mean the expenses in promoting or prejudicing the election of a candidate. The definition of “candidate” means a person who stands nominated as a candidate at an election and includes a person who has publicly declared an intention to stand for election before the close of nomination. The public declaration of the intention to stand as a candidate is a legal question which must be determined on the basis of actual facts and intention, rather than on the face of any statement alone. It is a criminal offence for a candidate to incur election expenses in excess of the prescribed maximum limit. Hence, the candidate must, in accordance with the law, submit an election return after the election to rigorously declare all the election expenses incurred by him/her; otherwise, he/she commits an offence.

7. For the effective sanction of the limit on election expenses, the law also stipulates that only candidates and their authorised election expense agents may incur election expenses. It is a criminal offence for other unauthorised persons, no matter it is for the purpose of promoting or prejudicing the election of a candidate, to incur election expenses. Nevertheless, as far as opinions published on the Internet are concerned, even though they promote or prejudice

the election of a candidate and amount to election advertisements (“EAs”), if the publisher is a third party (i.e. a person other than a candidate and his/her election expense agents) and the only election expenses incurred are either electricity charges and/or charges necessary for accessing the Internet, he/she is exempted from the relevant criminal liability. However, if the publisher is a candidate or his/her election expense agent, the exemption does not apply. As such, the candidate should declare all election expenses in his/her election return (i.e. including election expenses incurred in relation to the Internet and all other media).

8. EA has always been an important part of election expenses, and therefore it is necessary to regulate EAs for calculation of election expenses. Notwithstanding that EAs are regulated, the paramount principles of freedom of speech, press freedom and the dissemination of election information must be guaranteed. In determining whether certain statements are EAs and whether election expenses are involved, consideration must be given to the overall circumstances and evidence, including the nature of those statements, the expenses involved and the intention of promoting or prejudicing any candidate from being elected.

9. As the EAC is not a law enforcement agency, it will refer any complaint involving any offence to the law enforcement agencies for follow-up and investigation. Any issues over the law or fact will ultimately be a matter for the adjudication of the Court.

10. The EAC will seek to provide a statement of principle on the compliance of the electoral law. However, the EAC is not the legal advisor for a candidate and any person who has any questions on any particular matter should seek independent legal advice.

## **Code of Conduct**

11. Apart from the electoral law, the EAC has promulgated guidelines on election-related activities based on the principle of fairness and equality. However, the guidelines promulgated by the EAC are not legally binding. Any breaches of the guidelines will not constitute a legal offence. Where necessary, the EAC will issue public statements of censure in order to inform the electors and the general public of important matters that have occurred during the elections. An important application of the principle of fairness and equality is concerned with the utilisation of the public resources, for example:

- (a) The guidelines prescribe a fair and equal system in allocating the designated spots for display of EAs on Government land, premises and roadways;
- (b) Licensed radio and television stations as well as registered newspapers and magazines should uphold the fair and equal treatment principle in their treatment of the candidates;
- (c) Building management organisations, owners' corporations and mutual aid residents' associations should observe the principle of fairness and equality in handling the requests of the candidates for the display of EAs and conducting electioneering activities in the common parts of the buildings under their management; and
- (d) A candidate must not make use of any public resources for electioneering.

The management organisations mentioned under (c) above should handle the applications from the candidates fairly and equally. If a management organisation has decided to allow a particular candidate to conduct

electioneering activities in the common parts of the buildings under its management, it should also allow other candidate(s) in the same Rural Area to do so (whether to make the same request is individual candidate's own choice). On the other hand, if it is decided to reject an application from a particular candidate, the same applications from other candidate(s) in the same Rural Area should also be rejected. However, this principle does not apply to election activities and EAs concerning private properties.

12. It is noteworthy that, as Hong Kong is a pluralistic society with different sectors of people who may have different pursuits, whether a particular matter is fair or not will often have contrary views. Whereas it is ideal to achieve absolute fairness, but that is often not practicable. The bottom line is to guard against serious and material unfairness.

13. The EAC will solemnly handle complaints against any breach of the principle of fairness and equality as set out in the electoral guidelines. Investigation must be based on factual evidence and be in accordance with the principle of procedural fairness. The parties concerned must be given the opportunity to make representations in defence. The EAC will make the decision after taking all relevant circumstances into consideration. In the context of considering whether any conduct is unfair in the absence of contravention of the law, the EAC's decision could not be made lightly without careful consideration of all relevant matters and circumstances. Furthermore, while complaints are often made shortly before the polling day, the EAC cannot circumvent or compress the established procedure because of the time constraint so as to avoid any unfairness.

14. If a complaint is substantiated, the EAC may, where necessary, issue public statements of censure in order to inform the electors and the general public of important matters that have occurred during the elections. The EAC may also issue press statements on matters of principle which have attracted

widespread public concern in order to set the record straight. Apart from that, the EAC, as a long-standing practice, does not comment on the political platforms of candidates, individual comments and reporting, or hearsays.

15. Electors rely on fair and orderly elections to elect their representatives. Election is a solemn matter. The electoral procedures are strictly sanctioned by the relevant electoral law. Persons who wish to run for an election and other stakeholders must understand and comply with the requirements of the electoral law so as to avoid committing any criminal offence inadvertently.

16. Apart from the legislation aspect, candidates and stakeholders should also make reference to the good practices provided in the Guidelines in order to ensure that the elections are conducted in an open, fair and honest manner.

17. The EAC appeals to members of the public to be acquainted with and to uphold the electoral law and electoral guidelines in order to carry on the good election culture in Hong Kong, so that the election can be conducted smoothly in a fair and equal manner.

### **Rural Representative Election**

18. Under the Rural Representative Election Ordinance (Cap. 576) (“RREO”), election of RR is provided for designated Rural Areas. There are 4 types of Rural Areas, namely, the (1) Existing Village (“EV”); (2) Indigenous Village (“IV”); (3) Composite Indigenous Village (“CIV”) (i.e. a Village composed of two or more IVs); and (4) Market Town (“MT”) (on Cheung Chau and Peng Chau). An RR can be a Resident Representative (“ReR”) for an EV, an Indigenous Inhabitant Representative (“IIR”) for an IV/CIV or a Kaifong Representative (“KFR”) for an MT.

19. Eligibility for registration as an elector varies with different types of Rural Areas. For an IV/CIV, an eligible person should be an indigenous inhabitant of the IV/CIV (i.e. a male or female descended through the male line of a person who was a resident of an IV that existed in 1898 or of an IV branching off from an IV that existed in 1898 (commonly referred to as “a branched off IV”) or a spouse or surviving spouse of the indigenous inhabitant, an adult aged 18 years or above and a holder of an identity document. Whether the person is a permanent resident of Hong Kong or a resident of the IV/CIV does not affect his/her eligibility to be registered as an elector for the IV/CIV.

20. For an EV, an eligible person must be a resident of the EV and has been a resident therein for the 3 years immediately before the date of application for registration, in addition to being an adult and a permanent resident of Hong Kong. In the case of an MT, the eligibility of an elector is similar to that for an EV. To be a resident of an EV/MT means that the person’s principal residential address (i.e. the address of the dwelling place constituting the person’s sole or main home) must be within the boundary of that EV/MT.

21. If a registered elector for EV/MT no longer resides in the Village/MT for which he/she is registered, or his/her residential address in the Village/MT is no longer his/her sole or main home, he/she is no longer eligible to remain registered as an elector. Even though his/her name is still on the Final Register (“FR”), the person will commit an offence if he/she votes at the election. In order to maintain the accuracy of the FR, electors should report to the HAD any change of their principal residential addresses as soon as practicable (especially when moving out of the EV/MT for which he/she is registered) to fulfill their civic responsibility.

22. The eligibility for nomination as a candidate also varies with different types of Rural Areas. For an IV/CIV, an eligible person should be an indigenous inhabitant of the IV/CIV and a registered elector for that Village.

Besides, the person must be a permanent resident of Hong Kong who is aged 21 years or above and ordinarily residing in Hong Kong in order to be eligible for nomination.

23. As for an EV, a person eligible for nomination as a candidate must be a resident of the EV, a registered elector for that Village and has been a resident therein for the 6 years immediately preceding the nomination. Besides, the person must be a permanent resident of Hong Kong who is aged 21 years or above. In the case of an MT, the nomination eligibility is similar to that for an EV, including being a resident of that MT for the 6 years immediately preceding the nomination.

## CHAPTER 1

### INTRODUCTION

#### **PART I : THE RURAL REPRESENTATIVE ELECTION**

1.1 The RREO brings the conduct of RR elections under statutory control, the scope of which covers the IIR elections for IVs or CIVs, the ReR elections for EVs and the KFR elections for MTs. *[Added in October 2018]*

1.2 The IIR's primary functions are to deal with all affairs relating to the lawful traditional rights and interests, and the traditional way of life, of the indigenous inhabitants of the Village; and to reflect views on the affairs of the Village on behalf of the indigenous inhabitants of the Village. As for the ReR and KFR, their function is to reflect views on the affairs of the EV/MT on behalf of the residents of the EV/MT. *[Added in October 2018]*

1.3 The term of office of an elected RR is 4 years beginning on 1 April following each ordinary election in which the RR was elected [s 7 of the RREO]. A rural ordinary election for a Rural Area shall be held in each subsequent fourth year after the first election held to elect a person as an RR for the Rural Area in the year in which the office of RR is established<sup>1</sup>, and on a date specified by the Secretary for Home and Youth Affairs ("SHYA") [s 20 of the RREO]. Generally speaking, a rural by-election shall be held as soon as practicable to fill any vacancy in the office of an RR. However, no by-election is to be held within the 4 months preceding the end of the current term of office of the RR [s 21(3) of the RREO]. *[Added in October 2018 and amended in October 2022]*

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<sup>1</sup> The first ordinary election for the EVs, IVs and CIVs was held in 2003, while the first ordinary election for the MTs was held in 2015.

1.4 For a rural ordinary election, a notice of election will be published in the Gazette by the DHA as soon as practicable after the publication in the Gazette of the date of election specified by the SHYA. The Gazette notice of the date of a rural by-election will be published by the DHA. *[Amended in October 2010, October 2014 and October 2022]*

### **Types and Numbers of Rural Areas and Rural Representatives**

1.5 There are altogether 4 types of Rural Areas:

- (a) **EV** - The names of all identified EVs are listed in Schedule 1 to the RREO. Each EV can be identified by a boundary map. Each Village in Schedule 1 is marked with the Plan No. of the map on which the area of the village is delineated. There are a total of 695 EVs, which are different from IVs (see below). Out of these 695 EVs, 106 are not IVs or CIVs.
- (b) **IV** - The names of all identified IVs are listed in Schedule 2 to the RREO. IVs (i.e. the ones that already existed in 1898, or the ones branching off from IVs that existed in 1898) are not identified by boundaries. There are currently 588 IVs, of which 574 are also EVs whereas the other 14 are not EVs.
- (c) **CIV** - The names of all identified CIVs are listed in Schedule 3 to the RREO. There are currently 15 CIVs. They are so called because each of them is composed of more than 1 Village. The 15 CIVs are composed of 32 IVs. Incidentally, the existing 15 CIVs are also EVs.
- (d) **MT** - The names of all identified MTs are listed in Schedule 3A to the RREO. Each MT is marked with Plan No. of the map of

which the area of the village is delineated. There are currently 2 MTs, namely Cheung Chau and Peng Chau. *[Added in October 2014]*

Many IVs have the same names as those of the EVs, but they belong to different types of Villages under the law.

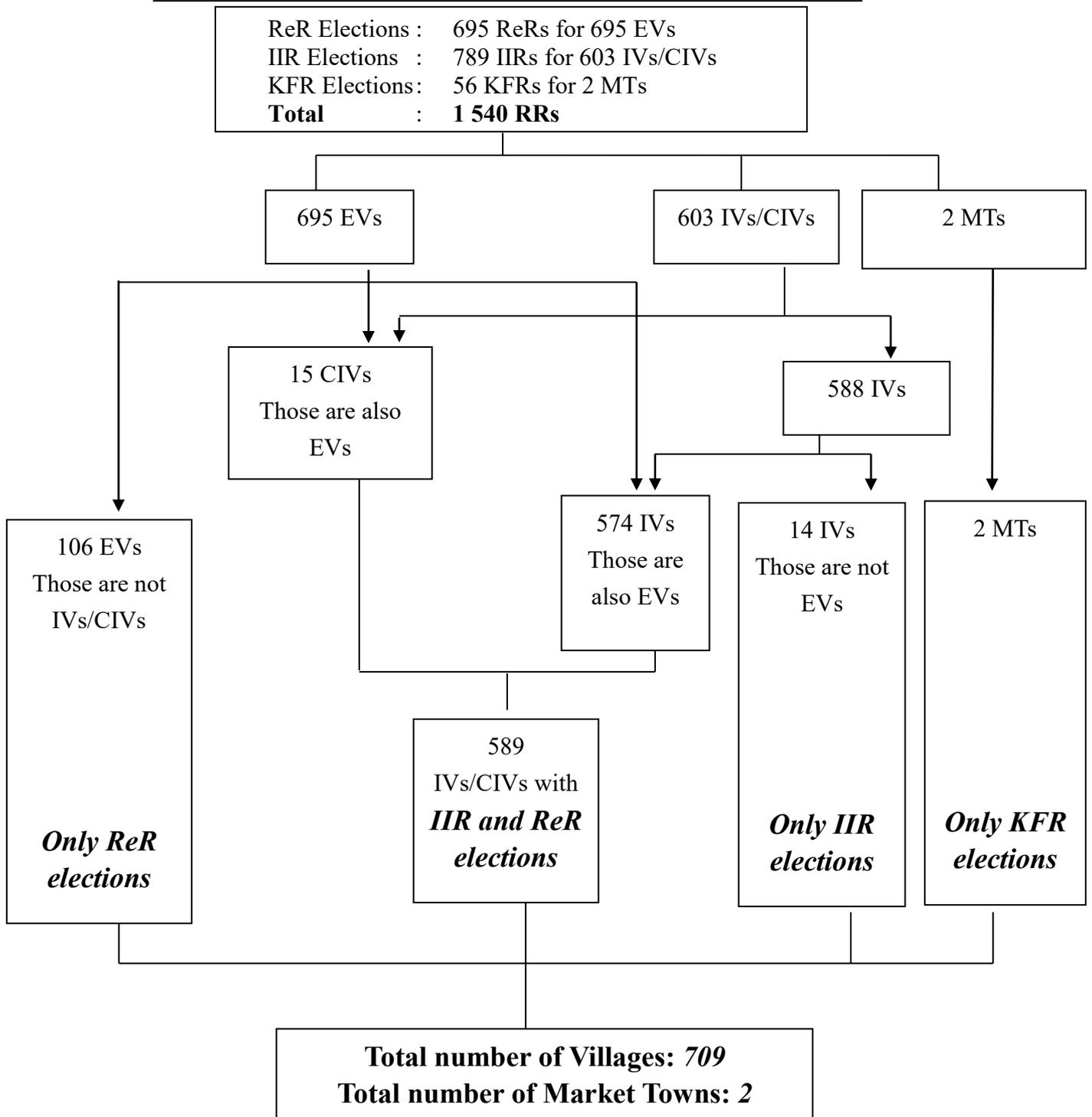
(The Rural Areas in (a), (b) and (c) are generally referred to as “Villages”.)  
*[Amended in October 2014 and October 2018]*

1.6 Altogether, there are 709 Villages, comprising 589 EVs that are also IVs/CIVs, 106 EVs that are not IVs/CIVs, 14 IVs that are not EVs and 2 MTs. A total of 1 540 RRs will be returned in a rural ordinary election (695 ReRs in respect of EVs, 789 IIRs in respect of IVs/CIVs and 56 KFRs in respect of MTs). *[Amended in October 2014 and October 2018]*

1.7 According to the RREO, for each EV, only 1 ReR is to be returned. For IVs or CIVs, 1 IIR or up to 5 IIRs is/are to be returned depending on the number of IIRs of the respective Villages. As for Cheung Chau and Peng Chau MTs, each elector may elect up to 39 and 17 KFRs respectively. *[Amended in October 2014 and October 2018]*

1.8 Apart from being entitled to elect the IIR of his/her IV or CIV, if he/she also satisfies the residence requirement of an ReR elector in an EV or a KFR elector in an MT, each indigenous inhabitant is also entitled to elect 1 ReR or KFR of his/her respective EV or MT. In such a case, he/she can vote in 2 elections. A resident of a Village who is not an indigenous inhabitant but who satisfies the residence requirement of an ReR elector is entitled to elect 1 ReR, but he/she has no right to elect the IIR. The following diagram shows the numbers and types of Rural Areas and RRs as defined in the RREO.  
*[Amended in October 2014]*

**Existing Villages (EVs), Indigenous Villages (IVs),  
Composite Indigenous Villages (CIVs) and  
Market Towns (MTs)**



*This chart is prepared for illustrative purposes only. For definition of the terms, please refer to the RREO. A list of EVs, IVs, CIVs and MTs is at Appendix 2.*

*[Amended in October 2006, December 2009 and October 2014]*

## **Governing Legislation**

1.9 RR elections are governed by the statutory requirements provided in 3 different ordinances, namely the RREO, the EACO and the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) (“ECICO”). *[Added in October 2018]*

1.10 The RREO provides the legal basis for the conduct of the election such as the classification of Rural Areas, composition and functions of RRs, the procedures for election of persons to be RRs and other related matters. *[Added in October 2018]*

1.11 Under the EACO, the EAC is responsible for the conduct and supervision of the RR elections and matters incidental thereto. *[Added in October 2018]*

1.12 The ECICO prohibits election-related corrupt and illegal conduct and is administered by the Independent Commission Against Corruption (“ICAC”). *[Added in October 2018]*

1.13 These ordinances are complemented by 5 pieces of subsidiary legislation, including those set out in paras. 1.14 to 1.18 below, which provide the detailed procedures for the conduct of the RR elections. *[Added in October 2018]*

1.14 The Electoral Affairs Commission (Registration of Electors) (Rural Representative Election) Regulation (Cap. 541K) (“EAC (ROE) (RRE) Reg”) sets out the procedures for registration of eligible persons as electors for the RR elections held under the RREO. *[Added in October 2018]*

1.15 The Electoral Procedure (Rural Representative Election)

Regulation (Cap. 541L) (“EP (RRE) Reg”) provides detailed procedures governing the conduct of the RR elections. *[Added in October 2018]*

1.16 The Maximum Amount of Election Expenses (Rural Representative Election) Regulation (Cap. 554B) sets out the maximum amount of election expenses that can be incurred by or on behalf of a candidate at an RR election. *[Added in October 2018]*

1.17 The Rural Representative Election (Registration of Electors) (Appeals) Regulation (Cap. 576A) sets out the procedures for hearing and ruling by Revising Officers<sup>2</sup> concerning the registration of electors for the RR elections. *[Added in October 2018]*

1.18 The Rural Representative (Election Petition) Rules (Cap. 576B) set out the procedures for lodgement of an election petition against the result of an RR election to the High Court. *[Added in October 2018]*

## **PART II : THE GUIDELINES**

1.19 According to s 6 of the EACO, the EAC may, in connection with an election, issue guidelines relating to:

- (a) the conduct or supervision of or procedure at an election;
- (b) the activities of a candidate, an agent of a candidate, any other person assisting a candidate, or any other person;
- (c) election expenses;

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<sup>2</sup> The Revising Officer is a magistrate, a former magistrate or a retired magistrate appointed by the Chief Justice [s 53(1) of the RREO].

- (d) the display or use of EAs or other publicity material; and
- (e) the procedure for making a complaint.

1.20 The aims of this set of Guidelines are: (1) to explain in simple language the subsisting electoral law so as to remind candidates and other stakeholders of the provisions and requirements under the electoral law; and (2) with regard to election-related activities not stipulated by the law, such as media reports and conduct of electioneering activities involving public places of buildings, to promulgate a code of conduct based on the principles of fairness and equality, and provide standard good practices. The Guidelines are also issued for reference by members of the public, so as to enable them to give play to their role in monitoring the elections and ensure that the elections are conducted in an open, fair and honest manner. *[Amended in October 2012, October 2018 and October 2022]*

1.21 This set of Guidelines applies to rural ordinary elections and by-elections. It explains the various electoral arrangements for the RR elections, and the legislative provisions and regulations as well as guidelines to be observed by all relevant parties before, during and after an election (in relation to machinery of the election). The Guidelines also provide the procedure for lodging an election-related complaint. An action checklist for candidates is set out in **Appendix 1**. *[Amended in October 2014]*

1.22 In the context of this set of Guidelines, the term “election” means ordinary election or by-election, as appropriate.

### **PART III : SANCTION**

1.23 Electors, candidates and their agents, government officials

engaging in election-related duties, and other persons involved in election-related activities should read, familiarise themselves with and strictly observe the Guidelines. *[Amended in October 2018]*

1.24 The EAC always strives to conduct public elections under the principles of openness, fairness and honesty. If the EAC comes to know that any candidate or person has breached the Guidelines, it may notify the relevant authorities for actions to be taken and, furthermore, make a reprimand or censure in a public statement which will include the name of the candidate or person concerned (and where appropriate, other relevant parties (if any)) to allow full disclosure of the relevant facts to the public. Should any offences under the electoral law be committed, the candidate, the person or other parties concerned will also incur criminal liability pertinent to the offence accordingly. *[Amended in October 2018]*

## CHAPTER 2

### REGISTRATION OF ELECTORS AND VOTING SYSTEM

#### PART I : GENERAL

2.1 This chapter details the voter registration and the electoral procedures of RR elections. *[Added in October 2022]*

2.2 Only registered electors whose names appear on the final register of electors may vote at an RR election. The FR is updated in every voter registration cycle and published not later than 20 October in each year. Registered electors may visit the “Rural Representative Election Voter Registration Information Enquiry System” at the RR elections website ([www.had.gov.hk/rre](http://www.had.gov.hk/rre)) at any time to check their registration particulars. The regular deadlines for applications for new voter registration and change of registration particulars are both set on 16 June of the year. *[Added in October 2022]*

2.3 True and accurate information must be provided to apply for registration as an elector. Giving false or misleading information knowingly or recklessly to apply for voter registration (commonly known as “vote rigging”) is an offence under the law, no matter whether the elector has subsequently voted or not. *[Added in October 2022]*

2.4 The qualifications for registration as an elector and the voting right for EVs (ReR elections), MTs (KFR election) and IVs/CIVs (IIR elections) are different. Electors for EVs and MTs are bound by the residence requirement. If a registered elector no longer resides in the EV/MT for which

he/she is registered, or his/her residential address in the EV/MT is no longer his/her sole or main home, he/she is no longer eligible to remain registered as an elector. For a registered elector of an IV who is also a resident of an EV/MT, he/she must also meet the residence requirement for EV/MT in order to be eligible to register as an elector and vote at an election for that EV/MT.  
*[Added in October 2022]*

2.5 In order to ensure the accuracy of the particulars in the register of electors, registered electors for EVs or MTs should provide their updated residential addresses as soon as possible to the HAD if they have moved away. According to the prevailing requirement<sup>3</sup>, an address proof<sup>4</sup> must be provided when submitting the application form for change of address. Provision of address proof is also mandatory for an applicant for new voter registration for an EV or an MT to prove that the address stated in the application is his/her principal residential address and he/she has met the requirement on the duration

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<sup>3</sup> In accordance with s 19A(3) of the EAC (ROE) (RRE) Reg, the ERO may require the applicant to submit together with the application documentary evidence that proves that the address stated in the application is the principal residential address of the applicant.

<sup>4</sup> Documents accepted by the HAD as valid proof of address include:

- (a) The documents below which bear the issuing date, name of issuing organisation, and name and principal residential address of the applicant (name and address on the document should be identical to those on the applicant's Hong Kong Identity Card and the application form respectively):
  - (i) bills or invoices issued by public bodies (e.g. utility bills for water/electricity/towngas services);
  - (ii) correspondence from government departments or the Judiciary;
  - (iii) statements or correspondence issued by banks, insurance companies or Mandatory Provident Fund Approved Trustees;
  - (iv) bills of landline telephone/mobile phone/paid television/internet services;
  - (v) documents or bills issued by local post-secondary institutions confirming the applicant's principal residential address;
  - (vi) valid and "stamped" by the Inland Revenue Department (for stamp duty) tenancy agreement (the tenancy period should cover the date of receipt of this application); or
  - (vii) bills, correspondence or other documents issued by public organisations, such as the Hospital Authority, the Hong Kong Examinations and Assessment Authority etc.;
- (b) The proof of address of the co-habitant of the applicant. The documentary proof must be a complete original or a complete true copy of the original, and be submitted together with a declaration signed by the applicant to confirm that the person concerned is living with the applicant at the same address; or
- (c) A statutory declaration made by the applicant before a Commissioner for Oaths/practising solicitor/Justice of the Peace by virtue of the Oaths and Declarations Ordinance (Cap. 11) to substantiate the claim of residence at the declared address.

For details of the address proof or sample of the declaration, please refer to the RR elections website ([www.had.gov.hk/rre](http://www.had.gov.hk/rre)).

of residence. *[Added in October 2022]*

2.6 HAD has all along conducted checking along with the mechanism in place. If an elector of EVs or MTs is suspected to have moved and has not reported his/her new principal residential address, the HAD will include the elector in the statutory inquiry procedure. If the elector responds to the inquiry and provides address proof to update his/her new principal residential address by the deadline, his/her name may remain on the register. Otherwise, his/her name will be included in the omissions list (“OL”). *[Added in October 2022]*

2.7 Before the FR is published, the HAD will publish a copy of the provisional register (“PR”) and OL for inspection by specified persons (for details, please refer to para. 2.42 below and **Appendix 3**). The procedure for objections and claims in respect of eligibility for voter registration will also commence at the same time. Any person who queries the eligibility of an elector may make an objection and the Revising Officer will make a determination on the case. For persons having applied for registration as an elector, if they notice their names missing or their particulars incorrectly recorded in the PR, they may make a claim for determination by the Revising Officer. Electors whose names have been included in the OL may also make a claim with the Revising Officer, and the elector’s voter registration can be maintained if the grounds for the claim are accepted by the Revising Officer. Sufficient information about the objection or claim must be provided by the applicant to inform the Revising Officer of the grounds of the case. *[Added in October 2022]*

2.8 The person who raises an objection or claim shall be required to attend the hearing, otherwise the Revising Officer may dismiss the objection or claim (see para. 2.47 below for details). Unless the Revising Officer’s approval is obtained to retain the voter registration, electors whose names are

listed on the OL will be excluded from the subsequently published FR.  
*[Added in October 2022]*

## **PART II : REGISTRATION OF ELECTORS**

### **Key Dates in Voter Registration**

2.9 The regular voter registration arrangements adopted from the 2022 voter registration cycle onwards are detailed below:

<b>Voter Registration Arrangements</b>	<b>Statutory Deadline</b>
Electoral Registration Officer (“ERO”) to make inquiries regarding registered electors	30 May
Submission of applications for change of particulars	16 June
Electors to apply for de-registration	16 June
Submission of applications for new registration	16 June
Electors to respond to inquiry letters to retain their voter registration	16 June
Applicants for new voter registration and change of particulars to submit further particulars	6 August

<b>Voter Registration Arrangements</b>	<b>Statutory Deadline</b>
Publication of the PR and OL	Not later than 27 August
Claims and objections period	Not later than 27 August to 9 September
Publication of the FR	Not later than 20 October

*[Added in October 2022]*

### **Eligibility to Vote**

2.10 Under the existing voter registration arrangements, a self-declaration system has been adopted to facilitate the registration of eligible persons as electors. Applicants must provide true and accurate information for voter registration. Any person who makes a false statement in his/her application for voter registration or change of registration particulars violates s 32 of the EAC (ROE) (RRE) Reg, no matter whether he/she subsequently votes at an election or not. If that person does vote at an election, he/she contravenes s 16 of the ECICO and shall be liable to a more serious penalty.

*[Added in October 2022]*

2.11 Only a registered elector is eligible to vote at an RR election. A registered elector is a person whose name appears on the FR of the Rural Area that is in effect at the time of the election as compiled and published by the ERO appointed by the SHYA under the RREO. A registered elector may only vote at an election for the Rural Area for which he/she is registered as an

elector in the FR. [S 13(1) of the RREO] *[Amended in October 2014 and October 2022]*

### **Qualifications for Registration as an Elector**

2.12 To qualify for registration as an elector for a Rural Area under the RREO, a person has to satisfy the following requirements:

- (a) he/she is already registered as an elector for the Rural Area in the existing FR for the Rural Area that is in effect; or
- (b) he/she applies in accordance with the RREO or the EAC (ROE) (RRE) Reg to be registered as an elector for the Rural Area and is entitled to be so registered.

Qualifications for registration as an elector for various types of Rural Area are different. [S 15(1) of the RREO] *[Amended in October 2014 and October 2018]*

### **Existing Village**

2.13 A resident of an EV is eligible to be registered as an elector for an EV if he/she is:

- (a) a resident of the Village<sup>5</sup> and has been a resident thereof for the 3 years immediately before the date of application for registration. In the case of a prisoner, in respect of the residence requirement, a term of imprisonment does not normally break the period of residence provided the person has met the above-mentioned

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<sup>5</sup> Being a resident of the EV means that the person's principal residential address (i.e. the address of the dwelling place constituting the person's sole or main home) must be within the boundary of the EV concerned.

residence requirement immediately before serving the sentence and has been maintaining his/her principal residential address in that Village throughout the period of imprisonment;

- (b) aged 18 years or above as at 20 October in the year of publication of the FR; and
- (c) a Hong Kong permanent resident.

[S 15(4) of the RREO] *[Amended in December 2009, March 2013, October 2014 and October 2018]*

2.14 Electors for EVs are required to observe the residence requirement for registration. In addition to the 3-year residence requirement, the electors must keep residing in the EVs for which they have been registered. If a registered elector for EVs (ReR elections) no longer resides in the Village for which he/she has been registered, or his/her residential address in the Village is no longer his/her sole or main home, he/she is no longer eligible to remain registered as an elector. Even though his/her name is still on the FRs, the person will commit an offence if he/she votes at the election. The right to vote at the relevant election is restricted to an eligible elector having continuously resided in the Village for which he/she has been registered. If the elector has moved to another residential address in the same EV, his/her eligibility to vote will still be valid. If the elector has moved to another EV, his/her eligibility to vote for the original EV will be invalid. In order to be eligible to vote, he/she has to apply for change of principal residential address timely and submit an address proof to confirm that he/she has been a resident of that EV for at least 3 years immediately before making the application. *[Added in October 2018]*

2.15 As the qualifications for registration as an elector and the voting

right for EVs (ReR elections) and IVs/CIVs (IIR elections) are different, a registered elector for an IV must meet the residence requirement for an EV in order to be eligible to vote at an election for the EV. *[Added in October 2018]*

2.16 The ERO will from time to time conduct random checking to verify the eligibility of a registered elector for an EV. Electors may be requested to provide documentary evidence to prove that he/she still meets the residence requirement. *[Added in October 2018]*

### **Indigenous Village / Composite Indigenous Village**

2.17 A person is eligible to be registered as an elector for an IV or a CIV if he/she:

- (a) is an indigenous inhabitant<sup>6</sup> of the Village, or a spouse or a surviving spouse of an indigenous inhabitant of the Village;
- (b) is aged 18 years or above as at 20 October in the year of publication of the FR;

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<sup>6</sup> According to s 2 of the RREO (Cap. 576), "indigenous inhabitant" means-

- (a) in relation to an Indigenous Village that existed in 1898 (whether or not the name the Village now has is the same name it had in 1898), means-
  - (i) a person who was in 1898 a resident of the Village; or
  - (ii) a person who is descended through the male line from a person mentioned in subparagraph (i);
- (b) in relation to an Indigenous Village that branched off from an Indigenous Village that existed in 1898 (whether or not the name the Village now has is the same name it had in 1898), means-
  - (i) a person-
    - (A) who was at the time of the branching off a resident of the first-mentioned Indigenous Village; and
    - (B) who was an indigenous inhabitant of the second-mentioned Indigenous Village; or
  - (ii) a person who is descended through the male line from a person mentioned in subparagraph (i);
- (c) in relation to a Composite Indigenous Village, means-
  - (i) a person who was in 1898 a resident of any of the villages of which the Village is composed; or
  - (ii) a person who is descended through the male line from a person mentioned in subparagraph (i).

- (c) at the time of applying to be registered, satisfies the ERO that he/she:
  - (i) holds an identity document; or
  - (ii) has:
    - (A) applied for a new identity card; or
    - (B) requested the alteration of the identity card or the issue of a new identity card,  
  
in replacement of the identity card previously issued to him/her; and
- (d) at the time of applying to be registered:
  - (i) if the identity document held by, or previously issued to, him/her is an identity card, informs the ERO of the identifying number of the identity card; or
  - (ii) if the identity document held by him/her is not an identity card, provides the ERO a copy of the identity document.

Whether the person is a permanent resident in Hong Kong or a resident of an EV with the same name as that of the IV does not affect his/her eligibility to be registered as an elector for an IV.

[S 15(5) of the RREO] *[Amended in October 2010, October 2014 and October 2018]*

## **Market Town**

2.18 A resident of an MT is eligible to be registered as an elector for an MT if he/she is:

- (a) a resident of the MT<sup>7</sup> and has been a resident thereof for the 3 years immediately before the date of application for registration. In the case of a prisoner, for the purpose in respect of the residence requirement, a term of imprisonment does not normally break the period of residence provided the person has met the above-mentioned residence requirement immediately before serving the sentence and the address in that MT has remained as his/her principal residential address throughout the period of imprisonment;
- (b) aged 18 years or above as at 20 October in the year of publication of the FR; and
- (c) a Hong Kong permanent resident.

[S 15(5A) of the RREO] [*Added in October 2014*]

2.19 Electors for MTs are also bound by the residence requirement. As in the case of electors for EVs, if a registered elector for MTs (KFR election) no longer resides in the MT for which he/she has been registered, or his/her residential address in the MT is no longer his/her sole or main home, he/she is no longer eligible to remain registered as an elector. Even though his/her name is still on the FR, the person will commit an offence if he/she votes at the election. The right to vote at the relevant election is restricted to

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<sup>7</sup> Being a resident of the MT means that the person's principal residential address (i.e. the address of the dwelling place constituting the person's sole or main home) must be within the boundary of the MT concerned.

an eligible elector having continuously resided in the MT for which he/she has been registered. If the elector has moved to another residential address in the same MT, his/her eligibility to vote will still be valid. If the elector has moved to another MT, his/her eligibility to vote for the original MT will be invalid. In order to be eligible to vote, he/she has to apply for change of principal residential address timely and submit an address proof to confirm that he/she has been a resident of that MT for at least 3 years immediately before making the application. *[Added in October 2018]*

2.20 The ERO will from time to time conduct random checking to verify the eligibility of a registered elector for an MT. Electors may be requested to provide documentary evidence to prove that he/she still meets the residence requirement. *[Added in October 2018]*

2.21 A person who would be eligible to be registered as an elector for 2 or more EVs may be registered for only one of those Villages of that person's choice. [S 15(6)(a) of the RREO]

2.22 A person who would be eligible to be registered as an elector for 2 MTs may be registered for only one of those MTs of that person's choice. [S 15(6)(b) of the RREO] *[Added in October 2014]*

2.23 A person who would be eligible to be registered as an elector for one or more EVs and one or more MTs may be registered for only one of those EVs or one of those MTs of that person's choice. [S 15(6)(c) of the RREO] *[Added in October 2014]*

2.24 A person who would be eligible to be registered as an elector for 2 or more IVs (including CIVs) may be registered for only one of those Villages of that person's choice. [S 15(7) of the RREO]

2.25 A person may register as an elector for both an IV (or a CIV) and an EV (or an MT), if he/she is so eligible for such registration in accordance with paras. 2.12 to 2.24 above. *[Amended in October 2014]*

2.26 A person is not, by virtue of being registered as an elector in the existing FR for an EV or an MT that is in effect, entitled to have the person's name included as an elector for the Village or the MT in any subsequent PR for the Village or the MT if the ERO is satisfied on reasonable grounds that the person has not been a resident of the Village or the MT for the 3 years immediately before the compilation of the register. The ERO may omit the person's name from the FR for the Village or the MT. [S 15(3) and (3A) of the RREO] *[Amended in October 2014]*

### **Disqualification from Voting**

2.27 A person registered as an elector for a Rural Area is disqualified from voting at an election for the Rural Area if he/she:

- (a) has ceased to be eligible to be so registered [see paras. 2.13, 2.17 and 2.18 above] [s 14(a) of the RREO];
- (b) is found to be incapable, by reason of mental incapacity, of managing and administering his/her property and affairs under the Mental Health Ordinance (Cap. 136) [ss 14(e) and 16(d) of the RREO]; or
- (c) is a member of any armed forces [ss 14(f) and 16(e) of the RREO].

*[Amended in December 2009 and October 2014]*

## **Application for Registration and De-registration**

2.28 The registration of electors is undertaken in accordance with the provisions of the EAC (ROE) (RRE) Reg. *[Amended in October 2014]*

2.29 A person may send in his/her application for registration as an elector using the specified form to the HAD at any time in the year. For ReR elections and KFR elections, the applicant **must submit together with the application documentary evidence that proves that the address stated in the application is the principal residential address of the applicant** [s 10(1A) of the EAC (ROE) (RRE) Reg]. As for application for de-registration, no specified form is required but the written notice must be signed by the elector. However, for inclusion/exclusion of a person's name in/from the FR to be published not later than 20 October in each year, the application form must reach the HAD on or before the specified deadline (i.e. 16 June of the same year) as stipulated under the EAC (ROE) (RRE) Reg. *[Amended in October 2014, October 2018 and October 2022]*

2.30 The HAD will process the application forms for registration and notification of de-registration it has received. The HAD will send written requests to applicants for provision of information or proof if the information on their applications/notification is incomplete or incorrect. An applicant who qualifies for registration will be allocated to the PR of relevant Rural Area. Applicants who are not qualified for registration will also be informed of the result by surface mail [s 15(3) of the EAC (ROE) (RRE) Reg]. *[Amended in December 2009, October 2012, October 2014 and October 2018]*

2.31 The particulars of all applicants who are eligible for registration as electors for an IV or a CIV, including their names and principal residential addresses or correspondence addresses (as the case may be), will be entered in the separate division for the IV or the CIV in the IVs and CIVs register. [S

5(1) of the EAC (ROE) (RRE) Reg] *[Amended in October 2018]*

2.32 The particulars of all applicants who are eligible for registration as electors for an EV, including their names and principal residential addresses, will be entered in the separate division for the EV in the EVs register. [S 4(1) of the EAC (ROE) (RRE) Reg] *[Amended in October 2018]*

2.33 The particulars of all applicants who are eligible for registration as electors for an MT, including their names and principal residential addresses, will be entered in the separate division for the MT in the MTs register. [S 4(1) of the EAC (ROE) (RRE) Reg] *[Amended in October 2014 and October 2018]*

### **Change of Residential Address and Other Registered Particulars**

2.34 It will not be necessary for a registered elector to re-apply for registration every year. However, if a registered elector has **changed his/her principal particulars in the FR** (i.e. name and principal residential address for electors of EVs and MTs; name for electors of IVs and CIVs), he/she **should notify the HAD using the specified form as soon as possible**. Apart from the above, any registered elector for an EV/MT who has ceased to be a permanent resident of Hong Kong, or whose residential address in the EV/MT is no longer his/her principal residential address, should also report to the HAD. An elector who has reported change of particulars will receive a notice from the HAD showing his/her updated electoral record. *[Amended in December 2009, October 2012, October 2014, October 2018 and October 2022]*

### **Existing Village / Market Town**

2.35 For inclusion in the FR to be published not later than 20 October in each year, the statutory deadline for registered electors for an EV or an MT

to report on change of principal particulars (including name or principal residential address) is 16 June of the same year [s 19A(12) and (13) of the EAC (ROE) (RRE) Reg]. For an application for change of principal residential address recorded in the FR for EVs and MTs, the applicant **must submit together with the application documentary evidence that proves that the address stated in the application is the principal residential address of the applicant** [s 19A(3) of the EAC (ROE) (RRE) Reg]. The relevant proof required is as follows:

- (i) If the new principal residential address is still within the boundary of the registered EV/MT, the elector should submit address proof issued within the last 3 months or any other period as specified by the HAD/ERO; or
- (ii) If the new principal residential address is in another EV/MT, the elector should submit address proof to confirm that he/she has been a resident of that EV/MT for at least 3 years immediately before making the application.

*[Amended in December 2009, October 2012, October 2014, October 2018 and October 2022]*

2.36 **If a registered elector for an EV or an MT** has ceased to be a permanent resident of Hong Kong or has ceased to be residing in the Village or the MT concerned, he/she will no longer meet the requirements for registration and his/her name should be removed from the register of electors for the EV or the MT. *[Amended in October 2014 and October 2022]*

Indigenous Village / Composite Indigenous Village

2.37 For inclusion in the FR to be published not later than 20 October

in each year, the statutory deadline for application for change of particulars (including name, principal residential address, correspondence address or the IV or CIV to be registered) by a registered elector for an IV or a CIV is 16 June of the same year. *[Added in October 2018 and amended in October 2022]*

2.38 For an indigenous inhabitant who has registered as an elector for his/her IV/CIV, if he/she wishes to apply for change of his/her registration from the Village he/she originates to the IV/CIV of his/her spouse, he/she will be eligible to vote but not eligible to stand for election in his/her spouse's IV/CIV. Moreover, he/she will also not be eligible to vote or to stand for election in the IV/CIV he/she originates from. *[Added in October 2018]*

### **Provisional Register and Omissions List**

2.39 The content of the PR shall include:

- (a) the names and principal residential addresses or correspondence addresses (correspondence address only applicable to IVs and CIVs register) of those eligible electors whose names appear in the FR for Rural Areas in effect at the time, with appropriate updates or correction by the ERO based on information reported or otherwise received (if applicable); and
- (b) the names and principal residential addresses or correspondence addresses (correspondence address only applicable to IVs and CIVs register) of the eligible new applicants who have applied for registration in the Rural Areas concerned on or before the statutory deadline for new registration in the year of compiling the register.

A copy of the PR for each Rural Area published under the RREO is **available for inspection by specified persons** at the HAD headquarters and other places, such as District Offices (“DOs”) in the New Territories (please refer to para. 2.42 below and **Appendix 3** for details). The PR is published not later than 27 August in each year [s 17(1)(a) of the RREO]. *[Amended in December 2009, October 2014 and October 2022]*

2.40 At the same time when the PR for each Rural Area is published, the ERO will also publish a copy of the OL for inspection by specified persons (please refer to para. 2.42 below and **Appendix 3** for details). The OL contains the names and other relevant particulars<sup>8</sup> of persons who were formerly registered as electors but are struck out of the PR and proposed to be omitted from the next FR, because the ERO, based on the information obtained, is satisfied on reasonable grounds that they are disqualified from or no longer qualified for registration (such as persons who have passed away, persons who have informed the ERO that they do not wish to be registered anymore, or for electors of EVs and MTs, persons who have changed their principal residential addresses without the ERO’s knowing the new addresses). [S 17(4) and (5) of the RREO and s 18 of the EAC (ROE) (RRE) Reg] *[Amended in October 2010, October 2014 and October 2022]*

2.41 The time and place(s) for inspection of the copy of the PR and the OL will be published in a notice in the Gazette and newspapers. Publication of the notice is to be treated as the publication of the PR. [Ss 19(1) and 22(1) and (3) of the EAC (ROE) (RRE) Reg] *[Added in December 2009 and amended in October 2018]*

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<sup>8</sup> In accordance with section 18(8) of the EAC (ROE) (RRE) Reg, “other relevant particulars” means, in relation to the compilation of:

- (a) the EVs PR or the MTs PR, the principal residential address; and
- (b) the IVs and CIVs PR, the principal residential address, if it has been furnished to the ERO.

2.42 To align the arrangements for the inspection of registers of electors for the RR election and other public elections, the HAD has amended the relevant legislation relating to the inspection of registers of electors. Only specified persons (i.e. validly nominated candidates, political parties, the media, the Heung Yee Kuk, Rural Committees, residents of EVs/MTs and indigenous inhabitants of IVs/CIVs) (detailed at **Appendix 3**) are allowed to inspect the copy of registers of electors (including the OL, PR and FR). [S 17 of the RREO and ss 19, 22 and 30 of the EAC (ROE) (RRE) Reg] *[Added in October 2022]*

2.43 Upon request by a person imprisoned or held in custody by a law enforcement agency and if the ERO considers it appropriate to do so, the ERO may make available at a penal institution or the premises of a law enforcement agency, as the case may be, a copy of a part of the PR and OL for that person's inspection subject to para. 2.42 above. [Ss 19(3) and 22(5) of the EAC (ROE) (RRE) Reg] *[Added in December 2009, amended in October 2018 and October 2022]*

2.44 The ERO may require persons who wish to inspect the copy of the PR and/or OL to produce an identity document and complete a form furnished by the ERO. [Ss 19(4) and 22(6) of the EAC (ROE) (RRE) Reg] *[Added in December 2009 and amended in October 2018]*

### **Rural Representative Election Voter Registration Information Enquiry System**

2.45 Registered electors may visit the “Rural Representative Election Voter Registration Information Enquiry System” at the RR elections website ([www.had.gov.hk/rre](http://www.had.gov.hk/rre)) at any time to check their latest registration particulars including their registered principal residential address and respective Rural Area. *[Added in October 2022]*

## **Appeals - Objections and Claims**

2.46 Members of the public may deliver in person at the ERO's office a notice of objection in the specified form as regards any entries in the relevant PR within the period for making objections or claims [s 23(2) of the EAC (ROE) (RRE) Reg]. An applicant who claims that he/she is entitled to be registered as an elector and has made an application for registration but his/her name is not recorded in the relevant PR or is included in the OL, or an elector whose particulars have not been correctly recorded in the PR, may deliver in person at the ERO's office a notice of claim in the specified form within a specified period in respect of the entry or any omission concerning himself/herself. If the principal residential address of the claimant:

- (a) is in Hong Kong, he/she must deliver the notice of claim in person at the ERO's office; or
- (b) is not in Hong Kong, he/she may:
  - (i) deliver the notice of claim in person at the ERO's office;
  - (ii) send the notice of claim to the ERO's office by post or by facsimile transmission;
  - (iii) send the notice of claim to the ERO's office as an electronic record authenticated by a digital signature; or
  - (iv) have the notice of claim delivered at the ERO's office by a person authorised in writing by the claimant.

[Ss 23(2) and 24(1) and (2) of the EAC (ROE) (RRE) Reg]

If a person imprisoned or held in custody by a law enforcement agency wishes to make such an objection or claim, he/she is allowed to deliver a notice of objection or claim to the ERO by post. [Ss 23(2A) and 25 (3A) of the EAC (ROE) (RRE) Reg] *[Amended in October 2006, December 2009 and October 2018]*

2.47 Cases of objections and claims will be referred to the Revising Officer for consideration. The Revising Officer will hold a hearing on each objection or claim and make a ruling on the addition, removal or correction of the entry concerned in the relevant FR. [Ss 26 and 28(2) of the EAC (ROE) (RRE) Reg] The appellant must provide sufficient information so as to inform the Revising Officer of the grounds of the objection or claim. If the appellant does not appear at the hearing and is not represented at the hearing by a legal practitioner or an authorised representative, the Revising Officer may dismiss the objection or claim, whether or not the appellant has made representations in writing regarding the objection or claim. [Ss 2(3A) and 2A of the Rural Representative Election (Registration of Electors) (Appeals) Regulation] *[Amended in October 2006, December 2009, October 2018 and October 2022]*

### **Final Register**

2.48 The FR for each Rural Area is published not later than 20 October in each year [s 17(1)(b) of the RREO]. It consists of entries shown in the relevant PR, including, for the relevant year, the particulars of newly registered electors, the revised particulars of electors who have applied for change of particulars, as well as the personal particulars as updated or corrected in accordance with the Revising Officer's ruling on the relevant claim and objection [s 29(1) of the EAC (ROE) (RRE) Reg]. The ERO will also take the opportunity to remove entries of electors who are known to have passed away and to correct any incorrect information in the relevant PR. The FR shall remain valid until the publication of the FR in the following year.

*[Amended in December 2009, October 2014 and October 2018]*

2.49 The time and place(s) for inspection of the copy of FR will be published in a notice in the Gazette and newspapers. Publication of the notice is to be treated as publication of the FR. The inspection of the FR shall be arranged as detailed in para. 2.42 above (i.e. for specified persons only). Upon request by a person imprisoned or held in custody by a law enforcement agency and if ERO considers it appropriate to do so, the ERO may make available at a penal institution or the premises of a law enforcement agency, as the case may be, a copy of a part of the FR for that person's inspection subject to para. 2.42 above. The ERO may require persons who wish to inspect the FR to produce an identity document and complete a form specified by the ERO. [S 30(1), (5) and (6) of the EAC (ROE) (RRE) Reg] *[Amended in December 2009, October 2014, October 2018 and October 2022]*

**IMPORTANT :**

Information relating to a person contained in any register of electors or in any extract of any register of electors **can only be used for election-related purposes** under the electoral legislation. Any **abuse** or **misuse** of such information is an **offence** and shall be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months. [S 32(3) of the EAC (ROE) (RRE) Reg] *[Amended in October 2018]*

To further safeguard the privacy of electors on the register, only the names and addresses of electors will be entered into the register of electors for the relevant Rural Area mentioned in paras. 2.39, 2.48 and 2.49 above for inspection by specified persons. The identification document number as well as the gender of the electors shall not be made available for inspection

of the specified persons. *[Amended in October 2014 and October 2022]*

### **PART III : THE VOTING SYSTEM**

2.50 The voting system adopted for the RR election, depending on the number of RR(s) to be returned, is the simple majority or relative majority system, commonly known as the “first past the post” voting system [s 31(3) of the RREO]. A registered elector:

- (a) for an EV may vote for 1 candidate as the ReR for that EV;
- (b) for a CIV may vote for 1 candidate as the IIR for that CIV;
- (c) for an IV may vote for 1 to 5 candidates as the IIRs for that IV, provided that the number of candidates he/she votes for does not exceed the number of IIRs to be returned at the election for that IV; and
- (d) for an MT may vote for 1 to 39 candidates (depending on the individual MT) as the KFRs for that MT, provided that the number of candidates he/she votes for does not exceed the number of KFRs to be returned at the election for that MT.  
*[Added in October 2014]*

*[Amended in October 2014]*

2.51 When there is only 1 validly nominated candidate for an EV or a CIV, the Returning Officer (“RO”) will declare the validly nominated candidate elected. In the case of an IV or an MT, depending on the number of IIRs for

the individual IV and KFRs for the individual MT, the number of IIRs to be returned may range from 1 to 5 and the number of KFRs to be returned may range from 1 to 39. When no more candidates have been validly nominated for election for the IV than the number of IIRs to be returned for that IV at the election or no more candidates have been validly nominated for election for the MT than the number of KFRs to be returned for that MT, the RO will declare the validly nominated candidates elected [s 29(1) of the RREO]. In such cases, polling for the Rural Area will not be necessary. When there are more validly nominated candidates than the number of RRs to be returned at an election, a poll shall be held [s 31 of the RREO]. *[Amended in October 2011 and October 2014]*

2.52 In announcing the results of the elections, the RO should comply with the following principles:

- (a) In the case of a single vacancy, the RO shall declare the candidate with the highest number of votes elected. In the event that more than 1 candidate has the equal highest number of votes, the RO shall determine the result by drawing lots. He/She shall declare the candidate on whom the lot falls as elected. [S 31(5)(a) and (6) of the RREO]
- (b) In the case of 2 or more vacancies, the candidates elected will be the candidate who obtains the highest number of votes followed by the candidate with the second highest number of votes, and so on, until all vacancies have been filled. In the event that there is/are still 1 or more vacancy/vacancies to be filled and the successful candidates remaining have the same number of votes, the RO shall determine the result of the election by drawing lots and the candidate(s) whom the lot falls is/are to be returned to fill the remaining vacancy/vacancies. The RO shall declare the

candidate on whom the lot falls as elected. [S 31(5)(b) and (6) of the RREO]

(c) When the election result has to be determined by the drawing of lots, 10 table-tennis balls each marked with a number from 1 to 10 will be put into an empty opaque bag, to be provided by the RO. Firstly, one of the candidates is to draw 1 ball from the bag. The number marked on the ball should be jotted down by the RO and the ball should be put back into the bag. The procedures are repeated for the other candidates until all candidates have drawn the table-tennis ball. The RO will draw the lot on behalf of candidate(s) who is/are absent at the time of the draw. The candidate or candidates on whom the lot falls, as specified below, is or are to be returned at the election:

(i) Where there is only 1 vacancy to be filled and there are 2 candidates, the candidate who draws the larger number from 1 to 10 will be the winner. If 2 candidates have drawn the same number, further round(s) of draw will be held until a candidate eventually wins. 1 is the smallest number and 10 is the largest number.

(ii) Where there is only 1 vacancy to be filled and there are more than 2 candidates, if in the first draw, the numbers drawn by the candidates are different, then the candidate who draws the largest number wins. If, on the other hand, 2 or more candidates have drawn the same larger number and the remaining candidate(s) has/have drawn a smaller number, a second round of draw will be held. Only those candidates who have drawn the same larger number in the first round will participate in the second

round of draw.

- (iii) Where there are 2 vacancies to be filled and there are 3 or more candidates having an equal number of votes, if each candidate has drawn different numbers in the first round of draw, the 2 candidates who have drawn the largest and the larger numbers will get the 2 vacancies, and the remaining candidate(s) will be declared defeated. Similarly, if 2 of the candidates have drawn 2 larger equal numbers and the remaining candidate(s) has/have drawn smaller number(s), then those 2 candidates will be declared elected. If 1 candidate has drawn a larger number and the remaining candidates have drawn equal smaller numbers, the candidate who has drawn the larger number will be declared elected and the remaining candidates will participate in a second round of draw.

*[Amended in October 2018]*

2.53 After obtaining the results of the elections, the RO should publicly declare the successful candidate(s) as elected as soon as practicable.

*[Added in October 2018]*

### **Death or Disqualification of a Candidate**

2.54 If, after the RO has decided that a candidate is validly nominated, proof is given before the polling day to the satisfaction of the RO that the candidate has died or is disqualified from being nominated as a candidate, the RO must, as soon as practicable, publicly declare that the candidate has died or that the RO's decision is varied to the effect that the candidate is not validly nominated. The RO must further declare which candidates are validly

nominated for election for the relevant Rural Area. [Ss 27 and 28 of the RREO] *[Added in October 2018]*

2.55 If, on the polling day but before the close of poll for the election, proof is given to the satisfaction of the RO that a validly nominated candidate has died or is disqualified from being elected, the RO shall publicly declare that the proceedings for the election for the Rural Area are terminated. The declaration is to be made by a notice displayed in a prominent place outside each polling station of the relevant Rural Area and published in the Gazette as soon as practicable. [S 30(1) of the RREO and s 20(1) and (2) of the EP (RRE) Reg] *[Added in October 2018]*

2.56 If, after the close of poll but before the election result is declared, proof is given to the satisfaction of the RO that a validly nominated candidate has died or is disqualified from being elected, the RO should complete the counting of votes. After the counting of votes is finished, if the candidate concerned is found to be successful at the election, the RO shall not declare that candidate as elected and shall publicly declare that the election for that Rural Area has failed or has failed to the extent that the number of candidates returned for the Rural Area at the election is less than the number of RRs to be returned for that Rural Area. [Ss 30(2), (3) and 31(8) of the RREO and s 21(3) of the EP (RRE) Reg] *[Added in October 2018]*

## CHAPTER 3

### NOMINATION OF CANDIDATES

#### PART I : ELIGIBILITY AND DISQUALIFICATION FOR NOMINATION

3.1 The legal provisions governing the eligibility for and disqualification from the nomination of candidates for the RR election are contained in the RREO. The procedure for nomination of candidates for the RR election is provided in the EP (RRE) Reg made by the EAC. *[Amended in October 2014]*

##### **Eligibility**

3.2 To be eligible for nomination as a candidate at an election for an EV or a MT, a person must:

- (a) be 21 years of age or over;
- (b) be a Hong Kong permanent resident;
- (c) be registered, and eligible to be registered, as an elector for the EV or the MT;
- (d) be a resident of the EV or the MT, and has been such a resident of the Village or the MT for the 6 years immediately preceding the nomination;
- (e) not be disqualified from voting at the election by virtue of s 14 of the RREO (see para. 2.27 above); and

- (f) not be disqualified from being nominated as a candidate at the election, or from being elected as a ReR for the Village or a KFR for the MT by virtue of s 23 of the RREO or any other law (see para. 3.8 below).

[S 22(1) and (2A) of the RREO] [*Amended in October 2014*]

3.3 To be eligible for nomination as a candidate at an election for an IV or a CIV, a person must:

- (a) be an indigenous inhabitant of the IV/CIV;
- (b) be 21 years of age or over;
- (c) be a Hong Kong permanent resident;
- (d) ordinarily reside in Hong Kong (for the definition of “ordinarily residing in Hong Kong”, please refer to paras. 3.5 to 3.7 below);
- (e) be registered, and eligible to be registered, as an elector for the IV/CIV;
- (f) not be disqualified from voting at the election by virtue of s 14 of the RREO (see para. 2.27 above); and
- (g) not be disqualified from being nominated as a candidate at the election, or from being elected as an IIR for the Village by virtue of s 23 of the RREO or any other law (see para. 3.8 below).

[S 22(2) of the RREO] [*Amended in October 2014*]

3.4 As mentioned in para. 2.38 above, for an indigenous inhabitant who has registered as an elector for his/her IV or a CIV, if he/she wishes to apply for change of his/her registration from the Village he/she originates to the IV/CIV of his/her spouse, he/she will neither be eligible to stand for the election in his/her spouse's IV/CIV nor eligible to stand for the election in the IV/CIV he/she originates. *[Added in October 2018]*

### **“Ordinarily Residing in Hong Kong”**

3.5 The definition of “ordinarily residing in Hong Kong” is not set out in the subsisting electoral law. In assessing whether a person “ordinarily resides in Hong Kong”, one needs to take into account a host of factors and the specific situation of each case, and determine according to the relevant judgments of the Court. The conclusion cannot be generalised and one cannot say someone does not “ordinarily reside in Hong Kong” simply because he/she has a place of residence abroad. According to a court precedent<sup>9</sup>, a person is considered ordinarily residing in a place if he/she remains in that place legally, voluntarily and for a settlement purpose (such as for education, employment or residence), regardless of the duration, and even if he/she is temporarily absent from that place for some reasons. The Court also pointed out that a person may ordinarily reside in two places at the same time. *[Added in October 2022]*

3.6 Generally speaking, for a Hong Kong permanent resident who used to reside in Hong Kong all along, if he/she has now set up for personal reasons another residence elsewhere but still returns to live in Hong Kong from time to time (such as for handling personal matters, social gatherings or family reunion), then he/she can still be regarded as maintaining a reasonable connection with Hong Kong. A condition which must be considered in parallel is that in accordance with the electoral law, the person must provide, for the purpose of

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<sup>9</sup> *Lau San Ching v. Liu Apollonia* (1995) 5 HKPLR 23 citing *R.v. Barnet London Borough Council, ex parte Shah* [1983] 2 AC 309

registration as an elector, a residential address which is his/her only or principal residence in Hong Kong (i.e. not a correspondence address but a residential address where he/she habitually resides when he/she is in Hong Kong). Under such circumstances, whether the person still satisfies the statutory requirement of “ordinarily residing in Hong Kong” must be determined according to the actual circumstances of individual case. *[Added in October 2022]*

3.7 To sum up, the individual circumstances of the person must be considered when determining whether that person is “ordinarily residing in Hong Kong”, and it is not a matter capable of summary determination. In case of doubt, a prospective candidate should consult his/her independent legal adviser. *[Amended in October 2004 and October 2022]*

### **Disqualification**

3.8 A person is disqualified from being nominated as a candidate at an RR election, and from being elected as an RR for a Rural Area, if he/she:

- (a) is a judicial officer;
- (b) has, in Hong Kong or any other place, been sentenced to death or imprisonment (by whatever name called) and has not either served the sentence or any substitute sentence or received a free pardon<sup>10</sup>;
- (c) has been convicted of treason;

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<sup>10</sup> The Court of First Instance (“CFI”) delivered written judgment on 21 June 2012 on *Wong Hin Wai & another v. Secretary for Justice* (HCAL 51 & 54/2012) and declared the similar provision under s 39(1)(b) of the Legislative Council Ordinance (Cap. 542) (“LCO”) (which is similar to the situation set out in para. 3.8(b) above) to be unconstitutional. On 12 July 2012, the Government announced its decision not to appeal against the judgment. The future RR Election will be organised in accordance with the prevailing electoral laws. Any person who would like to be nominated as a candidate for RR Election and is doubtful about his/her eligibility for nomination may seek independent legal advice where appropriate.

- (d) on the date of nomination, or of the election, is serving a sentence of imprisonment;
- (e) is or has been convicted, within 5 years before the date of the election,
  - (i) of any offence in Hong Kong or in any other place, the sentence for which is imprisonment (suspended or not) for a term exceeding 3 months without the option of a fine;
  - (ii) of having engaged in corrupt conduct or illegal conduct in contravention of the ECICO;
  - (iii) of any offence against Part II of the Prevention of Bribery Ordinance (Cap. 201) (“POBO”); or
  - (iv) of any offence<sup>11</sup> prescribed by the regulations made by the EAC;
- (f) is ineligible because of the operation of the RREO or any other law;
- (g) is a representative or a salaried functionary of the government of a place outside Hong Kong;
- (h) is a member of any national, regional or municipal legislature, assembly or council of any place outside Hong Kong, other than a

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<sup>11</sup> Prescribed offence refers to a person who knowingly makes a false statement in a material particular or recklessly makes an incorrect statement in a material particular or omits a material particular in an election-related document under s 90 of the EP (RRE) Reg; and, for example (but not limited to), any abuse or misuse of information relating to a person contained in any register of electors or in any extract of any register of electors under s 32 of the EAC (ROE) (RRE) Reg.

people's congress or people's consultative body of the People's Republic of China, whether established at the national level or local level;

- (i) is an undischarged bankrupt or, within the previous 5 years, has either obtained a discharge in bankruptcy or has entered into a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap. 6) with the person's creditors, in either case without paying the creditors in full;
- (j) within the 5 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<sup>12</sup>, or has been declared or decided in accordance with any law:
  - (i) to be in breach of a specified oath; or
  - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the HKSAR of the People's Republic of China;
- (k) is found to be incapable, by reason of mental incapacity, of managing and administering his/her property and affairs under the Mental Health Ordinance (Cap. 136); or
- (l) in the case of ReR or KFR, ceases to be a resident of the EV or the MT.

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<sup>12</sup> Specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China ("Basic Law") and bear allegiance to the Hong Kong Special Administrative Region ("HKSAR") of the People's Republic of China.

[S 23 of the RREO] *[Amended in October 2011, October 2014, October 2018 and October 2022]*

## **PART II : WHEN AND HOW TO NOMINATE**

### **When to Nominate**

3.9 Any person who intends to stand for election may submit a nomination form during the **nomination period** specified in the notice published in the Gazette [ss 4 and 5 of the EP (RRE) Reg]. The nomination period for an RR election shall not be less than 7 days, and shall end not less than 12 days before the polling day [s 5 of the EP (RRE) Reg]. An election timetable in the format of an “Action Checklist for Candidates” (see **Appendix 1**) will be provided to each candidate by the RO for the relevant Rural Area. The ROs will receive nominations during the ordinary business hours (i.e. from 9 am to 5 pm on Monday to Friday, and from 9 am to 12 noon on Saturday) on each working day (i.e. any day other than a general holiday) in the nomination period. **Candidates are advised to submit their nominations in good time before the end of the nomination period to allow time for any errors in their nomination forms to be corrected.** *[Amended in October 2014, October 2018 and October 2022]*

### **How to Nominate**

3.10 Nomination forms specified by the EAC are available from any DO or from the HAD headquarters, or can be downloaded from the website of the RR Election ([www.had.gov.hk/rre](http://www.had.gov.hk/rre)). *[Amended in October 2014]*

3.11 The nomination form for candidates comprises the parts of (a) nomination and (b) candidate's consent to nomination and declaration of eligibility:

(a) The Nomination

The nomination must be subscribed by at least 5 electors registered for the Rural Area concerned (other than the candidate himself/herself), and each elector may only subscribe **nominations not more than the vacancies to be filled for a particular Rural Area**. Once the number of nomination forms subscribed by an elector, which have been delivered to the RO, has reached the above statutory limit (i.e. the number of vacancies to be filled for a particular Rural Area), the elector's signature on any other nomination forms will be inoperative. [S 25 (1), (2) and (3) of the RREO] *[Amended in October 2014 and October 2018]*

If, however, the nomination subscribed by an elector has been held to be invalid, or the candidate has withdrawn his/her nomination or has died, the elector may make another nomination instead before the end of the relevant nomination period, and his/her signature shall be operative on the latter nomination form. [S 25 (4) of the RREO] *[Added in October 2018]*

**IMPORTANT :**

A candidate who submits a nomination form on the last few days of the nomination period is advised to include more than the required number of subscribers for his/her nomination, so as to avoid the risk of invalidation of the nomination should any of the subscribers be subsequently found not to be qualified as

subscribers. A candidate should ensure that the electors subscribing his/her nomination form are eligible to do so and these electors have not subscribed more nomination forms than the vacancies of the Rural Area. Each elector subscribing a nomination shall sign the nomination form **personally**. *[Amended in October 2004, October 2014 and October 2018]*

No unlawful means shall be used to procure an elector to subscribe or not to subscribe a nomination. Intimidation is an offence under s 24 of the Crimes Ordinance (Cap. 200). Offenders are liable on summary conviction to a fine and to imprisonment for 2 years, or on conviction upon indictment to imprisonment for 5 years. Engaging in bribery, which is a corrupt conduct, is also liable to a fine and to imprisonment. *[Added in September 2005, amended in October 2012 and October 2018]*

Candidates are also required to observe Data Protection Principle 4 of Schedule 1 to the Personal Data (Privacy) Ordinance (Cap. 486) (“PD(P)O”) in safeguarding the personal data of subscribers to the nomination forms held by them. They should take all practicable steps to ensure that the aforesaid personal data are protected against unauthorised or accidental access, processing, erasure, loss or use. *[Added in October 2012 and amended in October 2018]*

(b) Candidate’s Consent to Nomination and Declaration of Eligibility

According to the RREO, a candidate must duly complete the nomination form and declarations, which shall be attested by a

witness<sup>13</sup>. The candidate must declare that he/she will uphold the Basic Law and pledge allegiance to the HKSAR. [S 24 of the RREO] *[Amended in October 2014 and October 2018]*

Any person who makes a statement which he/she knows to be false in a material particular in an election related document (including the nomination form and declarations), or recklessly makes a statement which is incorrect in a material particular in an election related document, or omits a material particular in an election related document, commits an offence and shall be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months. [S 90 of the EP (RRE) Reg] *[Added in October 2018]*

**IMPORTANT :**

No person shall be nominated as a candidate at an election for more than 1 Rural Area [s 22(4) of the RREO]. When a person submits his/her nomination form, he/she must have withdrawn all his/her other prior nominations, if any. He/She is required to make a declaration in the nomination form that either he/she has not been nominated before for any other Rural Area in the election, or if he/she has been so, he/she has withdrawn all those prior nominations. Where a candidate stands nominated (see para. 3.15 below), any subsequent nominations of his/hers will be rejected as invalid [s 10(3)(d) of the EP (RRE) Reg]. *[Amended in October 2011 and October 2014]*

Candidates should make sure that their nomination forms are properly completed

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<sup>13</sup> A witness can be any person aged 18 years or above and in possession of an identity document. According to s 2(1) of the RREO, identity document means an identity card or any other document issued to a person that is acceptable to the ERO as proof of the person's identity.

before submission. *[Amended in October 2014]*

3.12 The completed nomination form must be delivered to the RO for the Rural Area concerned by the candidate **in person** during ordinary business hours (i.e. from 9 am to 5 pm from Monday to Friday, and from 9 am to 12 noon on a Saturday) on a working day (i.e. any day other than a general holiday) in the nomination period (see para. 3.9). In exceptional circumstances (e.g. the candidate is temporarily absent from Hong Kong, suffers incapacity due to illness or is undergoing mandatory quarantine, etc.) which preclude the candidate from delivering the nomination form in person, the RO may authorise any other manner of delivery of the nomination form to him/her. [S 7(1)(f) of the EP (RRE) Reg] The RO may refuse to accept any nomination form where there is a material alteration of its content. *[Amended in October 2014 and October 2018]*

3.13 The RO will also make available copies of the nomination forms for public inspection free of charge at his/her office during ordinary business hours until the relevant notice of the election result is published [s 13 of the EP (RRE) Reg]. Should the RO decide that a nomination is invalid (see Part III below), he/she is required to endorse on the nomination form his/her decision and the reasons for it. [S 11 of the EP (RRE) Reg] *[Added in October 2018]*

### **False Declarations**

3.14 A candidate who knowingly and wilfully makes a statement which is false in a material particular in the nomination form or makes a false declaration is in breach of the requirements of s 90 of the EP (RRE) Reg. The aforesaid provision stipulates that a person who makes a statement which he/she knows to be false in a material particular in an election-related document, or recklessly makes a statement which is incorrect in a material particular in such document, or omits a material particular in such document, commits an offence

and shall be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months. That provision also specifies that an election related document means a form, declaration, etc. required or used for the purposes of the EP (RRE) Reg. Besides, a person making a false statement in statutory document is in breach of s 36 of the Crimes Ordinance and shall be liable to imprisonment for 2 years and a fine. A violation against s 90 of the EP (RRE) Reg is a prescribed offence, with the same disqualification on conviction of a corrupt or illegal conduct under the ECICO (as described in paras. 15.52 and 16.38 of the Guidelines). If elected, he/she will also be disqualified from holding office as an RR in accordance with s 9(1)(d)(iv) of the RREO. *[Amended in September 2005, October 2010, October 2011, October 2012, October 2014, October 2018 and October 2022]*

### **PART III : VALIDITY OF NOMINATIONS**

3.15 Whether the nomination is valid or not is decided by the RO. The RO will make a decision as to the validity of a nomination as soon as practicable after receipt of the nomination form and will publish a notice stating which persons are validly nominated as candidates within 14 days after the end of the nomination period for an election for the Rural Area. [S 27 of the RREO and ss 10 and 15 of the EP (RRE) Reg] *[Amended in October 2012 and October 2014]*

3.16 If the RO detects on a nomination form an error which may amount to a ground for deciding that the nomination form is invalid, and if the error can be rectified before the close of the nomination period, the RO may, before making a decision that the nomination form is invalid, give the candidate a reasonable opportunity to rectify it as far as practicable [s 9 of the EP (RRE) Reg]. For example, if the qualification of a subscriber to a submitted nomination form is in doubt, the prospective candidate may, where possible, be

allowed to find another subscriber as a substitute as soon as practicable. However, no substitution of subscriber or re-submission of a nomination form is allowed after the end of the nomination period. *[Amended in October 2022]*

3.17 A nomination may be ruled invalid if any errors on the nomination form are not rectified by the end of the nomination period.

3.18 The RO may require a candidate to furnish such additional information as he/she considers necessary to satisfy himself/herself as to the validity of the nomination. [S 7(3) of the EP (RRE) Reg]

3.19 A nomination will be invalid unless the nomination form contains all information and signatures required or other information required by the RO and the candidate has made the declarations referred to in para. 3.11(b) above. *[Amended in October 2011]*

3.20 Without prejudice to ss 22, 23, 24 and 25 of the RREO<sup>14</sup>, the RO may decide that a nomination is invalid only when:

- (a) the number or qualifications of the subscribers fall short of the requirements under s 25 of the RREO;
- (b) the nomination form, including the nomination and declarations, has not been completed or signed as required under s 7 of the EP (RRE) Reg;
- (c) he/she is satisfied that the candidate is not eligible to be, or is disqualified from being, nominated as a candidate under the RREO;

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<sup>14</sup> Please see paras. 3.2, 3.3, 3.8, 3.11 and 3.14 for reference.

- (d) the candidate has been nominated for another Rural Area in the same election and the RO is not satisfied that he/she has withdrawn that candidature;
- (e) he/she is satisfied that the candidate has died; or
- (f) the nomination form is not duly delivered within the nomination period (see paras. 3.9 and 3.12 above).

[S 10(3) of the EP (RRE) Reg] *[Amended in October 2014]*

3.21 If, having decided that a candidate is validly nominated for an election for a Rural Area, but before the polling day, proof is given to the satisfaction of the RO that the candidate has died, the RO must publicly declare that the candidate has died and further declare which candidate(s) is/are validly nominated for that Rural Area. The RO does not have to make any such declarations if the candidate who has died is uncontested in the election for the relevant Rural Area and the RO has publicly declared that the candidate was duly elected. [S 28(1), (2) and (3) of the RREO and s 17 of the EP (RRE) Reg] *[Amended in October 2012, October 2014 and October 2018]*

3.22 If, having decided that a candidate is validly nominated for an election for a Rural Area, but before the polling day, proof is given to the satisfaction of the RO that the candidate is disqualified from being nominated as a candidate, the RO must vary the decision to the effect that the candidate is not validly nominated. The RO must also publicly declare that his/her decision has been varied and further declare which candidate(s) is/are validly nominated for that Rural Area. The RO does not have to vary his/her decision if the candidate who has been disqualified is uncontested in the election for the relevant Rural Area and the RO has publicly declared that the candidate was duly elected.

[S 28(4), (5) and (6) of the RREO and s 18 of the EP (RRE) Reg] *[Amended in October 2014]*

#### **PART IV : WITHDRAWAL OF CANDIDATURE**

3.23 A candidate may withdraw his/her candidature only before the end of the nomination period. He/She is required to complete and sign a specified form entitled “Withdrawal of Candidature” which shall be delivered by the candidate in person or his/her election agent in person to the RO concerned. [S 26 of the RREO and s 14 of the EP (RRE) Reg] Under the subsisting law, candidates are not allowed to withdraw their candidature after the end of the nomination period and there is no such mechanism as the so-called “abandonment of election”. Even if a candidate has made public his/her claim about the so-called “abandonment of election”, his/her name will still be shown on the ballot papers for electors to vote for if they so wish. All candidates must comply with the election-related legislation, including that on reporting all election expenses. *[Amended in October 2018 and October 2022]*

#### **IMPORTANT :**

It is an offence under ss 7 and 8 of the ECICO for a person to bribe, or to use or threaten to use force or duress against, a candidate to induce him/her to withdraw his/her candidature; and for a candidate to solicit or accept a bribe to withdraw his/her candidature. *[Amended in October 2014]*

## **PART V : NOTICE OF VALID NOMINATIONS**

3.24 The RO concerned shall publish a notice in the Gazette within 14 days after the close of the nomination period, stating the name and the address<sup>15</sup> of each validly nominated candidate for the Rural Area concerned, together with the number (which will be shown on the ballot paper) allocated by the drawing of lots to each candidate [s 15 of the EP (RRE) Reg]. Each validly nominated candidate will be separately informed of the validity of all nominations of the same Rural Area. In the case of an uncontested election, the RO must publish a notice in the Gazette to declare the candidates as being duly elected as a ReR, IIR or a KFR for that Rural Area, as the case may be [s 16 of the EP (RRE) Reg].  
*[Amended in October 2012, October 2014 and October 2022]*

## **PART VI : CANDIDATES' BRIEFING AND INTRODUCTION TO CANDIDATES**

3.25 The EAC will conduct a briefing, as and when necessary, for all validly nominated candidates on important matters related to the election. After the end of the nomination period, the RO will inform each validly nominated candidate the lots drawing session and the date and time of the Candidates' Briefing. In the case of a contested election, the RO will draw lots to determine for each of the validly nominated candidates the candidate number or the order of appearance to be shown on the ballot paper and the designated spots allocated to each of them to display EAs (please refer to para. 7.31).  
*[Amended in October 2018 and October 2022]*

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<sup>15</sup> For an election of ReR or KFR, the address is the relevant particulars of the candidate's principal residential address contained in the candidate's nomination form; for an election of IIR, the address is the candidate's address contained in the candidate's nomination form. For details, please refer to the notes on completion of the nomination form.

3.26 The HAD will publish an Introduction to Candidates. The candidate number of each candidate allocated by the drawing of lots and to be shown on the ballot papers will also be shown on the Introduction to Candidates, which will be mailed to the electors together with the polling notice(s) before the polling day. Copies of the Introduction to Candidates will be made available in the Correctional Services Department (“CSD”) and other law enforcement agencies for electors imprisoned or held in custody. *[Amended in February 2005, December 2009, October 2014 and October 2018]*

3.27 Candidates are free to make use of the Introduction to Candidates to promote their elections. Any candidate who so wishes should submit the following to the relevant RO **before the end of the nomination period**:

- (a) 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
- (b) 2 additional copies of his/her photograph identical to the one affixed to the grid paper with his/her name, name of Rural Committee and rural area concerned written on the back.

If a candidate does not submit the grid paper, the Introduction to Candidates will only show his/her name and candidate number, with the sentence “Relevant information has not been provided by the candidate” printed in the space provided for his/her electoral message. *[Amended in February 2005, October 2010, October 2014, October 2018 and October 2022]*

3.28 The contents, nature and presentation of a candidate’s message in the Introduction to Candidates are exclusively the idea and work of the candidate himself/herself. They will not be subject to alteration or editing by the HAD unless they are considered obscene, immoral, indecent, offensive, defamatory,

unlawful or containing information irrelevant to the promotion of the candidature of the candidate concerned. *[Added in February 2005, amended in October 2011, October 2014 and October 2022]*

3.29 To assist persons with visual impairment in reading the contents of the Introduction to Candidates, candidates may provide the HAD with typed texts of their messages to enable persons with visual impairment to read the contents of the document with the aid of computer software. The typed texts can be submitted after the end of the nomination period and by the deadline specified by the HAD. With these typed texts, the HAD will prepare a text version of the Introduction to Candidates for uploading onto its website of the RR election. If a candidate does not provide the typed text for preparing the text version of the Introduction to Candidates, the website will only show his/her name and the number allocated with the remark that the candidate has not provided a text version of his/her electoral message. The EAC appeals to all candidates to support this initiative and make use of this text version to convey their electoral messages to persons with visual impairment. As a general principle, candidates should be sensitive to the needs of electors and, in the course of their electioneering campaign, make their utmost efforts to ensure that persons with different needs can have fair access to the electoral messages. *[Added in October 2012, amended in October 2018 and October 2022]*

## CHAPTER 4

### POLLING AND COUNTING ARRANGEMENTS

#### PART I : GENERAL

4.1 An elector can only vote at the polling station allocated to him/her by the DHA. In general, the polling station allocated to an elector of a particular Rural Area will be close to his/her Rural Area as far as practicable. However, previously used polling stations may or may not be re-used in the current election because it is subject to venue owners/management's decision whether the venues are available for use again, and it also depends on whether other more suitable venues can be identified by the HAD. *[Added in October 2022]*

4.2 If an elector with mobility difficulty is assigned to a polling station that is not accessible for him/her, the elector may apply to the HAD for re-assigning to an alternative polling station with barrier-free access. Please refer to para. 4.20 below for details. *[Added in October 2022]*

4.3 A No Canvassing Zone ("NCZ") will be designated outside each polling station to ensure that electors can gain access to the polling station without interference. In addition, a No Staying Zone ("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. *[Added in October 2022]*

4.4 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. Please refer to Part III of this chapter for details. *[Added in October 2022]*

4.5 The poll for Villages starts at 12 noon and ends at 7:00 pm and the poll for MTs starts at 8:30 am and ends at 9:30 pm. The actual polling hours shall be designated by the DHA by notice in the Gazette prior to the polling day. For security reasons, dedicated polling stations situated in penal institutions open from 1:00 pm to 4:00 pm. About 30 minutes before the commencement of the poll (or 15 minutes for dedicated polling stations situated in penal institutions), the Presiding Officer (“PRO”) will admit the candidates, their election agents or polling agents into the polling station to observe the opening of the sealed packets of ballot papers and the locking and sealing of ballot boxes. After the close of the poll, the PRO will lock and seal the ballot boxes in the presence of the candidates and their agents, if any. The count will only commence when polling at all polling stations of the same Rural Area has closed. *[Added in October 2022]*

4.6 Only electors and designated/authorised persons are allowed entry to a polling station. Electors requiring assistance from others for entering a polling station may make a request to the PRO for discretionary arrangements as appropriate. *[Added in October 2022]*

4.7 In order to be more flexible, efficient and accurate in the issuance of ballot papers, the HAD may, having regard to the actual circumstances, adopt an electronic poll register (“EPR”) system for issuing ballot papers at polling stations (except for dedicated polling stations). Upon entry to a polling station, electors should follow the instructions on site and collect ballot papers at any of the ballot paper issuing desks. Please refer to Parts VI and VII of this chapter for details. *[Added in October 2022]*

4.8 The ballot is autonomous and secret. No one may use any force or threaten to use force against a person to make him/her vote or not vote for any particular candidate at an election. Also, no one is obligated to disclose which candidate he/she has voted for or is going to vote for. *[Added in October 2022]*

4.9 After collecting the ballot paper, an elector should immediately proceed to a voting compartment to mark his/her vote on the ballot paper. Each voting compartment can only be used by one elector at any one time. Based on the principle of the autonomous and secret ballot, it is prohibited by the law to have anyone (not even a relative or friend of the elector) to accompany or assist the elector to vote. If an elector has difficulty in marking his/her vote, he/she may, as stipulated under the law, ask the PRO or the PRO's deputy to mark the ballot paper on his/her behalf according to his/her voting preference, in the presence of 1 polling staff member as a witness. Please refer to para. 4.49 below for details. *[Added in October 2022]*

4.10 No one is allowed to display, circulate, share or discuss with others any material containing the name and/or number of a candidate inside the polling station or the NCZ. Such acts are against the law. Nevertheless, it is not prohibited by the law for an elector to enter the polling station with a memorandum containing the name or number of the candidate of his/her choice (such as a leaflet bearing the information of the candidate or a reminder note commonly known as “thunder in the palm (掌心雷)”) for that elector's own reference to mark the ballot paper inside the voting compartment. *[Added in October 2022]*

4.11 Under no circumstances is anyone allowed to induce an elector to vote or not to vote for a particular candidate or particular candidates by offering advantages, food, drink or entertainment, by using force or duress against a person, or by a deception, and to wilfully obstruct or prevent an elector from

voting at the election. Such acts violate the ECICO. There are occasions when electors may require assistance from others or transportation service in accessing the polling station. However, in the course of the assistance and service, it must not involve the aforesaid unlawful acts under any pretext to induce an elector to vote or not to vote for a particular candidate or particular candidates. For details about corrupt conduct to wilfully obstruct or prevent another person from voting at an election, please refer to para. 16.27 of Chapter 16. *[Added in October 2022]*

4.12 Exit polls may be conducted within the NCZ outside polling stations by organisations approved by the HAD. Participation in any exit poll is entirely voluntary. Electors need not disclose to the organisations concerned which candidates they have voted for unless they wish to do so. Please see Chapter 14 for matters relating to exit polls. *[Added in October 2022]*

4.13 Polling stations (except for certain polling stations and dedicated polling stations) will be converted to counting stations after the close of the poll where the votes for the Rural Areas concerned will be counted and the counting results will be announced to the candidates and their agents present. For other polling stations which are not dedicated polling stations, after the close of the poll, the ballot boxes (locked and sealed) will be delivered to the respective designated counting stations. In the case of a dedicated polling station, the ballot boxes (locked and sealed) will first be delivered to the ballot paper sorting station for sorting. The sorted ballot papers for each Rural Area will then be transported to a corresponding counting station and mixed with the ballot papers there before counting. Please refer to paras. 4.65 to 4.69 below for details. *[Added in October 2022]*

## **PART II : BEFORE THE POLL**

### **Gazettal of Notice**

4.14 One or more polling stations to be used for polling in respect of each Rural Area are designated by the DHA. Polling stations (except for certain polling stations and dedicated polling stations) will be converted to counting stations after the close of poll. *[Amended in October 2014 and October 2022]*

4.15 The DHA shall designate by notice in the Gazette places as polling stations, dedicated polling stations, ballot paper sorting stations<sup>16</sup> or counting stations at least 10 days before the polling day. A single place may be designated to serve as both a polling station and a counting station. [S 28(1) and (1AA) of the EP (RRE) Reg] The RO must, at least 10 days before the polling day, give written notice to each candidate of the addresses of the counting stations at which the counting of the votes is to take place and, where applicable, the addresses at which the sorting of ballot papers received from dedicated polling stations is to take place for the Rural Area contested by the candidates [s 55(3) and (4) of the EP (RRE) Reg]. *[Added in October 2022]*

4.16 Where premises occupied by any school or organisation/association/body receiving grant from the Government's general revenue are concerned, the DHA may require by written notice the owner or occupier to allow an authorised person to carry out site visits. If the DHA considers the premises suitable for use as a polling station or a counting station, the DHA may require by written notice the owner or occupier to make available the premises for use as a polling station or a counting station in the election for the Rural Area and allow an authorised person to carry out preparatory work

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<sup>16</sup> HAD may set up a ballot paper sorting station to sort ballot papers received from dedicated polling stations according to Rural Areas before the ballot papers are delivered to the respective counting stations for counting of votes.

and store materials at the premises. Anyone who fails to comply with the above requirements is liable to a fine of \$50,000. [Ss 28 and 28AA of the EP (RRE) Reg] *[Added in October 2022]*

### **Allocation of Polling Stations**

4.17 The DHA may set up a cluster of polling stations for various Rural Areas in the same premises. Where circumstances require, temporary structures may be designated as polling stations. The polling stations set up for the Rural Areas are in the vicinity in the sense that an elector of a particular Rural Area will be assigned to a polling station close to his/her Rural Area as far as practicable. The HAD may also set up dedicated polling stations inside penal institutions or other suitable places. Registered electors imprisoned or held in custody by law enforcement agencies on the polling day will cast their votes at dedicated polling stations allocated to them as appropriate [s 28A(1) of the EP (RRE) Reg]. *[Amended in December 2009 and October 2014]*

### **Polling Notice**

4.18 At least 10 days before the polling day, polling notices will be sent to electors of contested Rural Areas at their registered addresses or correspondence addresses (if applicable) to notify them of the date, time and place of the poll. If the DHA decides to change any polling station, the DHA must as early as practicable notify the electors, RO and PRO concerned in a manner deemed appropriate. To allow electors serving a sentence of imprisonment on the polling day to receive the polling notices as early as possible, the HAD will send the polling notices to the penal institutions where the electors are serving their sentences insofar as practicable. [S 29(2), (2A) and (4) of the EP (RRE) Reg] *[Amended in December 2009, October 2014 and October 2022]*

### **Uncontested Election**

4.19 If the number of validly nominated candidates for a Rural Area is no more than the number of RRs to be elected for that Rural Area at the election, the candidate(s) will be declared as duly elected [s 29(1) of the RREO]. Electors of that Rural Area do not need to vote, and will be issued a notice to that effect. *[Amended in October 2011 and October 2014]*

### **Polling Station with Barrier-free Access**

4.20 An elector **may vote only at the polling station allocated to him/her by the DHA** [s 30 of the EP (RRE) Reg]. The HAD will as far as practicable provide access for people with mobility difficulty at the polling stations. Accessibility of the polling station to persons with mobility difficulty will be specified clearly in the location map attached to the polling notices sent to each elector, together with a note indicating that if any elector allocated to this polling station has any difficulty of access, he/she may apply to the HAD for re-allocation to vote at an alternative polling station with barrier-free access. Electors with mobility difficulty or other difficulties who find it difficult to access the polling station allocated to them may **at least 5 days before** the polling day apply to the HAD for re-allocation. The HAD would re-allocate them to an alternative polling station with barrier-free access [s 28(10) of the EP (RRE) Reg]. When an alternative polling station has been allocated as such to the elector, then he/she may vote only at that barrier-free polling station. If circumstances permit, free Rehabus service may also be arranged to take those electors to and from the barrier-free polling station. For enquiries on the arrangement, the electors concerned may contact the HAD by telephone or in writing. *[Amended in October 2006, December 2009, October 2014 and October 2022]*

### **Dedicated Polling Station**

4.21 Due to security reasons, the Commissioner of Correctional Services (“CCS”) is required to separate some persons imprisoned or held in custody from others inside the penal institutions. The CCS shall assign a time slot within the polling hours of a dedicated polling station situated in a penal institution to an elector allocated to that polling station to vote, and inform the elector of the time slot assigned. The CCS must assign time slots for the electors so as to give them a reasonable opportunity to vote. An elector to whom a time slot is assigned may only cast his/her vote during that time slot (see para. 4.52(c)). [S 27(1B), (1C), (1D) and (2A) of the EP (RRE) Reg] *[Added in December 2009]*

### **PART III : OUTSIDE THE POLLING STATION**

4.22 The DHA will arrange for a map or plan showing the delineation of the polling station to be displayed outside the polling station (or inside if it is a dedicated polling station) [s 28(7) of the EP (RRE) Reg]. An NCZ will be designated outside each polling station to ensure that electors can gain access to the polling station without interference. In addition, an NSZ in which no one is allowed to stay or loiter will be designated immediately outside the entrance/exit of a polling station to avoid obstruction to electors who enter or exit. Canvassing activities within an NCZ are prohibited (except for the static display of EAs authorised by the RO, such as EAs mounted at designated spots). A notice of the determination of the NCZ and a map or plan showing the boundary of the area will be put up at or near the polling station [s 34(6) of the EP (RRE) Reg]. (See Chapter 13) *[Amended in October 2006, October 2011, October 2012, October 2014 and October 2018]*

4.23 On the polling day, a person must not:

- (a) engage in canvassing votes (including suggesting not voting for any candidate) within the NCZ, except for the door-to-door canvassing activities stated in para. 4.24 below; [*Amended in September 2005*]
- (b) use a sound amplifying system or device for any purpose in the NCZ, without lawful authority or the express permission of the RO or PRO;
- (c) use a sound amplifying system or device, or conduct any activity (e.g. lion dance) for canvassing votes, so that the sound emitted by it can be heard in the NCZ;
- (d) display in the NCZ any propaganda material relating to any candidate or his/her candidate number, a body any member of which is standing as a candidate in the election concerned or a political body, or the RR election itself; or
- (e) stay or loiter in the NSZ without the express permission of the RO or the PRO;

otherwise he/she commits an offence and is liable to the maximum penalty of a fine at level 2 (\$5,000) and to imprisonment for 3 months. [Ss 35(2) and 89(1) of the EP (RRE) Reg] [*Amended in October 2011 and October 2018*]

4.24 Door-to-door canvassing may be allowed on the storeys above or below street level in a building within an NCZ other than a building in which there is a polling station, provided that permission has been obtained for entry into the building for canvassing votes, that no sound amplifying device is used, and that obstruction is not posed to electors and the public. For the purpose of such door-to-door canvassing, it is permitted to display or wear propaganda

materials, e.g. any badge, emblem, clothing or head-dress, which may promote or prejudice the election of any candidate or candidates at the election, but under no circumstances are such materials allowed to appear on the street level within the NCZ. [S 35(3) of the EP (RRE) Reg] *[Amended in October 2018 and October 2022]*

4.25 For dedicated polling stations situated in penal institutions, officers of the CSD can use the sound amplifying system or device for the performance of duties within an NCZ of the dedicated polling stations situated in penal institutions on the polling day. [S 35(2A) of the EP (RRE) Reg] *[Amended in October 2018]*

#### **PART IV : POLLING HOURS**

4.26 The poll for Villages starts at 12 noon and ends at 7:00 pm and the poll for MTs starts at 8:30 am and ends at 9:30 pm. For security reasons, polling hours for dedicated polling stations situated in penal institutions are from 1:00 pm to 4:00 pm. About 30 minutes before the commencement of the poll (or 15 minutes for dedicated polling stations situated in penal institutions), the PRO at a polling station will admit the candidates, their election agents or polling agents into the polling station to observe the opening of the sealed packets of ballot papers and the locking and sealing of ballot boxes. In front of these observers, the PRO will show that the sealed packets of ballot papers are not tampered with before opening the packets and that the ballot boxes are empty before locking and sealing the boxes. [S 40 of the EP (RRE) Reg] The PRO will also inform and show to such persons the number of ballot papers of the Rural Area in his/her possession. For each candidate, only 1 person (i.e. either the candidate or his/her election agent or polling agent) may be present to observe the opening of the sealed packets of ballot papers and the locking and sealing of the ballot boxes. *[Amended in December 2009, October 2014,*

*October 2018 and October 2022]*

4.27 For dedicated polling stations situated in penal institutions, the following restrictions are imposed due to security reasons:

- (a) only a maximum of 2 candidates may be present to observe the opening of the sealed packets of ballot papers and the locking and sealing of ballot boxes at a dedicated polling station situated inside a maximum security prison;
- (b) only a maximum of any 2 of the candidates, their election agents or polling agents may be present to observe the opening of the sealed packets of ballot papers and the locking and sealing of ballot boxes at a dedicated polling station situated in a penal institution if it is not a maximum security prison.

Admission of candidates, election agents or polling agents to the aforesaid dedicated polling stations to observe the opening of the sealed packets of ballot papers and the locking and sealing of ballot boxes will be on a **first-come-first-served basis**. (The procedures for election agents or polling agents to apply for admission to dedicated polling stations situated in penal institutions are set out in Chapter 6) *[Amended in December 2009, October 2014, October 2018 and October 2022]*

4.28 Where no candidates or none of their agents are present at the polling station, the above process of opening the sealed packets of ballot papers and the locking and sealing of ballot boxes will be conducted in the presence of any 2 of the following persons inside the polling station: police officers, members of the Civil Aid Service (“CAS”), officers of the CSD or polling staff (as the case may be). *[Amended in December 2009, October 2014, October 2018 and October 2022]*

4.29 The PRO will display a notice providing information of the voting procedure, the counting station and the ballot paper sorting station (if any) outside the polling station, or inside if it is a dedicated polling station for easy reference by electors. *[Amended in December 2009, October 2011, October 2014 and October 2022]*

## **PART V : PERSONS TO BE ADMITTED TO THE POLLING STATION**

4.30 In addition to electors, only the following persons may be admitted to a polling station:

- (a) the PRO and other polling staff;
- (b) members of the EAC;
- (c) the DHA;
- (d) the Chief Electoral Officer (“CEO”);
- (e) the RO and Assistant Returning Officers (“AROs”) for the relevant Rural Area;
- (f) public officers on duty at the polling station, including police officers, members of the CAS, etc.;
- (g) officers of the CSD and other law enforcement agencies on duty at dedicated polling stations;

- (h) candidates and election agents of the relevant Rural Areas subject to para. 4.31 below;
- (i) polling agents appointed for the polling station (not applicable to dedicated polling stations situated in maximum security prisons) according to para. 4.31 below;
- (j) public officers authorised in writing by the RO;
- (k) any person authorised in writing by any member of the EAC or the RO, subject to the conditions as imposed in the authorisation; and
- (l) children accompanying an elector who enter the polling station for the purpose of voting.

[S 37(1) of the EP (RRE) Reg]

A notice will be displayed at the entrance to the polling station, or inside if it is a dedicated polling station, stating that only electors and designated/authorised persons may be allowed to enter. *[Amended in October 2014]*

4.31 For the purpose of maintaining order in the polling station, the PRO may regulate the number of electors, candidates, election agents and polling agents to be admitted to the polling station at any one time [s 37(2) of the EP (RRE) Reg]:

- (a) for each candidate, only 1 person among the candidate, his/her election agent and polling agents may enter and be present in the polling station at any one time [s 37(3), (4), (5) and (6) of the EP (RRE) Reg];

- (b) a notice will be displayed outside each polling station specifying the capacity of the designated area inside the polling station for candidates, their election agents or polling agents to observe the poll;
- (c) admission of candidates, election agents and polling agents will be on a **first-come-first-served basis**. In order that as many candidates, election agents and polling agents as possible may have the chance to observe the poll in the polling station, any candidate, election agent or polling agent who has been admitted to the polling station may only stay for 1 hour. He/She must then leave the polling station unless there is no other candidate, election agent or polling agent waiting for admission. He/She may apply for admission into the polling station again on a first-come-first-served basis;
- (d) as stated in (c) above, to ensure fairness, waiting slots for entering a polling station are all allocated on a first-come-first-served basis. If a candidate or his/her agent seeks admission to a polling station but all the waiting slots are full until the close of poll, no vacant slot can be allocated to the candidate or his/her agent. However, if no one among this candidate and his/her agents has earlier entered the polling station to observe the poll on the polling day, the PRO concerned will endeavor to give the candidate/agent an opportunity to enter the polling station to observe the poll before the close of poll under a special arrangement. Under this special arrangement, the person concerned will replace a candidate or his/her agent who has been allocated the last waiting slot for admission to the polling station if this last candidate or any of his/her agents has already been given an earlier slot to observe the poll in that polling station;

*[Added in October 2018]*

- (e) anyone upon admission into a polling station has to sign and register his/her time of entry on a log sheet. A candidate, an election agent or a polling agent who has to queue outside the polling station for his/her turn to observe the poll at the designated area will be given a number chit that indicates the order of admission. The polling staff will call out the number to admit the holder of the number chit concerned. If the holder concerned is not present at the time, his/her place will be taken over by the person next in line. He/She who has lost his/her place due to his/her absence will have to obtain a new number chit when he/she returns; and
- (f) for security reasons, only a maximum of 2 candidates may be present at any one time to observe the poll at dedicated polling stations situated inside maximum security prisons, and a maximum of 2 persons among the candidates, election agents and polling agents may be admitted to a dedicated polling station situated in a penal institution other than a maximum security prison at any one time. Observers will have to take turn in case more than 2 candidates/agents intend to observe the poll at the same time. The PRO may regulate the number of people entering the dedicated polling station (see also Chapter 6).

4.32 Except for electors, children accompanying an elector, and those police officers, officers of the CSD, officers of any law enforcement agencies and members of the CAS who are on duty, all other persons permitted to enter a polling station are required to sign a **Declaration of Secrecy** on a specified

form<sup>17</sup> before entering the polling station and observe the regulations on the secrecy of voting. [S 81 of the EP (RRE) Reg] [*Amended in December 2009, October 2011 and October 2018*]

## **PART VI : HOW TO ISSUE BALLOT PAPERS**

4.33 In order to be more flexible, efficient and accurate in the issuance of ballot papers, the HAD may adopt an EPR system for issuing ballot papers at polling stations having regard to the actual circumstances. The printed copy of FR of electors will be used in issuing ballot papers where the EPR system cannot be adopted (i.e. at dedicated polling stations or polling stations lacking network coverage) or in the event of system failure.

4.34 Prior to issuance of any ballot papers to electors, the polling staff must, depending on whether an EPR system or a printed copy of FR is used in the polling station concerned, follow one of the following procedures for issuing ballot papers:

### **(a) Use of EPR System in Issuing Ballot Papers**

Upon entry to the polling station, an elector will be directed to one of the ballot paper issuing desks to collect the ballot paper. The polling staff will request the elector to present his/her identity document. The polling staff will then check the elector's identity document, and scan it with a tablet so as to verify whether the person has been registered as an elector of the Rural Area. If a specified identity document other than the Hong Kong Permanent Identity Card ("HKID") is presented by the elector, the PRO's

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<sup>17</sup> The declaration can be made in the presence of a Commissioner for Oaths/a member of the EAC/the RO/a Justice of the Peace/a solicitor with a practicing certificate.

authorisation is to be obtained for the manual input of the elector's identity document number into the EPR system for verification purpose.

The polling staff will softly call out the name of the elector as stated in the entry in the EPR system. Then the polling staff will issue to the elector either 1 or 2 ballot papers according to his/her entitlement. The polling staff will show the ballot papers to the elector to confirm that each ballot paper given to him/her is unmarked, and request the elector to acknowledge the number of ballot papers so received to ensure the ballot papers issued are correct. The EPR system will record the number and types of ballot papers issued to the elector and the time of issuance, but **no record will be made** as to which particular ballot paper is given to the elector. To ensure accurate record-keeping, the elector may check his/her name, partial identity document number and types of ballot papers issued to him/her as shown on the screen of the EPR system during the issuance process.

**(b) Use of Printed Copy of FR in Issuing Ballot Papers**

If the printed copy of FR is in used in issuing ballot papers in the polling station concerned, the polling staff will check the elector's identity document against the entry in the printed copy of FR to verify whether the person has been registered as an elector of the Rural Area concerned. Thereafter, the polling staff will softly call out the name of the elector as stated in the entry in the printed copy of the FR and follow either one or both of the following steps to denote that the ballot paper(s) has/have been issued to the elector:

- (i) marking the printed copy of FR by drawing a line across the name and the identity document number of the elector; and/or
- (ii) marking the printed copy of FR in any other way directed by the DHA.

The polling staff will conduct the line-drawing under observation of the elector to ensure accuracy, while at the same time covering up the entries of other electors in the printed copy of FR to safeguard the personal data privacy of the other electors.

Afterwards, the polling staff will issue to the elector either 1 or 2 ballot papers according to his/her entitlement. The polling staff will show the ballot papers to the elector to confirm that each ballot paper given to him/her is unmarked. The elector may be asked to verify the entry relating to him/her in the relevant printed copy of FR to ensure that he/she has been given the correct ballot paper(s). No record will be made as to which particular ballot paper is given to the elector.

**(c) Use of Printed Copy of FR in the Event of EPR System Failure**

In case the EPR system breaks down while in use on the polling day rendering the system inoperable, the fallback arrangement will come into operation and the polling staff will use the printed copy of FR (as stated in (b) above) to issue ballot papers to electors until the close of the poll. At the same time, the fallback mode of the EPR system has to be activated to retrieve the information from the local storage device of the system inside the polling station. With this fallback device, the polling staff can, prior to issuance of any ballot

papers, check to confirm that an elector applying for ballot papers has not collected any ballot papers at the polling station when the EPR system was in use. The HKID numbers of electors who have collected their ballot papers are captured in the storage device in an encrypted form, but the personal particulars of the electors, such as their names, will not be recorded.

[S 45(4), (5), (6), (8) and (9) of the EP (RRE) Reg] *[Amended in October 2012, October 2014, October 2018 and October 2022]*

4.35 To facilitate the verification of the total number of ballot papers issued, the counterfoil of each ballot paper bears a serial number on its front. However, the serial number will not appear on the ballot paper and neither the polling staff nor the EPR system will record the serial number of the ballot paper issued to an elector. [Ss 41(5) and 45(9) of EP (RRE) Reg] The polling staff and the EPR system will only register the quantity of ballot papers issued to electors at the ballot paper issuing desks for calculating the hourly voter turnout and cumulative voter turnout. While the voter turnout statistics will be posted outside the polling stations for the public's information, they are for reference only. *[Amended in October 2022]*

4.36 According to the established procedures, all ballot papers are issued at the ballot paper issuing desks and counted towards the cumulative voter turnout. "TENDERED" ballot papers and ballot papers issued to electors in replacement of "SPOILT" ballot papers must be handled and issued by the PRO at the PRO desk (please refer to paras. 4.57 and 4.58 below for details). *[Added in October 2022]*

## **PART VII : QUEUING ARRANGEMENT**

4.37 Electors have to queue up to enter the polling station. As stipulated in s 42A of the EP (RRE) Reg, the PRO may make special queuing arrangements for persons with special needs including, by definition:

- (1) persons who are not less than 70 years of age;
- (2) pregnant women; or
- (3) persons who are not able to queue for a long time or have difficulty in queuing because of illness, injury, disability or dependence on mobility aids.

The PRO may, having regard to the actual situation, set up two queues outside the polling station, one for persons with special needs and the other for the ordinary public. The actual arrangement for collecting ballot papers at ballot paper issuing desks may vary depending on the methods for issuing ballot papers. Seats may also be provided in the polling station for persons with special needs to take rest before joining the special queue for collecting ballot papers.

### **(a) Queuing Arrangement When the EPR System is Used**

When ballot papers are issued via the EPR system, all ballot paper issuing desks installed with the tablets of the EPR system are able to serve any elector. Given such flexibility, the ballot paper issuing desks are no longer individually confined to a group of HKID prefixes allocated according to the printed copy of FR, which would otherwise be split and distributed to them.

As a caring initiative for persons with special needs (see para. 4.37

above), the PRO will assign a number of ballot paper issuing desks (special ballot paper issuing desks) for their use while other ballot paper issuing desks are available for use by the ordinary public. Electors may collect their ballot papers at the respective ballot paper issuing desks as directed by the polling staff.

When there is a relatively long queue of persons with special needs, the PRO may, having regard to the actual situation, assign more special ballot paper issuing desks so as to shorten the waiting time in that queue. The PRO may also, having regard to the actual situation, direct people in the ordinary queue to use special ballot paper issuing desks when the desks are free or when few people are in the special queue.

Having regard to the order and the overall situation of the polling station, the PRO may flexibly deploy the ballot paper issuing desks and make other special arrangements as appropriate to give priority to persons with special needs and shorten their waiting time.

[S 42A of the EP (RRE) Reg]

**(b) Queuing Arrangement When Printed Copy of FR is Used**

Polling stations which cannot use the EPR system due to their locations or other circumstances will use the printed copy of FR instead for issuing ballot papers. To avoid duplicate issuance of ballot papers, the printed copy of FR will be split into parts, by the alphabetical prefixes of HKID number, in a number that matches the number of the ballot paper issuing desks, and then distributed to the issuing desks accordingly. A line will be drawn across the entry of the elector in the printed copy of FR when that elector has collected the ballot papers. Under this situation, the PRO may also set up two queues

outside the polling station, one for persons with special needs and the other for the ordinary public.

Regarding the collection of ballot papers, past experience has shown that most holders of HKID numbers prefixed with A, B, C and so forth are senior citizens. More ballot paper issuing desks will therefore be assigned by the PRO for these HKID number alphabetical prefixes to shorten the waiting time of this group of persons with special needs. Meanwhile, considering that the holders of other HKID number alphabetical prefixes may also have special needs due to age or physical conditions, the PRO may likewise, having regard to the actual situation, set up a special queue for each ballot paper issuing desk to shorten their waiting time.

(c) **Queuing Arrangement When Switch to Printed Copy of FR is Required due to EPR System Failure**

In case the EPR system breaks down while in use rendering it inoperable, the polling station should activate the fallback mode and switch to use the printed copy of FR for issuing ballot papers. The aforementioned procedures regarding the use of the printed copy of FR for issuing ballot papers will be adopted at ballot paper issuing desks. In particular, before an elector is given any ballot paper, the polling staff must first check the record in the encrypted local storage device and confirm that the elector has not obtained any ballot paper prior to activation of the fallback mode so as to avoid duplicate issuance of ballot papers. The special queuing arrangement regarding the use of the printed copy of FR for issuing ballot papers also applies to this scenario.

*[Added in October 2022]*

## **PART VIII : PRESENTATION OF DOCUMENT FOR COLLECTING BALLOT PAPER**

4.38 Upon arrival at a polling station, an elector should show to the polling staff at the ballot paper issuing desk the original of any of the following documents, to the satisfaction of the PRO or polling staff, before he/she can be issued with the ballot paper(s):

- (a) the original of the elector's identity document, typically an HKID<sup>18</sup> ;
- (b) alternative documents:
  - (i) a document issued by the Commissioner of Registration acknowledging that the elector has applied:
    - (1) to be registered under the Registration of Persons Ordinance (Cap. 177); or
    - (2) for a new HKID issued under regulation 13 or 14 of the Registration of Persons Regulations (Cap. 177A) but is awaiting its issuance;
  - (ii) a valid HKSAR Passport issued to the elector under the Hong Kong Special Administrative Region Passports Ordinance (Cap. 539);
  - (iii) a valid HKSAR seamen's identity book issued to the elector under regulation 3 of the Immigration Regulations

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<sup>18</sup> For ReR and KFR electors, the elector's identity document is typically an original HKID. For IIR electors, the elector's identity document also refers to any other original document issued to the elector that is acceptable to the ERO apart from an HKID according to s 2(1) of the RREO.

(Cap. 115A);

- (iv) a valid document of identity issued to the elector under regulation 3 of the Immigration Regulations; or
- (c) a document evidencing the elector's report to a police officer of the loss or destruction of the document referred to in para. 4.38(a) or (b)(i) above, together with the original of a valid passport or similar travel document (not being one referred to in para. 4.38 (a), (b)(i) to (iv) above) issued to him/her showing his/her name and photograph.

[S 45(1), (2) and (2A) of the EP (RRE) Reg] *[Amended in October 2018 and October 2022]*

4.39 An elector applying for a ballot paper at a dedicated polling station situated in a penal institution of the CSD is required to produce a document issued by the CCS showing the elector's name, photograph and prisoner registration number allocated by the Commissioner to the elector for identification purposes. [S 45(2B) of the EP (RRE) Reg] *[Added in October 2018]*

4.40 If there are reasonable grounds to question the bona fides of an elector, the PRO shall ask him/her the following questions at the time of his/her application for a ballot paper (but not afterwards): *[Amended in October 2010]*

- (a) "Are you the person registered in the final register for this Rural Area (the Presiding Officer to read the name and the type of the Rural Area), as follows (the Presiding Officer to read the whole entry as it is recorded in the final register)?"

- (b) “Have you already voted in this election to elect a Rural Representative (the Presiding Officer to read the type of the Rural Representative) for this Rural Area (the Presiding Officer to read the name and type of the Rural Area)?”

The elector will not be issued with any ballot paper unless he/she has answered the questions to the satisfaction of the PRO. [S 43 of the EP (RRE) Reg] *[Amended in October 2014]*

4.41 Where there is a reasonable cause to believe that a person has engaged in corrupt conduct by impersonating an elector, the PRO may request police officers to arrest that person. If the polling station is a dedicated polling station, the PRO may request officers of the CSD or the law enforcement agency to remove the person concerned from the polling station and report the case to the Police. [S 44(1), (2), (3) and (3A) of the EP (RRE) Reg] *[Amended in December 2009 and October 2018]*

## **PART IX : VOTING METHODS**

4.42 When issued with the ballot paper(s), an elector will also be provided with a colour cardboard attached with a chop of the tick “✓” sign:

- (a) persons issued with 1 ballot paper for the ReR elections will be given a **white** cardboard;
- (b) persons issued with 1 ballot paper for the IIR elections will be given a **red** cardboard;
- (c) persons issued with 1 ballot paper for KFR elections will be given an **orange** cardboard; and

- (d) persons issued with 1 ballot paper for the IIR elections and 1 ballot paper for the ReR/KFR elections will be given a cardboard with **red and white stripes**.

This arrangement helps the polling staff manning the ballot boxes to ensure that an elector has cast all his/her votes (1 or 2 votes) before leaving the polling station, and that no elector will leave the polling station with any ballot paper. The cardboard will be collected by the polling staff after the elector has inserted his/her ballot paper(s) into the ballot box(es) and before he/she leaves the polling station. *[Amended in October 2010, October 2012, October 2014 and October 2018]*

4.43 One or more envelopes each bearing the name and the code of the relevant Rural Area as well as the name of the district, will be provided to an elector of a dedicated polling station serving the poll for 2 or more Rural Areas to facilitate sorting of ballot papers. 1 envelope will be provided if 1 ballot paper is issued to the elector; 2 envelopes will be provided if 2 ballot papers are issued to the elector. *[Amended in October 2014 and October 2018]*

4.44 Having collected the ballot paper(s) and the cardboard attached with the chop of the tick “✓” sign, the elector should immediately proceed to a voting compartment to mark the ballot paper(s) to indicate his/her choice of candidate(s). The number of candidates an elector may vote for depends on the number of RRs to be returned for the Rural Area concerned. If only 1 RR is to be returned for the Rural Area, the elector should affix the chop issued by the polling station to give a single “✓” in the circle opposite the name of the candidate of his/her choice on the ballot paper. If more than 1 RR are to be returned for that Rural Area, he/she should affix the chop issued by the polling station to give a single “✓” in each of the circles opposite the names of the candidates of his/her choice on the ballot paper but the number of candidate(s) chosen should not be more than the total number of RRs to be returned for that

Rural Area. The ballot paper should only be marked with the “✓” chop issued and no other mode of marking is allowed. The elector should then **fold the ballot paper to conceal the choice thereon after voting.** [Ss 47 and 48 of the EP (RRE) Reg] [*Amended in October 2014 and October 2018*]

4.45 An elector of a dedicated polling station serving the poll for 2 or more Rural Areas should fold the ballot paper so that the marked side is inside and put it into the envelope issued to him/her together with the ballot paper. If issued with 2 ballot papers, the elector should put each of the folded ballot papers separately into the corresponding envelopes for the relevant Rural Areas. [S 47(4)(c) of the EP (RRE) Reg] [*Amended in December 2009 and October 2014*]

4.46 If computer counting<sup>19</sup> is used, after marking the ballot paper, the elector should cast his/her vote in the manner as directed by the DHA. The elector should fold the ballot paper so that the marked side is inside and put the folded ballot paper into the correct ballot box **or** fold the ballot paper so that the marked side is inside, put the folded ballot paper into the envelope provided by the polling station, and put the ballot paper contained in the envelope into the correct ballot box as directed by the DHA. [S 47(4) of the EP (RRE) Reg] [*Added in October 2018 and amended in October 2022*]

4.47 Upon leaving the voting compartment, the elector should immediately put his/her marked ballot papers, whether folded and/or contained in the envelopes, into the ballot box as directed by the polling staff. Afterwards, the cardboard attached with the chop should be returned to the polling staff. Then the elector should leave the polling station without undue delay. [S 47(4) and (6) of the EP (RRE) Reg] [*Amended in December 2009*]

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<sup>19</sup> Computer counting refers to the use of a computerised system for efficient vote counting and consolidation of election results through manual “double entry” of the votes on ballot papers into the computer system by counting staff in pairs.

**NOTE :**

An elector who has collected the ballot paper must proceed to a voting compartment to mark the ballot paper immediately and, after casting his/her vote, leave the polling station without undue delay. A person who fails to obey any order of the PRO or misconducts himself/herself commits an offence. The PRO may seek assistance from police officers and order the person to leave the polling station immediately [s 38(7), (8) and (10) of the EP (RRE) Reg].

If an elector deliberately makes an error in marking the ballot paper and asks the PRO to issue a new ballot paper to him/her repeatedly, the PRO may reject the request. If there is a reasonable cause to believe that a person impersonates an elector to apply for a ballot paper, the PRO may request police officers to arrest that person [s 44 of the EP (RRE) Reg]. A person engages in corrupt conduct if he/she directly or indirectly, by a deception, induces another person not to vote at the election, or wilfully (whether or not deception is involved) obstructs or prevents another person from voting at the election [s 14 of the ECICO].

**Concerning offence in relation to ballot papers,** it is an offence under s 47(8) of the EP (RRE) Reg for a person to remove a ballot paper from a polling station. According to the ECICO, any person who removes a ballot paper from a polling station with intent to deceive also commits an offence. It will also be corrupt conduct if any person, without lawful authority, destroys, defaces, takes or otherwise interferes with a ballot paper in use or having been used at the election; or without lawful authority, destroys, removes, opens or otherwise interferes with a ballot box

in use at the election [s 17 of the ECICO].

Candidates/their agents and electors should make a complaint to PROs, ROs, law enforcement agencies or the EAC about any possible contravention of the electoral law. All complaints will be treated in strict confidence. The EAC will refer any complaints of suspected violation of the law to the law enforcement agencies for follow-up action.

*[Amended in October 2018 and October 2022]*

4.48 An elector with visual impairment who so requests will be provided with a **braille template** to facilitate his/her marking of the ballot paper by himself/herself [s 49(2) and (3) of the EP (RRE) Reg]. The template should be returned to the polling staff after use. (For details about the template, see para. 6.40 of Chapter 6.) *[Added in December 2009 and amended in October 2014]*

4.49 An elector must mark his/her vote on the ballot paper by himself/herself and cannot request other electors to do it on his/her behalf. If the elector is unable to mark a ballot paper by himself/herself (e.g. being unable to read or is incapacitated because of impaired eyesight or other physical cause) to indicate the choice of candidate(s), he/she may ask the PRO, Deputy PRO or Assistant PRO to mark the ballot paper on his/her behalf. The marking of the ballot paper as such must be made in the presence of 1 polling officer as a witness. [S 49(1) of the EP (RRE) Reg]

4.50 **The ballot is secret. No one is allowed to use force or duress, or threaten to use force or duress, against a person to make him/her vote or not vote for a particular candidate or particular candidates at an election [s 13 of the ECICO]. Also, no one is required to disclose which**

**candidate he/she has voted for or is going to vote for.** It is an offence for anyone to, without lawful authority, require or purport to require an elector to disclose the name of or any particulars relating to the candidate whom the elector has voted for and offenders will be liable to a fine at level 2 (\$5,000) [s 38 of the RREO]. Some other prohibited acts which may infringe the secrecy of the vote during the polling and counting process are also specified under s 82 of the EP (RRE) Reg. *[Added in October 2022]*

4.51 To safeguard the secrecy of the ballot by electors, no one shall, at any time, disclose whether an elector has or has not applied for a ballot paper or voted; or disclose the identity of an elector at a dedicated polling station. Anyone who makes such disclosure, unless otherwise permitted by the law, commits an offence and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months. [Ss 82(1) and 89(2) of the EP (RRE) Reg] *[Added in December 2009]*

### **Issuance of “UNUSED”, “SPOILT” or “TENDERED” Ballot Papers**

4.52 An elector who has collected 1 or 2 ballot papers, depending on his/her entitlement, but leaves the polling station without casting his/her vote or any of his/her votes is not allowed to return to the polling station later to cast the vote(s) not yet cast, except under the following circumstances:

- (a) if, after having been issued with 1 or 2 ballot paper(s), for a reason considered justified by the PRO, the elector who has not marked the ballot paper(s) issued to him/her may, with the permission of the PRO, hand back the ballot paper(s) to the PRO and return later to vote [s 46(1) of the EP (RRE) Reg]; or
- (b) if, after having been issued with the ballot paper(s), the elector has become incapacitated from voting or completing the voting

by physical illness and needs to leave the polling station without marking any one of or all of the ballot papers, he/she may return to the polling station to vote before the close of poll provided that prior to his/her leaving the polling station, the unmarked ballot paper(s) has/have been handed back to the PRO [s 46(5) of the EP (RRE) Reg]; and

- (c) in the case of a dedicated polling station situated in a penal institution, the elector concerned is allowed to return to vote within the existing or any newly assigned time slot [s 46(2A) of the EP (RRE) Reg].

*[Amended in October 2018]*

4.53 If the above situations arise in a polling station other than a dedicated polling station, the following procedures must be taken by the PRO:

- (a) the PRO must keep that ballot paper(s) in his/her custody and, when the elector returns to the polling station to vote before the close of poll, return such ballot paper(s) to the elector in the presence of a police officer [s 46(3) and (6) of the EP (RRE) Reg]; and
- (b) where the elector has not returned to the polling station at the close of poll, the PRO must endorse the ballot paper(s) with the words “**UNUSED**” and “**未用**”. Ballot papers endorsed as such shall not be put into the ballot box and shall not be counted at the counting of votes [ss 51 and 62 of the EP (RRE) Reg].

*[Added in December 2009, amended in October 2014 and October 2018]*

4.54 If the above situations arise in a dedicated polling station, the following procedures must be taken by the PRO and/or the CCS or his/her officer:

- (a) the PRO must keep that ballot paper(s) in his/her custody and, when the elector returns to the dedicated polling station to vote before the close of poll, return such ballot paper(s) to the elector in the presence of an officer of the CSD or any law enforcement agency [s 46(3) and (6) of the EP (RRE) Reg];
- (b) where a dedicated polling station situated in a penal institution is concerned, the CCS or his/her officer must as far as practicable assign to the elector a new time slot within the polling hours appointed for that dedicated polling station situated in a penal institution, and notify the elector of the new time slot [s 46(2B) and (5A) of the EP (RRE) Reg]; and
- (c) where the elector has not returned to the dedicated polling station at the close of poll, the PRO must endorse the ballot paper(s) with the words “**UNUSED**” and “**未用**”. Ballot paper(s) endorsed as such shall not be put into the ballot box and shall not be counted at the counting of votes [ss 51 and 62 of the EP (RRE) Reg].

*[Amended in October 2018]*

4.55 If any issued ballot paper (whether marked or unmarked) is found abandoned or left behind in a voting compartment or other areas inside the polling station, it must be handed in to the PRO. The ballot paper will then be endorsed with the words “**UNUSED**” and “**未用**” on the front and be kept by the PRO. In no circumstances can ballot papers endorsed as such be put into

the ballot box. These ballot papers shall not be counted at the counting of votes. [Ss 51 and 62 of the EP (RRE) Reg]

4.56 The PRO is required to keep in his/her custody those ballot papers handed in under the circumstances described in para. 4.52 above only if he/she knows which electors handed over such ballot papers. Otherwise, ballot papers left behind in the polling station should be endorsed as “**UNUSED**” and “**未用**” and shall not be counted at the counting of votes. [Ss 51 and 62 of the EP (RRE) Reg] *[Added in October 2018]*

4.57 Any elector who has inadvertently torn or damaged any ballot paper or has made an error in marking any ballot paper issued to him/her may ask the PRO to exchange it for another unmarked ballot paper. If the PRO considers the request reasonable, he/she will issue 1 new ballot paper to the elector in exchange for the spoiled ballot paper. The spoiled ballot paper will be endorsed with the words “**SPOILT**” and “**損壞**” on the front and be kept by the PRO. Spoiled ballot papers shall not be counted at the counting of votes. [Ss 52 and 62 of the EP (RRE) Reg] *[Amended in October 2018]*

4.58 If a person, claiming to be a particular elector on the FR, applies for a ballot paper after an earlier person has already been issued with a ballot paper as such an elector, the PRO may issue a tendered ballot paper to the elector **only if** the PRO is not certain that the latter person is the former person who has been issued with a ballot paper earlier, and the latter person has answered the questions set out by the law (para. 4.40 above) to the satisfaction of the PRO. The PRO may in such circumstances issue a ballot paper with the words “**TENDERED**” and “**重複**” endorsed on the front. Ballot papers endorsed as such shall not be counted at the counting of votes. [Ss 50 and 62 of the EP (RRE) Reg] *[Amended in October 2014]*

## **PART X : CONDUCT INSIDE THE POLLING STATION**

4.59 Subject to para. 4.60 below, no person (including electors) is allowed to interfere with or attempt to influence any electors. In particular, no one shall:

- (a) speak to or communicate with any electors contrary to a direction of the RO or the PRO not to do so;
- (b) attempt to obtain or disclose information on the vote of other electors;
- (c) engage in canvassing for votes or without reasonable excuse, display any propaganda material, e.g. any badge, emblem, clothing or headwear, which makes direct reference to the current election, a body any member of which is standing as a candidate in the election, a political body, a candidate or the number allocated to a candidate; or
- (d) use a mobile telephone, paging machine or any other communication device contrary to a direction of the RO or the PRO not to do so.

Any person who contravenes the above regulations commits an offence, and is liable to a fine at level 2 (\$5,000) and to imprisonment for 3 months. [Ss 38(2), (3) and (5) and 89(1) of the EP (RRE) Reg] [*Amended in October 2006, December 2009, October 2010, October 2011 and October 2014*]

4.60 Inside a polling station, only the following persons may speak to or communicate with electors, and use a mobile telephone, paging machine or any other communication device:

- (a) members of the EAC;
- (b) the DHA;
- (c) the RO and AROs;
- (d) the CEO;
- (e) the PRO and other polling staff;
- (f) public officers on duty at the polling station;
- (g) members of the CAS on duty at the polling station; and
- (h) any person authorised in writing by the RO or a member of the EAC.

[S 38(2) and (3) of the EP (RRE) Reg] *[Amended in December 2009 and October 2018]*

4.61 Any person who misconducts himself/herself or fails to obey the lawful order of the RO or the PRO at a polling station or its vicinity commits an offence, and is liable to a fine and imprisonment. He/She may be ordered by such officers to leave the polling station or the vicinity of the polling station. A person misconducts himself/herself if he/she disrupts the poll or disturbs or causes inconvenience to other persons in the polling station. An elector must cast his/her vote without undue delay, otherwise he/she may be ordered by the RO or the PRO to leave the polling station immediately. Any person who fails to leave the polling station immediately as ordered by the RO or the PRO may be removed by:

- (a) a police officer (if the polling station is not a dedicated polling station);
- (b) an officer of the CSD or the law enforcement agencies (if the polling station is a dedicated polling station); or
- (c) a person authorised in writing by the RO or the PRO to do so.

The person so removed is not allowed to re-enter the polling station or its vicinity on the polling day except with the permission of the RO or the PRO. Nevertheless, the powers conferred on the RO and the PRO are not to be exercised to order an elector to leave or remove an elector from the polling station for the purpose of preventing the elector from voting at the polling station allocated to him/her. [S 38(7), (8), (9A), (10), (11) and (12) of the EP (RRE) Reg] *[Amended in December 2009, October 2011, October 2014 and October 2022]*

4.62 A person commits an offence if he/she takes photographs, films or makes any video or audio recording within a polling station without the express permission of a member of the EAC, the RO or the PRO. Offenders shall be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months [ss 38(4) and 89(2) of the EP (RRE) Reg]. Generally speaking, such permission is only granted to government photographers for performing publicity duties. *[Amended in December 2009 and October 2014]*

## **PART XI : CLOSE OF POLL**

4.63 An elector who intends to vote but is not already at the designated entrance of the polling station by the close of the poll will not be allowed in afterwards. When the close of the poll approaches but there is a

long queue of electors outside the polling station waiting to vote, the PRO will arrange for polling staff to hold up a signboard to direct electors to proceed to the end of the queue. If there are still electors queuing outside the entrance of the polling station at the close of the poll, polling staff will stand at the end of the queue to stop latecomers from joining the queue and, if practicable, let electors already in the queue enter the polling station and close the entrance of the polling station. If there are too many such electors and arrangement cannot be made for all of them to enter the polling station, polling staff will stand at the end of the queue and hold up a signboard to show that no latecomers will be allowed to join the queue. *[Amended in October 2022]*

4.64 In short, all electors who have arrived and queued up outside the polling station before the close of the poll may enter the polling station to cast their votes. However, some polling stations are located at a place inside a building. If an elector has arrived at the building but has not reached the entrance of the place where the polling station is located or has not queued up outside the entrance by the close of poll, he/she will not be allowed to enter the polling station or join the queue for entry to the polling station to vote. The PRO will close the entrance of the polling station only when all electors having arrived at the entrance of the polling station or queued up outside the entrance of the polling station before the close of poll have entered the polling station. *[Added in October 2022]*

#### **A Polling Station which is also a Counting Station**

4.65 Polling stations (except for certain polling stations and dedicated polling stations) will be designated as counting stations for the counting of votes for Rural Areas. At the close of the poll, a notice will be displayed by the PRO at a prominent place outside the polling station as soon as practicable to inform the public that the poll has ended and the polling station is being prepared for vote counting. If the EPR system is used in the polling station,

the PRO must also confirm the close of the poll through the system. The counting station will be opened to the public when the preparations are completed. While it is closed in preparation for vote counting, candidates and their election agents, counting agents and polling agents may stay in the polling station to observe the locking and sealing of ballot boxes. The ballot boxes will be locked and sealed by the PRO in the presence of the candidates and/or their agents (if any). The PRO will also inform them of the numbers of unissued ballot papers, spoilt ballot papers and unused ballot papers in his/her possession. All such ballot papers and the counterfoils of issued ballot papers will be packed into separated sealed packets for each Rural Area. The printed copies of FR (if used) recording collection of ballot papers by electors will also be made up into separate sealed packets. The PRO will prepare a ballot paper account to estimate the number of ballot papers in the ballot boxes. [S 53 of the EP (RRE) Reg] *[Amended in December 2009, October 2014 and October 2022]*

4.66 The locked and sealed ballot boxes, the sealed packets and the ballot paper account referred to in para. 4.65 above will be kept under the control of the PRO who presides at the counting station (if a RO is to preside at the counting station, the PRO must hand over these items to the RO as soon as practicable and the items will be kept under the RO's control) until the counting of the votes begins. [S 53(6) of the EP (RRE) Reg] *[Added in October 2022]*

#### **A Polling Station which is not a Counting Station**

4.67 **Certain polling stations and dedicated polling stations will not be converted to counting stations after the close of the poll.** The PRO will, as soon as practicable, display a notice at a prominent place outside the polling station to inform the public that the poll has ended, and of the details regarding the name and location of the ballot paper sorting station for sorting the ballot

papers received from that polling station (**relevant sorting station**) (if applicable); and the name and location of the counting station for counting the votes cast at that polling station (**relevant counting station**). If the EPR system is used in the polling station, the PRO must also confirm the close of the poll through the system. After the close of the poll, candidates and their election agents and polling agents may stay in the polling station to observe the process of locking and sealing ballot boxes. For dedicated polling stations, the following persons may stay to observe the process:

- (a) a candidate, his/her election agent and polling agent may stay in a dedicated polling station not situated in a penal institution;
- (b) a maximum of only 2 persons among the candidates, their election agents or polling agents may stay in a dedicated polling station situated in a penal institution other than a maximum security prison; and
- (c) a maximum of only 2 candidates may stay in a dedicated polling station situated in a maximum security prison.

In the presence of the candidates and/or their agents (if any), the ballot boxes will be locked and sealed by the PRO. The PRO will also inform them of the numbers of unissued ballot papers, spoilt ballot papers and unused ballot papers in his/her possession. All such ballot papers and the counterfoils of issued ballot papers will be packed into separate sealed packets for each Rural Area. The printed copies of FR (if used) recording collection of ballot papers by electors will also be made up into separate sealed packets. The PRO will prepare a ballot paper account to estimate the number of ballot papers in the ballot boxes.

**NOTE :**

After the close of poll, the ballot boxes (locked and sealed) from a polling station which is not a dedicated polling station will be delivered to the **relevant counting station**. In the case of a dedicated polling station, the ballot boxes (locked and sealed) will either be delivered to the **relevant sorting station** for ballot paper sorting so that the ballot papers of each Rural Area can be sent to a corresponding counting station, or directly be delivered to a corresponding counting station as the case may be; and the ballot papers will be mixed with the ballot papers at the counting station before vote counting. Please refer to paras. 4.70 to 4.76 below for the ballot paper sorting and delivery arrangements regarding the ballot paper sorting stations.

[S 53A of the EP (RRE) Reg] *[Added in October 2022]*

4.68 If the polling station is not a dedicated polling station, the PRO will deliver the locked and sealed ballot boxes, sealed packets, ballot paper accounts, etc. (see para. 4.67 above) under police escort to the Officer-in-charge of the relevant counting station. For a dedicated polling station, the PRO will deliver the sealed ballot boxes, sealed packets, ballot paper accounts, etc. (see para. 4.67 above) to the Officer-in-charge of the relevant sorting station, or to the Officer-in-charge of the relevant counting station directly, as the case may be, under police escort. [S 53A(6), (7) and (8) of the EP (RRE) Reg] *[Added in December 2009, amended in October 2014 and October 2022]*

4.69 Not more than 2 persons among the candidates and their agents of the Rural Area, if they so wish, may accompany in the delivery mentioned in para. 4.68 above. If more than 2 such persons are interested, the PRO will

draw lots to determine which 2 persons can join the delivery. Candidates and their agents are allowed to stay in the polling station until they see the arrival of police officers for escorting the delivery. Thereafter, all persons other than those 2 who are allowed to accompany in the delivery must leave the polling station. *[Amended in December 2009, October 2014 and October 2018]*

## **PART XII : SORTING OF BALLOT PAPERS**

### **Conduct at the Ballot Paper Sorting Station**

4.70 In a rural ordinary election, or a rural by-election where the DHA considers it appropriate, ballot paper sorting stations will be set up for sorting ballot papers received from dedicated polling stations according to each Rural Area before the ballot papers are delivered to the relevant counting stations for counting of votes. The EAC may appoint an ARO to preside at a ballot paper sorting station. The ARO presiding at the ballot paper sorting station may determine the time at which the sorting of ballot papers is to begin, which must be a time after the poll for the Rural Area concerned has closed at all the dedicated polling stations situated in penal institutions but may be a time before the poll has closed at all the other polling stations. Before the polling day, candidates will be informed of the expected time of commencement of the sorting of ballot papers at the ballot paper sorting station. [Ss 28(1)(c), 55(1) and (2A) and 57(1A) of the EP (RRE) Reg] *[Added in December 2009, amended in October 2014, October 2018 and October 2022]*

4.71 Only the following persons may be present at the sorting of ballot papers:

- (a) members of the EAC;

- (b) the DHA;
- (c) the RO;
- (d) the AROs and counting staff;
- (e) the PRO of the ballot paper sorting station;
- (f) the CEO;
- (g) candidates and their election agents;
- (h) counting agents;
- (i) public officers (including police officers) and members of the CAS on duty at the ballot paper sorting station; and
- (j) any person authorised in writing by the RO or a member of the EAC.

[S 58(3) of the EP (RRE) Reg] *[Added in December 2009, amended in October 2010 and October 2022]*

4.72 Except for police officers and members of the CAS on duty, every person permitted to stay in a ballot paper sorting station must make a **Declaration of Secrecy** on a specified form<sup>20</sup> before entering the sorting station and observe the regulations on the secrecy of voting [s 81 of the EP (RRE) Reg]. Members of the public staying in the public area are not

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<sup>20</sup> The declaration can be made in the presence of a Commissioner for Oaths/a member of the EAC/the RO/a Justice of the Peace/a solicitor with a practicing certificate.

required to make a Declaration of Secrecy. *[Added in December 2009 and amended in October 2014]*

4.73 The Officer-in-charge of a ballot paper sorting station may designate an area at the ballot paper sorting station for the public to observe the sorting of ballot papers at a distance. Persons present within that designated area will not be required to sign a Declaration of Secrecy. Except with the express permission of a member of the EAC, the DHA or the ARO in charge of the ballot paper sorting station, it is an offence for anyone to take photographs, films or make any video or audio recording within the counting zone during the sorting process. [Ss 58(1) and 59(2) of the EP (RRE) Reg] *[Added in December 2009, amended in October 2014 and October 2022]*

4.74 Any person who misconducts himself/herself or fails to obey any lawful order of the ARO who presides at the ballot paper sorting station in or in the vicinity of a ballot paper sorting station commits an offence, and is liable to a fine and to imprisonment. He/She may be ordered by the ARO to leave the area immediately. A person misconducts himself/herself if he/she disrupts the sorting of ballot papers or disturbs or causes inconvenience to other persons in the ballot paper sorting station. The ARO may also order a person to leave the ballot paper sorting station if the person's conduct in the venue is not in line with the purpose authorised or permitted for the entry to or presence in the ballot paper sorting station. If the person fails to leave immediately, he/she may be removed by a police officer or by any other person authorised in writing by the ARO. Any person so removed is not allowed to re-enter the relevant ballot paper sorting station before the sorting of the ballot papers at the station is finished without the express permission of the ARO. [S 59 of the EP (RRE) Reg] *[Added in December 2009]*

### **Sorting of Ballot Papers**

4.75 The ARO presiding at the ballot paper sorting station will check whether the ballot boxes and sealed packets are properly sealed. The seal on each ballot box will be broken by the ARO in the presence of the candidates, their election agents or counting agents, if any. The ARO will then open the ballot box and empty the contents onto the sorting table. After the ballot box is opened by the ARO, if any paper other than the envelopes which contain the marked ballot papers is found and taken out from the ballot box, the candidates, their election agents or counting agents may request to inspect such paper before it is disposed of by the ARO. **At no time should a candidate, his/her election agent or counting agent touch any envelopes or ballot papers.**  
*[Amended in October 2014]*

- 4.76 The ARO presiding at the ballot paper sorting station will:
- (a) open the ballot boxes received from dedicated polling stations;
  - (b) sort the ballot papers in each ballot box according to each Rural Area;
  - (c) count and record the number of ballot papers for each Rural Area;
  - (d) verify the number of ballot papers recorded for each Rural Area under para. 4.76(c) above by comparing it with the ballot paper account for that Rural Area;
  - (e) prepare a statement in writing as to the result of the verification;
  - (f) prepare a statement in writing as to the number of ballot papers recorded for each Rural Area under para. 4.76(c) above;

- (g) make into separate bundles the sorted ballot papers together with the relevant statement prepared under para. 4.76(f) above;
- (h) place each bundle in a separate receptacle and seal it in the presence of those present at the counting zone;
- (i) arrange the receptacles to be delivered to the officers-in-charge of the respective counting stations of relevant Rural Areas<sup>21</sup>; and
- (j) send to the DHA the ballot paper accounts, the statements prepared under para. 4.76(e) and the sealed packets made up under para. 4.67.

[S 60A of the EP (RRE) Reg] *[Added in December 2009, amended in October 2011, October 2014 and October 2022]*

## **PART XIII : THE COUNT**

### **Conversion of Polling Station into Counting Station**

4.77 Polling stations (except for certain polling stations and dedicated polling stations) will be converted to counting stations where the votes of the Rural Areas will be counted and the counting results will be announced to the candidates and their agents present [ss 65 and 65A of the EP (RRE) Reg]. The DHA may appoint the PRO in charge of the polling station as the PRO for the counting station for counting the votes cast at that polling station [s 57(1B)]

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<sup>21</sup> After opening the ballot boxes delivered from dedicated polling stations and sorting the ballot papers therein according to each Rural Area, if the ARO presiding at the ballot paper sorting station has ascertained that no elector of a certain Rural Area has cast any vote in the dedicated polling stations, he/she will arrange to inform the Officer-in-charge of the counting station that no ballot paper of the Rural Area concerned will be delivered to that counting station.

of the EP (RRE) Reg]. The PRO, assisted by Deputy PROs, Assistant PROs, polling staff and counting staff, is responsible for converting the polling station into a counting station and conducting the count. Before the counting of votes begins, a notice will be displayed outside the counting station specifying at what time the counting station is expected to be open to the public to observe the counting of votes [s 53(2)(b) of the EP (RRE) Reg]. The telephone number of the counting station should be provided on the notice, so that the candidates/agents will be able to contact the counting staff. *[Added in October 2022]*

### **Conduct at the Counting Station**

- 4.78 Only the following persons may be admitted to a counting zone:
- (a) members of the EAC;
  - (b) the DHA;
  - (c) the RO;
  - (d) the AROs;
  - (e) the PRO and counting staff of the counting station;
  - (f) the CEO;
  - (g) candidates and their election agents;
  - (h) counting agents;
  - (i) public officers (including police officers) and members of the

CAS on duty at the counting stations; and

- (j) any person authorised in writing by the RO or a member of the EAC.

[S 58(3) of the EP (RRE) Reg] *[Amended in October 2010 and October 2022]*

4.79 Except for police officers and members of the CAS on duty, every person permitted to stay in a counting zone must make a **Declaration of Secrecy** on a specified form<sup>22</sup> before entering the zone, and observe the regulations on the secrecy of voting. [S 81 of the EP (RRE) Reg] Members of the public and the media staying in the public area and the media zone are not required to make a Declaration of Secrecy. *[Amended in October 2018 and October 2022]*

4.80 Members of the public and the media have the rights to observe the count in a counting station. That said, as an established practice to maintain order inside the counting station, the Officer-in-charge of the counting station can reject further entrants when the area designated for the public reaches the maximum capacity. After the close of the poll, electors may observe the counting of votes at the counting station and wait for the counting result, but they must not enter or stay in a counting zone. The Officer-in-charge of the counting station may designate an area at the counting station for the public to observe the count at a distance [s 58(5) of the EP (RRE) Reg]. Members of the public and the media inside the designated area and the media zone are not required to make a Declaration of Secrecy. *[Amended in October 2014 and October 2022]*

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<sup>22</sup> The declaration can be made in the presence of a Commissioner for Oaths/a member of the EAC/the RO/a Justice of the Peace/a solicitor with a practicing certificate.

4.81 Besides, photo-taking and video-recording are allowed inside a counting station. Members of the public, including the media, can take photographs and/or videos inside the public area (but not inside the counting zone). For record purposes, closed-circuit televisions will be installed in each counting station (including inside the counting zone) to record the actual situation of the counting station (including the public area). Without the express permission of a member of the EAC, the DHA or the Officer-in-charge of the counting station, no person shall take photographs, films or make any video or audio recording in a counting zone during the counting process [s 59(2) of the EP (RRE) Reg]. *[Amended in October 2014 and October 2022]*

4.82 Any person who misconducts himself/herself or fails to obey any lawful order of the Officer-in-charge of a counting station at or in the vicinity of a counting station commits an offence, and is liable to a fine at level 2 (\$5,000) and to imprisonment for 3 months. He/She may be ordered by the Officer-in-charge of the counting station to leave the area immediately. A person misconducts himself/herself if he/she disrupts the counting of votes or disturbs or causes inconvenience to other persons in the counting station. The Officer-in-charge of the counting station may also order a person to leave the counting station if the person's conduct in the venue is not in line with the purpose authorised or permitted for the entry to or presence in the counting station. If the person fails to leave immediately, he/she may be removed by a police officer or by any other person authorised in writing by the Officer-in-charge. Any person so removed is not allowed to re-enter the counting station or its vicinity before the counting of votes at the counting station is finished, without the express permission of the Officer-in-charge who ordered him/her to leave. [S 59 and 89(1) of the EP (RRE) Reg] *[Amended in October 2018 and October 2022]*

## Counting of Votes

4.83 The Officer-in-charge of the counting station will conduct the counting of votes in the presence of the candidates, their election agents or counting agents, if any. The Officer-in-charge will check whether all the ballot boxes or receptacles and sealed packets are properly sealed. The seal on each ballot box or receptacle will be broken by the Officer-in-charge. All the ballot boxes or receptacles will then be opened by the Officer-in-charge and the contents will be emptied onto the counting table. [S 60(1) of the EP (RRE) Reg] *[Amended in October 2014 and October 2022]*

4.84 The candidates, their election agents or counting agents may request to inspect any paper other than ballot papers taken out from the ballot boxes or receptacles before the paper is disposed of. **At no time should a candidate, his/her election agent or counting agent touch any ballot papers.** [S 60(2) of the EP (RRE) Reg] *[Amended in October 2014]*

4.85 The Officer-in-charge of the counting station will open the ballot boxes or receptacles of the Rural Area and:

- (a) after opening the ballot boxes and receptacles from a dedicated polling station, take out the ballot papers from the envelopes if envelopes for containing ballot papers are used in the election, count and record the number of ballot papers from the dedicated polling station's ballot boxes and receptacles and verify the number of ballot papers by comparing it with the ballot paper account from the dedicated polling station;
- (b) after opening the envelopes in the receptacles from a ballot paper sorting station, count and record the number of ballot papers in the receptacles and verify the number of ballot papers by

comparing it with the statement prepared by the ARO presiding at the ballot paper sorting station;

- (c) prepare a statement in writing as to the result of the verification under paras. 4.85(a) and (b) above;
- (d) arrange to mix the ballot papers in paras. 4.85(a) and (b) above with other ballot papers in at least one of the ballot boxes from a polling station other than a dedicated polling station;
- (e) decide which of the following methods is to be used for the counting of votes:
  - (i) Method I: Ballot papers will be separated with reference to the candidate for whom the vote has been recorded and placed into the relevant box, and then the valid ballot papers will be counted.
  - (ii) Method II: All valid ballot papers will firstly be separated from other ballot papers and then be counted with the use of a computer.
  - (iii) Method III: The choice(s) marked on each valid ballot paper will be recorded in a form or forms.
- (f) in the course of counting of votes under para. 4.85(e), the invalid ballot papers and questionable ballot papers will be handled in accordance with paras. 4.86 to 4.89; and the valid votes on the questionable ballot papers as determined by the Officer-in-charge will count towards the final counting results; and

- (g) after counting the votes in accordance with the methods mentioned in para. 4.85(e), verify the number of ballot papers cast at the polling station other than a dedicated polling station by comparing it with the ballot paper account for that station; and prepare a statement in writing as to the verification result.

[Ss 60, 60B and 61 of the EP (RRE) Reg] *[Amended in December 2009, October 2014 and October 2022]*

### **Invalid Ballot Papers**

4.86 A ballot paper is invalid if:

- (a) it is unmarked;
- (b) it is not marked with the chop issued by the polling station;
- (c) it has the words “**TENDERED**” and “**重複**” endorsed on it;
- (d) it has the words “**UNUSED**” and “**未用**” endorsed on it;
- (e) it has the words “**SPOILT**” and “**損壞**” endorsed on it; or
- (f) it contains votes for a number of candidates exceeding the number of RR or RRs to be returned for the Rural Area at the election concerned.

[S 62 of the EP (RRE) Reg] *[Amended in October 2010 and October 2014]*

These ballot papers will be set aside as invalid on the spot. They will not be counted and will not be treated as questionable ballot papers.

### **Questionable Ballot Papers**

4.87 Ballot papers with doubtful validity in the following categories are set aside as questionable ballot papers. A questionable ballot paper will be decided as invalid if in the opinion of the Officer-in-charge of the counting station:

- (a) it is void for uncertainty;
- (b) it has any writing or mark by which the elector can possibly be identified;
- (c) it is not marked in accordance with s 48(1)(b), (2)(b), (3)(b) or (4)(b) of the EP (RRE) Reg (as the case may be), i.e. not marked by affixing the chop to give a single “✓” in the circle/each of the circles opposite the name(s) of the candidate(s) of the elector’s choice on the ballot paper. However, the Officer-in-charge may count the vote on that ballot paper as valid if he/she is satisfied that the intention of the elector is clear even though the “✓” mark is not placed inside the circle [s 63(3) of the EP (RRE) Reg]; or
- (d) it is substantially mutilated.

Questionable ballot papers must be separated and forwarded to the Officer-in-charge to decide whether the votes are to be counted. When deciding on the validity of the ballot papers in (b) above, the Officer-in-charge shall make reference to the judgment made by the Court on the election petition case of HCAL 127/2003, in which the Court ruled that the handwritten tick

found on the ballot paper in question in the said election petition was considered a mark by which the elector could possibly be identified. The validity of ballot papers with any other writing or mark will be determined by the Officer-in-charge on a case-by-case basis. [Ss 48, 61(2)(a), 62, 63(2) and (3) of the EP (RRE) Reg] [*Amended in February 2005, October 2010, October 2014, October 2018 and October 2022*]

4.88 The Officer-in-charge of the counting station will invite the candidates, their election agents or counting agents present to participate in the determination process of questionable ballot papers. [*Added in October 2018*]

4.89 The determination process will be conducted in the following manner:

- (a) the Officer-in-charge of the counting station will inform the candidates and their election agents or counting agents of his/her initial decision on the validity of each questionable ballot paper. The candidates or election agents (if present at the counting zone) may inspect and make representations concerning any questionable ballot paper [s 63(1) of the EP (RRE) Reg];
- (b) the Officer-in-charge will then consider their representations and make a final decision on the validity of the questionable ballot paper (see para. 4.89(c) and (d) below) [s 63(2) of the EP (RRE) Reg];
- (c) if the Officer-in-charge decides that a questionable ballot paper is invalid and, therefore, not to be counted, he/she must endorse the words “rejected” and “不予接納” on the front of the ballot paper. In that case, if a candidate or an election agent objects to the determination, the Officer-in-charge must also endorse the words

“rejection objected to” and “不予接納的決定遭反對” on the front of the ballot paper [s 63(5) of the EP (RRE) Reg];

- (d) if a candidate or an election agent objects to the decision of the Officer-in-charge to count a questionable ballot paper, the Officer-in-charge must endorse the words “acceptance objected to” and “予以接納的決定遭反對” on the front of the ballot paper [s 63(4) of the EP (RRE) Reg]; and
- (e) the Officer-in-charge shall prepare a statement to record his/her decisions made in respect of all questionable ballot papers [s 63(6) of the EP (RRE) Reg].

*[Amended in October 2006, October 2010, October 2014, October 2018 and October 2022]*

4.90 The decision of the Officer-in-charge of the counting station in regard to any question arising in respect of any ballot paper shall be **final** [s 63(8) of the EP (RRE) Reg], and may be questioned only by an election petition [s 39 of the RREO] (see Part II of Chapter 5). *[Amended in October 2022]*

4.91 The vote counting will proceed continuously, as far as possible, until the counting of all the votes is completed.

4.92 After a count, when there is only 1 counting station for a Rural Area, the Officer-in-charge of the counting station will make known the result of the counting of votes to the candidates, their election agents or counting agents present. These candidates or their election agents may request the Officer-in-charge of the counting station to re-count the votes, and the Officer-in-charge shall comply with any such request unless the

Officer-in-charge is of the opinion that the request is unreasonable. If the Officer-in-charge is a PRO, the PRO must report to the RO appointed for the Rural Area concerned the result of the counting of votes and re-count (if any). [S 65 of the EP (RRE) Reg] The above also applies when there are 2 or more counting stations for a Rural Area. If there are 2 or more counting stations for a Rural Area, the RO will make known the result to the candidates, their election agents or counting agents present at the place specified by the RO after the RO has obtained the results of all counting and re-count, if any. These candidates or their election agents may request the RO for a re-count of votes of all the counting stations for the Rural Area, and the RO shall comply with any such request and inform the PROs of all the counting stations for the Rural Area to conduct a re-count at their respective stations at the same time unless the RO is of the opinion that the request is unreasonable. If the RO presides at one of the counting stations for the Rural Area, the RO shall conduct a re-count at the station and inform the PRO of the other counting stations for the Rural Area to conduct a re-count at their respective stations at the same time. [S 65A of the EP (RRE) Reg] *[Amended in October 2014 and October 2022]*

#### **PART XIV : DECLARATION OF RESULT**

4.93 When the counting of votes and re-count, if any, are completed and a result is obtained, the RO shall declare the result in accordance with the principles set out in para. 2.52. If, after the counting of votes in respect of an election for a Rural Area is finished, an RR is still to be returned for the Rural Area at the election and the most successful candidates or the most successful candidates remaining (as the case may be) have an equal number of votes, the RO for the Rural Area shall determine the result of the election by drawing lots. The person on whom the lot falls shall be returned for the Rural Area at the election (see para. 2.52(c) for detailed procedures for drawing lots) [s 31(6) of the RREO]. The RO shall publicly declare the candidate on whom the lot

falls as elected, and shall display a notice of the result of the election in a prominent place immediately outside each of the counting stations for the Rural Area concerned. The result of the election will also be published in the Gazette within 10 days of the declaration of the result. [Ss 66 and 67 of the EP (RRE) Reg]

## **PART XV : DISPOSAL OF DOCUMENTS**

4.94 As soon as practicable after ascertaining the result of the poll in an election, the Officer-in-charge of the counting station will make up all the relevant documents and ballot papers into sealed packets. Candidates and their agents may be present to observe the packing. [S 68 of the EP (RRE) Reg]

4.95 These sealed packets and other documents including nomination forms, notices of appointment of agents, etc. will then be sent to the DHA for safe custody for 6 months after the date on which the result of the related rural election is declared before they are destroyed. [Ss 69 and 71 of the EP (RRE) Reg] *[Amended in October 2012 and October 2022]*

4.96 **Except pursuant to a court order** in relation to an election petition or a criminal proceeding, **no person may inspect any ballot paper in the custody of the DHA.** [S 70 of the EP (RRE) Reg]

## **PART XVI : POSTPONEMENT OR ADJOURNMENT OF THE POLL OR THE COUNT**

4.97 The EP (RRE) Reg provides for the postponement or adjournment of the polling or counting of votes for all or particular

polling/counting stations of an RR election. *[Added in October 2022]*

4.98 Regarding the postponement or adjournment of **polling at all polling stations and/or counting of votes at all counting stations**, if, during or before the poll or the count in respect of the RR election, the EAC is of the opinion that the poll or the count is likely to be or is being obstructed, disrupted, undermined or seriously affected by (a) a typhoon or other climatic condition of a serious nature; (b) riot or open violence or any danger to public health or safety; or (c) an occurrence which appears to the EAC to be a material irregularity relating to the poll or the count, then the EAC may postpone or adjourn the poll or the count. [S 72(1) and (2) of the EP (RRE) Reg] *[Added in October 2022]*

4.99 Regarding the **polling at a particular polling station or the counting of votes at a particular counting station**, if, at any time during the polling or counting of votes of an RR election, the PRO for the polling station or the Officer-in-charge of the counting station is of the opinion that the poll at the polling station or the count at the counting station is likely to be or is being obstructed, disrupted, undermined or seriously affected by (a) a typhoon or other climatic condition of a serious nature; (b) riot or open violence or any danger to public health or safety; or (c) an occurrence which appears to the PRO/Officer-in-charge to be a material irregularity relating to the poll or the count concerned, then the PRO of the polling station/Officer-in-charge of the counting station may, after consulting the RO, adjourn the poll at that polling station or the count at that counting station. [S 73 of the EP (RRE) Reg] *[Added in October 2022]*

4.100 If the poll or count of votes has to be postponed or adjourned in accordance with ss 72 or 73 of the EP (RRE) Reg, the EAC must appoint a date for holding the polling or counting as soon as practicable after the postponement or adjournment. The date appointed must not be later than 14

days after the date originally scheduled. Pursuant to the established contingency measures of the EAC, the poll or the count will usually be postponed or adjourned to the fallback polling day (i.e. the following Sunday). There is no provision in the relevant electoral laws and regulations regarding further postponement or adjournment of an already postponed or adjourned poll or count. [S 77 of the EP (RRE) Reg] *[Added in October 2022]*

## **PART XVII : RURAL BY-ELECTION TO BE HELD**

4.101 In respect of rural by-elections, the EAC shall, in accordance with regulations in force under the RREO, arrange for a rural by-election for a Rural Area to be held in the following circumstances and not otherwise:

- (a) on the making of a declaration by the DHA as to the existence of a vacancy in the office of RR for the Rural Area;
- (b) on the making of a declaration by the RO that the election for the Rural Area has failed; and
- (c) on the making of a declaration by the RO that the proceedings for an election for the Rural Area have been terminated.

[S 21 of the RREO] *[Added in October 2022]*

4.102 There is no provision in the subsisting law regarding the holding of any by-election to cater for the event that a poll or count of an RR election has to be postponed or adjourned due to the circumstances mentioned in paras. 4.98 to 4.99 above but cannot be held within the 14 days after the scheduled date as stipulated in the law. *[Added in October 2022]*

## CHAPTER 5

### ELECTION PETITIONS

#### PART I : GROUNDS FOR LODGING AN ELECTION PETITION

5.1 Under s 39(1) of the RREO, the result of the RR election may be questioned only by an election petition made on the following grounds:

- (a) the ground that the person declared by the RO concerned to have been elected as an RR at that election was not duly elected because :
  - (i) he/she was not eligible to be, or was disqualified from being, a candidate at the election;
  - (ii) corrupt or illegal conduct was engaged in by or in respect of that person at or in connection with the election;
  - (iii) corrupt or illegal conduct was generally prevalent at or in connection with the election; or
  - (iv) material irregularity occurred in relation to the election, or the polling or counting of votes at the election; or
- (b) a ground specified in any other enactment that enables an election to be questioned.

*[Amended in October 2014 and October 2018]*

## **PART II : WHO COULD, AND WHEN TO, LODGE ELECTION PETITIONS**

5.2 An election petition may be lodged by:

- (a) 5 or more electors entitled to vote at the election; or
- (b) a person claiming to have been a candidate at the election.

[S 40 of the RREO]

5.3 An election petition questioning an election may be lodged with the CFI only during the period of 2 months following the date on which the RO has published the result of the election in the Gazette [s 43(1) of the RREO]. If the office of the CFI is closed on the last day of the period for lodging election petitions, the deadline will be extended to the date that the office resumes operation [s 71(1A)(a) of the Interpretation and General Clauses Ordinance (Cap. 1)]. *[Amended in October 2004, October 2011, October 2018 and October 2022]*

5.4 An election petition is triable in open court and before a judge. At the end of the trial of an election petition, the CFI shall determine questions of the validity of a nomination or whether the person was or was not duly elected, as appropriate. The CFI must announce its determination by means of a written judgment. [Ss 42(2) and 45(1), (2) and (3) of the RREO] *[Amended in October 2004 and October 2011]*

5.5 An appeal against the decision of the CFI may be lodged to the Court of Final Appeal (“CFA”) direct, subject to leave being granted by the Appeal Committee of the CFA. Notice of a motion for applying for leave to the CFA to appeal must be filed within 14 working days after the date on which

the written judgment of the CFI to be appealed against is handed down, and the applicant must give the opposite party 3 days' notice of his/her intended application at any time during the period of 14 working days. At the end of the hearing of an appeal against the determination of the CFI, the CFA must determine questions of the validity of a nomination or whether the person was or was not duly elected, as appropriate. The CFA must announce its determination by means of a written judgment. [Ss 43(2) and 45B of the RREO] *[Added in October 2011]*

## CHAPTER 6

### APPOINTMENT AND ROLES OF ELECTION AGENT, ELECTION EXPENSE AGENTS, POLLING AGENTS AND COUNTING AGENTS

#### PART I : GENERAL

6.1 This chapter deals with the appointment of agents at an election and their roles. Each candidate may appoint 4 types of agents, namely election agent, election expense agent, polling agent and counting agent. If a candidate intends to send the notice of appointment of polling agents and counting agents by hand, by post, by electronic mail or by facsimile transmission, the notice must be delivered to the relevant RO before the specified deadline so as to enable timely delivery of the information to the relevant PRO or the Officer-in-charge<sup>23</sup> of a counting station (as the case may be). After the said deadline, the candidate or his/her election agent must deliver in person the notice to the relevant PRO or the Officer-in-charge of a counting station, as the case may be, on the polling day. *[Amended in October 2022]*

6.2 The aggregate amount of election expenses incurred by a candidate and his/her election expense agents must not exceed the maximum amount as prescribed by the law. An election expense agent must not incur election expenses in excess of the maximum amount specified by the candidate in the agent's appointment. *[Added in October 2022]*

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<sup>23</sup> "Officer-in-charge" in this chapter refers to the officer in charge of a station in relation to the counting of votes, who may be the RO, the PRO of a counting station (if appointed) or the ARO of a ballot paper sorting station (as the case may be).

6.3 A candidate should think carefully before selecting any of his/her agents. He/She should choose persons suitable for the task. The agents will be viewed as his/her representatives and their conduct may affect the public's perception of him/her and his/her election.

## **PART II : TYPES AND NUMBERS OF AGENTS**

6.4 A candidate may appoint the following agents to assist him/her in the RR election:

- (a) **1** election agent [s 22(1) of the EP (RRE) Reg];
- (b) **any number** of election expense agents [s 23(1) of the EP (RRE) Reg];
- (c) a maximum of **2** polling agents for **each polling station** other than a dedicated polling station situated in a penal institution in respect of the Rural Area for which he/she is nominated [s 36(1) and (1A) of the EP (RRE) Reg];
- (d) **1** polling agent for **each dedicated polling station** situated in a penal institution other than a maximum security prison [s 36(1A) of the EP(RRE) Reg]; and

(Only candidates themselves may enter maximum security prisons (see para. 6.25(a) below). For arrangements regarding the admission of election agents or polling agents to dedicated polling stations situated in penal institutions, please refer to paras. 6.14 to 6.17 and paras. 6.24 to 6.26 below.)

- (e) not more than the number of counting agents to be specified by the RO<sup>24</sup> [s 56(2) of the EP (RRE) Reg].

*[Amended in December 2009, October 2014 and October 2018]*

### **PART III : QUALIFICATIONS OF AGENTS**

6.5 The election, polling and counting agents should be holders of a HKID and have attained the age of 18 years [ss 22(2), 36(3) and 56(3) of the EP (RRE) Reg] while an election expense agent needs to be a person who has attained the age of 18 years [s 23(2) of the EP (RRE) Reg]. *[Amended in October 2014]*

### **PART IV : CIVIL SERVANTS ACTING AS AGENTS**

6.6 Civil servants, other than directorate officers, Administrative Officers, Information Officers and Police Officers and those officers acting in the above grades or ranks with a view to substantive appointment thereto (i.e. other than acting for temporary relief purpose), may act as agents or assist in electioneering activities **provided that** they are not already appointed as ROs, AROs, PROs, polling or counting staff, that there is no conflict of interest with their official duties, that no use of public resources is involved, and that no government uniform is worn when participating in electioneering activities. To avoid any unfairness or appearance of unfairness or conflict of interest, civil servants who work in a Rural Area or have extensive contacts with the public in a Rural Area, particularly staff members of the HAD and DOs of the New Territories, are strongly advised not to accept appointment by a candidate in the

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<sup>24</sup> The number of counting agents to be specified by the RO will be stated in the specified form for notice of appointment of counting agents.

relevant Rural Area to be his/her agent and/or participate in electioneering activities in the Rural Area concerned. Civil servants who participate in electioneering activities, including the seeking of election donations, for any candidates should not use or give the impression of using any public resources in such activities. The guidelines set out in this paragraph are equally applicable to the non-civil service government staff<sup>25</sup>. [*Amended in October 2012, October 2014, October 2018 and October 2022*]

## **PART V : ELECTION AGENT**

### **Appointment**

6.7 A candidate may appoint **1** election agent to assist him/her and to act on his/her behalf in an election. The appointment may be made at any time after the candidate submits his/her nomination form. [S 22(1) of the EP (RRE) Reg]

6.8 The candidate must give notice of the appointment of his/her election agent to the RO for the Rural Area to which the candidate belongs [s 24(2) of the EP (RRE) Reg]. The notice must be in the specified form, signed by both the candidate and the election agent, and delivered by hand, by post, by electronic mail or by facsimile transmission to the RO. If the notice of appointment is given on the polling day, it should not be delivered to the RO by post [s 24(3) of the EP (RRE) Reg]. The appointment will not be effective

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<sup>25</sup> For the purpose of this set of Guidelines, non-civil service government staff refer to the staff employed on non-civil service terms by the HKSAR Government, including:

- (a) those employed under the Non-Civil Service Contract Staff Scheme pursuant to Civil Service Bureau (“CSB”) Circular No. 2/2001;
- (b) those employed under the Post-retirement Service Contract Scheme pursuant to CSB Circular No. 13/2015; and
- (c) other government staff employed on non-civil service terms that do not fall under the categories of (a) or (b) above.

until the notice of appointment is received by the RO [s 24(7) of the EP (RRE) Reg]. *[Amended in October 2014 and October 2018]*

6.9 An election agent must not incur election expenses for or on behalf of a candidate unless he/she has been appointed in writing by the candidate as an election expense agent. Expenses incurred by an election agent purporting to be appointed as an election expense agent before the notice of appointment is duly received by the RO for promoting the election of the candidate or for prejudicing the election of another candidate or other candidates may, depending on the circumstances, still be treated as the election expenses incurred in respect of the candidate. It is **important** to note that it is **illegal conduct** for any person other than a candidate or a candidate's election expense agent to **incur election expenses at or in connection with an election** [s 23(1) of the ECICO]. *[Amended in October 2011, October 2014 and October 2018]*

### **Revocation**

6.10 The appointment of an election agent may be revoked by the candidate at any time. The candidate must give notice of the revocation in writing in the specified form and deliver the signed notice by hand, by post, by electronic mail or by facsimile transmission to the RO. If the notice of revocation is given on the polling day, it should not be delivered to the RO by post. A revocation of an appointment of an election agent will not be effective until such notice is received by the RO. [S 24(4), (5) and (7) of the EP (RRE) Reg] *[Amended in October 2011 and October 2018]*

6.11 If an election agent dies or has his/her appointment revoked, the candidate may appoint another election agent. In such a case, the candidate must give notice of the replacement appointment in the specified form to the RO in accordance with para. 6.8 above [s 24(3), (6) and (7) of the EP (RRE)

Reg]. Like other election agents, the new election agent has to follow the arrangements set out in paras. 6.13 to 6.17 below, including the requirement to submit an application to the RO if he/she wishes to observe the poll at a dedicated polling station situated in a penal institution (other than a maximum security prison). *[Amended in December 2009 and October 2018]*

### **Notification**

6.12 As soon as practicable after the receipt of a notice of appointment of an election agent by a candidate, the RO will send a notice containing the name and address of the election agent to every other candidate (including a person who is being or has been nominated to stand for the election concerned) [s 25 of the EP (RRE) Reg]. The RO must also display outside his/her office a notice of the particulars of the election agents [s 24(8) of the EP (RRE) Reg]. *[Amended in October 2010, October 2014, October 2018 and October 2022]*

### **Role of an Election Agent**

6.13 A duly appointed election agent ranks in the **most important position** amongst all kinds of agents of a candidate. He/She has the **authority to do everything a candidate is authorised to do** under the EP (RRE) Reg for the purposes of the election **except**:

- (a) to sign the nomination form or make any requisite declaration in relation to a candidate's nomination;
- (b) to withdraw the candidate's candidature;
- (c) to appoint an election agent;
- (d) to appoint an election expense agent;

- (e) to incur election expenses save where he/she has been appointed as an election expense agent by the candidate;
- (f) to revoke the appointment of an election agent or election expense agent; and
- (g) to enter a dedicated polling station situated in a maximum security prison.

[S 22(3) of the EP (RRE) Reg] *[Amended in October 2006, December 2009, October 2014 and October 2018]*

**IMPORTANT :**

An election agent is, along with the candidate, responsible for the management of the election campaign. A candidate is responsible for all the acts of his/her election agent. If the election agent fails in his/her duties, he/she may contravene the law, in particular the ECICO, and may commit criminal offences for which the candidate may also be liable, with serious consequences. An election agent will need to be appointed as an election expense agent by a candidate to incur election expenses. If so appointed, the election agent will also become an election expense agent. (See Part VI of this chapter) *[Amended in October 2012]*

6.14 Candidates and their election agents are normally allowed admission to polling stations of the Rural Areas for which the candidates are nominated and are entitled to be present at the counting of the votes. However, they should observe the rules applicable to the polling agents and counting agents (see Parts VII and VIII of this chapter). Due to security

reasons, only candidates may enter dedicated polling stations situated in maximum security prisons to observe the poll. An election agent who wishes to observe the poll at a dedicated polling station situated in a penal institution other than a maximum security prison must deliver an application in the specified form to the RO by hand, by post, by electronic mail or by facsimile transmission at least 1 week before the polling day. The election agent may not be admitted to that dedicated polling station unless the CCS has given consent to his/her admission. If the CCS refuses to give consent to the application received, he/she will notify the candidate or the election agent as soon as practicable. [S 22(3) and (3C) of the EP (RRE) Reg] *[Amended in December 2009, October 2014 and October 2018]*

6.15 The CCS may, upon an application delivered to the RO during the week before the polling day, give consent if he/she is satisfied that a person imprisoned or held in custody by the CSD, who is entitled to vote for the relevant Rural Area at the relevant dedicated polling station, is admitted or transferred to the penal institution concerned during that week and that the application is made without undue delay after the admission or transfer [s 22(3B) of the EP (RRE) Reg]. The HAD will post and update on its website the number of registered electors who are imprisoned or held in custody in individual penal institutions daily from Monday to Friday (other than a general holiday) starting from 3 weeks before the polling day and on the Saturday immediately before the polling day for candidates' reference. *[Added in December 2009, amended in October 2012, October 2014 and October 2018]*

6.16 No election agent may enter a dedicated polling station situated in a penal institution if a polling agent has already been appointed by the same candidate for that polling station. [S 22(3A) of the EP (RRE) Reg] *[Added in December 2009 and amended in October 2018]*

6.17 The PRO of a polling station may regulate the number of candidates and their agents to be admitted to the polling station at any one time, for the purpose of maintaining order in the polling station and ensuring that the polling is conducted smoothly [s 37(2) of the EP (RRE) Reg]. **Whilst inside a polling station, a counting station or a ballot paper sorting station, the provisions to be observed by polling agents and counting agents are also applicable to candidates and their election agents.** They are therefore advised to familiarise themselves also with the guidelines set out in Parts VII and VIII of this chapter. *[Amended in October 2006 and December 2009]*

## **PART VI : ELECTION EXPENSE AGENTS**

### **Appointment**

6.18 A candidate may appoint **any number** of election expense agents to incur election expenses on his/her behalf in the RR election. The appointment shall be in writing in the specified form and state the name, identity document number and address of the election expense agent, and must specify the maximum amount of election expenses the agent may incur [ss 23 and 26 of the EP (RRE) Reg]. It should be signed by both the candidate and the election expense agent [s 24(3) of the EP (RRE) Reg]. A notice of appointment must be delivered by hand, by post, by electronic mail or by facsimile transmission to the relevant RO, or the DHA if the relevant RO has not been appointed. If the notice of appointment is given on the polling day, it should not be delivered to the RO by post. [S 24(1) and (3)(ab) of the EP (RRE) Reg] *[Amended in October 2018]*

6.19 The appointment is not effective until it has been received by the relevant RO or the DHA, as the case may be. Before the notice of appointment is received, no election expenses should be incurred by a person

purporting to be appointed as an election expense agent. It is also important to note that it is **illegal conduct** for any person other than a candidate or his/her election expense agent to **incur election expenses** [s 23(1) of the ECICO]. The expenses so incurred may also be counted as the candidate's election expenses. *[Amended in October 2004, October 2014 and October 2018]*

### **Revocation**

6.20 The appointment of an election expense agent may be revoked by a candidate at any time. The candidate must give notice of the revocation as soon as possible in writing in the specified form and deliver the signed notice by hand, by post, by electronic mail or by facsimile transmission to the relevant RO, or the DHA if the relevant RO has not been appointed. If the notice of revocation is given on the polling day, it should not be delivered to the RO by post. The revocation will only be effective when the RO or the DHA, as the case may be, receives the notice [s 24(4), (5) and (7) of the EP (RRE) Reg]. The election expenses already incurred before the RO or the DHA receives the notice will still be counted as election expenses of the candidate. *[Amended in October 2014 and October 2018]*

### **Role of Election Expense Agents**

6.21 An election expense agent is authorised **to incur election expenses on behalf of a candidate**. He/She must not incur election expenses in excess of the amount specified in the notice of appointment; otherwise he/she commits a criminal offence. [S 23(4) of the ECICO] *[Amended in October 2018]*

**Candidate’s Duty to Know the Details of Election Expenses Incurred by his/her Election Expense Agents**

6.22 Every candidate (whether elected or not or returned uncontested, or having withdrawn the candidature before the close of nominations or been decided as not validly nominated, or not having incurred any election expenses) is under a **duty**, subject to criminal penalty for breach, to submit to the DHA, through the relevant RO, a return and declaration of all his/her election expenses and election donations (hereafter referred to as “election return”) with supporting invoices and receipts issued by the goods or service providers . According to s 2 of the ECICO, “candidate” means a person who stands nominated as a candidate at an election and also means a person who, at any time before the close of nominations for an election, has publicly declared an intention to stand as a candidate at the election. The candidate must ensure that the election return is lodged before the expiry of the period of 30 days after the date on which the last of the following events occurs in all RR elections in relation to the same Rural Committee to be held on the same date:

- (a) the result of the election is published in the Gazette;
- (b) the proceedings for the election are declared to have been terminated;
- (c) the election is declared to have failed,

or lodged within such extended period as may be allowed by the CFI under the relevant law [s 37 (1), (1L), (1M) and (1N) of the ECICO and Part V of Chapter 15].

For the efficient and effective discharge of his/her duty, the candidate should **make sure** that his/her election expense agents will keep account of all election

expenses incurred on his/her behalf and will provide to him/her, as soon as practicable but not later than the period mentioned above, a detailed statement of expenditure in which each item of expenditure of \$500 or above has to be supported by an invoice and a receipt. If any item of expenditure incurred by the election expense agents is paid or defrayed or contributed to by a donation, the candidate should **make sure** that they will provide him/her with a statement stating the expenses. If any item is not explicit in monetary terms, it should be assessed at a reasonable value. If any item of donation is more than \$1,000, it should be supported by a copy of the receipt for the donation issued to the donor (in a standard form signed by the candidate). Should any election expense agents fail to provide such statements together with the invoices and receipts issued by goods or service providers or to donors, as the case may be, the candidate will have difficulty in discharging his/her duty to file the election return, which **may render him/her liable for a criminal offence** under s 38 of the ECICO. *[Amended in October 2006, October 2011, October 2014, October 2018 and October 2022]*

### **Public Inspection of Notices of Appointment of Election Expense Agents**

6.23 The RO or the DHA, as the case may be, will make available for public inspection all notices of appointment of election expense agents submitted by candidates until the expiration of the period during which copies of the election returns lodged by the candidates are available for inspection, i.e. the period ending with the 30<sup>th</sup> day before the first anniversary of the date of the deadline for lodging the relevant election returns (disregarding any order made by the CFI under s 40 of the ECICO allowing a candidate to lodge an election return within a further period as specified by the CFI) [s 41(6) of the ECICO]. This offers the public and other candidates an opportunity to scrutinise the maximum amount of election expenses that could be incurred by the election expense agents on behalf of the candidates [s 24(9) of the EP (RRE) Reg]. *[Amended in October 2018]*

## PART VII : POLLING AGENTS

### Appointment

6.24 A candidate may appoint a **maximum of 2 polling agents** for each polling station, other than a dedicated polling station situated in a penal institution, in respect of the Rural Area for which he/she is nominated. [S 36(1), (1A) and (2) of the EP (RRE) Reg] The notice of appointment must be in writing, in the specified form, signed by the candidate and the polling agent and delivered by hand, by post, by electronic mail or by facsimile transmission to the relevant RO, at least **7 days** before the polling day [s 36(4) and (5) of the EP (RRE) Reg]. Where a candidate wishes to appoint a polling agent after the above deadline, he/she is required to give notice of the appointment to the PRO of the polling station in respect of the Rural Area concerned. Such a notice must be given by the candidate or the election agent **in person** by delivering the notice of appointment to the PRO of the relevant polling station on the polling day [s 36(4)(b) of the EP (RRE) Reg]. The appointment will not be effective until the notice of appointment is received by the relevant RO or PRO, as the case may be [s 36(9) of the EP (RRE) Reg]. *[Amended in December 2009, October 2014 and October 2018]*

6.25 In respect of the appointment of a polling agent to be admitted to a dedicated polling station situated in a penal institution, the following provisions apply:

- (a) only the candidate is allowed to be present in a dedicated polling station situated at a maximum security prison [s 37(6B) of the EP (RRE) Reg];
- (b) only 1 polling agent may be appointed for a dedicated polling station situated in a penal institution which is not a maximum

security prison, and the CCS's consent to the presence of the agent there must be given. The appointment is effective only when a notice of the appointment made in the specified form is delivered to the DHA by hand, by post, by electronic mail or by facsimile transmission at least **7 days** before the polling day [s 37(1A) of the EP (RRE) Reg]; and

- (c) for a dedicated polling station situated in a penal institution which is not a maximum security prison, no polling agent may be appointed if the CCS has already given consent to the presence of the election agent of the same candidate at that polling station [s 37(1B) of the EP (RRE) Reg].

*[Added in October 2004, amended in December 2009, October 2014 and October 2018]*

6.26 If the CCS refuses to give consent to the appointment, he/she will notify the candidate or the election agent as soon as practicable [s 37(1D) of the EP (RRE) Reg]. The CCS may, upon receipt of a notice of appointment given during the week before the polling day, still give consent if he/she is satisfied that a person imprisoned or held in custody by the CSD, who is entitled to vote for the relevant Rural Area at the relevant dedicated polling station, is admitted or transferred to the penal institution concerned during that week and that the notice of appointment is given without undue delay after the admission or transfer [s 37(1C) of the EP (RRE) Reg]. The HAD will post and update on its website the number of registered electors who are imprisoned or held in custody in individual penal institutions daily from Monday to Friday (other than a general holiday) starting from 3 weeks before the polling day and on the Saturday immediately before the polling day for candidates' reference.

*[Added in December 2009, amended in October 2011, October 2014 and October 2018]*

## **Revocation**

6.27 The appointment of a polling agent may be revoked by the candidate at any time. The candidate must give notice of revocation in writing in the specified form and deliver the signed notice by hand, by post, by electronic mail or by facsimile transmission to the RO (other than on the polling day). If the notice of revocation is given on the polling day:

- (a) for a polling agent appointed for a polling station other than a dedicated polling station situated in a penal institution, such notice must be delivered to the relevant RO by hand, by electronic mail or by facsimile transmission; or to the relevant PRO by either the candidate or the election agent **in person**;
- (b) for a polling agent appointed for a dedicated polling station situated in a penal institution, such notice must be delivered to the relevant RO by hand, by electronic mail or by facsimile transmission.

[S 36(6), (7), (7A) and (7B) of the EP (RRE) Reg] *[Amended in October 2018]*

6.28 A revocation of appointment of a polling agent is not effective until the notice thereof is received by the relevant RO or PRO, as the case may be [s 36(9) of the EP (RRE) Reg]. If a polling agent passes away or has his/her appointment revoked, the candidate may appoint another polling agent. In such a case, the candidate must give notice of the replacement appointment in the specified form to the relevant RO or PRO [s 36(5), (8) and (9) of the EP (RRE) Reg]. If a replacement of polling agent is appointed and he/she wishes to observe the poll at a dedicated polling station in a penal institution (other than a maximum security prison), he/she is required to follow the arrangements set out in paras. 6.25 to 6.26 above. *[Amended in December 2009, October*

*2011 and October 2014]*

### **Role of Polling Agents**

6.29 Polling agents are appointed **to assist a candidate in observing the conduct of the poll**, to detect impersonation or other irregularities at the polling stations.

### **Provisions which the Polling Agents should be aware of**

6.30 Only 1 polling agent of each candidate may be admitted at any one time to the polling station for which he/she has been appointed, on behalf of the candidate [s 37(6) of the EP (RRE) Reg]. Inside the polling station, the polling agent is required to stay and keep his/her movements within the area designated for observation of the poll and not outside. Where a candidate or his/her election agent is present within a polling station, a polling agent of that candidate will not be allowed to be present at the same time within the polling station [s 37(4), (5) and (6) of the EP (RRE) Reg]. (See also Chapter 4 regarding the admission of candidates, election agents and polling agents to the polling station) *[Amended in December 2009, October 2014 and October 2018]*

6.31 Before entering a polling station, every person, other than an elector, a child accompanying an elector or a police officer/ officer of the CSD/ officer of any law enforcement agency/member of the CAS on duty, must make a Declaration of Secrecy in the specified form and observe the provisions governing the secrecy of voting [ss 81 and 82 of the EP (RRE) Reg]. This is to make sure that, subject to penalty of making a false declaration, all persons inside a polling station will observe the secrecy of the vote of the elector and, in particular, not to divulge which elector has voted for which candidate. *[Amended in December 2009]*

6.32 Upon arrival at the polling station for which he/she has been appointed, a polling agent shall report to the PRO and produce his/her identity card and the Declaration of Secrecy completed by him/her for inspection. [S 37(7) of the EP (RRE) Reg] *[Amended in December 2009]*

6.33 The following procedures shall apply on the polling day:

(a) Before the poll

- (i) About 30 minutes before the commencement of the poll (or 15 minutes for dedicated polling stations situated in penal institutions), the PRO will inform the candidates or their agents (either election agents or polling agents), if present, of the number of ballot papers in the PRO's possession, and open the sealed packets of ballot papers to show them the books of ballot papers not yet issued to any elector (“**UNISSUED** ballot papers”).
- (ii) About 15 minutes before the commencement of the poll, the PRO will show to the above persons the empty ballot boxes before proceeding to lock and seal them.

*[Amended in October 2012]*

(b) During the poll

- (i) Where a person, claiming to be a particular elector entered on the FR, applies for a ballot paper after an earlier person has already been issued with a ballot paper under the name of such an elector, the PRO may issue a tendered ballot paper to the latter elector **only if** he/she is not certain that

the latter person is the former person who was issued with a ballot paper earlier, and the latter person has answered the appropriate questions in accordance with the law as set out in para. 4.40 to the satisfaction of the PRO. The PRO will in such circumstances issue a ballot paper with the words “**TENDERED**” and “重複” endorsed on the front. Such a ballot paper shall not be counted at the counting of votes. [Ss 50(2) and 62(e) of the EP (RRE) Reg]

(ii) Any elector who has inadvertently torn or damaged any ballot paper or has made an error in marking any ballot paper issued to him/her may ask the PRO to exchange it for another unmarked ballot paper. If the PRO considers the request reasonable, he/she will issue a new ballot paper to the elector in exchange for the spoilt one. The PRO shall endorse the words “**SPOILT**” and “損壞” on the front of the spoilt ballot paper and keep it in his/her own custody. The spoilt ballot paper will not be put into a ballot box and will not be counted at the counting of votes. [Ss 52 and 62(g) of the EP (RRE) Reg]

(iii) For any ballot papers which have been issued and abandoned or found left behind anywhere in the polling station, the PRO shall endorse them with the words “**UNUSED**” and “未用” on the front and keep them in his/her own custody. Such ballot papers shall not be put into a ballot box and will not be counted at the counting of votes. [Ss 51 and 62(f) of the EP (RRE) Reg] Under these circumstances, the PRO will show to each candidate or his/her election agent or polling agent, if present at the

relevant time, such ballot papers.

*[Amended in October 2018]*

(c) After the poll

- (i) The PRO shall, in the presence of persons at the polling station, lock and seal the flaps of the inserting slots of the ballot boxes. He/She will also inform each candidate or his/her agent, if present, of the number of the following types of ballot papers in his/her possession: unissued ballot papers, unused ballot papers, and spoilt ballot papers. [S 53(4) of the EP (RRE) Reg]
- (ii) The candidates and/or their agents may accompany the Officer-in-charge of the relevant counting station in the delivery of the ballot boxes from the polling station to the counting station if such delivery is required (for details, please refer to para. 4.69 above).
- (iii) The candidates or their agents who are present may stay in the polling station to observe the process of the conversion of the polling station into a counting station if such conversion is required. [S 53(3) of the EP (RRE) Reg]

*[Added in October 2004, amended in October 2011, October 2014, October 2018 and October 2022]*

6.34 Generally speaking, a polling agent may observe all proceedings in the polling station for which he/she has been appointed and record his/her

observations but shall not do anything that may interfere with the conduct of the poll. A polling agent **may**:

- (a) observe the opening of sealed packets of ballot papers and the locking and sealing of empty ballot boxes before the poll commences, and the locking and sealing of the ballot boxes during and at the close of poll; [*Amended in October 2004, October 2012 and October 2022*]

**NOTE** :

Any polling agent who signs the sealing certificate of a ballot box as witness is required to write his/her name in block letters beneath his/her signature for easy identification. The candidates are advised to keep a list of their own polling agents to facilitate checking when the sealing certificate is broken at the counting station.

- (b) leave the polling station at any time during the poll; in that case his/her place may be taken by one of the following persons: the relevant candidate, election agent or another polling agent (representing the same candidate) appointed for the polling station (see para. 6.30 above);
- (c) subject to para. 6.35(b) below, observe the issue of ballot papers to electors (either through the EPR system (if used) or the drawing of a line across the relevant entries in the printed copy of the FR of electors) provided that they will not interfere with the work of the polling staff;

- (d) where there is reasonable ground for questioning the bona fides of an elector, ask the PRO to put the following prescribed questions (subject to necessary modifications) to that person at the time of his/her application for a ballot paper (but not afterwards):
- (i) “Are you the person registered in the FR for this Rural Area (the PRO to read the name and the type of the Rural Area), as follows (the PRO to read the whole entry as it is recorded in the FR)?”
- (ii) “Have you already voted in this election to elect an RR (the PRO to read the type of the RR) for this Rural Area (the PRO to read the name and type of the Rural Area)?”  
*[Amended in October 2014]*

**NOTE :**

The person will not be issued with any ballot paper unless he/she has answered the questions to the satisfaction of the PRO.

[S 43(2), (3) and (4) of the EP (RRE) Reg]

- (e) where there is reasonable cause to believe that a person who has applied for a ballot paper has engaged in corrupt conduct by impersonation, inform the PRO for appropriate action before that person leaves the polling station. This may possibly lead to the arrest of the person. The polling agent must however undertake in writing to give evidence to substantiate the allegation in a court of law. [S 44(1) of the EP (RRE) Reg] *[Amended in October 2004, October 2012 and October 2014]*

*[Amended in December 2009 and October 2014]*

- 6.35 Inside a polling station, a polling agent **must not**:
- (a) interfere with or attempt to influence any elector;
  - (b) speak to or communicate with any elector, or interfere with or attempt to interfere with any ballot boxes, ballot papers, backup storage device of the EPR system (if used), the marked copy of the FR of electors in printed form or other relevant election materials. In this regard, a polling agent should station within the designated area demarcated by red adhesive tapes, and must not enter, or move close to, the restricted zone delineated with yellow tapes which is about 1 metre or 2 metres (depending on the configuration) around the voting compartments. Moreover, it is very improper for a polling agent to ask an elector about his/her identity card number, and checking of an elector's identity card is prohibited; *[Amended in October 2004, October 2012 and October 2022]*
  - (c) attempt to obtain information, or disclose any knowledge acquired, concerning the vote of any elector. A polling agent should read and observe carefully the provisions governing the secrecy of voting issued with the form of Declaration of Secrecy;
  - (d) exhibit, leave or distribute any campaign material; *[Added in October 2018]*
  - (e) display or wear any propaganda material, e.g. any badge, emblem, clothing or head-dress which:
    - (i) may promote or prejudice the election of a candidate or candidates at the election;

- (ii) makes direct reference to a political body in Hong Kong or to a body any member of which is standing as a candidate in the election; or
- (f) use a mobile telephone, paging machine or any other form of communication device. *[Amended in October 2004 and October 2022]*

[S 38 of the EP (RRE) Reg] *[Amended in October 2014 and October 2022]*

6.36 A polling agent must not misconduct himself/herself in or in the vicinity of a polling station or fail to obey any lawful order of the RO or the PRO; otherwise he/she commits an offence and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 3 months and may be ordered by the RO or the PRO to leave the area. If he/she fails to leave immediately, he/she may be removed by:

- (a) a police officer if the polling station is not a dedicated polling station;
- (b) an officer of the CSD or any law enforcement agency if the polling station is a dedicated polling station; or
- (c) any other person authorised in writing by the RO or the PRO to remove him/her.

The person so removed may not re-enter the polling station on the polling day except with the express permission of the RO or the PRO. [Ss 38 and 89 of the EP (RRE) Reg] *[Amended in December 2009]*

### **Other Useful Information for Polling Agents**

6.37 Polling staff, candidates, their election agents and polling agents will be required to wear an identification device issued by the RO or the PRO for identification. If in doubt, a polling agent may enquire with the PRO as to the identities of the persons inside the polling station. No attempt, however, should be made to obtain information as to the identity of any elector who is about to vote or has voted. [Ss 37 and 82 of the EP (RRE) Reg] *[Added in October 2004, amended in October 2014 and October 2018]*

6.38 Electors with mobility difficulty may be permitted to vote in a special polling station designated for a particular Rural Area. Candidates or their agents can make inquiries with the RO for information. *[Added in October 2004 and amended in October 2014]*

6.39 Only the PRO, Deputy PRO or Assistant PRO may, in the presence of one polling staff member as a witness, help an elector mark a ballot paper if the elector claims that he/she is unable to read or is incapacitated from marking his/her vote by himself/herself due to visual impairment or other physical cause [s 49(1) of the EP (RRE) Reg]. The candidates or their agents present should be informed when such a request for assistance is received. Candidates or their polling agents in the polling station may suggest to the PRO, Deputy PRO or Assistant PRO a particular polling staff member not working at the ballot paper issuing desk as the witness, but the final decision as to which polling staff member should be the witness remains with the PRO, Deputy PRO or Assistant PRO. An elector's relative, friend or any other person is in no circumstances allowed to accompany the elector in the course of voting. *[Amended in October 2004, October 2012 and October 2014]*

6.40 In each polling station, a number of **braille templates** are made available for persons with visual impairment in need to facilitate marking their

vote on the ballot paper [s 49(2) and (3) of the EP (RRE) Reg]. The basic features of the template are as follows:

- (a) the template for each Rural Area is of the same width and length as the ballot paper;
- (b) the template contains numbers in braille and Arabic numerals printed in relief starting with the first numeral which represent the candidate numbers assigned to the candidates and are arranged from the top downwards in ascending order; on the right hand side against each of the number is a round hole;
- (c) the **top left hand corner** of the ballot paper as well as that of the template are cut so as to guide the person with visual impairment to place the template on top of the front side of the ballot paper in the proper direction; and
- (d) when the template is placed properly on the ballot paper, each braille number corresponds with the candidate number of the Rural Area; and each of the holes on the template corresponds with the circle on the ballot paper against the candidate number. The number of holes equals the number of candidates of the Rural Area.

A person with visual impairment should affix the chop provided at the polling station to give a single “✓” in the circle through the holes of the template against the candidate number of the candidate of his/her choice. *[Amended in October 2014 and October 2018]*

6.41 No person may canvass or display any promotional material relating to any candidate or the election within a polling station. The

candidates and their agents should not bring electioneering materials into the polling station or leave them there, and should remove any promotional badges, emblems, clothing or head-dress before entering. No person is allowed to use a sound amplifying system or device for any purpose within the NCZ; nor should he/she use such system or device or conduct any activities (e.g. lion dance) for canvassing so that the sound emitted by it can be heard within the NCZ. [S 35(2) of the EP (RRE) Reg] However, an officer of the CSD may use a sound amplifying system or device in the NCZ of a dedicated polling station situated in a penal institution for the performance of his/her duties on the polling day [s 35(2A) of the EP (RRE) Reg]. Also, a person must not stay or loiter in the NSZ without the express permission of the PRO [s 35(2)(e) of the EP (RRE) Reg]. Any person who undertakes photographing, filming and video or audio recording within a polling station without the express permission of the PRO, the relevant RO for the Rural Area, or a member of the EAC, commits an offence and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months [ss 38(4) and 89(2) of the EP (RRE) Reg]. Normally such permission is only granted to government photographers for publicity purposes. Polling agents should also read Parts I to X of Chapter 4 on all matters relating to polling, and pay special attention to paras. 4.59 to 4.62 for activities that are prohibited and the consequences of conducting such activities in a polling station. *[Amended in October 2006, December 2009, October 2011, October 2014 and October 2018]*

6.42           **The ballot is secret.** No one can force a person to vote or not to vote for any particular candidate [s 13 of the ECICO]. Also, no one is required to tell which candidate he/she has voted for or is about to vote for. A person who, without lawful authority, requires or purports to require an elector to disclose the name of, or any particulars relating to, the candidate for whom the elector voted commits an offence and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months [ss 82 and 89 of the EP (RRE) Reg]. *[Added in October 2022]*

6.43 If a candidate or election agent or polling agent has any complaint about whatever happens inside a polling station, he/she should follow the procedures laid down in Chapter 19 on Complaints Procedure of the Guidelines. *[Amended in October 2014 and October 2018]*

## **PART VIII : COUNTING AGENTS**

### **Appointment**

6.44 Each candidate may appoint not more than the number of counting agents specified by the RO, normally 1 counting agent, to observe the counting of votes at a counting station and the sorting of ballot papers received from dedicated polling stations at a ballot paper sorting station [s 56(1) and (2) of the EP (RRE) Reg]. A person appointed as a counting agent need not be, but may be, appointed as a polling agent at the same time. *[Added in October 2004 and amended in December 2009]*

6.45 The notice of appointment must be in writing, in the specified form signed by the candidate and the counting agent and delivered to the relevant RO by hand, by post, by electronic mail or by facsimile transmission at least **3 days** before the polling day. Where a candidate wishes to appoint a counting agent after the above deadline, the notice of the appointment must be delivered by the candidate or the election agent **in person** to the relevant Officer-in-charge of a counting station on the polling day. [S 56(4) and (5) of the EP (RRE) Reg] The appointment is only effective when the notice of such appointment is received by the RO or the relevant Officer-in-charge of a counting station [s 56(9) of the EP (RRE) Reg]. *[Amended in December 2009, October 2012, October 2014 and October 2018]*

## **Revocation**

6.46 The appointment of a counting agent may be revoked by the candidate at any time. The candidate must also give notice of revocation in writing in the specified form and deliver the signed notice by hand, by post (other than on the polling day), by electronic mail or by facsimile transmission to the RO before the close of poll, or the notice of revocation must be delivered by the candidate or his/her election agent **in person** to the relevant Officer-in-charge of a counting station before the close of poll [s 56(6) and (7) of the EP (RRE) Reg]. If the candidate intends to revoke the appointment after the close of poll, such notice must be delivered by the candidate or his/her election agent **in person** to the relevant Officer-in-charge of a counting station [s 56(6) of the EP (RRE) Reg]. A revocation of appointment of a counting agent is not effective until notice thereof is received by the RO or the relevant Officer-in-charge of a counting station, as the case may be [s 56(9) of the EP (RRE) Reg]. If a counting agent passes away or has his/her appointment revoked, the candidate may appoint another counting agent. In such a case, the candidate must give notice of the replacement appointment in the specified form to the RO or the relevant Officer-in-charge of a counting station [s 56(5), (8) and (9) of the EP (RRE) Reg]. *[Amended in December 2009, October 2014, October 2018 and October 2022]*

## **Role of Counting Agents**

- 6.47 Counting agents are appointed to:
- (a) observe in the counting stations the breaking of the seals on the ballot boxes, the sorting, separation and counting of ballot papers and the counting of votes on the valid ballot papers for candidates; or

- (b) observe in the ballot paper sorting stations the breaking of the seals on the ballot boxes received from dedicated polling stations and the sorting of the envelopes in the ballot boxes which contain ballot papers cast at the dedicated polling stations.

This arrangement ensures the transparency of the sorting and counting process and is conducive to the principle of openness and fairness (see Part XI of Chapter 4). *[Amended in December 2009]*

### **Provisions which the Counting Agents should be aware of**

6.48 Before the counting of votes or sorting of ballot papers commences, each person authorised to be present at a counting station or a ballot paper sorting station, other than the police officers, officers of any law enforcement agency and members of the CAS on duty, must make a Declaration of Secrecy in the specified form and observe the provisions governing the secrecy of voting [ss 58(3) and 81 of the EP (RRE) Reg]. This is to make sure that, subject to penalty of making a false declaration, all persons inside a counting station or a ballot paper sorting station will observe the secrecy of the vote of the elector and, in particular, will not divulge which elector has voted for which candidate. Members of the public present within the area designated by the Officer-in-charge of a counting station are not required to make a Declaration of Secrecy. *[Added in October 2004, amended in December 2009 and October 2010]*

6.49 Upon arrival at the counting station or the ballot paper sorting station, a counting agent shall report to the relevant Officer-in-charge and produce his/her identity card and the Declaration of Secrecy completed by him/her for inspection. [S 81(1) of the EP (RRE) Reg] *[Amended in December 2009 and October 2022]*

6.50 Counting agents are entitled to be present throughout the count to observe the entire counting proceedings. They will be allowed by the relevant Officer-in-charge to stay close to and around the counting tables to observe the count. Nonetheless, they must not touch any ballot papers. A counting agent **may**:

- (a) observe the breaking of the seals on the ballot boxes and the opening of the ballot boxes and, where applicable, envelopes containing cast ballot papers for the relevant Rural Area by the relevant Officer-in-charge;
- (b) inspect any papers other than ballot papers taken from the ballot boxes before they are disposed of;
- (c) observe the conduct of the count by counting staff, including how votes on individual ballot papers are counted;
- (d) observe the determination of the validity of questionable ballot papers by the Officer-in-charge of a counting station [s 63(1) of the EP (RRE) Reg]; and
- (e) observe, where he/she wishes, the packing of ballot papers by the counting staff and the relevant Officer-in-charge at the conclusion of the count.

*[Amended in October 2004, December 2009, October 2010, October 2012, October 2014, October 2018 and October 2022]*

6.51 A counting agent in a ballot paper sorting station **may**:

- (a) observe the opening of the ballot boxes received from dedicated polling stations;
- (b) inspect any papers other than the envelopes containing cast ballot papers taken from the ballot boxes before they are disposed of;
- (c) observe the counting of the envelopes containing cast ballot papers in each ballot box;
- (d) observe the sorting of the aforesaid envelopes according to each Rural Area; and
- (e) observe the sealing of the receptacles containing the sorted envelopes before they are delivered to the relevant Officer-in-charge of the respective counting stations of the relevant Rural Areas.

*[Added in December 2009 and amended in October 2014]*

6.52 A counting agent **must not**:

- (a) touch, handle, separate or arrange ballot papers or envelopes; and
- (b) misconduct in the counting station or ballot paper sorting station, or fail to obey any lawful order of the relevant Officer-in-charge, otherwise he/she commits an offence and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 3 months and may be ordered by the relevant Officer-in-charge to leave the area. If he/she fails to leave immediately, he/she may be removed by a police officer or by any other person authorised in writing by the relevant Officer-in-charge to remove him/her. The person so

removed may not re-enter the counting station or the ballot paper sorting station before the conclusion of the count of that counting station except with the express permission of the relevant Officer-in-charge [ss 59(7) and 89(1) of the EP (RRE) Reg].

*[Amended in December 2009, October 2010, October 2014, October 2018 and October 2022]*

6.53 Counting agents should read Part XII and Part XIII of Chapter 4 on all matters relating to sorting of ballot papers and counting of votes, and pay special attention to paras. 4.73 to 4.74 and 4.80 to 4.82 for activities that are prohibited and the consequences of conducting such activities in ballot paper sorting stations and counting stations. *[Amended in December 2009 and October 2018]*

## 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, please refer to Chapter 15. *[Added in October 2022]*

7.2 EAs account for a major portion of election expenses. Given that only candidates and their election expense agents are permitted to incur election expenses (also see Chapter 6), they are the only persons allowed to incur election expenses because of the publication of EAs. It is, therefore, necessary to set down statutory regulations for EAs. *[Added in October 2022]*

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. 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 election or whether the incident happens during the election period), the expenses incurred 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, then it is not to be treated as an EA. *[Added in October 2022]*

7.4 A candidate is required under the law to post a copy of any EA

he/she has published as well as the relevant information and documents onto an open platform<sup>26</sup> maintained by the DHA or a person authorised by the DHA (“Central Platform”) or an open platform maintained by the candidate(s) or a person authorised by the candidate(s) (“Candidate’s Platform”), or submit a copy of the EA to the RO for public inspection within 1 working day after publication of the EA (for details, please refer to para. 7.57 below). This is not to restrict the content of EAs. Rather, it keeps track of candidates’ publication of EAs for the purpose of regulating their election expenses. If any false statement is contained in EAs, it will be regulated by other provisions under the subsisting law (see para. 7.23 below). *[Added in October 2022]*

7.5 It is an illegal conduct to publish materially false or misleading statements of fact about a candidate under s 26 of the ECICO (please see para. 16.11 of Chapter 16 for details). In this regard, candidates publishing EAs should pay extra attention to ensure that the contents in their EAs have factual basis to avoid controversies and legal proceedings. Besides, if a candidate makes reference to other candidate(s) in the EAs, he/she should ascertain the factual basis of such reference and that the reference do not constitute a false or misleading statement. In the 2019 District Council (“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) who had published a false and misleading statement about another candidate in one of the EAs was not duly elected. *[Added in October 2022]*

7.6 Interactive EAs published on Internet platforms can be updated constantly. 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 October 2022]*

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<sup>26</sup> 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.

7.7 With the proliferation of the Internet, online platforms are widely used to publish election-related opinions. As such opinions may sometimes constitute EAs, if the publication involves the incurrence of election expenses, the publisher may have committed offences relating to election expenses if he/she is not a candidate or a candidate's election expense agent. Hence, legislative amendments have been made that where such person has published information constituting EAs, he/she will be exempted from criminal liability for incurring election expenses not in the capacity of a candidate or a candidate's election expense agent if the only expenses incurred are electricity charges and/or charges necessary for accessing the Internet. However, **it must be noted that** the exemption only applies to third parties who are neither candidates nor candidates' election expense agents (for details, please refer to para. 7.11 below).  
*[Added in October 2022]*

## **PART II : WHAT CONSTITUTES AN ELECTION ADVERTISEMENT**

- 7.8 An EA, in relation to the RR election, 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 EP (RRE) Reg] *[Amended in October 2012 and October 2014]*

**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 the election, whether or not he/she has submitted a nomination form. [S 2 of the ECICO and s 2(2) of the EP (RRE) 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 2 of the ECICO and s 91(1) of the EP (RRE) Reg] *[Added in October 2012]*

If any candidate has authorised the publication of an EA by another person, that EA is taken to have been published by that candidate. [S 91(2) of the EP (RRE) Reg] *[Added in October 2012]*

7.9 An EA includes the following if it is published for the purpose of promoting or prejudicing the election of any candidate or candidates in an election: *[Amended in October 2014]*

- (a) any 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 October 2010 and October 2022]*

- (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 October 2006, October 2010 and October 2022]*
- (c) any thing or material published by any person or any organisation, including political organisation, professional or trade organisation, owners' corporation, mutual aid committee ("MAC")<sup>27</sup>, tenants' association, owners' committee, etc. (irrespective of whether or not the candidate concerned is its office-bearer or member) showing his/her or its 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 or in any other form or manner. *[Amended in October 2011]*

7.10 As stated in para. 7.8 above, an EA is defined to include any messages published for the purpose of promoting or prejudicing the election of a candidate or candidates at an election under s 2 of the ECICO. 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 at the time when read in their whole context (e.g. the materials concerned may be capable of being reasonably understood by an elector as referring to certain identified candidate(s)). 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

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<sup>27</sup> The Government will terminate the MAC Scheme. MACs are required to be dissolved before 1 January 2023 the latest.

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 candidate(s). 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 October 2018 and amended in October 2022]*

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 incurred by the person for the purpose of publishing the EA are either one or both of electricity charges and 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. 7.57 below. *[Added in October 2018 and amended in October 2022]*

7.12 Any publicity materials containing the name or photograph of a candidate issued or displayed during the election period (i.e. the period beginning on the first day of the nomination period for the election and ending on the day on which the polling for the election ends, or on the day on which the RO is required to make relevant declaration in accordance with s 29 of the RREO or s 19 of the EP (RRE) Reg) may also be regarded as EAs if they are published for the purpose of publicity with the intent to promote the election of the candidate. *[Amended in October 2004, October 2014, October 2018 and October 2022]*

7.13 Under s 91(1) of the EP (RRE) 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 (including but not limited to an incumbent member of the LegCo or a DC), if he/she continues to display any previously published publicity materials in the Rural Area concerned with an intent to promote his/her election, once he/she has been nominated as a candidate or has publicly declared an intention to stand as a candidate at the election, such publicity materials **may** be regarded as EAs. Particular attention should be drawn to posters or banners bearing that person’s name or photograph displayed at a public place or at the common parts of a building (and the terms and conditions under the Lands Department’s Management Scheme for the Display of Roadside Non-commercial Publicity Materials shall also apply if the publicity materials are being displayed under the said Scheme). 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 October 2018 and amended in October 2022]*

7.14 Under s 91(4) of the EP (RRE) 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 Chief Executive (“CE”);
- (b) an Election Committee (“EC”) member;
- (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) an RR,

is also regarded as an EA.

*[Amended in October 2006, October 2012, October 2014 and October 2022]*

7.15 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. 7.14 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. 7.14 above must comply with all the requirements for an EA and the expenses so incurred be accounted for as election expenses. *[Amended in February 2005, October 2012 and October 2014]*

7.16 If a person publishes a document to give details of the work done by him/her in a capacity listed in para. 7.14 above without promoting or prejudicing the election of any candidate 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. *[Added in October 2004 and amended in October 2012]*

7.17 A candidate in an election should put up and display EAs in accordance with all the relevant laws and regulations and the guidelines herein.  
*[Amended in October 2018]*

### **Election Advertisements Prejudicing the Election of a Candidate**

7.18 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 candidate(s) 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.

*[Added in October 2004, amended in October 2014, October 2018 and October 2022]*

7.19 Materials published by any person, including a candidate, for the purpose of prejudicing the election of a candidate or candidates are treated as EAs, if reference could be made from the materials to identify the candidate(s) being prejudiced. *[Added in October 2004]*

7.20 The **election expenses** allowed by the law to be incurred by a candidate include the expenses he/she incurs for the preparation and publication of EAs, and he/she should therefore be careful in planning how much he/she should spend in this area. (For the definition of election expenses, please see s 2 of the ECICO)

7.21 Subject to the maximum amount that can be incurred by a candidate for election expenses [s 24 of the ECICO], there is no restriction as to the quantity of EAs employed by him/her. The maximum amount allowed for an RR election is specified in the Maximum Amount of Election Expenses (Rural Representative Election) Regulation (please see para. 15.15 of Chapter 15 for details). *[Amended in October 2014]*

7.22 The costs incurred for the display of EAs must be counted as election expenses. A candidate must not incur election expenses exceeding the prescribed maximum amount, otherwise he/she will commit an offence.

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 caused by the act 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 need to 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 October 2022]*

7.23 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 Chapter 17. If a candidate has any question about the legal 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 October 2018 and October 2022]*

### **PART III : PERIOD AND AREA OF DISPLAY**

7.24 Subject to 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)]

7.25 Display spots are classified into 2 types:

- (a) **designated spots** which are spots on government land/property and sometimes even on land/property owned or occupied privately that have been made available to the Government for allocation to candidates; 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**

7.26 Allocation of designated spots for the use of **contested** candidates to display their EAs will be made by the RO of the relevant Rural Area. Some of the government land/property have been allocated to some public authorities, such as the Housing Authority, and are under their respective control. The RO for the relevant Rural Area 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 Rural Area will be allocated the same number of designated spots.** *[Amended in October 2004, October 2010, October 2012 and October 2014]*

7.27 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.

#### **NOTE :**

Suggestions under para. 7.27 should reach the relevant RO **not**

**later than 8 weeks before the polling day.** *[Amended in October 2004, October 2010 and October 2022]*

### **Other Land/Property - Private Spots**

7.28 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, and the spots concerned are therefore called “**private spots**”. 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. 7.57 below (please see para. 7.33 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, 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). Where a space provided by a particular private owner or occupier for a candidate to display EAs is not used for commercial advertising, but similar space belonging to other owners or occupiers is available for commercial advertising, the market value of the space should also be accounted for. The provision of this kind of rent-free space should be regarded as election donation and counted as election expenses. This requirement is to ensure that the candidate concerned will not have unfair advantage over the others who do not have access to such facilities. For details on how the estimated value should be assessed, please refer to para. 15.28 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 October 2004, October 2012 and October 2018]*

7.29 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 private land/property concerned to give all candidates competing in the same Rural Area **fair and equal treatment** (please refer to Chapter 8). *[Amended in October 2004, October 2014 and October 2018]*

7.30 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 December 2009]*

### **Allocation of Designated Spots**

7.31 The RO for each Rural Area will allocate the designated spots to candidates of the Rural Area either in accordance with the agreement among the candidates or by the drawing of lots after the end of the nomination period, when the number of candidates contesting in the Rural Area has been ascertained. No designated spot will be provided to a candidate who is returned uncontested. **No display of EAs will be allowed on any designated spots before the allocation** (please also see the requirements in para. 7.37 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 in connection with electioneering activities conducted on government land/property with approval by the authorities concerned. 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 locations. *[Amended in October 2010 and October 2012]*

7.32 Candidates using the designated spots are required to read and comply with all the requirements and conditions stipulated in the “Conditions for Display of EAs at Designated Spots”, which will be provided to each candidate in the candidate’s folder and uploaded onto the website for the RR Elections. 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. *[Amended in October 2018]*

### **Written Permission or Authorisation**

7.33 The RO(s) 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 written permission or authorisation as required under the relevant legislation will be provided to the candidates by the RO of the Rural Area concerned (see Part IV below). 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) 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 daily 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) and 150 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 provided by him/her for public inspection in the manner as set out in para. 7.57 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 October 2012, October 2018 and October 2022]*

### **No Canvassing Zone**

7.34 No EA may be displayed within the boundaries of a polling station (including all storeys and the outer walls of the premises) or within any NCZ on the polling day (see Chapter 13), but 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 ROs should issue a notice in advance to all the candidates in the Rural Areas concerned asking them to remove all of their EAs, if any, 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 should 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 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 Rural Area will provide each candidate of that Rural Area with 1 set of sketch maps or plans showing the boundaries of all polling stations and all NCZs outside

those polling stations. *[Amended in October 2004, October 2014, October 2018 and October 2022]*

#### **PART IV : ALLOCATION OF DESIGNATED SPOTS**

7.35 A candidate can obtain the following information from the RO for that Rural Area at the time of submitting the nomination form: *[Amended in October 2012]*

- (a) the general locations of the designated spots, which may include unleased government land, property and buildings managed by the Housing Department, and occasionally 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 Rural Area, **after** the end 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 *[Amended in October 2004 and October 2022]*
- (b) the date and time for conducting the allocation of designated spots, which would normally be held within 3 to 5 working days after the end 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 October 2014 and October 2018]*

7.36 The RO(s) for the Rural Area(s) 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 a completed form to the relevant RO within the nomination period. Only candidates of contested Rural Areas will be allocated with designated spots.** *[Amended in October 2012 and October 2014]*

7.37 The principle of allocation of designated spots is that candidates contesting in the same Rural Area should each be allocated the same number and an equal area of designated spots for mounting EAs. Designated spots are allocated by agreement among the representatives of all the contested candidates 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 after complying with the requirements set out under Part VII, the candidate may display EAs at the allocated spots. *[Amended in October 2018]*

7.38 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 provided in the manner as set out in para. 7.57 below for public inspection [s 92(2) and (3) of the EP (RRE) Reg]. *[Amended in October 2004 and October 2012]*

7.39 Subject to para. 7.41, designated spots allocated are neither transferable nor exchangeable with other spots. Where a candidate of a particular Rural Area no longer wishes to use one or more of the designated spots allocated to him/her, he/she should inform the RO of that Rural Area in writing within 1 week after the allocation of those spots. At a contested election, upon request by any other candidate of the same Rural Area, the RO, if he/she

considers appropriate, will re-allocate by agreement or by the drawing of lots the designated spots among all other candidates who are eligible to be allocated with designated spots of the same Rural Area. In such a case, the procedures mentioned in paras. 7.36 and 7.37 above apply. *[Amended in October 2010, October 2012 and October 2014]*

7.40 In principle, candidates will not be allocated designated spots outside the Rural Areas in which they stand for election. If, for any reason, a candidate in a by-election wishes to be allocated designated spots outside the Rural Area for which he/she is standing, he/she should write to the DHA to state the reasons as soon as possible after his/her nomination form has been handed in. If such request is considered technically feasible and justified, the DHA will proceed to identify suitable designated spots for inclusion in an allocation exercise but the DHA has the final decision as to whether or not to accede to the request. *[Added in October 2004, amended in October 2011, October 2014 and October 2018]*

7.41 An EA advertising 2 or more candidates of the same or different Rural Areas jointly is allowed to be displayed at the designated spots allocated to the 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. 7.45 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. In this connection, it is important to note that only a candidate himself/herself or his/her election expense

agent may incur election expenses on his/her behalf [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. Besides, each of the candidates must make available a copy of each of his/her EAs, and the relevant information/documents for public inspection in accordance with para. 7.57 below (please also refer to paras. 6.18 to 6.21 of Chapter 6 and para. 17.13 of Chapter 17). *[Amended in October 2004, October 2011, October 2012, October 2018 and October 2022]*

## **PART V : CONDITIONS AND LIMITATIONS ON DISPLAY**

### **Name of the Rural Area**

7.42 To avoid possible confusion to electors, EAs of all candidates of the Rural Area must bear the name of the Rural Area for which the candidate concerned is standing. Similarly, in respect of joint EAs, the name of the Rural Area should be stated clearly in relation to each of the candidates advertised. 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 October 2014 and October 2018]*

7.43 Likewise, all candidates should make known to the electors the name of their respective Rural Areas when they conduct joint canvassing activities. *[Added in October 2004 and amended in October 2014]*

### **Re-use of Old Publicity Boards**

7.44 A candidate may re-use old publicity boards used at a previous election. However, any information in relation to the previous election, e.g. the

candidate number, name of Rural Area, party affiliation and names of persons who supported the candidate at that election, should be fully obliterated before any old publicity board is re-used. This will not only avoid confusion to electors but will also help the candidate avoid laying himself/herself open to allegations of false claim of support of persons who might not have consented to support him/her 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 October 2011 and October 2014]*

### **Size**

7.45 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. 7.32 above). For the rules on display of joint advertisement, please refer to para. 7.41 above. *[Amended in October 2010, October 2012 and October 2018]*

### **Mounting and Installation**

7.46 The EAs must be firmly and separately fastened. The mounting and display of EAs must not cause any risk to injuries or property damages. *[Amended in October 2012 and October 2018]*

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

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

7.49 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 October 2018]*

7.50 Do not stick posters on painted or varnished surfaces as their subsequent removal will cause damage or leave irremovable marks. *[Amended in October 2006]*

7.51 Do not install into or erect any structure on public pavements, e.g. nailing boards to the ground. Do not use any tree or plant as anchor point for EAs. *[Amended in October 2012 and October 2022]*

7.52 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**

7.53 All candidates should remove all their EAs displayed on government land/property **within 10 days** following an 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. 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 authority. Relevant authorities will issue demand notes for the removal costs to the

candidates concerned within 21 days after the publication of the election result 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 October 2006, October 2010, October 2012, October 2018 and October 2022]*

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

7.54 For temporary occupation of government land including any public street, pavement, footbridge, public escalator system and pedestrian tunnel for holding electioneering activities (such as 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 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 m<sup>2</sup> (i.e. 1 m x 2 m) in area and 2 m in height. The respective DLO will consult the government departments concerned in considering the applications. Where necessary, the respective 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 concerned shall prevail. *[Added in October 2018 and amended in October 2022]*

7.55 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 October 2018]*

7.56 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 October 2018]*

## **PART VII : REQUIREMENTS RELATING TO PUBLICATION OF ELECTION ADVERTISEMENTS**

### **Copies for Public Inspection**

7.57 In accordance with the requirements of s 92(2) and (3) of the EP (RRE) Reg and 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 1 working day** (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 relevant information/documents onto the Central Platform in accordance with the procedures set out in **Appendix 4**;

- (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 RO **at least 3 working days before the publication of the first EA (for details, please see Appendix 4)**;
- (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 the Central Platform in accordance with the procedures set out in **Appendix 4**. 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, the candidates should deposit their EAs

and the related information/documents with the DHA in the same manner as stated in (d) or (e) above.

**IMPORTANT :**

According to s 92(9) of the EP (RRE) 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 92(2), (3) and (9) of the EP (RRE) Reg] [*Amended in October 2004, October 2012, April 2014, October 2018 and October 2022*]

**Publication Details**

7.58 A candidate should provide information related to the printing/publication of his/her EAs (i.e. the name and address of the printer, date of printing and number of copies printed) when posting the EAs onto the Candidate's Platform or Central Platform or submitting relevant information in a specified form to the RO **within 1 working day after the publication of the EAs** (see **Appendix 4**) [s 92(4) and (6) of the EP (RRE) Reg]. A candidate must ensure the accuracy of all the information provided. [*Added in October 2012 and amended in April 2014*]

7.59 If the information uploaded onto the Candidate's Platform or Central Platform or provided to the RO as set out in para. 7.58 above contains a mistake, the candidate should post the amended information onto the Candidate's Platform or Central Platform or submit the amended information in a specified form to the RO for public inspection. All the amended information must be posted onto the Candidate's Platform or Central Platform or deposited with the relevant RO **within 2 working days at the latest after the polling day**. The 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. 7.57 and 7.58 above. However, for the addition of a candidate number allocated to the candidate at the Candidates' Briefing onto a published EA (in a contested election), in which case a copy of the EA bearing the newly added and amended information must be made available for public inspection in accordance with this paragraph. *[Added in October 2012, amended in April 2014 and October 2018]*

7.60 All EAs published must be posted onto the Candidate's Platform or the Central Platform or deposited with the RO by the candidate for public inspection in the manner specified in Part VII of this Chapter. *[Added in October 2018]*

7.61 A candidate must not display his/her EAs other than at the places permitted or authorised. *[Added in October 2018]*

7.62 Speeches orally delivered by a candidate during election meetings or ad hoc visits will not be treated as EAs, but the copies of the speech provided to the audience or media will be regarded as printed EAs. Given that the copies of speeches provided to the audience are regarded as printed EAs, the candidates concerned are required to comply with the requirements in this chapter regarding the distribution of copies of an EA and those on making available the copies for public inspection. *[Added in October 2006, amended in October 2010 and October 2012]*

7.63 In the circumstances where candidates contesting in different Rural Areas use identical copies of an EA, each of the candidates concerned should post an electronic copy of the EA and the relevant information/documents onto his/her Candidate's Platform or the Central Platform or deposit 2 copies of the EA and a copy of the relevant information/documents with the RO(s) concerned.

[S 92(2) and (3) of the EP (RRE) Reg] *[Added in October 2004, amended in October 2012, April 2014 and October 2014]*

7.64 All copies of the EAs and the relevant information/documents must be made available for public inspection till the end of the period in which copies of election returns are available for inspection under s 41 of the ECICO, i.e. the period ending with the 30<sup>th</sup> day before the first anniversary of the date of the deadline for lodging the relevant election return [s 41(6) of the ECICO and s 92(7) of the EP (RRE) Reg]. A candidate electing to comply with para. 7.57(b) above must ensure that the Candidate's Platform is maintained till the end of the aforesaid inspection period to facilitate public inspection of the EAs [s 92(2)(b) of the EP (RRE) Reg]. The DHA will also make public the Central Platform and the electronic address of the Candidate's Platform to facilitate public inspection of the EAs. For a candidate electing to comply with para. 7.57(d) or (e) above, the RO concerned will 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 92(7) of the EP (RRE) Reg]. *[Amended in October 2012, October 2014, October 2018 and October 2022]*

## **PART VIII : REQUIREMENTS RELATING TO PRINTED ELECTION MATERIALS**

### **Printing Details**

7.65 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 making 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 92(4) and (5) of the EP (RRE) Reg] [*Amended in October 2012*]

### **Election Advertisements Placed in Print Media**

7.66 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**

7.67 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 **7 days after the publication** of the offending EA [s 92(6) of the EP (RRE) Reg]. Candidates who have taken this remedial step will not be prosecuted for contravention of s 92(4) of the EP (RRE) 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 return are available for inspection under s 41(6) of the ECICO [s 92(7) of the EP (RRE) Reg]. *[Amended in October 2012, October 2014 and October 2018]*

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

### **Enforcement and Penalties**

7.68 A candidate who fails to comply with the requirements set out in Parts VII and VIII above commits an offence and is liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months. [S 92(9) of the EP (RRE) Reg] *[Amended in October 2011 and October 2012]*

7.69 Each candidate must observe and 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 October 2018]*

7.70 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 94 of the EP (RRE) Reg]. The candidate or his/her election agent responsible for the matter may also be prosecuted and if convicted, may be liable to a fine and to imprisonment [s 92(9) of the EP (RRE) 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 October 2012, October 2014 and October 2018*]

7.71 Each candidate must observe and comply with the conditions agreed between him/her and the owner or occupier of the private land or property concerned for the display of EAs, and any additional charges or damages payable by a candidate to the owner or occupier may be construed as election expenses.

7.72 Complaints, 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. Despite the fact that a censure may be a further detriment to the candidate in addition to his/her liability for removal expenses and criminal liability, the EAC will not hesitate to publish one as appropriate .

### **Relief for Election Advertisements**

7.73 A person, who publishes an EA without complying with the requirements as set out in paras. 7.57 (except that related to the submission of permission/authorisation document under s 104A(1) of the PHMSO), 7.58, 7.59 and 7.65 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 93 of the EP (RRE) Reg]. The judgments of precedent court decisions<sup>28</sup> regarding applications for the relief of election-related penalties and liabilities are as follows:

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<sup>28</sup> *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).

“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 October 2012 and October 2022]*

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

7.74 Any thing or material published by any organisation, including a political body, professional body or trade organisation, owners’ corporation, MAC, tenants’ association, 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 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 in 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 October 2004, October 2011, October 2018 and October 2022]*

7.75 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]

7.76 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.

7.77 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 92 of the EP (RRE) Reg; and
- (d) such advertisement can only be displayed at the locations with the relevant written permission or authorisation.

*[Amended in October 2012, October 2014 and October 2018]*

## **PART XI : POSTING ELECTION ADVERTISEMENTS**

7.78 A candidate sending EAs to electors by post must pay postage. Please refer to the “Postage Rates and Services” leaflet of Hongkong Post (Pos 15) for the details on postage and types of services.

7.79 To avoid delay or misdelivery, the full postal address should be typed or legibly written on the front of the envelope in 4 rows as follows:

Name of addressee

Floor and flat number and name of building

Street number, name of street

Name of district

7.80 The name of the candidate and other publicity slogans, including photographs, should appear on the back of the mail item or on the front left-hand side of the mail item. The front right-hand side is reserved exclusively for the recipient’s address.

## **PART XII : ELECTION ADVERTISEMENTS FOR REGISTERED ELECTORS IN THE CUSTODY OF CSD AND OTHER LAW ENFORCEMENT AGENCIES**

7.81 Candidates may send EAs to registered electors in the custody of the CSD 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 December 2009 and amended in October 2018]*

7.82 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 December 2009]*

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

7.83 Any commercial advertisement in physical form 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. 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(s)-in-charge not to display the advertisement after his/her declaration of intention to stand for election or during the election period. The EAC appeals to the aforesaid person(s)-in-

charge to accede to such a request as far as practicable in order to avoid giving unfair publicity to the person concerned. If any complaint about unfair publicity of a candidate is received, the EAC will handle it according to established procedures. Nevertheless, if the display of the advertisement cannot be suspended due to contractual obligation, and the candidate has made best endeavours to request the person(s)-in-charge concerned not to display the advertisement, the candidate will not be subject to any liability. (For commercial advertisements broadcast on television/radio or in cinemas, please refer to paras. 10.30 to 10.31 of Chapter 10.) *[Added in October 2022]*

## CHAPTER 8

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

#### PART I : GENERAL

8.1 There are occasions when candidates may wish to target their electioneering activities at an individual elector or a group of electors:

- (a) at their living/working places;
- (b) in the premises of the organisations to which the electors belong;  
or
- (c) in the buildings which the electors frequent.

These electioneering activities may include visits, personal contact with people, using amplifying devices to advertise in the common parts of the building, display or distribution of EAs and holding of election meetings at the places mentioned above. **Appendix 5** gives some reference as to what activity is to be regarded as an electioneering activity. This chapter explains the general guidelines to be observed by candidates in conducting electioneering activities as well as the rights of various stakeholders, and appeals to the electors, the management bodies of the organisations to which the electors belong and the management organisations of the buildings which the electors frequent to **provide fair and equal treatment** to all candidates so as to ensure that the election is conducted fairly. *[Amended in October 2006]*

8.2 Occupiers who have exclusive possession of private properties

(houses, flats, shops, offices or factories) have the right to decide whether to allow individual candidates to display EAs or conduct electioneering activities in their premises without having to treat all candidates equally. *[Added in October 2022]*

8.3 However, management organisations (such as owners' corporations, MACs, property management companies, etc.) of the common parts of buildings should accord fair and equal treatment to all candidates. Applications of all candidates for the display of EAs or the conduct of electioneering activities in the common parts of buildings should be processed impartially, especially if the chairmen or executive committee members of the management organisations are candidates or their relatives or friends, where the principle of fair treatment must be upheld and no preferential treatment should be given. *[Added in October 2022]*

8.4 Candidates are reminded that different organisations/buildings may have their own guidelines to allow or disallow the conduct of electioneering activities in the premises under their management. To ensure the smooth conduct of electioneering activities in public or private places, candidates should consult the relevant authorities or management organisations in advance and, if required, obtain prior permission from them for the conduct of electioneering activities in the places within their jurisdiction. *[Added in October 2006 and amended in October 2012]*

8.5 The general guidelines to be observed for conducting electioneering activities at the living and working places of electors, premises of organisations to which electors belong and buildings which electors frequent are set out in Part III below. The specific guidelines to be observed for conducting electioneering activities in the premises managed by the Housing Department and the Hong Kong Housing Society are set out in **Appendix 6**. *[Added in October 2006]*

8.6 For the purpose of ensuring fair treatment and equal opportunity of access for all candidates in conducting electioneering activities and to avoid causing disturbance to the public, Part IV below provides the owners/management bodies of premises and organisations with some guidelines in handling applications for conducting electioneering activities in the premises under their control. *[Added in October 2006]*

## **PART II : RIGHTS OF TENANTS AND OWNERS**

### **Tenant's Right – His/Her House, Flat, Shop, Office or Factory**

8.7 The tenant who has exclusive possession of a house, flat, shop, office or factory, and not the owner, has the right to allow or deny access by anyone to the place. *[Added in October 2004]*

### **Common Parts**

8.8 The **common parts** of a building (those parts to which exclusive rights of use or occupation do not belong to a particular owner or tenant) are usually under the control and management of the owners of the various units in the building. Where there is an owners' corporation of the building incorporated under the former Multi-storey Buildings (Owners Incorporation) Ordinance or the present Building Management Ordinance (Cap. 344), the control and management of the common parts are exercised by the owners' corporation representing all the owners of the building. *[Amended in October 2004]*

8.9 The carrying out of the powers and duties and the acts of an owners' corporation do not affect the rights of the tenants of the individual flats, shops, offices or factories in the building except in relation to matters

concerning the common parts. Candidates and tenants should note that as a **tenant** has exclusive possession of the unit that he/she occupies, he/she **has the right to invite anyone to visit his/her unit for any lawful purpose**, including electioneering, but he/she has no right to allow the invitee to approach other tenants' units, such as knocking on other people's doors, or to do anything in the common parts of the building, except for accessing and leaving his/her unit or for the purposes allowed by the owners. *[Added in October 2004]*

### **Owners' Committees**

8.10 For some buildings, no owners' corporation has been established, but instead an owners' committee is formed. While an owners' committee generally operates in the same manner as an owners' corporation, its powers vis-à-vis the rights of the individual owners are not standardised and may differ from case to case. *[Added in October 2004]*

### **Management Companies**

8.11 Very often, the management of the common parts of a building has been delegated by the owners or owners' corporation or owners' committee to a management company. Management companies are only managing the common parts on behalf of the owners and unless specifically empowered to do so, have no independent right or power to decide whether electioneering by candidates in the common parts should or should not be allowed. *[Added in October 2004]*

### **Tenants' Associations, Residents' Associations, Mutual Aid Committees**

8.12 Sometimes there are tenants' associations or residents' associations or MACs representing tenants' interests in the buildings. Vis-à-vis the owners, such organisations have no right to control or manage the

common parts. If they are given the authority by the owners, then they are entitled to control and manage the common parts on behalf of the owners. *[Added in October 2004]*

### **PART III : GUIDELINES TO BE OBSERVED BY CANDIDATES IN THE CONDUCT OF ELECTIONEERING ACTIVITIES**

#### **Visits to Living and Working Places of Electors**

8.13 Candidates should note that electors have the right to allow or deny access by anyone, including the candidates, to their own living or working places. In other words, electors are free to invite, or accept the request from, particular candidates but not the others to visit them at their living or working places. *[Amended in October 2014]*

8.14 However, access to a private office may require the approval of the management organisations of the office building or the companies which employ the electors, and such management organisations when making a decision should have due regard to the **fair and equal treatment principle** mentioned in Part IV below. In conducting electioneering activities at the common parts of the living or working places of electors, candidates should observe the general guidelines set out in paras. 8.17 to 8.25 below. *[Amended in October 2006]*

8.15 Any government offices, which are working places of electors, will be treated in the same manner as the premises referred to in this chapter. Electioneering activities may be allowed or denied at these offices as decided by the management authorities, but such decision should comply with the fair and equal treatment principle mentioned in Part IV below. *[Amended in October 2006]*

8.16 Due to security reasons, arrangements will not be made for in-person canvassing activities in a penal institution or the premises of a law enforcement agency. No one who visits a penal institution or the premises of a law enforcement agency for a business or official purpose is allowed to canvass for votes. This is to ensure that such a visitor will not have an advantage over other persons who cannot make the visit. A person who canvasses for votes during the aforesaid visit commits an offence and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 3 months. [S 79A of the EP (RRE) Reg] *[Added in December 2009]*

### **Respect for the Decision and Privacy**

8.17 After a candidate has been notified of the decision made by the management organisation relating to electioneering activities, he/she should ensure that he/she and his/her supporters comply with the decision and should not avail himself/herself of or obtain any unfair advantage over any other candidate(s). *[Amended in October 2010]*

8.18 If a decision to disallow electioneering in an organisation or a building has been made by the management organisation, the candidate or his/her supporters should conduct no electioneering activity in such places. If the candidate concerned acts against the decision of the organisation or building in whatever manner, then he/she commits trespass and the organisation or building management can simply stop him/her from doing the contravening act or carry out the decision to exclude the candidate concerned. If the candidate refuses to leave, it would be wise in such circumstances for the organisation or building management, as the case may be, to report the matter to the Police in the first instance and then make a complaint to the EAC (which may publish a reprimand or censure against the candidate concerned) or its Complaints Committee. *[Amended in October 2014]*

8.19 A candidate and his/her supporters should respect the decision of the organisation or building management, and it is unwise to enter into **arguments** with members of the organisation or the building residents who obstruct the candidate's electioneering inside the premises of the organisation or the building. Such arguments may affect the candidate's reputation or image with members of the organisation or the residents of the building. Any dissatisfaction with the decision or act of the organisation or the building should more properly be made a subject of a complaint as soon as possible to the EAC or its Complaints Committee, which will decide whether the decision or act is fair or unfair. *[Amended in October 2014]*

8.20 **Privacy of the electors should be respected.** The Guidance on Election Activities for Candidates, Government Departments, Public Opinion Research Organisations and Members of the Public ("the Guidance") at **Appendix 7**, prepared by the Office of the Privacy Commissioner for Personal Data ("PCPD"), serves as a general reference for compliance with the requirements of the PD(P)O in relation to electioneering activities that may involve the collection and use of personal data of an individual. According to the Guidance, the act of canvassing for votes is not in contravention of the PD(P)O provided that the collection and handling of personal data comply with the data protection principles in Schedule 1 to the PD(P)O. The Guidance also reminds candidates, inter alia, that:

- (a) individuals should be informed of the purpose of collection of their personal data when collecting the data directly from them for electioneering;
- (b) personal data should not be collected by deceptive means or by misrepresentation (e.g. collecting personal data in the pretext of opinion polls or assistance for citizens to apply for government welfare);

- (c) before using personal data from sources other than the extract from the FR provided by the HAD for electioneering purpose, express consent from the data subjects should be obtained unless the original purpose of collection of the data is directly related to the electioneering purpose; and
- (d) if election agents or other contractors are engaged to process personal data of electors on behalf of the candidates for electioneering purpose, necessary means (contractual or otherwise) must be adopted to prevent the personal data transferred to the election agents or other contractors from: (i) being kept longer than is necessary for the electioneering purpose; and (ii) unauthorised or accidental access, processing, erasure, loss or use.

In addition, in order to facilitate better understanding of the privacy concerns of the electors and compliance with the requirements of the PD(P)O, the PCPD has provided relevant complaint cases in the Guidance for illustration purpose. **Candidates and their election agents are strongly advised to strictly follow the Guidance provided by the PCPD when conducting electioneering activities.**

*[Amended in October 2012 and October 2018]*

8.21 Validly nominated candidates are supplied by the HAD with an **extract of the FR** in respect of their respective Rural Areas which contains the names and residential addresses of the electors of the relevant Rural Area and their email addresses (if the electors concerned have provided such email addresses to the HAD for the purpose of receiving election mails from candidates), but **not their telephone numbers**. As a general rule, candidates should respect the privacy of electors when using their contact information for

canvassing. In particular, for mass distribution of election mails by email, candidates are reminded to use the “bcc” function of email or other proven means to ensure that the email addresses of individual electors would not be inadvertently disclosed to other recipients. To prevent an email containing an election mail from being mistakenly-detected as a spam email and blocked by the email system, candidates are advised to understand the sending limit adopted by the relevant email service provider before arranging the sending of 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. *[Amended in October 2022]*

8.22 Besides, candidates should note that some members of the public do not like or detest being called over the telephone or the entrance intercom system and some do not like their names being called out aloud. Many electors also consider canvassing messages sent to them through electronic devices annoying. Their disapproval may be reflected in their choice of candidates on the polling day. It is therefore unwise to call or send messages through electronic devices to electors who find such approaches objectionable or to act in any other way that may antagonise them. As a matter of good practice, candidates and their supporters should maintain a list of electors that they know finding such electioneering telephone calls or messages or visits objectionable and avoid approaching these electors through these means again. On the other hand, electors who receive the objectionable telephone calls or messages can just disconnect them or block the sender. If the caller or sender does not desist from calling or sending messages and causes a nuisance, the elector should report the matter as soon as possible to the **Police**, which may take action against the caller or sender. *[Amended in October 2010, October 2012, October 2014, October 2018 and October 2022]*

**IMPORTANT :**

Information relating to a person contained in any register of electors or in any extract of any register of electors **can only be used for election-related purposes** under the electoral legislation. Any **abuse** or **misuse** of such information is an **offence** and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months [s 32(3) of the EAC (ROE) (RRE) Reg].

In accordance with Data Protection Principle 3 of Schedule 1 to the PD(P)O, personal data relating to a person (as a data subject) contained in any register of electors or in any extract of any register of electors shall not, without the prescribed consent of the data subject<sup>29</sup>, or if the exemption under Part 8 of the PD(P)O is not applicable, be used for a “new purpose”<sup>30</sup>. Moreover, according to s 64(3A) of the PD(P)O, if a person (as a discloser) discloses any personal data relating to a person (as a data subject) contained in any register of electors or in any extract of any register of electors without the relevant consent of the data subject with an intent to cause any specified harm<sup>31</sup> 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, the discloser commits an offence and will be liable on conviction to a fine of \$100,000 and to imprisonment for 2 years. According to s 64(3C) of the PD(P)O, if the disclosure causes any specified harm to the data subject or any

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<sup>29</sup> In accordance with s 2(3) of the PD(P)O, “prescribed consent” (a) means the express consent of the person given voluntarily, (b) does not include any consent which has been withdrawn by notice in writing served on the person to whom the consent has been given (but without prejudice to so much of that act that has been done pursuant to the consent at any time before the notice is so served).

<sup>30</sup> In accordance with Data Protection Principle 3(4) of Schedule 1 to the PD(P)O, “new purpose”, in relation to the use of personal data, means any purpose other than the purpose for which the data was to be used at the time of the collection of the data or a purpose directly related to that purpose.

<sup>31</sup> In accordance with s 64(6) of the PD(P)O, “specified harm”, in relation to a person, means (a) harassment, molestation, pestering, threat or intimidation to the person; (b) bodily harm or psychological harm to the person; (c) harm causing the person reasonably to be concerned for the person’s safety or well-being; or (d) damage to the property of the person.

family member of the data subject, the discloser will be liable on conviction to a fine of \$1,000,000 and to imprisonment for 5 years.

*[Added in October 2022]*

8.23 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 and visually impaired persons. 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 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. 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. 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 candidate. (See also Chapter 11)

*[Amended in October 2010, October 2012, October 2018 and October 2022]*

8.24 Canvassing through the use of the **entrance intercom system** by candidates and their supporters in a building is prohibited unless it is expressly allowed by the building management organisation. *[Amended in October 2010]*

### **Identification of Canvassers**

8.25 For security reasons and for prevention of abuse, the EAC advises that each candidate should provide some forms of identification to his/her canvassers for them to enter the premises of an organisation or a building for electioneering purposes. The EAC suggests that the candidate should devise an authenticated identification document containing the name and photograph of his/her canvasser, who should then produce this identification document together with his/her identity card for inspection when seeking entry into the premises of an organisation or a building. Candidates should note that the production costs of this kind of identification documents will be counted as election expenses.

## **PART IV : GUIDELINES TO BE OBSERVED BY OWNERS, MANAGEMENT BODIES AND ORGANISATIONS FOR HANDLING APPLICATIONS FOR CONDUCT OF ELECTIONEERING ACTIVITIES IN THE PREMISES WITHIN THEIR JURISDICTION**

### **Electioneering at Premises of Organisations to which Electors Belong and Buildings which Electors Frequent**

8.26 The premises of the organisations to which the electors belong and the buildings which electors frequent usually do not belong to a particular elector or group of electors. They are usually under the control of the management bodies of the organisations or buildings concerned. *[Amended in October 2006]*

8.27 On the polling day or even quite some time before, candidates and their supporters may wish to carry out canvassing or electioneering

activities at the premises mentioned above. Such activities mainly consist of the following:

- (a) distribution of election leaflets or advertisements by delivering them to the flats in person, or putting them into mail boxes of the flats, or placing them in the common parts of the building for collection, or handing them out to residents or people in the common parts of the building (excluding distribution of publicity materials by post, which is not subject to the control of the management organisations of the private premises);
- (b) display of posters, banners, placards, boards and any other EAs, etc. at any of the places within the common parts of the building;

**NOTE :**

Candidates who are allowed to display or distribute EAs at the premises mentioned above must comply with the guidelines set out in Chapter 7.

- (c) personal contact with people or using amplifying devices to advertise in the common parts of the building; and
- (d) household or home visits to occupiers of flats.

*[Added in October 2004]*

8.28 **A tenant's right to invite lawful visitors to his/her flat or shop or office or factory cannot be lawfully restrained by any decision made by the owners or owners' corporation.** If the tenant invites a candidate and the candidate's supporters into his/her premises, the owners or owners' corporation

have no right to stop or obstruct it. *[Added in October 2004]*

### **Decision to be Made at a Tenants' Meeting**

8.29 During election time, there may be tenants wishing to entertain the approaches by candidates and their supporters. As different tenants may invite different candidates to their units, arguments may arise as to which candidates should be allowed to electioneer in the building. It is therefore advisable for owners or owners' corporations to resolve such arguments by, having regard to the interests of all parties, making a decision on whether to allow candidates and their supporters to conduct electioneering activities in the building. It is also advisable for owners or owners' corporations to invite all the tenants to attend the meeting held for discussing this matter so that tenants' views will be heard before any decision to allow or deny electioneering activities in the building is taken. *[Added in October 2004]*

8.30 As a motion on whether or not electioneering should be allowed in a building concerns the rights of tenants and occupiers more than those of owners, it is advisable for owners or owners' corporations to allow occupiers who are not owners to vote on the motion and a secret ballot is always the fairest way of voting on such a controversial subject. If approval or consent has been obtained from the owners having the control of the common parts of the building or the owners' corporation, the building management organisation may conduct a questionnaire survey to collect the views of the tenants and occupiers of each unit and act according to the majority view relating to matters covered by and in accordance with this chapter. *[Amended in October 2004]*

8.31 Candidates in an election see electioneering as a form of freedom of expression whereby they present to electors their platforms, and the electors have a corresponding right to receive such information. Electors can only make a proper choice when casting their votes if they know the platforms of

each of the contesting candidates. *[Added in October 2004]*

8.32 If a decision is made to allow electioneering by all candidates, the decision can also set out the hours of access and other conditions, such as not causing annoyance to occupiers and the maximum number of persons allowed for home visits, for the candidates to comply with (see also **Appendix 8**). *[Added in October 2004]*

### **Decision Must Provide Fair and Equal Treatment**

8.33 The EAC appeals to all management bodies of the organisations or buildings concerned to provide **equal opportunity** to all candidates competing in the same Rural Area for the purposes of electioneering. However, if it is decided **not** to allow a particular candidate to conduct electioneering activities in the premises of the organisation or in the common parts of the building, no other candidate in the same Rural Area should be allowed to do so, for **it is important to provide fair and equal treatment to all candidates** so as to ensure that the election is conducted fairly. Discriminatory treatment of candidates may also lead to unequal treatment of tenants/occupiers, and have the undesirable effect of giving rise to dissatisfaction and discord amongst neighbours. *[Amended in October 2004 and October 2014]*

8.34 For all types of building organisations be it an owners' corporation, owners' committee, MAC, tenants' association, residents' association, management company or managers of the building, the decision that it makes relating to electioneering activities of candidates in the common parts of the building (including the office premises of the organisation and all private streets, etc.) **must comply with the fair and equal treatment principle**. *[Added in October 2004]*

**IMPORTANT :**

**The office bearers of building organisations must not abuse their positions in the organisations to give unfair treatment to any candidate in the conduct of electioneering or canvassing activities in the buildings concerned. This is particularly the case when the office bearers themselves or their close relatives are candidates in the election. Furthermore, it would be the responsibility of the building organisations to ensure that the fair and equal treatment principle is strictly complied with in all circumstances and no candidates will be given unfair advantage in the election.**

*[Added in October 2018]*

8.35 The organisation concerned should make a decision that applies equally and fairly to all candidates of each Rural Area instead of dealing with each application from them separately. This will avoid having to convene a meeting to deal with each application upon its receipt, which may sometimes cause delay in processing some applications. The EAC may treat such delay as a device to avoid compliance with the fair and equal treatment principle and may issue a reprimand or censure. *[Added in October 2004 and amended in October 2014]*

**Notification of Decision**

8.36 The management bodies of organisations and buildings are urged to notify the relevant RO in writing as soon as possible of their decision on electioneering by candidates, so that the RO could provide the correct information to the candidates/public upon their enquiries. A **form** of the notification to the RO can be obtained from the HAD. Candidates having

enquiries may contact the DO or sub-offices of the District in which the building is located. Nevertheless, candidates are advised to note that some buildings may not be able to make a decision on electioneering by candidates and therefore have not given the notification to the RO as required. When candidates come across these buildings, they should respect the interim decision of these buildings not to allow electioneering. *[Amended in October 2018 and October 2022]*

### **Display of Election Advertisements**

8.37 The management bodies of the organisations or buildings concerned should avoid handling applications by candidates for display of EAs on a first-come-first-served basis as this may create unfairness. For example, if one candidate knows the decision and applies to put up posters and banners on all available spots in the common parts of the building, no space will be left for other candidates who apply after him/her. To ensure fairness, a management body/organisation is advised to:

- (a) ascertain all the available spots in the premises for candidates to display posters and banners;
- (b) decide on the maximum size of posters and banners to be allowed;
- (c) after the close of nominations of candidature, find out from the RO how many candidates are contesting in the Rural Area concerned;
- (d) divide all the available spaces according to quality and quantity to ensure equality as far as possible into portions equivalent to the number of candidates;

- (e) when one of the candidates of the Rural Area concerned applies for display of EAs, allow him/her to draw lots to obtain a portion of the spots still available at the time of his/her application; and
- (f) where 2 or more candidates wish to display their joint EAs, they should be allowed to do so but the joint EAs should occupy no more than the total of all the portions of the spots allocated to them in accordance with the size restriction under (b) and the drawing of lots under (e) mentioned above. *[Added in October 2012]*

*[Amended in October 2006, October 2010 and October 2014]*

8.38 If any spaces in the common parts of the building can be made available through any arrangement including rental for candidates to display EAs or conduct other electioneering activity, the management organisation shall ensure that such spaces are **equally available** to all the candidates contesting in the same Rural Area, and give reasonable notice to all such candidates accordingly. Providing a space to only one of the candidates but not the others will be considered to be offering an unfair advantage to that candidate and operating unfairly towards the other candidates. Candidates should not accept any such unfair advantage. *[Added in October 2004, amended in October 2012 and October 2014]*

8.39 When a decision has been made by the management organisation, a notice of its contents together with the conditions should be posted up at the entrance of the building so that candidates or their agents will be able to know. This openness will help prevent misunderstanding and complaint. *[Added in October 2004]*

8.40 The EAC will not interfere with a decision made by the

management organisation, insofar as the decision does not breach the fair and equal treatment principle regarding electioneering activities of all candidates of the same Rural Area and such decision is not carried out unfairly towards any of the candidates. *[Added in October 2004 and amended in October 2014]*

8.41 An owners' corporation or other organisation or person should be very careful not to incur any election expenses when promoting a candidate, such as putting up a banner to show support for a candidate, because it is illegal conduct for anyone other than a candidate or a candidate's election expense agent to incur election expenses at or in connection with the election. [S 23(1) of the ECICO] *[Added in October 2004]*

8.42 Any person who displays any publicity materials, including those seemingly not election-related, before or during the nomination period in private premises should declare to the management organisation concerned in writing whether he/she is a candidate or intends to stand as a candidate in the election. This is to prevent prospective candidates from making use of such materials to promote himself/herself. The management organisation is also advised to exercise its own judgement on whether the publicity materials are serving electioneering purposes and then make a decision according to the fair and equal treatment principle. *[Added in October 2004 and amended in October 2022]*

## **PART V : CONDUCT OF ELECTIONEERING ACTIVITIES IN PREMISES UNDER THE MANAGEMENT OF HOUSING DEPARTMENT AND HONG KONG HOUSING SOCIETY**

8.43 The specific guidelines to be observed by candidates and their agents in the conduct of electioneering activities in premises under the

management of the Housing Department and the Hong Kong Housing Society are set out in **Appendix 6**. *[Amended in October 2006]*

## **PART VI : SANCTION**

8.44 If the EAC receives a complaint of **unfair or unequal treatment** of candidates by any organisation or building or a person acting or purporting to act on behalf of such organisation or building, and is satisfied that the complaint is justified, it may make a **reprimand** or **censure** in a public statement which will include the names of the candidates favourably and unfavourably treated. Candidates should therefore advise the management bodies of organisations or building owners whom they approach of these guidelines. On the other hand, if it is proved that a complainant has made a false, unfounded or unreasonable allegation of unfair treatment by an organisation or a building, the EAC may issue a reprimand or censure in a public statement against that complainant.

8.45 Candidates should also refrain from accepting any unfair advantage over other candidates in the same Rural Area even though such may be ready on offer by an organisation or a building. The EAC may publish a public **reprimand** or **censure** against the candidate who contravenes the guidelines in this chapter or whose act or behaviour results in any unfair or unequal treatment by organisations or buildings towards any other candidate.

## CHAPTER 9

### ELECTION MEETINGS

#### PART I : GENERAL

9.1 An **election meeting** is a meeting held to promote or prejudice the election of a particular candidate or particular candidates [s 12(5) of the ECICO]. “Candidate” includes a person who has publicly declared an intention to stand as a candidate at the election in respect of a Rural Area at any time before the close of the nominations for the election, regardless of whether he/she has submitted his/her nomination form, he/she has withdrawn his/her nomination after submission of the nomination form, or his/her nomination is ruled invalid by the RO [s 2 of the ECICO]. Regarding what it means to “have publicly declared an intention to stand as a candidate”, it depends on the overall circumstances as well as the objective facts and evidence. Expenses incurred before, during or after the RR election (in relation to the machinery of the election) on account of an election meeting organised for any of the purposes stated above are election expenses [s 2 of the ECICO]. For the avoidance of doubt, election forums organised for all candidates in the same Rural Area are not treated as election meetings (see Part III of Chapter 10). During the election period, a candidate may attend any other meetings as part of his/her normal activities which are **not election-related**. Insofar as such meetings are **not** held for the purpose of promoting or prejudicing the election of a particular candidate or particular candidates, they will not be regarded as election meetings. *[Amended in October 2006, October 2014 and October 2022]*

9.2 There may be cases where a meeting is not organised for any of the above purposes, but has nevertheless been used for such purposes by a

candidate or any other person on his/her behalf. In that event, it will be for the candidate to assess the expenses which have been incurred for the said purposes (See Chapter 15). The person who uses the meeting for promoting the candidate may also be liable for prosecution for his/her failure in obtaining the candidate's prior written authorisation to appoint him/her as the candidate's election expense agent for incurring election expenses on behalf of the candidate [s 23 of the ECICO]. *[Amended in October 2014]*

9.3 Similarly, sometimes a candidate may be invited to a meeting which is entirely non-election-related, but during the meeting, someone may act out of his/her own volition to promote the election of the candidate or prejudice the election of other candidates. In such case, the candidate should immediately make it clear that he/she has nothing to do with the acts of the person and ask the organiser to stop any act relating to the election. If the organiser fails to do so, the candidate should leave the meeting immediately in order to avoid incurring liability. Otherwise, the meeting will be regarded as an election meeting held to promote the election of the candidate or prejudice the election of other candidates and the expenses so incurred will have to be counted towards the candidate's election expenses. The organiser will contravene the relevant legislation for his/her failure in obtaining the candidate's prior authorisation to appoint him/her as the candidate's election expense agent for incurring election expenses on behalf of the candidate. As to what constitutes election expenses, please refer to Chapter 15. *[Added in October 2022]*

9.4 In addition to the election expenses incurred, candidates are responsible for the election meetings or public processions which they organise, including maintaining order and safety, controlling noise level, keeping places clean and shouldering other liabilities.

9.5 An election meeting may take place in a public place or in private

premises. A public procession for election campaigning purposes is a form of election meeting, as is an exhibition organised with a view to promoting or prejudicing the election of a particular candidate or particular candidates.

9.6 Candidates are reminded that individual government departments and management authorities may have their own guidelines to allow or disallow the conduct of election meetings in the premises under their control. To ensure the smooth conduct of election meetings in public or private places, **candidates should consult the relevant authorities concerned in advance and if required, obtain prior permission from each of them for the conduct of election meetings in the premises within their jurisdiction.** *[Added in October 2006 and amended in October 2012]*

9.7 The relevant statutory requirements for holding public meetings under the purview of the Hong Kong Police Force and the guidelines of the Housing Department/Hong Kong Housing Society for premises under their jurisdiction are set out in paras. 9.9 to 9.21 below. *[Added in October 2006 and amended in October 2018]*

## **PART II : ELECTION-RELATED “TREATING”**

9.8 A person must not at any time provide or pay all or part of the cost of providing another person with any food, drink or entertainment (e.g. inclusive of singing performance) for the purpose of influencing that person’s or a third person’s voting preference (see also the part on “Treating” in Part IV of Chapter 16). Nevertheless, the act of serving non-alcoholic drinks at an election meeting in itself will not be deemed corrupt for the aforementioned purposes, unless the purpose of such treat is to influence the electors’ voting preference. If an election meeting held by a candidate involves consumption of food and drink, and the participants have shared the costs of the food and

drink that do not have the purpose of influencing the participants' voting preference, it may not fall within the scope of s 12 of the ECICO. Nevertheless, since an election meeting serves the purpose of promoting or prejudicing the election of a particular candidate or particular candidates, such costs borne by each participant should be treated as election expenses and election donations and the candidate should comply with the relevant legal requirements accordingly. *[Added in October 2022]*

### **PART III : ELECTION MEETINGS IN PUBLIC PLACES**

9.9 Any person who organises an election meeting in a public place must notify the Commissioner of Police in writing **not later than 11 am on the same day of the week in the preceding week as the day on which the meeting is intended to be held. If the day falls on a general holiday, the person must do so not later than 11 am on the day immediately preceding that day which is not a general holiday.** [S 8(1) of the Public Order Ordinance (Cap. 245) (“POO”)] “Public place” means any place to which for the time being the public or any section of the public are entitled or permitted to have access, whether on payment or otherwise, and, in relation to any meeting, includes any place which is or will be, on the occasion and for the purposes of such meeting, a public place [s 2 of the POO]. *[Amended in October 2014]*

9.10 The written notification shall be **handed in** to the officer in charge of any police station in person by the person giving the notice, or by any person on his/her behalf. It should contain the following particulars:

- (a) the name, address and telephone number of the person organising the meeting, any society or organisation promoting or connected with the holding of the meeting and a person able to act, if

necessary, in place of the organiser;

- (b) the purpose and subject matter of the meeting;
- (c) the date, location, time of commencement and duration of the meeting;
- (d) an estimate of the number of people expected to attend the meeting;
- (e) the number and names of persons proposed as platform-speakers for the meeting;
- (f) the amplification devices, if any, intended to be used at the meeting; and
- (g) the nature, form and content of the advertisements, printed matter, posters or banners intended for publication, distribution or display in respect of the meeting.

[S 8(4) of the POO]

A **form** of notification for a public meeting or procession together with guidance notes provided by the Police will be given to a candidate upon his/her submission of nomination. The Police has advised that the use of the form will speed up processing time. *[Amended in October 2006 and October 2014]*

9.11 Notification to the Commissioner of Police of an election meeting is not required if the meeting is to be:

- (a) attended by not more than 50 persons;

- (b) held in private premises where the attendance at the meeting does not exceed 500 persons; or
- (c) held in a school registered or provisionally registered or exempted under the Education Ordinance (Cap. 279), college registered under the Post Secondary Colleges Ordinance (Cap. 320), or educational establishment established by any Ordinance with the approval of an accredited society or similar body of such school, college or educational establishment **and** consent of the governing body of the establishment concerned. *[Amended in October 2004 and October 2018]*

[S 7(2) of the POO]

Where in doubt, a candidate should seek advice from the Police.

9.12 The Commissioner of Police may prohibit the holding of any public meeting notified (please refer to paras. 9.9 and 9.10 above) where he/she reasonably considers such prohibition to be necessary in the interests of national security or public safety, public order or the protection of the rights and freedoms of others, and under such circumstances, he/she shall give notice of the prohibition to the person giving the notification in accordance with s 8 of the POO or to the person who acts in place of the organiser not later than 48 hours prior to the time of commencement of the meeting or by publication in writing in such manner, or by posting a notice of the prohibition in such place, as the Commissioner of Police may think fit [s 9 of the POO]. On the other hand, the Commissioner of Police may give notice to the organiser and impose conditions for the meeting to take place, and the organiser must comply with such conditions and comply forthwith any direction given by a police officer for ensuring compliance with or the due performance of the conditions and the requirements referred to in para. 9.13 below [s 11(2) and (3) of the POO].

*[Amended in October 2004 and October 2018]*

9.13 At every public meeting:

- (a) there shall be present throughout the meeting either the person who organised the meeting, or if he/she is not present, a person nominated by him/her to act in his/her place;
- (b) good order and public safety shall be maintained throughout the meeting; and
- (c) the control of any amplification device that is used in such a manner that it causes a noise that would not be tolerated by a reasonable person shall, if so required by a police officer, be surrendered to the police officer for the duration of the meeting.

[S 11(1) of the POO]

9.14 A guidance note on the safe conduct of election-related activities is at **Appendix 8**. It serves as a general advice to candidates and organisers of election-related activities, to enable them to conduct such activities safely.

*[Added in October 2004]*

### **Public Processions**

9.15 A public procession for election campaigning purposes may be held without notification to the Commissioner of Police where:

- (a) it consists of not more than 30 persons;

- (b) it is held at a place other than a public highway, public thoroughfare or public park; or
- (c) it is of a nature or description specified by the Commissioner of Police by notice in the Gazette.

[S 13(2) of the POO] *[Amended in October 2004 and October 2014]*

9.16 In all other cases, written notification of a public procession, including a vehicle procession, must be given by the person organising the procession or by any person on his/her behalf, to the Commissioner of Police (which may be handed in to the officer in charge of any police station) **not later than 11 am on the same day of the week in the preceding week as the day on which the procession is intended to be held. If the day falls on a general holiday, the person must do so not later than 11 am on the day immediately preceding that day which is not a general holiday.** The notice should contain the following particulars:

- (a) the name, address and telephone number of the person organising the procession, any society or organisation promoting or connected with the holding of the procession and a person able to act, if necessary, in place of the organiser;
- (b) the purpose and subject matter of the procession;
- (c) the date, precise route, time of commencement and duration of the procession;
- (d) in respect of any meeting to be held in conjunction with the procession, the location, time of commencement and duration of the meeting; and

- (e) an estimate of the number of people expected to attend the procession.

A notification **form** mentioned in para. 9.10 above should be used. [S 13A(1) and (4) of the POO] [*Amended in October 2014 and October 2018*]

9.17 The Commissioner of Police may object to a public procession being held if he/she reasonably considers that the objection is necessary in the interests of national security or public safety, public order or the protection of the rights and freedoms of others. If the Commissioner of Police objects to the public procession being held, he/she shall as soon as reasonably practicable and within the time limit specified under the POO:

- (a) notify in writing the person who gave notice under s 13A of the POO or a person named for the purposes of s 13A(4)(a)(i) of the POO of his/her objection and reasons;
- (b) publish a written notice of objection and reasons in the manner he/she thinks fit; or
- (c) post a written notice of objection and reasons in the place he/she thinks fit.

[Ss 14(1) and (2) and 15(2) of the POO] [*Amended in October 2006 and October 2018*]

9.18 The Commissioner of Police shall not issue a notice of objection for a public procession:

- (a) if notice of a procession is given in accordance with s 13A(1)(b) of the POO, later than 48 hours before the notified

commencement time of the procession;

- (b) if shorter notice of 72 hours or more is accepted by the Commissioner of Police under s 13A(2) of the POO, later than 24 hours before the notified commencement time of the procession;  
or
- (c) if shorter notice of less than 72 hours is accepted by the Commissioner of Police under s 13A(2) of the POO, later than the notified commencement time of the procession.

[S 14(3) of the POO] *[Added in October 2018]*

9.19 At every public procession:

- (a) there shall be present throughout the procession either the person who organised the procession, or if he/she is not present, a person nominated by him/her to act in his/her place;
- (b) good order and public safety shall be maintained throughout the procession; and
- (c) the control of any amplification device that is used in such a manner that it causes a noise that would not be tolerated by a reasonable person shall, if so required by a police officer, be surrendered to the police officer for the duration of the procession.

[S 15(1) of the POO]

## **PART IV : ELECTION MEETINGS IN PRIVATE PREMISES**

9.20 Any person who organises an election meeting in private premises should consult the owner, occupier, owners' corporation, building management or the MAC concerned, etc. in advance and, if required, obtain prior permission from them. Insofar as the decision regarding election meetings by candidates in the common areas of the premises accords fair and equal treatment to all candidates, the EAC will not intervene. Specific guidelines for conducting election meetings in the premises managed by the Housing Department and the Hong Kong Housing Society are set out in **Appendix 6.** *[Amended in October 2006]*

9.21 Notification in writing to the Commissioner of Police needs to be given, in accordance with the procedures set out in paras. 9.9 and 9.10 above, if the attendance of the proposed meeting exceeds 500 persons.

## **PART V : ELECTIONEERING EXHIBITIONS**

### **General**

9.22 A candidate may hold an exhibition for election campaigning purposes. If such an exhibition is to be held, the candidate should consult the relevant management authorities of the premises concerned in advance, and, if required, obtain prior permission from the estate manager or officer-in-charge, owner, occupier, owners' corporation, building management or the MAC concerned, etc. Relevant guidelines in the other parts in this chapter should also be observed, in addition to compliance with regulations and conditions imposed by other relevant authorities. *[Amended in October 2006 and October 2012]*

**Premises under the Purview of the Housing Department and the Hong Kong Housing Society**

9.23 Where approval has been given by an estate manager or officer-in-charge for such an exhibition in any estate managed by the Housing Department and the Hong Kong Housing Society, the display of EAs at the venue of the exhibition will normally be subject to the conditions that they are displayed in connection with the activity in question and for a temporary duration of less than a day. The guidelines in Chapter 7 are applicable to such display items and must be observed by the candidate(s) concerned. The estate manager or officer-in-charge should send a copy of the letter of approval to the relevant RO for record and for public inspection. Please also see **Appendix 6** for reference. *[Amended in October 2006, October 2014 and October 2018]*

**PART VI : FUND RAISING ACTIVITIES AT ELECTION MEETINGS**

9.24 A permit is required for organising, participating in, or providing equipment for any collection of money or sale of badges, tokens or similar articles or exchange of the same articles for donations in a public place [s 4(17) of the Summary Offences Ordinance (Cap. 228) (“SOO”)]. Any person who wishes to raise funds at an election meeting for non-charitable purposes should apply to the SHYA. A copy of the administrative guidelines and licensing conditions for the issue of such permits with an application form is at **Appendix 9** for reference. *[Amended in October 2004 and October 2022]*

## CHAPTER 10

### ELECTION BROADCASTING, MEDIA REPORTING AND ELECTION FORUMS

#### PART I : GENERAL

10.1 Based on the **principle of fair and equal treatment**, the EAC promulgates the guidelines for election-related programmes and reports, including news reports, election forums and feature reports, produced and published by broadcasters (covering television and radio stations licensed under the Broadcasting Ordinance (Cap. 562) and the Telecommunications Ordinance (Cap. 106) respectively) and the print media. *[Amended in October 2004, October 2018 and October 2022]*

10.2 The EAC highly respects the freedom of the press and hopes that electors are able to obtain sufficient election information through media reporting for making informed choices. In setting out the guidelines in this chapter, the EAC does not seek to regulate the contents of media reporting, but aims to ensure a fair and equal opportunity of media coverage for all candidates. *[Added in October 2022]*

10.3 During the election period (i.e. from the commencement of the nomination period up to the close of the poll), the media should treat all candidates in accordance with the **principle of fair and equal treatment** in handling programmes and reports relating to the election and candidates and ensure that no favourable or unfavourable treatment is given to any candidates. *[Amended in October 2022]*

10.4 Provided that fair and equal treatment is given in reporting all candidates, the media can freely express opinions and comments based on facts

in approval or disapproval of the election platforms of individual candidates.

*[Amended in October 2022]*

**10.5 Most importantly, media organisations should ensure that their programmes or reports will not become EAs (i.e. promoting or prejudicing the election of a particular candidate or particular candidates) in order to avoid breaching the law and legal requirements against the incurring of election expenses by persons other than candidates or authorised election expense agents. Please see Chapters 7 and 15.**

*[Added in October 2022]*

**IMPORTANT :**

**The definition of “candidate” in this chapter (i.e. Chapter 10) is different from the definition under s 2 of the ECICO.** According to s 2 of the ECICO, “candidate” means a person who stands nominated as a candidate at an election and also means a person who, at any time before the close of nominations for an election, has publicly declared an intention to stand as a candidate at the election. This legislative provision is applicable to the requirements on candidates’ EAs, election expenses or other requirements under the ECICO.

For the purpose of the principle of fair and equal treatment of candidates under the guidelines in this chapter (i.e. Chapter 10), “candidate” means a person whose nomination form has been received by the RO<sup>32</sup>. Given the diverse means and platforms employed by different persons to publicly declare their intention to stand for election, the media may have practical difficulties in

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<sup>32</sup> Particulars of the person being nominated will be uploaded onto the relevant election website for public information after the RO receives the nomination form.

obtaining full information on all such persons. Hence, a definition of “candidate” for the operational convenience of the media is specially given in this chapter. The media may, based on the list of candidates (whose nomination forms have been received by the RO) provided on the election website, treat all the candidates of the same Rural Area in accordance with the principle of fair and equal treatment. **It should be noted that the definition of “candidate” in this chapter is only an operational definition for the purpose of the implementation of the principle of fair and equal treatment, but is not a legal definition under any legislation.** In the aspect of legislation, as mentioned above, for compliance with the requirements on EAs, election expenses or other requirements under the ECICO, the definition of “candidate” under s 2 of the ECICO prevails.

*[Amended in October 2022]*

## **PART II : NEWS REPORTS (BROADCASTERS AND PRINT MEDIA)**

10.6 News report means the report of events happening on the day or of a recent period. *[Added in October 2022]*

10.7 The media should follow **the principle of fair and equal treatment** in reporting news relating to the election and the candidates. However, the requirement of equivalent time/number of words is not applicable. *[Amended in October 2022]*

10.8 Election-related news involving a particular candidate can be reported by itself even if no other news on other candidates is carried that day.

However, the other candidates of the same Rural Area must at least be mentioned. The mention should be made in the same programme or publication by the media in an appropriate way. It may not necessarily appear within the content of the same report, but in principle, should enable the viewers, listeners or readers to be informed of the other candidates. *[Added in October 2022]*

10.9 For the KFR election, due to the considerable number of seats and candidates involved, the media may have practical difficulties in mentioning all the other candidates of the same MT in the same programme or publication. Therefore, the media may choose to provide viewers, listeners or readers with the total number of candidates of the same MT during the programme or in the publication, and mention the platform maintained by the media (such as the webpage of the organisation/programme/publication) where the names of the other candidates of the relevant MT can be found. For the avoidance of doubt, this arrangement is not applicable to ReR and IIR. *[Added in October 2022]*

10.10 News unrelated to the election, even if a candidate is involved, can be factually reported, as long as the status as a candidate is not mentioned in the report. Reference to other candidates of the same Rural Area need not be made. In any case, the relevant news reporting should not give favourable or unfavourable treatment to any candidates. *[Added in October 2022]*

10.11 When determining whether any news reporting by the media is in breach of the principle of fair and equal treatment, the EAC may take into consideration the overall reporting by the media organisation during the election period. *[Added in October 2022]*

### **PART III : ELECTION FORUMS**

10.12 During the election period, broadcasters may organise election forums. Broadcasters should ensure that the principle of fair and equal treatment is applied to all candidates. If a candidate is invited to take part in an election forum, then all candidates of the same Rural Area should also be invited so as to give them an equal opportunity to attend the forum and present their election platforms. Some candidates may choose not to attend due to personal or other reasons. Under such circumstances, the broadcaster may proceed with the programme without contravening the principle of fair and equal treatment. A record must be kept by the broadcaster of the date, time and contents of the invitation and notice until 3 months after the election. *[Amended in October 2022]*

10.13 The entire election forum should be produced and conducted by the broadcaster according to the principle of fair and equal treatment. The principle does not require broadcasters to give each participating candidate “equal time” in the entire election forum, but it requires broadcasters to give each candidate “equivalent time” in the relevant session of the forum to present his/her election platform. For other sessions of the forum, such as the debate session in which each candidate may freely express his/her views on specific issues, it is of utmost importance that the presenter should try his/her best to ensure that each candidate has the opportunity to express views or make responses in accordance with the principle of fair and equal treatment at any time throughout the programme. *[Amended in October 2022]*

10.14 Other organisations or groups, such as professional bodies or trade organisations, academic institutions or schools, may also organise election forums for promoting civic education or other purposes. In line with the principle of fair and equal treatment of candidates, the EAC appeals to all organisers to invite all candidates of the same Rural Area to attend these

forums, so that no unfair advantage will be accorded to or obtained by any candidate over others regarding election campaigning. Some candidates may choose not to attend due to personal or other reasons. Under such circumstances, the forum organiser may proceed with the activity without contravening the principle of fair and equal treatment. Information and records relating to the invitation must be kept by the relevant organisation or group until 3 months after the election. *[Amended in October 2022]*

10.15 Broadcasters and other organisations or groups, during the conduct of election forums, should not give favourable or unfavourable treatment to any candidate, causing unfairness to any candidate. *[Amended in October 2022]*

10.16 The EAC appeals to all candidates to attend these election forums as far as possible so as to keep electors and the public apprised of their election platforms. *[Amended in October 2022]*

#### **PART IV : FEATURE REPORTS (BROADCASTERS)**

10.17 In line with the principle of fair and equal treatment, when producing a feature programme or interview to introduce individual candidates, whether in news bulletins or during the airtime of other programmes, broadcasters should give an equal opportunity and comparable time to all the candidates of the same Rural Area. *[Added in October 2022]*

10.18 When inviting any candidate to an interview, broadcasters should invite all candidates contesting in the same Rural Area and give them an equal opportunity to appear in interviews. The EAC appeals to all candidates to accept invitations to interviews as far as possible in order to enable electors and the public to be apprised of their election platforms. Some candidates may

choose not to accept the invitations due to personal or other reasons. Under such circumstances, the broadcaster may proceed with the programme without contravening the principle of fair and equal treatment. A record must be kept by the broadcaster of the date, time and contents of the invitation and the notice until 3 months after the election. *[Amended in October 2022]*

10.19 To avoid any possible misunderstanding, broadcasters should provide the audience of the programmes with clear information on the total number and names of candidates in the same Rural Area. Nevertheless, for the KFR election, due to the considerable number of seats and candidates involved, the broadcasters may have practical difficulties in mentioning all the other candidates of the same MT in the same programme. Therefore, the broadcasters may choose to provide viewers or listeners with the total number of candidates of the same MT during the programme, and mention the platform maintained by the broadcasters (such as the webpage of the organisation/programme) where the names of the other candidates of the relevant MT can be found. For the avoidance of doubt, this arrangement is not applicable to ReR and IIR. Furthermore, to ensure fair treatment to all candidates concerned, broadcasters should in particular take heed of the observations by the Court in an election petition relating to the 2010 LegCo By-election as set out in **Appendix 10** and, where appropriate, follow the arrangements set out therein when producing election-related multi-episode feature reports. *[Amended in October 2010, October 2011, October 2014, October 2018 and October 2022]*

10.20 When determining whether an election-themed feature report produced by a broadcaster is in breach of the principle of fair and equal treatment, the EAC may take into consideration the overall circumstances of relevant feature reports produced by the broadcaster during the election period. *[Added in October 2022]*

## **PART V : FEATURE REPORTS (PRINT MEDIA)**

10.21 If the print media conducts interviews to introduce individual candidates during the election period, it should also give the other candidates contesting in the same Rural Area an equal opportunity to be interviewed so as to ensure that the electors can access more relevant information about the election for making informed choices. *[Amended in October 2022]*

10.22 In the interview reports of individual candidates by the print media, mention of other candidates of the same Rural Area should be made. The mention may be made in an appropriate way by the media organisation. It may not necessarily appear within the content of the same report but, in principle, should enable readers to be informed of the other candidates. For instance, when an interview with a candidate is published on a newspaper, the names of other candidates of the same Rural Area may be listed on the same page of the report or on other pages. Nevertheless, for the KFR election, due to the considerable number of seats and candidates involved, the print media may have practical difficulties in mentioning all the other candidates of the same MT in the same publication. Therefore, the print media may choose to provide readers with the total number of candidates of the same MT in the publication, and mention the platform maintained by the print media (such as the webpage of the organisation/publication) where the names of the other candidates of the relevant MT can be found. For the avoidance of doubt, this arrangement is not applicable to ReR and IIR. *[Added in October 2022]*

10.23 The EAC appeals to the print media to accord **fair and equal treatment** and equal opportunity as far as practicable to all candidates in respect of reporting on candidates contesting in the same Rural Area and their electioneering activities. How to treat the candidates fairly and equally in practice depends on the actual circumstances. Reference may be made to the elaboration in **Appendix 11**. When determining whether any feature reporting

by the print media is in breach of the principle of fair and equal treatment, the EAC may take into consideration the overall reporting by the media organisation during the election period. *[Amended in October 2022]*

10.24 The print media should ensure that, during the election period, their reporting will neither give unfair publicity to a particular candidate, nor lead the public to perceive that such reporting is made for the publicity of that particular candidate. Publications (e.g. newspaper supplements or leaflets) that promote or prejudice the election of a particular candidate or particular candidates, whether for free or otherwise, may be regarded as EAs for the candidate(s) concerned and will be subject to the requirements on election expenses as stipulated in Chapter 15. The publisher may contravene the relevant legislation if it is not an authorised election expense agent. *[Amended in October 2022]*

## **PART VI : NON-ELECTION-RELATED PROGRAMMES AND ARTICLES**

10.25 During the election period, a candidate may appear as guest in a non-election-related programme on television/radio or an interview by the print media insofar as his/her participation is pertinent to his/her position, i.e. the candidate is invited because his/her professional knowledge or past experience is in close connection with the subject matters of the programme or interview. A documented record should be kept by the broadcaster/print media to provide justification regarding the choice of guests, including there being no better choice of alternative guests, etc. The broadcaster/print media should ensure that no election-related topics (including the machinery of the election of the candidate) will be mentioned in the programme/article and no unfair publicity will be given to the candidate. Otherwise, under the principle of fair and equal treatment, the broadcaster/print media should also give the other

candidates contesting in the same Rural Area an equal opportunity of appearing/being interviewed. *[Amended in October 2022]*

10.26 Likewise, during the election period, if a representative of a political party or political organisation with members contesting in the election is invited to appear as a guest in a non-election-related programme/interview, the broadcaster/print media should also ensure that the participation of the representative is pertinent to his/her position, i.e. the representative is invited because his/her professional knowledge or past experience is in close connection with the subject matters of the programme/interview. A documented record should be kept by the broadcaster/print media to provide justification regarding the choice of guests, including there being no better choice of alternative guests, etc. The broadcaster/print media should ensure that no election-related topics (including machinery of the election) will be mentioned in the programme/article, no election-related materials (including badges and clothing) of the political party or political organisation to which the representative belongs will be displayed in the programme/article, and the programme/article will not cause any unfairness to any candidate. Otherwise, under the principle of fair and equal treatment, the broadcaster/print media should also give all the political parties or political organisations with members contesting in the election (whether or not they are contesting in the same Rural Area) and all independent candidates an equal opportunity of appearing/being interviewed. *[Amended in October 2022]*

## **PART VII : AVOIDING UNFAIR PUBLICITY**

10.27 During the election period, media organisations should ensure that no favourable or unfavourable treatment will be given to any candidate, and **no** such unfair advantage should be **obtained** by candidates. If a candidate has more opportunities for publicity than other candidates on the

basis of his/her background or profession, he/she should also endeavour to avoid obtaining such unfair publicity. *[Amended in October 2022]*

### **Candidates Appearing on Television/Radio/Movie as Presenters, Regular Contributors, Actors, Musicians, Singers or Other Entertainers**

10.28 A presenter, including a guest presenter, or a regular contributor should not appear in any programme in his/her normal programme role after he/she has publicly declared his/her intention to stand for election or during the election period if he/she becomes a candidate. This is to avoid unfair publicity for him/her at the critical time. A presenter or regular contributor may, of course, appear as a candidate in election forums referred to in Part III above. *[Amended in October 2004]*

10.29 A person who has been contracted to appear as presenter, regular contributor, actor, musician, singer or any other form of entertainer in any performance scheduled to be shown before he/she has publicly declared his/her intention to stand for election or before and after the election period may always do so and continue to do so. However, such a person should make his/her utmost endeavours to request the person(s)-in-charge not to broadcast his/her appearance in any media after he/she publicly declared his/her intention to stand for election or during the election period if he/she becomes a candidate. The EAC appeals to the aforesaid person(s)-in-charge to accede to such a request as far as practicable in order to avoid giving unfair publicity to the person concerned. *[Amended in October 2004 and October 2011]*

### **Candidates Appearing in Commercial Advertisements**

10.30 A person should not participate in the making of any advertisement in which his/her image, name or voice appears (the relevant advertisement) while knowing that the relevant advertisement will be broadcast

on television/radio or in cinema after he/she publicly declared his/her intention to stand for election or during the election period if he/she becomes a candidate.

10.31 In case that, after the relevant advertisement has been made, the person then decides to stand for election while knowing that the relevant advertisement will be broadcast on television/radio or in cinema after he/she publicly declared his/her intention to stand for election or after commencement of the nomination period if he/she becomes a candidate during that period, he/she should make his/her utmost endeavours to request the person(s)-in-charge not to broadcast the relevant advertisement after he/she publicly declared his/her intention to stand for election or during the election period. The EAC appeals to the aforesaid person(s)-in-charge to accede to such a request as far as practicable in order to avoid giving unfair publicity to the person concerned. *[Amended in October 2011]*

### **Candidates Contributing Regularly to Print Media**

10.32 A regular columnist should not contribute articles to the print media after he/she has publicly declared his/her intention to stand for election or during the election period if he/she becomes a candidate. This is to avoid unfair publicity for him/her at the critical time. A person who has been contracted to serve as a regular columnist should make his/her utmost endeavours to request the person(s)-in-charge not to publish his/her commentaries in any media after he/she publicly declared his/her intention to stand for election or during the election period if he/she becomes a candidate. The EAC appeals to the aforesaid person(s)-in-charge to accede to such a request as far as practicable in order to avoid giving unfair publicity to the person concerned. *[Amended in October 2011]*

## **PART VIII : PLACING ELECTION ADVERTISEMENTS IN MEDIA**

10.33 Television stations licensed under the Broadcasting Ordinance are not allowed to broadcast advertisements of a political nature under the law. Radio stations licensed under the Telecommunications Ordinance are not allowed to broadcast advertisements of a political nature under the Code of Practice issued by the Communications Authority unless prior approval has been given by the Communications Authority. *[Amended in October 2022]*

10.34 A candidate may advertise in the print media to promote his/her candidacy. Where such 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 therein to avoid misunderstanding among readers that it is not an EA (see para. 7.66 of Chapter 7). The expenses so incurred must be accounted for in the return and declaration of election expenses and election donations. An EA placed in a registered local newspaper is exempted from the requirement on bearing printing details (see also para. 7.65 of Chapter 7 for details). The EAC appeals to all members of the print media to give all candidates contesting in the same Rural Area **an equal opportunity** for placing EAs in the print media. *[Amended in October 2004, October 2010, October 2018 and October 2022]*

## **PART IX : SANCTION**

10.35 Whether the principle of fair and equal treatment is complied with or whether any favourable or unfavourable treatment is given to any candidate by the media should be determined having regard to the overall

reporting by the media organisation during the election period. *[Added in October 2022]*

10.36 Any broadcaster, member of the print media or forum organiser who is found to have treated the candidates in an unfair or unequal manner may be **reprimanded** or **censured** by the EAC in a public statement, in which the names of the candidates receiving favourable or unfavourable treatment as well as the names of the broadcaster, member of the print media or forum organiser concerned will be released. The EAC may also notify the relevant authorities for appropriate action to be taken. Moreover, the programme, news report or article concerned may very likely have the effect of promoting or prejudicing the election of a particular candidate or particular candidates and thus be construed as an EA for the candidate(s) concerned. As such, it may contravene the statutory requirements on EAs and election expenses (see Chapters 7 and 15) and both the media organisation and candidate(s) concerned may be subject to criminal liability. The EAC will refer cases of possible breaches to the relevant law enforcement agencies for follow-up. In view of the above, the EAC appeals to all broadcasters, members of the print media, forum organisers and candidates to strictly comply with the guidelines set out in this chapter and avoid any conduct which will cause public concern about the fairness of the election. *[Added in October 2004, amended in October 2018 and October 2022]*

10.37 Candidates mentioned in paras. 10.28 to 10.32 above should make their best endeavours to avoid unfair publicity according to the guidelines stipulated in the corresponding paragraphs. If the EAC receives any complaint about the unfair publicity of a candidate and subsequently discovers that he/she fails to make such endeavours, it may **reprimand** or **censure** the candidate concerned in a public statement. *[Added in October 2011]*

## CHAPTER 11

### USE OF SOUND AMPLIFYING DEVICE AND VEHICLES

#### PART I : GENERAL

11.1 The legal provision relevant to this chapter can be found in the POO, the SOO, the Noise Control Ordinance (Cap. 400) (“NCO”) and the Road Traffic Ordinance (Cap. 374) (“RTO”). *[Amended in September 2005]*

11.2 Candidates are reminded that some members of the public find the sound or noise emitted by loudspeakers annoying and intrusive. When using loudspeakers, candidates should particularly bear in mind possible annoyance caused to people in hospitals, residential care homes, schools or dwelling houses, and likely inconvenience caused to the daily travel of persons with visual impairment. Electors’ voting preference may be affected as a result of any noise nuisance caused by candidates or their supporters. *[Amended in October 2004 and October 2018]*

11.3 The use of loudspeakers is not permitted within the NCZ outside the polling station, nor will it be permitted in the vicinity from where the sound emitted can be heard within the NCZ. Candidates should also arrange the removal of EAs on the windows or bodywork of any public service vehicles if those vehicles will pass through or be parked within the NCZ on the polling day. Otherwise, the vehicles on which EAs are displayed will not be allowed to enter the NCZ on the polling day (please also see Chapter 13). *[Added in October 2022]*

## **PART II : USE OF LOUDSPEAKERS AND VEHICLES**

11.4 With effect from July 1995, the Commissioner of Police ceases issuing loudspeaker permits under s 4(29) of the SOO. Candidates are therefore **not** required to submit any application for a permit. However, this does not exempt candidates from complying with the requirements of the relevant law when any amplification device is used in an election meeting or procession. An amplification device includes a loudspeaker and any device which can emit or amplify sound (please refer to Chapter 9).

11.5 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 **must not** 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 take into account the public's tolerance over the sound level and try to keep the volume at a reasonable level. *[Amended in October 2006 and October 2012]*

11.6 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. *[Added in October 2022]*

11.7 Should any complaint be received by the Police concerning the volume of loudspeakers, the loudspeaker volume must be reduced according to the instructions of police officers. Persons disregarding the police verbal warning or instruction may be prosecuted.

11.8 All vehicles used for and in connection with canvassing activities must comply with the provisions and regulations under the RTO. Drivers of such vehicles are obliged to obey all directions given by uniformed police officers and traffic wardens. In addition, drivers of all vehicles must comply strictly with all the stopping and parking regulations of the RTO. Deliberate slow driving may constitute “careless driving” as it could be deemed as driving “without reasonable consideration for other persons using the road”.

11.9 Paraphernalia attached to a vehicle must also comply with the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A) under the RTO, and should not affect the safe operation of the vehicle. For the display of EAs on public light buses and taxis, their owners/operators shall obtain prior written approval from the Transport Department (“TD”) and ensure that the display of EAs is in compliance with the conditions as stipulated by the TD in an approval letter, including in particular the following conditions:

- (a) (i) for taxis, no EA may be displayed on any windows;
- (ii) for public light buses, no EA may be displayed:

- (1) on windows except on the interior surface of:
  - the window on the left of the first row of the single-seaters; and
  - the window on the right of the second row of the double-seaters,

EAs to be displayed on each of the abovesaid windows shall not exceed a total size measuring 210 mm by 297 mm (equivalent to A4 size);

- (2) at areas between the windows and the exterior roof panel; and
  - (3) on the exterior roof panel (except sticker-type EAs);
- (b) no luminous or reflecting material may be used for EAs; and
- (c) no EA may obstruct any statutory lighting/label/markings required to be shown on the vehicle body as specified by the Commissioner for Transport or stipulated in the RTO and its subsidiary legislation.

According to the TD's performance pledge which is applicable to only public light buses and taxis, it normally takes no more than 7 working days to process an application for the display of an advertisement on a public light bus or taxi. The TD has issued general approval to all franchised bus companies for advertising on the bodies and windows of buses subject to conditions imposed by the TD. The bus companies should comply with the conditions set out in the TD approval letters when they handle all kinds of advertisements. In this

connection, there are no special guidelines on the display of EAs on buses. For those non-franchised buses with approval from the TD for displaying advertisements on the bodies and windows of buses, they are subject to the conditions imposed by the TD. The non-franchised bus operators should comply with the conditions set out in the TD approval letters when they handle all kinds of advertisements. For the other modes of public transport, the operators concerned have their internal rules to govern the display of advertisements. In this regard, candidates should check with the operators for the relevant procedures and comply with the conditions imposed. *[Amended in October 2006, October 2010, October 2011, October 2012 and October 2018]*

**IMPORTANT :**

The definition of “publish” in the context of publication of EAs includes “continue to publish”. If any person who intends to stand as a candidate at an election continues to display publicity materials previously published (e.g. EAs displayed on public light buses or taxis during the previous election) in the Rural Area concerned, in particular posters or banners bearing his/her name or photograph with the intent to promote his/her election at the current election in public places or common areas in buildings, after he/she has been nominated as a candidate or has publicly declared the intention to stand for election, such publicity materials may be regarded as EAs. For the sake of prudence, that person should remove the publicity materials previously published before he/she is nominated as a candidate or has publicly declared an intention to run for the election. *[Added in October 2022]*

11.10 Candidates and their supporters shall observe the statutory requirements of the Road Traffic (Safety Equipment) Regulations (Cap. 374F) and the Road Traffic (Traffic Control) Regulations (Cap. 374G) under the RTO, including those relating to seating, wearing of seat belts and permission to carry passengers in a vehicle. Standing up in moving vehicles is **illegal** for both the drivers and standees except on trams, single-decked public service buses and the lower deck of double-decked buses. Passengers can also stand up on a vehicle used as a float if approved by the Commissioner for Transport. The registered owner of the vehicle concerned should apply to the Licensing Office of the TD for the exemption of the vehicles from carriage of standing passengers. *[Amended in October 2006, October 2010, October 2011 and October 2018]*

11.11 Any vehicle modified to a float configuration for display or canvassing purposes must be approved beforehand by the Commissioner for Transport and a movement permit for a vehicle must be obtained. Application procedures for approval of float design are included at **Appendix 12**.

11.12 Candidates should also note that the use of loudspeakers is not permitted within the NCZ outside the polling station, nor will it be permitted in the vicinity from where the sound emitted can be heard within the NCZ [s 35(2) of the EP (RRE) Reg]. Candidates should also 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. Otherwise, the vehicles on which EAs are displayed will not be allowed to enter the NCZ on the polling day (see also Chapter 13). *[Amended in October 2022]*

### **PART III : SANCTION**

11.13 If the EAC comes to know that any candidate is in breach of the guidelines in this chapter, apart from notifying the relevant authorities for actions to be taken, it may make a **reprimand** or **censure** in a public statement which will include the name of the candidate concerned. The censure may be in addition to the criminal liability for offences inside the NCZ. The candidate concerned may be liable to a fine at level 2 (\$5,000) and to imprisonment for 3 months [ss 35 and 89(1) of the EP (RRE) Reg]. Candidates should also remind their supporters to observe these guidelines when they are campaigning on behalf of the candidates. *[Added in October 2010 and amended in October 2018]*

## CHAPTER 12

### ELECTIONEERING ACTIVITIES CONDUCTED IN SCHOOLS OR PARTICIPATED BY SCHOOL PUPILS

#### PART I : GENERAL

12.1 Candidates, school supervisors, principals and teachers are requested to take note of these guidelines when considering allowing the conduct of electioneering activities in schools or seeking the assistance of pupils in electioneering activities.

12.2 Involvement of school pupils in electioneering activities has always been a matter of public concern. Anybody in authority must **not** use his/her position to exert undue influence on youngsters of school age under his/her charge to recruit them for electioneering activities. If the EAC comes to know that a person has abused his/her position by involving youngsters of school age under his/her charge in electioneering activities, it may make a reprimand or censure against the person. For the regulatory provisions on use of force or duress on a person's voting preference, see s 13 of the ECICO. *[Amended in October 2004]*

12.3 Candidates who are school administrators (e.g. school principals, teachers) should not distribute their EAs to the parents of pre-primary, primary or secondary school pupils through these pupils to avoid any impression of undue influence on youngsters of school age under the charge of these persons in authority in the school. *[Added in October 2022]*

## PART II : SCHOOL PUPILS

12.4 While it is for the promotion of civic education that school pupils are encouraged to take an interest in community affairs, including elections, it is considered undesirable to involve them in electioneering activities at too young an age. Unattended young children may cause control problems and, particularly where in large numbers or in overcrowded situations, may create a danger to themselves and others. Therefore, pre-primary or primary school pupils should not take part in electioneering activities. *[Amended in October 2012]*

12.5 Distribution of EAs is a form of electioneering activity. School supervisors, principals or teachers may be supporters of a particular candidate. While they are free to support any candidate they prefer, they should not distribute or help in the distribution of EAs of any candidate to the parents of pre-primary, primary or secondary school pupils through these pupils. Moreover, they should not ask pupils to request their parents to vote for any particular candidate. The guideline above also applies to candidates who are themselves school supervisors, principals or teachers. This guideline is based on the same principle stated in para. 12.2 above, and could avoid any impression of undue influence on children under the charge of these persons in authority in the school. *[Amended in October 2018]*

12.6 The EAC adopts the advisory circular issued by the Secretary for Education to all schools for general guidance, emphasising the following points: *[Amended in October 2004 and October 2010]*

- (a) participation by pupils in electioneering activities must be **entirely voluntary**;
- (b) the **written consent** of a parent or guardian must be obtained

beforehand;

- (c) in no circumstances should pre-primary or primary school pupils be asked to take part in such activities;
- (d) there should be no disruption of the pupils' education, and in no circumstances should normal lessons be interrupted to enable pupils to take part in such activities; and
- (e) in no circumstances should pupils be asked to take part in activities in areas where they may be subject to various elements of danger, including those of traffic.

*[Amended in October 2014]*

12.7 Pupils who take part in canvassing activities should pay attention to their own school regulations, and in particular those regarding the wearing of school uniform in such activities.

12.8 The EAC recognises that school pupils who are 18 years of age or above are by law responsible for their own acts and making election-related decisions for themselves.

### **PART III : ELECTIONEERING ACTIVITIES IN SCHOOLS**

12.9 During the election period, school supervisors, principals or teachers may invite or be approached by candidates to give talks on topical issues to students in their schools. Regardless whether the topic to be covered by such a talk involves an election, the presence of a candidate delivering the talk and copies of the speech which may be circulated to students and brought

home to their parents may have the effect of promoting or advertising that candidate. Such activities should, therefore, be regarded as the candidate's electioneering activities (see also para. 12.5 above). *[Amended in October 2018]*

12.10 In line with the **fair and equal treatment** principle, the EAC appeals to all school supervisors, principals and teachers to provide equal opportunity to all candidates of the same Rural Area for the purpose of electioneering. If a school authority has decided to allow a particular candidate to conduct electioneering activities in the school, other candidates of the same Rural Area should be given the opportunity to do the same, so that no unfair advantage will be accorded to or obtained by any candidate over others regarding election campaigning. *[Amended in October 2014 and October 2022]*

#### **PART IV : SANCTION**

12.11 If the EAC comes to know that any candidate or school or person is in breach of the guidelines in this chapter, it may make a **reprimand** or **censure** in a public statement which will include the name of the candidate, the school or person concerned, and may also refer the case to the Education Bureau. Candidates should therefore apprise the schools or persons offering them assistance of the above guidelines. *[Amended in October 2004, October 2010 and October 2014]*

## CHAPTER 13

### PROHIBITION AGAINST CANVASSING ACTIVITIES OUTSIDE POLLING STATIONS

#### PART I : GENERAL

13.1 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 electors 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 in the immediate vicinity outside the entrance/exit of the polling station to avoid any obstruction of the entry/exit. *[Amended in October 2022]*

13.2 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 October 2022]*

13.3 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 electors, etc. for the purpose of canvassing votes. For details, please refer to **Appendix 5**. *[Added in October 2022]*

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

13.4 The RO for a Rural Area must determine, in respect of each polling station designated for that Rural Area, 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 34(1) of the EP (RRE) Reg] *[Amended in October 2006 and October 2014]*

13.5 For a polling station which serves more than one Rural Area, the determination of the NCZ and NSZ is to be made by the RO specified for the purpose by the DHA. [S 34(3) of the EP (RRE) Reg] *[Amended in October 2004 and October 2014]*

13.6 The RO who made the determination of an NCZ and an NSZ in respect of a polling station must, at least **2 days** before the polling day, give a notice of the determination to the candidates of his/her own Rural Area and, where appropriate, to the ROs of other Rural Areas for which polling will be held at that polling station so that each of the ROs of these relevant Rural Areas can notify the candidates of his/her own Rural Area of the determination as soon as practicable. [S 34(2) and (3) of the EP (RRE) Reg] *[Amended in October 2004 and October 2014]*

13.7 The notice will be given in writing, and may be delivered by hand, by post, by electronic mail or by facsimile transmission, to the candidates or to the election agents. [Ss 22(5), 34(2) and 83(1)(f) of the EP (RRE) Reg] *[Amended in October 2011 and October 2014]*

13.8 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. 13.7 above [ss 34(4) and (5) and 83(1)(g) of the EP (RRE) Reg]. The notice may however be given orally if delivering it in the manner as referred to in para. 13.7 above is not practicable or is not suitable in the circumstances [s 83(2) of the EP (RRE) Reg]. *[Amended in October 2004, October 2011, October 2012, October 2014 and October 2018]*

13.9 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 34(6), (7) and (8) of the EP (RRE) Reg] *[Amended in October 2004]*

13.10 The RO who is empowered to determine the 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. [S 34(4) of the EP (RRE) Reg and s 54(3) of the RREO]

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

13.11 Door-to-door canvassing and, for the purpose of such canvassing, the display or wearing of any promotional material (e.g. any 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 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 to the building for canvassing votes, and no obstruction is caused to any person and no sound amplifying system or device is used (except for the performance of duties by officers of the CSD on the polling day at dedicated polling stations in penal institutions) [s 35(2), (2A) and (3) of the EP (RRE) Reg]. Apart from this, no other canvassing activities (including suggesting not to vote for any candidate) will be allowed within an NCZ except for static display of EAs mounted at designated spots approved by the RO.

13.12 Where there are private premises situated within the NCZ, the RO should issue a notice in advance to all the candidates for the Rural Area concerned asking them to remove all of their EAs, if any, 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 a candidate fails to remove the EAs as requested by the RO, the RO may issue a warning to the candidate 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 5**. [*Amended in October 2006, October 2012, October 2014, October 2018 and October 2022*]

13.13 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. 13.11 above in the NCZ in respect of his/her polling station to persuade or induce any elector to vote or not to vote. Any unauthorised display of EAs in the area will be removed by the RO or other

persons authorised by the RO [s 94 of the EP (RRE) Reg]; and any person found to have conducted canvassing activities prohibited in the area will be asked to leave the area [s 35 of the EP (RRE) Reg]. *[Amended in October 2004 and October 2012]*

13.14 The use of loudspeakers or loud-hailers is not permitted within the NCZ, nor is any such device or the conduct of any activity (e.g. lion dance) permitted in the vicinity so that the sound emitted can be heard within the NCZ [s 35(2)(b) and (c) of the EP (RRE) Reg]. However, an officer of the CSD may use a sound amplifying system or device in the NCZ of a dedicated polling station situated in a penal institution for the performance of his/her duties on the polling day [s 35(2A) of the EP (RRE) Reg]. Save for canvassing activities allowed in para. 13.11, candidates and their supporters are not allowed to pass, let alone shout, any appeal message to persons while inside the NCZ. (See Part II of Chapter 11 regarding the use of loudspeakers) *[Amended in October 2004 and October 2012]*

13.15 There will be an **NSZ** within the NCZ but immediately outside the entrance/exit of each polling station (sometimes the entrance also serves as the exit). No person is allowed to stay or loiter in the NSZ, except where a person has been expressly permitted to do so by the RO or the PRO [s 35(2)(e) of the EP (RRE) Reg]. This is for the purpose of securing safe and smooth passage of electors into and out of polling stations. *[Amended in October 2006, October 2012 and October 2018]*

13.16 No person in the NCZ or NSZ is allowed to obtain or attempt to obtain (in any manner) information as to which candidate an elector of the polling station is about to vote for or has voted for, unless with the express permission of the RO or the PRO. The PRO should recognize and give due regard for those who conduct exit polls in accordance with the requirements set out in Chapter 14. [S 82(1) of the EP (RRE) Reg]

13.17 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 the RO or the PRO to leave the NCZ or NSZ [ss 35(5) and (6), and 38(7) and (8) of the EP (RRE) 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 35(8) of the EP (RRE) Reg]. The person so removed may not re-enter the NCZ or NSZ on that day except with the express permission of the RO or the PRO [s 35(9) of the EP (RRE) Reg]. *[Amended in October 2004, December 2009 and October 2012]*

13.18 Nevertheless, the RO or the PRO shall not exercise his/her powers to order an elector to leave or remove an elector from the NCZ or NSZ so as to prevent the elector from voting. [Ss 35(10) and 38(12) of the EP (RRE) Reg] *[Added in October 2010 and amended in October 2018]*

#### **PART IV : PENALTY**

13.19 Any canvassing within an NCZ except those exempted and any conduct prohibited under paras. 13.15 and 13.17 above will be an offence and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 3 months [s 89(1) of the EP (RRE) Reg]. Any attempt to obtain information as described in para. 13.16 above without the necessary permission will be an offence under s 89(2) of the EP (RRE) Reg and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months. *[Amended in October 2004, December 2009 and October 2014]*

## CHAPTER 14

### EXIT POLL

#### PART I : GENERAL

14.1 This chapter sets out the guidelines for the conduct, publication and broadcast of exit polls on the polling day. The EAC respects academic freedom and freedom of expression in conducting exit polls. However, the EAC also strives to conduct public elections under the principles of openness, fairness and honesty to avoid the electors being unduly influenced and interfered with, and to maintain the order outside the polling stations. As such, a fair balance between the two ends must be maintained. *[Amended in October 2011 and October 2022]*

14.2 Secrecy of the vote is an important principle under the electoral system. It is entirely voluntary for electors to participate in any exit polls and they are not required to disclose to the persons or organisations conducting the exit polls their voting preference unless they wish to do so. *[Added in October 2022]*

14.3 Voting polls inside a polling station or an NSZ are strictly prohibited by virtue of the secrecy requirement under the law. However, exit polls may be conducted within the NCZ outside the exit of the polling station if approval from the HAD has been obtained [s 82(1)(e) of the EP (RRE) Reg]. *[Added in October 2022]*

14.4 It is strictly forbidden for exit polls approved by the HAD to be used for electioneering purposes in promoting or prejudicing the election of a candidate or candidates. Persons or organisations conducting exit polls must not be affiliated with the candidates. The persons or organisations must

ensure that the results of exit polls will not be disclosed to any candidate or other persons before the close of poll. The interviewers should make clear to the electors that participation in the exit polls is entirely voluntary. *[Added in October 2022]*

14.5 To strictly regulate the exit polls, all applicants for the conduct of exit polls are required to make a statutory declaration to abide by the terms and guidelines governing the conduct of exit polls (see para. 14.12 below). The approval may be revoked if the terms and guidelines are contravened. If the person or organisation concerned deliberately makes false statutory declaration, they will be in breach of s 36 of the Crimes Ordinance and be sentenced to imprisonment for 2 years and to a fine. *[Added in October 2022]*

14.6 Except for exit polls conducted within the NCZ on the polling day mentioned in para. 14.3 above, election-related opinion polls conducted outside the NCZ or before the polling day are not regulated by the subsisting legislation. These polls do not fall within the scope of exit polls regulated by the EAC. *[Added in October 2022]*

14.7 **The EAC appeals to the media to act with self-discipline, goodwill and in a spirit of voluntary cooperation in publishing and broadcasting the results of exit polls and other election-related opinion polls by refraining from announcing the said results before the close of poll so that electors' voting behaviour will not be unduly affected.** *[Amended in October 2022]*

## **PART II : SECRECY OF THE VOTE**

14.8 **The ballot is secret.** It is an elector's right to keep his/her vote secret. An elector does not have to disclose his/her choice of candidate if

he/she does not want to. **It is a criminal offence for a person, without lawful authority, to require, or purport to require, an elector to disclose the name of, or any particular relating to, the candidate for whom the elector has voted at an election** [s 38 of the RREO and s 82 of the EP (RRE) Reg]. **Those who conduct exit polls must respect the electors' right and wish not to be disturbed.** The interviewers should inform the electors being interviewed that their participation in the exit polls is voluntary prior to the conduct of exit polls. *[Amended in October 2010 and October 2014]*

14.9 Any announcement or disclosure of results of exit polls or predictions, particularly in relation to any individual candidate, during the polling hours may affect electors' voting preference and have an impact on election results. **The EAC, therefore, reminds the media and persons/organisations concerned that they should not announce the results of exit polls or make specific remarks or predictions on the performance of individual candidates before the close of poll. Furthermore, interviewers of approved exit polls should not speak to or communicate with candidates or their agents when conducting the poll outside polling stations.** *[Amended in October 2010 and October 2018]*

### **PART III : CONDUCT OF EXIT POLLS**

14.10 Any person or organisation may apply for conducting exit polls in respect of any Rural Area to the HAD, which handles such applications on behalf of the EAC. Individual applicants must reach the age of 18 as all applications by persons or organisations must be accompanied by a statutory declaration (see para. 14.12 below) to abide by the relevant terms and guidelines governing the conduct of exit polls which, in case of breaches, carry serious consequences and possible criminal liability for offenders. To forestall public perception of unfairness and to maintain order at the polling

station, approval would normally not be granted in one or more of the following circumstances:

- (a) the applicant has publicly expressed support for any candidate(s) running in the Rural Area covered by the exit poll(s);
- (b) the applicant organisation has member(s) running in the Rural Area covered by the exit poll(s);
- (c) the person(s) responsible for the exit polls or interviewers deployed for the polls are currently members of the organisation(s) to which any of the candidates running in the Rural Area covered by the exit polls belong, or which have publicly expressed support for any candidate(s) running in the Rural Area covered by the exit polls;
- (d) the applicant organisation, the person(s) responsible for the exit poll, or the conduct of the proposed exit polls may cause embarrassment to the EAC given its role;
- (e) the proposed exit polls may 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.

Application will be considered on a case-by-case basis and there are no exhaustive lists of considerations. The background of the applicant including his/her/its affiliation and whether the applicant/proposed exit poll would have association with any person/matter which may discredit or be perceived as discrediting the role of EAC and the credibility of the election would normally be taken into consideration.

*[Amended in October 2018 and October 2022]*

14.11 For security reasons, no exit polls may be conducted for dedicated polling stations. For the purpose of better control of the conduct of exit polls, persons or organisations intending to conduct exit polls must provide the following to the HAD at the **latest 10 days before the polling day(s)**:

- (a) the name and address of the person or organisation intending to conduct an exit poll on the polling day(s);
- (b) the identity document number and name of the person responsible for the exit poll together with his/her telephone number(s) for contact, especially during the polling hours; and
- (c) a list showing the number of persons who will be deployed for the conduct of the exit poll at each polling station on the polling day(s) together with the identity document number and name of each of all the persons who will be so deployed.

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

14.12 A person or an organisation applying for the conduct of exit polls must make a statutory declaration by virtue of the Oaths and Declarations Ordinance (Cap. 11) to abide by the relevant terms and guidelines governing the conduct of exit polls. Upon receipt of the application, the HAD will consider the application and issue approval to the person or organisation concerned as appropriate. If a person or an organisation fails to comply with the terms stipulated in the approval letter and the guidelines set out in this chapter, the approval to conduct exit polls on the polling day(s) or during the polling hours may be revoked. The EAC may also make a reprimand or

censure in a public statement which will include the name of the person or organisation who/which fails to comply with the terms stipulated in the approval letter and the guidelines. A notice showing the persons or organisations allowed to conduct exit polls and their contact telephone numbers will be released to the public prior to the polling day(s) for the reference of the public and candidates. Such a notice will also be displayed at the respective polling stations.

**IMPORTANT :**

Persons or organisations applying for the conduct of exit polls are not allowed to collect or retain any personal data relating to the identity of the electors (i.e. any data relating directly or indirectly to the electors, from which it is practicable for their identities to be directly or indirectly ascertained, such as names, HKID numbers, telephone numbers and addresses).

*[Added in October 2004, amended in October 2010, October 2011, October 2014, October 2018 and October 2022]*

14.13 Exit polls are not allowed inside polling stations and the NSZ. Interviewers should note that canvassing activity is prohibited within the NCZ and is subject to criminal sanction, with the exception of door-to-door canvassing activities (in both residential premises and commercial premises such as restaurants or shops) on any storey above or below street level (i.e. not including the storey at the street level) in buildings other than the one in which a polling station is located, provided that permission has been obtained for entry to the building for canvassing votes, and that obstruction is not caused to electors and no sound amplifying device is used. Interviewers must therefore be extremely careful in conducting exit polls so as not to give rise to any suspicion that they are canvassing electors inside the NCZ. Interviewers, like

any other person, are not allowed to stay or loiter in any area designated as an NSZ (within the NCZ but immediately outside the entrance/exit to each polling station). [S 35 of the EP (RRE) Reg] Interviewers are also not allowed to accost electors in the NSZ. All these measures are for the purpose of securing safe and smooth passage of electors into and out of polling stations. *[Amended in October 2006, October 2010, October 2014 and October 2022]*

14.14 The PRO of a polling station may, if circumstances require, designate an area **outside the exit of the polling station** for interviewers to conduct exit polls therein. As the entrance and exit of some polling stations are at the same location, interviewers conducting exit polls should keep a reasonable distance from the exit and ensure that electors entering the polling station will not be affected when the said exit polls are being conducted. *[Added in October 2022]*

#### **PART IV : IDENTIFICATION OF INTERVIEWERS**

14.15 There had been occasions where exit poll interviewers were mistaken for government officials or polling staff. Interviewers are therefore required to display prominently an identification device showing the identity of the person or organisation conducting an exit poll so that electors will not be misled into thinking that they are appointed by the Government. In addition, the interviewers are required to make known to the electors that any response is entirely voluntary. Arrangements should be made for electors to be aware of the name of the person or organisation conducting the exit poll at the start of the interview and the fact that the exit poll is not commissioned by the Government. *[Amended in October 2010 and October 2012]*

14.16 After receipt of the information referred to in para. 14.11 above, the HAD will notify the person or organisation concerned to collect a number

of identification devices bearing the name of the person or organisation that is required to be displayed prominently by each of the persons included in the list in para. 14.11(c) above when conducting an exit poll. Any person not displaying prominently such a device will not be allowed to conduct an exit poll outside any polling station. *[Amended in October 2010 and October 2014]*

## **PART V : EXIT POLLS AND OTHER OPINION POLLS FOR ELECTIONEERING**

14.17 As mentioned in para. 14.4, exit polls approved by the HAD are not allowed to be used for electioneering purposes in all circumstances. *[Added in October 2022]*

14.18 If a candidate makes use of the results of other opinion polls for the purpose of promoting himself/herself or prejudicing the election of other candidate(s), the expenses incurred for conducting the polls will be regarded as his/her election expenses. *[Added in October 2022]*

14.19 If persons other than candidates or the authorised election expense agents make use of the results of the exit polls or other opinion polls for the purpose of promoting or prejudicing the election of any candidate, they will commit the relevant offence of incurring election expenses without being authorised as an election expense agent. *[Added in October 2022]*

## **PART VI : SANCTION**

14.20 Apart from the criminal sanction provided in the RREO, if the EAC comes to know that any broadcaster or organisation has failed to heed or

comply with the guidelines in this chapter, it may make a **reprimand** or **censure** in a public statement which will include the name of the broadcaster or the organisation concerned. *[Amended in October 2014]*

## CHAPTER 15

### ELECTION EXPENSES AND ELECTION DONATIONS

#### PART I : GENERAL

15.1 The law has prescribed the maximum amount of election expenses in order to ensure that all candidates compete on a level playing field within a reasonable level of expenditures. Candidates must submit an election return to the DHA through the relevant RO after the election, listing the election expenses incurred and the election donations received by them and their election expense agents. *[Added in October 2022]*

15.2 “Candidate” is defined as a person who stands nominated as a candidate at an election, including a person who, at any time before the close of nomination period for an election, has publicly declared an intention to stand for election. “Election expenses” is defined as expenses incurred or to be incurred for the purpose of promoting or prejudicing the election of a candidate, without any time constraint, including the expenses incurred before, during or after the election period. Please refer to Part II of this chapter for details. “Election expense agent” refers to a person authorised by a candidate to incur election expenses at an election on the candidate’s behalf. *[Added in October 2022]*

15.3 To ensure that election expenses do not exceed the statutory maximum amount, the law stipulates that only candidates and their authorised election expense agents may incur election expenses. In other words, persons other than the candidates and their election expense agents are not permitted to incur any election expense, or else an illegal conduct is engaged. Nevertheless, a third party (other than a candidate and a candidate’s election

expense agents) who publishes an EA on the Internet is exempt from the relevant criminal liability if the only election expenses incurred are either electricity charges and/or charges necessary for accessing the Internet. *[Added in October 2022]*

15.4 Election expenses incurred by a third party without the consent or knowledge of a candidate are not attributed to the candidate concerned and the third party has to bear the expenses. However, if the election expenses are incurred by the third party under the instruction of the candidate, especially when the maximum amount of election expenses is exceeded, the candidate should be held legally responsible. *[Added in October 2022]*

15.5 If the expenses incurred by a candidate are partly related to the election and are part of the recurrent expenditures for other purposes, the candidate is required to apportion the election-related expenses and include them in the election return. The apportionment can be made on a pro rata basis having regard to the time and usage involved. *[Added in October 2022]*

15.6 Voluntary service is defined as any service provided by any natural person voluntarily, personally and free of charge in his/her own time for the purpose of promoting the election of a candidate or prejudicing the election of other candidates. Voluntary service is the only service rendered free of charge which can be excluded from being counted as election expenses. Nonetheless, goods or materials incidental to the provision of voluntary service and given to the candidate will be counted as election donations; such donations will be counted as election expenses when used. *[Added in October 2022]*

## PART II : WHAT CONSTITUTES ELECTION EXPENSES

15.7 For the provisions relating to election expenses, please refer to the ECICO.

15.8 **“Election expenses”**, in relation to a candidate at an election, means expenses incurred or to be incurred **before, during or after the election period**, by or on behalf of the candidate for the purpose of promoting the election of the candidate, or prejudicing the election of another candidate or other candidates, and includes the value of election donations consisting of goods and services used for that purpose [s 2 of the ECICO]. “Candidate” includes a person **who has publicly declared an intention to stand as a candidate** at the election in respect of a Rural Area at any time before the close of the nominations for the election, regardless of whether he/she has submitted his/her nomination form, he/she has withdrawn his/her nomination after submission of the nomination form, or his/her nomination is ruled invalid by the RO [s 2 of the ECICO]. Regarding what it means to “have publicly declared an intention to stand as a candidate”, it depends on the overall circumstances as well as the objective facts and evidence. As to whether a particular item of expense would amount to election expenses, candidates and the relevant persons concerned should take heed of the points made by the CFA in a case relating to the 2008 LegCo General Election (FACV 2/2012), which state that expenses are likely to qualify as “election expenses” if they meet the following five criteria<sup>33</sup>:

- (a) They have been incurred by or on behalf of a candidate (as such a person is defined under s 2(1) of the ECICO);

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<sup>33</sup> (a) If there is any inconsistency or ambiguity between the English version and the Chinese version of the relevant criteria and issues, the English version shall prevail.

(b) If you have doubt as to whether an election expense falls within the criteria as mentioned above or whether an expense should be regarded as an election expense, you should consult independent legal advisor, and any legal fees so incurred will not be regarded as election expenses.

- (b) Having identified the activities or matters to which the relevant expenses relate, such activities or matters are referable to a specific election;
- (c) Such activities or matters go to the conduct or management of the election, in particular to the machinery of the election;
- (d) The expenses were incurred for the purpose of promoting the election of the relevant candidate or prejudicing the election of another candidate; and
- (e) The activities or matters financed by the expenses have taken place or occurred either during the election period (as defined in s 2(1) of the ECICO) or during the period when the relevant person was a candidate.

The following two issues should also be noted:

- (a) The date when the relevant expenses were incurred should be ascertained (although this is not a critical question since election expenses may be incurred before, during or after an election period); and
- (b) In relation to the relevant activities or matters of which the expense may be incurred for more than one purpose, it should be considered whether an apportionment exercise appropriate between election expenses and non-election expenses is necessary.

*[Amended in October 2006, October 2012, October 2014, October 2018 and October 2022]*

15.9 A candidate may receive **election donations** for the purpose of meeting the costs of his/her election expenses. “Election donations”, in relation to a candidate at an election, means any of the following donations:

- (a) any money given to or in respect of the candidate for the purpose of meeting or contributing towards meeting the election expenses;
- (b) any goods given to or in respect of the candidate for the purpose of promoting his/her election or of prejudicing the election of another candidate or other candidates and includes any goods incidentally given to the provision of voluntary service; or
- (c) any service, other than voluntary service, provided to or in respect of the candidate for the purpose of promoting his/her election or of prejudicing the election of another candidate or other candidates (see para. 15.30 below).

[S 2 of the ECICO]

All such donations, whether in cash or in kind, are counted as election expenses when they are spent or used. (For details, see Part IV of this chapter.)

15.10 Whether an expense incurred should be counted as election expenses depends on the facts of each case. As long as the expense is incurred for the purpose of:

- (a) promoting the election of a candidate; or
- (b) prejudicing the election of another candidate or other candidates;

it will be counted as an election expense, irrespective of whether it is incurred before, during or after the election period, and regardless of the source of funding. *[Amended in October 2012]*

15.11 Whether a particular item of expenditure should be regarded as an election expense depends on the circumstances of the case. In addition to the actual use of the expenses, one should also take into account the nature, circumstances and context of the expenditure incurred. If an expense is used for more than one purpose, the expense should be apportioned between election-related purpose and other purposes. The candidate concerned should include relevant particulars of the expense in his/her election return. As a general principle, time and usage are relevant factors for consideration. The candidate may refer to the examples on the apportionment of expenses shown in the guide on the completion of election return mentioned in para. 15.34(c) below (see also para. 15.32 below). The candidate may seek professional advice on the apportionment of expenses when necessary. Any fees incurred for such professional advice will not be regarded as election expenses. *[Amended in October 2006, October 2012, October 2018 and October 2022]*

15.12 Staff and other resources available for use by a candidate in his/her official capacity or when discharging his/her duties for the purpose of promoting his/her candidature in the election should be counted as an election expense. A list of common expenditure items to be counted towards election expenses is at **Appendix 13**. The list serves only as an illustration and should not be regarded as taking precedence over the legislation. Candidates should consult a legal adviser in case of doubt on whether an expenditure item should be counted as an election expense. Any legal fees so incurred will not be regarded as election expenses. *[Amended in October 2006, October 2012 and October 2018]*

15.13 A candidate shall not use any public resources for the purpose of promoting his/her election or prejudicing the election of another candidate or other candidates at the election. However, any security, transportation, secretarial services and living quarters to which a candidate is entitled to use for private purposes by virtue of his/her post or job will not be treated as public resources in this context.

### **PART III : WHO MAY INCUR ELECTION EXPENSES AND THE LIMIT**

#### **Maximum Amount of Election Expenses**

15.14 The maximum amount of election expenses for the RRE is prescribed by the Maximum Amount of Election Expenses (Rural Representative Election) Regulation (Cap. 554B) made by the CE in Council pursuant to s 45 of the ECICO. These expense limits serve to contain the scale of election campaigns and prevent candidates with ample financial resources from having an unfair advantage. *[Amended in October 2014, October 2018 and October 2022]*

15.15 The election expense limits are set out in the following table. Inquiry can be made with the relevant RO to ascertain the number of registered electors referred to in items (a) to (c).

<b>Number of Registered Electors</b>	<b>Election Expense Limits</b>
(a) for an election in respect of a Rural Area where the number of registered electors is not more than 1,000	\$18,000

<b>Number of Registered Electors</b>	<b>Election Expense Limits</b>
(b) for an election in respect of a Rural Area where the number of registered electors is between 1,001 and 5,000	\$28,000
(c) for an election in respect of a Rural Area where the number of registered electors is over 5,000	\$38,000

[S 2 of the Maximum Amount of Election Expenses (Rural Representative Election) Regulation (Cap. 554B)] *[Amended in October 2011, October 2014 and October 2018]*

15.16 A candidate and his/her election expense agents must not incur election expenses in excess of the maximum amount prescribed [s 24(1) of the ECICO]. *[Amended in October 2022]*

### **Persons Authorised to Incur Election Expenses**

15.17 Only a candidate or a person who has been duly authorised by a candidate as the candidate's election expense agent may incur election expenses [s 23(1) of the ECICO]. The authorisation should follow the procedures specified in Part VI of Chapter 6. *[Amended in October 2012]*

15.18 Any person who is going to carry out **negative campaigning (i.e. canvassing against other candidates)** for or for the benefit of a candidate and hence incurring expenses should obtain the prior appointment by the candidate to act as the election expense agent of the candidate. The expenses will be counted towards the election expenses of the candidate. If the negative campaigning includes EAs, it should also comply with all the requirements of the ECICO and of the EP (RRE) Reg. *[Amended in October*

*2006, October 2014 and October 2018]*

15.19 Candidates who have the intention or plan to run for an election should inform the organisations with which they are associated and which may incur expenses to support them, of these requirements as soon as possible, to prevent the organisations from committing an offence out of ignorance.

15.20 A candidate is responsible for the whole amount of his/her election expenses. If the total amount of expenses incurred by the candidate and/or the person acting on his/her behalf exceeds the prescribed limit, the candidate shall be liable for contravening the law, unless he/she can prove that the excess amount is incurred without his/her consent or authorisation and is not due to any negligence on his/her part. Besides, the election expense agent should not incur election expenses exceeding the limit authorised by the candidate, or else he/she contravenes s 23(4) of the ECICO. [Ss 23 and 24 of the ECICO] *[Amended in October 2004, October 2010 and October 2012]*

## **PART IV : ELECTION DONATIONS**

### **General Requirements**

15.21 Any person who has made clear his/her intentions to stand as a candidate in an election may receive election donations for meeting his/her election expenses only.

15.22 Election donations can only be used for meeting, or contributing towards meeting, a candidate's election expenses. If an election donation consists of goods or services, it can only be used for the purpose of promoting the election of the candidate or of prejudicing the election of another candidate or other candidates. [S 18 of the ECICO]

15.23 Election donations can be made in cash or in kind, and include any money value, any valuable security or other equivalent of money and any valuable consideration. Election donations in kind include goods and services obtained free of charge or at a discount. All spent or used election donations, whether in cash or in kind, received before, during or after the election period (in relation to machinery of the election), are counted towards the total election expenses, and are subject to the maximum amount prescribed. *[Amended in October 2018]*

15.24 Any unspent or unused election donations must be given to charitable institution(s) or trust(s) of a public character chosen by the candidate(s). Any amount of election donations that exceeds the maximum amount of election expenses must also be given to such charitable institution(s) or trust(s). The disposal must be done before the election return is lodged in accordance with s 37 of the ECICO. [S 19(3), (4) and (5) of the ECICO] *[Amended in October 2010 and October 2018]*

15.25 Since the only lawful usage for election donations is to be spent for meeting or contributing towards meeting election expenses, donations are often regarded as election expenses. Every item of election expense which is avoided or reduced as a result of the provision of goods or services free of charge or at a discount normally involves a corresponding item of election donation. The only exception is voluntary services obtained which are not treated as election donations (however, any goods incidentally given to the provision of a voluntary service will be counted as an election donation). Relevant details are elaborated in paras. 15.28 to 15.30 below. *[Amended in October 2011 and October 2012]*

15.26 On receiving an election donation in the form of money or in kind, of more than \$1,000 in value, a candidate must issue to the donor a

receipt which specifies the name and address of the donor (as supplied by the donor) as well as the particulars of the donation. A standard form of receipt is obtainable from the RO and will be given to a candidate when he/she submits the nomination form. Though it is common that some donors would like to make it anonymous, a donation, whether in cash or in kind, more than \$1,000 in value must not be used for election-related purpose unless the donor's name and address (as supplied by the donor) are shown as required by the standard form of donation receipt. Donations over \$1,000 or, in the case of an election donation consisting of goods, of more than \$1,000 in value received from anonymous donors must not be used for meeting election expenses. Instead, it must be given to a charitable institution or trust of a public character chosen by the candidate. [S 19(1) and (2) of the ECICO] *[Amended in October 2006, October 2012 and October 2018]*

15.27 Any person or organisation acting as an agent to solicit, receive or collect election donations for a candidate or candidates should comply with all the requirements under the ECICO as in the case of election donations directly received by the candidate(s). To avoid causing confusion to donors/members of the public, the agent is advised to note the points and adopt the good practice suggested in **Appendix 14**. *[Added in October 2018]*

### **Election Donations in Kind**

15.28 Election donations in kind include goods and services obtained free of charge or at a discount. Unless the discount is generally available to all customers, the difference between the market/regular price and the price charged is an election donation and must be declared and included as such and correspondingly as an election expense in the election return. The same principle applies to loans obtained at no interest or at an interest rate lower than usual. Unless the loan conditions are generally available to others, the waived interest must be declared and included as an election donation and election

expense in the election return. For premises provided free of charge to a candidate for his/her election campaign, a reasonable amount should be determined as the assessed rental for the premises, and should be declared and included as an election donation and election expense in the election return.

15.29 For services or goods obtained free of charge, a candidate must include in the election return their estimated value as in the case of expenses being incurred. Where the services or goods are furnished by a person who deals in similar services or goods with the public, the estimated value of such services or goods should be assessed at the lowest prevailing price charged to the public. Where such services or goods are furnished by persons who do not deal in similar services or goods with the public, their estimated value should be assessed at the lowest prevailing market retail price.

15.30 **Voluntary service** is the only service rendered free of charge which can be excluded from being counted as election expenses. Nonetheless, goods or materials incidental to the provision of voluntary service and given to the candidate will be counted as election donations. Apart from being provided free of charge, the service must be provided by a natural person, voluntarily and personally, in his/her own time for the purpose of promoting the election of the candidate(s), or of prejudicing the election of another candidate or other candidates [s 2 of the ECICO]. Otherwise, the service provided should be treated as an election donation and be counted towards election expenses at a fair estimated value. *[Amended in October 2022]*

## **PART V : ELECTION RETURN**

15.31 A candidate, whether elected or not, or who was returned uncontested, or who has withdrawn the candidature before the close of nominations, or has been decided by the RO as not validly nominated, or has

not incurred any election expenses, must keep an accurate account of all election expenses incurred and election donations (whether in cash or in kind) received in the form of election return for the **submission to the DHA through the relevant RO. The election return must be completed in the specified form, and lodged before the expiry of the period of 30 days after the date on which the last of the following events occurs in all RR elections in relation to the same Rural Committee to be held on the same date; or within such extended period as may be allowed by the CFI under the relevant law:**

- (a) the result of the election is published in the Gazette;**
- (b) the proceedings for the election are declared to have been terminated;**
- (c) the election is declared to have failed.**

[S 37(1), (1L), (1M) and (1N) of the ECICO] *[Amended in October 2006, October 2010, October 2012, October 2014, October 2018 and October 2022]*

15.32 The election return should set out all the election expenses incurred by the candidate and his/her election expense agent(s). For each election expense of \$500 or more, the return must be accompanied by an invoice and a receipt issued by the goods or service providers [s 37(2)(b) of the ECICO]. The invoice and receipt for an election expense may be submitted in separate documents, or may be included in the same document. Invoices and receipts submitted by a candidate should contain the following particulars, including:

- (a) date;

- (b) details of the expenditure item (i.e. information and amount of the goods or services);
- (c) information of the organisation or person (other than the candidate himself/herself) providing the goods or services; and
- (d) the information which proves that the organisation or person (other than the candidate himself/herself) providing the goods or services has received the relevant payment in full (e.g. name and signature of the payee or stamp of the organisation or signature of its authorised representative).

*[Amended in October 2004, October 2011, October 2012, October 2018 and October 2022]*

15.33 A candidate must also set out in the election return all election donations, whether in cash or in kind (including goods and services obtained free of charge or at a discount), received by or on behalf of him/her in connection with the election. The election return must be accompanied by copies of receipts issued by the candidate 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 or unused election donations, anonymous donations of more than \$1,000 in value or election donations exceeding the limit of election expenses. A declaration verifying the contents of the election return must also be submitted together with the election return. [S 37 of the ECICO] *[Amended in October 2004, October 2011, October 2012, October 2018 and October 2022]*

15.34 At the time when a candidate submits his/her nomination form, he/she will be given:

- (a) the specified form for election return mentioned in para. 15.31 above, together with a standard form of receipt for election donations mentioned in para. 15.26 above;
- (b) the standard form for advance return and declaration of election donations (see paras. 15.41 to 15.43 below);
- (c) a guide on how to complete the election return; and
- (d) a full set of Frequently Asked Questions (“FAQs”) relating to the election return.

Candidates should read the explanatory notes attached to the election return carefully, and refer to the guide and the FAQs before completing the election return. *[Amended in October 2012, October 2018 and October 2022]*

### **Statutory Relief Mechanism for Errors and False Statements**

15.35 If a candidate is unable or fails to send to the DHA through the RO the election return before statutory deadline (please see para. 15.31 above) due to his/her own illness or absence from Hong Kong, or the death, illness, absence from Hong Kong or misconduct of any agent or employee of the candidate, or inadvertence or accidental miscalculation by the candidate or any other person, or any other reasonable cause, and was not due to the candidate’s bad faith, he/she can make an application to the CFI for an order allowing him/her to send in the election return within a further period as specified by the CFI [s 40(1) and (2) of the ECICO]. The legal costs so incurred will not be regarded as his/her election expenses. For previous court decisions regarding applications for the relief of election-related penalties and liabilities, please see para. 7.73 of Chapter 7 for the relevant judgments. *[Amended in October 2006, October 2010, October 2011, October 2012, October 2018 and October*

2022]

15.36 If a candidate makes an error or a false statement in the election return due to misconduct of any agent or employee of the candidate, or inadvertence or accidental miscalculation by the candidate or any other person, or any other reasonable cause, and was not due to the candidate's bad faith, he/she may apply to the CFI for an order allowing him/her to correct any error or false statement in the election return or in any document accompanying the election return [s 40(3) and (4) of the ECICO]. The legal costs so incurred will not be regarded as his/her election expenses. For previous court decisions regarding applications for the relief of election-related penalties and liabilities, please see para. 7.73 of Chapter 7 for the relevant judgments. *[Added in October 2010, amended in October 2011, October 2018 and October 2022]*

15.37 Notwithstanding the provision set out in para. 15.36 above, if a candidate makes any error and/or false statement in the election return, the nature of which is either a failure to set out in the election return any election expense of the candidate at the election or any election donation received by or on behalf of the candidate in connection with the election, or incorrectness in the amount of any election expense or any election donation, **and** the aggregate value of the error(s) and/or false statement(s) does **not** exceed \$600 [item(9) of the Schedule to the ECICO], he/she may, subject to the conditions set out in para. 15.38 below, seek to have the error and/or false statement rectified in accordance with a simplified relief arrangement for minor errors or false statements as provided under s 37A of the ECICO. Under the arrangement, the candidate may write to notify the RO of his/her request for lodging a revised election return to rectify the error and/or false statement and provide the necessary details for consideration of the request. If it is deemed appropriate to allow the candidate to lodge a revised election return under the simplified relief arrangement, the RO, acting on behalf of the DHA as the authority to administer the arrangement, would issue a notice to the candidate.

Upon receipt of the notice, the candidate may, within the specified period, lodge with the DHA through the RO a revised election return. The revised election return should be a copy of the original election return earlier submitted to the DHA through the relevant RO with markings of the necessary revision to the error(s) or false statement(s). An error or false statement made in an election return also includes an error or false statement in any document accompanying the election return; or failure to send any document required by s 37(2)(b) of the ECICO in relation to the election return [s 37A(12) of the ECICO]. *[Added in October 2011, amended in October 2012, October 2018 and October 2022]*

15.38 A revised election return lodged by a candidate is of no effect unless it is:

- (a) lodged within 30 days after the date on which the candidate receives a notice from the RO relating to the error(s) and/or false statement(s) in the election return;
- (b) accompanied by all relevant documents as required under s 37(2)(b) of the ECICO (e.g. invoice and receipt) and, if applicable, an explanation; and
- (c) accompanied by a declaration to be made by the candidate in a specified form verifying the contents of the revised election return.

[S 37A(6) of the ECICO]

A copy of the revised election return made under the relief arrangement cannot be withdrawn or further amended after it has been lodged with the RO. If the candidate fails to correct the error(s) or false statement(s) within the specified

period, the election return will be subject to the normal checking and investigation under the ECICO. *[Added in October 2011, amended in October 2018 and October 2022]*

**15.39 It is an illegal conduct under s 24 of the ECICO if, after including the cumulative amount of the error(s) or false statement(s), the aggregate amount of election expenses incurred at or in connection with the election exceeds the maximum amount of election expenses prescribed for a particular election. In such case, the relief arrangement will not be applicable.** If the ICAC has received complaints or information indicating that a candidate may have made a statement that he/she knows or ought to know is materially false or misleading (an act which amounts to corrupt conduct under s 20 of the ECICO) the ICAC will conduct investigation into the case. The rectifications of the election return under the relief arrangement will not exempt the candidate from being investigated or subsequently prosecuted under the ECICO in such circumstances. Moreover, this relief arrangement will not relieve the candidate from liabilities for other offences provided under the ECICO if the election return concerned is in breach of any such provisions. *[S 37A of the ECICO] [Added in October 2011 and amended in October 2018]*

**15.40** If the candidate finds himself/herself in any of the situations set out in paras. 15.35 and 15.36 above, other than the situations where correction of errors or false statements is allowed under the relief arrangement in para. 15.37, it is advisable for him/her to make an application to the CFI and inform the RO as soon as possible. The legal costs so incurred will not be regarded as his/her election expenses. It is a corrupt conduct if a candidate who, in an election return lodged under s 37 of the ECICO, or a copy of an election return lodged under s 37A of the ECICO, makes a statement that he/she knows or ought to know is materially false or misleading [s 20 of the ECICO]. *[Amended in October 2006, October 2010 and October 2011]*

## **PART VI : ADVANCE RETURN OF ELECTION DONATIONS**

15.41 Any candidate who is an incumbent public servant under the POBO, e.g. a serving member of the LegCo or a DC, etc., may disclose to the RO in advance any election donations received. This may enable the incumbent member to avoid any inadvertent contravention of the provisions of the POBO relating to the acceptance of “advantages”. The election donations so disclosed must also be set out in the election return to be submitted to the DHA through the relevant RO before the expiry of the period, or the extended period provided under s 37 of the ECICO for lodging an election return (see para. 15.31 above) [s 37(1), (1L), (1M) and (1N) of the ECICO]. Candidates must also observe the general provisions regarding election donations in Part IV. *[Amended in October 2006, October 2011, October 2012, October 2014 and October 2018]*

15.42 Any **advance return of election donations** must be made on the standard form mentioned in para. 15.34 above. *[Amended in October 2012]*

15.43 Depending on the time and the number of election donations received, a candidate may submit any number of advance returns of election donations to the DHA through the relevant RO. *[Amended in October 2011 and October 2012]*

## **PART VII : ENFORCEMENT AND PENALTY**

### **Enforcement**

15.44 The election returns will be made available at the office of the relevant RO for public inspection up to the 30<sup>th</sup> day before the first anniversary of the date of the deadline for lodging the relevant election return (disregarding

any order made by the CFI under s 40 of the ECICO allowing a candidate to lodge an election return within a further period as specified by the CFI) (please see para. 15.31 above). Copies of the election returns will be furnished to any person upon request subject to the payment of a copying fee at a fixed rate. [S 41 of the ECICO] *[Amended in October 2004 and October 2018]*

15.45 Any complaint or report of breach of the relevant legislation may be made directly to the relevant RO, the Registration and Electoral Office, the EAC or its Complaints Committee. The EAC or its Complaints Committee may, after consideration, refer the cases to the relevant authorities for investigation and prosecution. *[Amended in October 2004 and October 2014]*

15.46 The RO will check all election returns. Irregularities detected will be reported to the relevant authorities for investigation. *[Amended in October 2012]*

### **Penalties**

15.47 It is an illegal conduct for a candidate to incur election expenses in excess of the maximum amount prescribed and for an election expense agent to incur election expenses in excess of the amount authorised. It is also an illegal conduct for a person, other than a candidate or a candidate's election expense agent, to incur election expenses. In these cases, the offender is liable to a fine of \$200,000 and to imprisonment for 3 years [ss 22, 23 and 24 of the ECICO]. In accordance with s 23(1A) of the ECICO, a person (other than a candidate or an election expense agent) is exempt 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 incurred by the person for that purpose are electricity charges and/or charges necessary for accessing the Internet. However, if a candidate, a candidate's election expense agent or a person authorised by a candidate or his/her election expense agent publishes an

EA of the candidate on the Internet, any costs incurred should be included in the election expenses of the candidate even if the costs involved are only electricity charges and/or charges necessary for accessing the Internet. *[Amended in October 2004 and October 2022]*

15.48 A candidate who uses any election donation for any purpose other than for meeting his/her election expenses, or fails to dispose of unspent or excessive election donations in accordance with s 19 of the ECICO engages in corrupt conduct and shall be liable to a fine of \$500,000 and to imprisonment for 7 years. [Ss 6, 18 and 19 of the ECICO] *[Amended in October 2004]*

15.49 If a candidate fails to submit the election return by the prescribed date or fails to provide an accurate account of all election expenses incurred and all election donations received with the required supporting invoices and receipts issued by the recipient(s) of the payments, he/she commits an offence and shall be liable to a fine of \$200,000 and to imprisonment for 3 years. [S 38(1) of the ECICO] *[Amended in October 2011 and October 2012]*

15.50 A candidate who knowingly makes a materially false or misleading statement in his/her election return lodged under s 37 of the ECICO or a copy of an election return lodged under s 37A of the ECICO, engages in corrupt conduct and shall be liable to a fine of \$500,000 and to imprisonment for 7 years. [Ss 6 and 20 of the ECICO] *[Amended in October 2011 and October 2018]*

15.51 If a candidate, who, having been elected as an RR, acts in the office or participates in the affairs as an RR without lodging an election return before the statutory deadline, he/she commits an offence and shall be liable to a fine of \$5,000 for each day for acting in the office or participating in the affairs as an RR in contravention of s 37 of the ECICO. [S 39(1) and (2) of the ECICO] *[Amended in October 2014 and October 2018]*

15.52 A person convicted of a **corrupt or illegal conduct** within the meaning of the ECICO will, in addition to the penalties set out in paras. 15.47 to 15.51 above, be disqualified:

- (a) from being nominated as a candidate for the election of, or from being elected as, the CE, a member of the LegCo or DC, or an RR, if the election is held within 5 years after the date of conviction [ss 14 and 20 of the Chief Executive Election Ordinance (Cap. 569) (“CEEEO”), s 39 of the Legislative Council Ordinance (Cap. 542) (“LCO”), s 21 of the District Councils Ordinance (Cap. 547) (“DCO”) and s 23 of the RREO]; and
- (b) from being nominated as a candidate at the EC Subsector Elections and from being elected as a member of the EC if the election is held within 5 years after the date of conviction, or from being nominated as an EC member for 5 years from the date of conviction, or from being registered as an ex-officio member of the EC within 5 years after the date of conviction [ss 5M, 9 and 18 of the Schedule to the CEEEO].

*[Amended in October 2006, December 2009, October 2010, October 2011, October 2014, October 2018 and October 2022]*

15.53 If a candidate is convicted of the offence under s 38(1) of the ECICO (i.e. having failed to lodge an election return as required by s 37), apart from facing the penalties set out in para. 15.49 above, he/she will also be subject to the same disqualifications as a person convicted of having engaged in illegal conduct (see para. 15.52 above). [S 38(4) of the ECICO] *[Added in October 2022]*

## CHAPTER 16

### CORRUPT AND ILLEGAL CONDUCT

#### PART I : GENERAL

16.1 This chapter sets out the guidelines against corrupt and illegal conduct in conducting election-related activities. It is important that candidates are aware of the common pitfalls in election activities, which may involve corrupt and illegal conduct, and take appropriate preventive measures to guard against committing offences out of oversight.

16.2 Provisions relating to corrupt and illegal conduct can be found in the ECICO. To help candidates and their agents to get acquainted with the major provisions of the Ordinance, the ICAC had prepared an Information Booklet on “Clean Rural Elections” for distribution to candidates. The content of the Information Booklet has also been uploaded onto the website of the ICAC ([www.icac.org.hk/elections](http://www.icac.org.hk/elections)). *[Amended in October 2010, October 2011, October 2012 and October 2014]*

- 16.3 A person who engages in:
- (a) a **corrupt conduct** will be liable to a fine of \$500,000 and to imprisonment for 7 years and to pay to the court the amount or value of any valuable consideration he/she or his/her agents received in connection with the conduct or such part of the amount or value as specified by the court [s 6(1) and (3) of the ECICO]; and *[Amended in October 2004 and October 2014]*
  - (b) an **illegal conduct** will be liable to a fine of \$200,000 and to

imprisonment for 3 years [s 22(1) of the ECICO].

In addition to these penalties, a convicted person will be disqualified from being nominated as a candidate in future elections. For details, please see para. 16.38 below. *[Added in October 2004 and amended in December 2009]*

16.4 The ECICO applies to all conduct concerning an election, whether the conduct is engaged in within Hong Kong or elsewhere. [S 5 of the ECICO] *[Added in October 2018]*

16.5 Under no circumstances is it permissible to induce an elector to vote or not to vote for a particular candidate or particular candidates by offering advantages, food, drink or entertainment, by using force or duress against a person, or by a deception, and to wilfully obstruct or prevent an elector from voting at the election. Such acts violate the ECICO. Electors may sometimes require assistance or transportation service from others in accessing the polling station. However, the above acts must not be done deliberately during the process to induce an elector to vote or not to vote for a particular candidate or particular candidates. *[Added in October 2022]*

16.6 According to s 27 of the ECICO, if a candidate includes the name, logo or pictorial representation of a person or an organisation in his/her EA as an indication of support from that person or organisation, he/she has to obtain written consent to the inclusion before the publication of the EA. Oral consent or retrospective written consent obtained after the publication of the EA does not comply with the legal requirements. For details, please refer to paras. 16.12 to 16.16 and Chapter 17. *[Added in October 2022]*

## **PART II : CORRUPT CONDUCT RELATING TO NOMINATION AND WITHDRAWAL OF CANDIDATURE**

### **Offences Relating to Candidature**

16.7 Any act to affect a person's candidature by bribery, force, duress or deception is prohibited. Candidature includes standing as a candidate, not standing as a candidate, or withdrawal of nomination. A person engages in corrupt conduct if the person corruptly:

- (a) offers an advantage to another person as an inducement or reward to affect that other person's candidature or for not using his/her best endeavours to promote his/her election;
- (b) offers an advantage to another person as an inducement or reward to affect the candidature of a third person or get the third person not to use his/her best endeavours to promote his/her election;
- (c) solicits or accepts an advantage from another person as an inducement or reward to affect his/her candidature or for not using his/her best endeavours to promote his/her election; or
- (d) solicits or accepts an advantage from another person as an inducement or reward to affect the candidature of a third person or get the third person not to use his/her best endeavours to promote his/her election.

[S 7(1) of the ECICO]

16.8 Similarly, a person engages in corrupt conduct if he/she uses or threatens to use force or duress against another person to affect the candidature

of that other person or a third person. The use of deception to induce another person to affect the candidature of that other person or a third person is also a corrupt conduct. [Ss 8 and 9 of the ECICO] *[Amended in October 2010]*

16.9 It is also a corrupt conduct if a person defaces or destroys a completed or partly completed nomination paper with intent to prevent or obstruct another person from standing for election. [S 10 of the ECICO] *[Amended in October 2010 and October 2014]*

### **PART III : ILLEGAL CONDUCT RELATING TO ELECTIONEERING**

#### **Publishing False Statement that a Person is or is not a Candidate**

16.10 A person must not publish any statement (i) that he/she is no longer a candidate at an election if he/she is a candidate, or (ii) that another person who has been nominated as a candidate is no longer a candidate at the election, or (iii) that he/she or another person is a candidate at an election, knowing that the statement is false. [S 25 of the ECICO]

#### **Publishing False or Misleading Statement about a Candidate**

16.11 A person must not publish any materially false or misleading statement of fact about a particular candidate or particular candidates for the purpose of promoting or prejudicing the election of the candidate or candidates. “Candidate” is defined as a person who stands nominated as a candidate at an election, including a person who, at any time before the close of nomination period for an election, has publicly declared an intention to stand for election [s 2 of the ECICO]. Regarding what it means to “have publicly declared an intention to stand as a candidate”, it depends on the overall circumstances as

well as the objective facts and evidence. Similarly, a candidate must not publish any materially false or misleading statement of fact about himself/herself or another candidate or other candidates for the purpose of promoting the election of himself/herself or prejudicing the election of another candidate or other candidates. Any such publication will amount to an illegal conduct. It should be noted that materially false or misleading statements about a candidate or candidates include, but are not limited to, statements concerning the character, qualifications or previous conduct of the candidate or candidates to promote or prejudice the election of the candidate or candidates. [S 26 of the ECICO] For example, a person who makes a materially false or misleading statement of fact about a candidate, thereby calling into question the integrity and honesty of that candidate, may contravene the above provision. Any person who wishes to publish a statement about a candidate or candidates should make every effort to ensure its accuracy before its publication. *[Amended in September 2005, October 2010, October 2014 and October 2022]*

### **Claim of Support**

(Please also see Chapter 17)

16.12 A candidate who uses the name, logo, or a pictorial representation of a person or an organisation in any of his/her EAs as an indication of support from that person or organisation engages in illegal conduct if he/she fails to obtain **written consent** to the inclusion before the publication of the EA unless he/she has neither requested or directed nor authorised any person to request or direct the inclusion of the aforesaid name, logo or pictorial representation in his/her EAs. Under the ECICO, **support** (支持), in relation to a candidate, includes support for the policies or activities of the candidate. In addition, should any content of an EA (where either the candidate has obtained the prior written consent mentioned above or the candidate has neither requested or directed nor authorised any person to request or direct the inclusion of the name, logo or pictorial representation in his/her

EAs) be provided by a person or an organisation, the candidate engages in illegal conduct if he/she modifies, or authorises any person to modify, the name, logo, or pictorial representation or the content, unless **before** the modification, the person or organisation concerned has **consented in writing** to the inclusion of the modified name, logo, pictorial representation or content in the EA. [S 27(1), (1A), (1B) and (7) of the ECICO] *[Amended in October 2022]*

16.13 Oral consent or retrospective written consent obtained after the publication of the EA does **not** comply with the legal requirements. The EAC provides a sample consent form for candidates to seek **consent of support** in writing from a person or an organisation (“consent form”). A candidate is required to post the consent form relevant to the EA concerned onto the Candidate’s Platform or Central Platform or deposit a copy of the consent form with the relevant RO in the manner as set out in para. 7.57 of Chapter 7 [s 92 of the EP (RRE) Reg]. It is important to note that it still constitutes an offence even if such an EA contains a statement to the effect that it does not imply support by the person or organisation for a candidate or candidates [s 27(4) of the ECICO]. It is also an offence for a person to give information which he/she knows or ought to know is materially false or misleading to a candidate or candidates for promoting or prejudicing the election of the candidate or candidates [s 27(6) of the ECICO]. *[Amended in October 2006, October 2012 and October 2022]*

16.14 Although confusion may be caused, a person or an organisation may support 2 or more candidates who are competing in the same Rural Area and this must be indicated in the written consent. A sample form prepared by the EAC for candidates to seek **consent of support** in writing from a person or an organization will be available at the HAD and the relevant RO’s office after the gazettal of a notice specifying a period and location for submitting nomination forms for the election. The forms may also be downloaded from

the HAD website. It will also be provided to a candidate upon his/her submission of a nomination form for the election. Candidates should keep in mind that it is an offence to make a false claim of support [see Chapter 17]. *[Added in October 2004, amended in October 2012, October 2014, October 2018 and October 2022]*

16.15 Consent given can be revoked. In case of a revocation, in order to avoid dispute, it is advisable for the person or organisation revoking the consent to send a notice of the revocation to the candidate concerned. The candidate is required to notify the relevant RO in writing of the revocation of consent or post a copy of the revocation onto the Candidate's Platform or the Central Platform in the manner as set out in para. 7.57 of Chapter 7. The candidate concerned should immediately cease to publish any EA which contains the support of the person or organisation who has made the revocation. *[Amended in October 2012 and October 2018]*

16.16 S 28 of the ECICO provides for an injunction order by the Court to restrain the publication of any materially false or misleading statement or false claim of support. An application for such an injunction order may be made by a candidate, in the same Rural Area, his/her election agent an elector of the Rural Area concerned and the person or body to whom or which the false information is related. *[Amended in October 2012 and October 2014]*

**Inciting Another Person Not to Vote or to Cast Invalid Vote by Activity in Public**

16.17 A person engages in illegal conduct if he/she carries out any

activity in public during the election period that incites<sup>34</sup> another person not to vote or to cast an invalid vote, and will be liable to a fine of \$200,000 and to imprisonment for 3 years. According to s 27A(5) of the ECICO, activity in public includes any of the following activities, whether or not the person carrying out the activity is in a public place while carrying out the activity:

- (a) any form of communication to the public, including speaking, writing, printing, displaying notices, broadcasting, screening and playing of tapes or other recorded material;
- (b) any conduct (not being a form of communication referred to in paragraph (a)) observable by the public, including actions and gestures and the wearing or display of clothing, signs, flags, emblems and insignia;
- (c) the distribution or dissemination of any matter to the public.

[Ss 22(1) and 27A of the ECICO] *[Added in October 2022]*

16.18 It should be noted that in determining whether any activity in public incites another person not to vote or to cast an invalid vote, regard may be had to the contents of the activity, the intended audience of the activity and the circumstances in which the activity is carried out. Besides, it is a defence for a person who had lawful authority or reasonable excuse for doing the act to which the charge relates. [S 27A of the ECICO] *[Added in October 2022]*

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<sup>34</sup> Although wording such as “encourage” or “advocate”, etc. has been used in the criminal legislation under some common law jurisdictions in recent years, there is no difference in the concept expressed in that of “incite” under the common law. There have been precedents pointing out that “incite” included “urge, encourage, persuade”. The prosecution must prove the relevant intent, i.e. the defendant intends to make the person being incited to do the incited act.

## **PART IV : CORRUPT CONDUCT RELATING TO ELECTIONEERING AND VOTING**

### **Bribery**

16.19 A person engages in corrupt conduct at an election, if he/she acts to affect a person's voting preference by offering, soliciting or accepting an advantage [s 11 of the ECICO]. Voting preference covers voting for a particular candidate or particular candidates, not voting at an election or not voting for a particular candidate or particular candidates. *[Amended in October 2011 and October 2022]*

16.20 During the election period, candidates are advised to refrain from engaging in any monetary dealing which may be perceived as influencing a person's voting preference. Besides, during the election period, any person should avoid engaging in any act that may be perceived as electoral bribery, such as attaching election leaflets of candidate(s) to leaflets of community activities on free medical check-up, free legal consultation, free courses or discounted meals, etc. for distribution. *[Added in October 2022]*

### **Treating**

16.21 A person must not, at any time, provide or meet all or part of the cost of providing another person with any food, drink or entertainment (e.g. inclusive of singing performance) for the purpose of influencing that person's or a third person's voting preference. Likewise, it is a corrupt conduct at an election to solicit or accept any of such treating. [S 12 of the ECICO]

16.22 The mere act of serving only non-alcoholic drinks at an election meeting will not be deemed as engaging in the corrupt conduct mentioned in para. 16.21 above [s 12(5) of the ECICO]. An election meeting is any

meeting held to promote or prejudice the election of a particular candidate or particular candidates. (See Chapter 9) *[Amended in October 2018]*

16.23 Where a person or an organisation hosts a banquet for a non-election-related purpose but, during the occasion, calls on the guests to vote for a particular candidate, the candidate, if present, should immediately stop any promotion of his/her election and dissociate with whatever has been said or done to promote his/her candidature. Otherwise, the occasion will be regarded as an election meeting held to promote his/her candidature and the expenses incurred will have to be counted towards his/her election expenses. At the same time, the host who uses the occasion for promoting the candidate may also be liable to prosecution for his/her failure in obtaining the candidate's prior authorisation to appoint him/her as the candidate's election expense agent for incurring election expense on behalf of the candidate. (See para. 9.2 of Chapter 9 and s 23 of the ECICO) *[Amended in October 2011, October 2012, October 2014 and October 2018]*

16.24 It is an offence under s 12 of the ECICO for any candidate or any person to offer food, drink or entertainment to affect another person's voting preference. *[Amended in September 2005, October 2011, October 2012 and October 2018]*

### **Force and Duress**

16.25 The use of or the threat to use force or duress against a person to induce him/her to vote or not to vote at an election, or to vote or not to vote for a particular candidate or particular candidates or to get a third person to do so is a corrupt conduct. [S 13 of the ECICO] *[Amended in October 2010 and October 2011]*

16.26 Persons in position to exert pressure and influence on others

should be careful not to breach the provisions under the ECICO, e.g. employers over employees, school principals or teachers over students, religious advisers over believers and doctors over patients, etc.

### **Deception or Obstruction**

16.27 Furthermore, 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. Besides, 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. Engaging in the above corrupt conduct will be liable to a fine of \$500,000 and to imprisonment for 7 years. [Ss 6(1), 14 and 14(1A) of the ECICO] It is also an offence to aid, abet, incite or attempt the said offence. *[Added in October 2022]*

### **Voting Offences**

16.28 It is a corrupt conduct for any person:

- (a) to impersonate another person to apply for a ballot paper at an election or, having voted at an election, to apply again at the same election for a ballot paper in the person's own name;
- (b) to vote at an election knowing that he/she is not entitled to vote at that election;
- (c) to vote at an election after having knowingly or recklessly given materially false or misleading information to an electoral officer, or to vote at an election after having knowingly omitted to give

material information to an electoral officer;

- (d) except as expressly permitted by an electoral law, to vote more than once in the same ReR Election, IIR Election or KFR Election; or
- (e) to invite or induce another person to commit (b), (c) or (d) above.

[Ss 15, 16(1) and (2) of the ECICO] *[Amended in October 2014 and October 2022]*

Candidates must note that all their electioneering and canvassing activities must be conducted within the confines of the ECICO. While candidates may engage in activities to promote themselves or to provide assistance or facilitation for electors to vote in an election, they must be extremely careful to ensure that these activities are not in breach of the provisions of the ECICO at any time. *[Added in October 2018]*

## **PART V : CORRUPT AND ILLEGAL CONDUCT RELATING TO ELECTION EXPENSES AND ELECTION DONATIONS**

16.29 Candidates should be careful when handling election expenses and election donations as non-compliance with the relevant requirements will be a corrupt or illegal conduct. For details of the requirements that have to be observed, please refer to Chapter 15.

## **PART VI : POWER OF COURT TO EXCUSE INNOCENT ACTS**

16.30 S 31 of the ECICO provides a mechanism for a candidate to apply to the CFI for an order to relieve himself/herself of criminal responsibility if he/she contravenes the illegal conduct provisions due to inadvertence, accidental miscalculation or any reasonable cause, and not due to bad faith. For previous court's decisions regarding applications for the relief of election-related penalties and liabilities, please see para. 7.73 of Chapter 7 for the relevant judgments. No prosecution against him/her may be instituted or carried on until the application is disposed of by the CFI. He/She will not be liable to be convicted of an offence if the illegal conduct is the subject of the court order. *[Amended in October 2022]*

16.31 A candidate who is unable or has failed to send to the RO the election return before the expiry of the statutory deadline (see para. 15.31 of Chapter 15) due to his/her own illness or absence from Hong Kong, or the death, illness, absence from Hong Kong or misconduct of any agent or employee of the candidate, or by reason of inadvertence or accidental miscalculation by the candidate or any other person or any reasonable cause, and not due to the candidate's bad faith, can make an application to the CFI for an order to allow him/her to send to the RO the election return within a further period as specified by the CFI. [S 40(1) and (2) of the ECICO] *[Amended in October 2006, October 2010, October 2011, October 2012 and October 2014]*

16.32 If a candidate makes an error or a false statement in the election return due to misconduct of any agent or employee of the candidate, or by reason of inadvertence or accidental miscalculation by the candidate or any other person, or any reasonable cause, and not due to the candidate's bad faith, he/she may apply to the CFI for an order to allow him/her to correct any error or false statement in the election return or in any document accompanying the election return. [S 40(3) and (4) of the ECICO] *[Added in October 2010,*

*amended in October 2011 and October 2012]*

16.33 When the candidate finds himself/herself in any of the situations set out in paras. 16.31 and 16.32 above, other than the situations where correction of errors or false statements is allowed under the relief arrangement in para. 15.37, it would be wise of him/her to make the application to the CFI and inform the RO as soon as possible. *[Amended in October 2006, October 2010 and October 2011]*

## **PART VII : NON-COMPLIANCE WITH THE LAW AND SANCTION**

16.34 Any complaint or report of breach of the relevant legislation may be made to the relevant RO, the REO, the EAC or its Complaints Committee direct. The EAC or its Complaints Committee may, after consideration, refer the cases to the relevant authorities for investigation and prosecution. *[Amended in October 2014]*

16.35 The ICAC may, subject to the decision of the Secretary for Justice, prosecute, issue a warning or caution to candidates and any other persons in appropriate cases concerning any breach of the electoral law or regulation, especially the ECICO.

16.36 The Director of Public Prosecutions has informed the EAC that the Department of Justice will not hesitate to prosecute appropriate cases of electoral offences.

16.37 The EAC may also issue public statements in such manner as it deems fit to reprimand or censure any non-compliance with these guidelines.

16.38 A person convicted of a **corrupt or illegal conduct** within the meaning of the ECICO will, in addition to the penalties set out in para. 16.3 above, be disqualified:

- (a) from being nominated as a candidate for the election of, or from being elected as, the CE, a member of the LegCo or DC or an RR, if the election is held within 5 years after the date of conviction [ss 14 and 20 of the CEEO, s 39 of the LCO, s 21 of the DCO and s 23 of the RREO]; and
- (b) from being nominated as a candidate at EC Subsector Elections or from being elected as a member of the EC if the election is held within 5 years after the date of conviction, and from being nominated as a member of the EC or from being registered as an ex-officio member of the EC for 5 years from the date of conviction [ss 5M, 9 and 18 of the Schedule to the CEEO].

*[Amended in October 2006, December 2009, October 2010, October 2011, October 2012, October 2014, October 2018 and October 2022]*

16.39 It is worth noting that the Courts of Hong Kong consider election-related offences and contravention of the ECICO as serious crimes. On 27 November 1997, the Court of Appeal laid down sentencing guidelines that a person found guilty of any serious election-related offence should be punished by an immediate custodial sentence. The District Court also reaffirmed this position in May 2022 when it concluded a case of engaging in illegal conduct at an election by incurring election expense<sup>35</sup>, with the following reasons for sentence:

“A clean election is essential for ensuring fair and just

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<sup>35</sup> *HKSAR v. Tai Yiu Ting* (DCCC 683/2021)

elections. It is also an important foundation for experiencing, practising and developing democracy and a prerequisite for maintaining the credibility of elections. The courts must take a serious view of all corrupt and illegal conduct in elections. *[Quoted from Secretary for Justice v. LEE YORK FAI and four others (CAAR 3/2011)]*

...

Corrupt and illegal practices in an election would ruin the integrity of the election. ...The court has the responsibility to convey to the public a clear and important message: that is, any person who has committed corrupt or illegal practices in any election will no longer receive lenient sentences as in the past and will be punished harshly. If lenient sentences continue to be imposed, this would lead to the breakdown of the whole election system. *[Quoted from Secretary for Justice v. LAI WAI CHEONG ([1998] 1 HKLRD 52)]*<sup>36</sup>

*[Amended in October 2006 and October 2022]*

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<sup>36</sup> Chinese source text: 「廉正的選舉是確保選舉公平公正的要素，亦是體驗、實踐和發展民主的重要基石，更是維護選舉公信力的必需條件，對選舉舞弊和非法行為，法庭需嚴厲對待。…選舉發生舞弊及非法行為，會破壞該選舉的完整性…法庭有責任向大眾傳達一個明確及重要的訊息：就是任何觸犯選舉舞弊或非法行為的人，將不會再受到如以往般寬大對待，必須加以嚴懲。假如繼續給予輕判，必會使整個選舉制度崩潰。」(DCCC 683/2021) [13 及 14 段]

## CHAPTER 17

### NAMEDROPPING

#### PART I : GENERAL

17.1 According to the ECICO, if a candidate includes the name, logo or pictorial representation of a person or an organisation in his/her EA as an indication of support from that person or organisation, he/she has to obtain written consent to the inclusion before the publication of the EA. Oral consent or retrospective written consent obtained after the publication of the EA does not comply with the legal requirements. *[Added in October 2022]*

17.2 If the consent of support is given by a supporter in his/her personal capacity and he/she intends to mention his/her office title or the name of the organisation that he/she belongs to, the candidate should be careful not to give the impression that it represents the support of the whole organisation. If the EA indicates support by the relevant organisation, approval should be given by the governing body of the organisation or by a resolution of the members of the organisation passed at a general meeting. *[Added in October 2022]*

17.3 When a candidate publishes EA through online platforms, a person or an organisation may show his/her/its support to the candidate out of his/her/its own volition by indicating “like”, giving response or including his/her/its name, logo or pictorial representation in the EA published by the candidate. If the candidate has neither requested or directed nor authorised any person to request or direct the person or organisation to show his/her/its support, the candidate is not required to seek prior written consent provided that he/she must not modify that EA. *[Added in October 2022]*

## **PART II : CLAIM OF SUPPORT**

17.4 A candidate who uses the name, logo or a pictorial representation of a person or an organisation in any of his/her EAs as an indication of support from that person or organisation engages in illegal conduct if he/she fails to obtain **written consent** to the inclusion of the name, logo or pictorial representation in the candidate's EA before the publication of the EA unless he/she has neither requested or directed nor authorised any person to request or direct the inclusion of the aforesaid name, logo or pictorial representation in his/her EAs. It should be noted that there were legal proceedings over disputes concerning candidates claiming to have the support of certain individuals or organisations in their EAs. Two such cases involving a DC ordinary election were handled by the CFI of the High Court. In one of the cases, a candidate sought the court's order to relieve him from the consequences of breaching the relevant law (HCMP 1321/2012) and the trial judge referred to the legal stipulations and pointed out in the judgment that:

“The crucial issue is not whether the Applicant actually had the support of these 52 supporters, but whether he had their written consent for the inclusion of their names as his supporters in his EAs prior to their dispatch.”

The order of relief was eventually not granted. In another case involving an election petition (HCAL 247/2020), the trial judge put forward in his judgment that:

“to qualify as a written consent mentioned in section 27(1A) of the ECICO, the consent has to be a single document expressing consent to include one's name, logo or pictorial representation in the advertisement. It cannot be a composite document with more than one document

read together. It cannot be permitted to be inferred from a chain of correspondence or messages.”

Therefore, a consent of support, regardless of the number of individual(s) signing to give consent, has to be a single document rather than a composite document comprising multiple letters, documents or a chain of correspondence messages. The EAC has prepared a sample form for candidates to seek **consent of support** in writing from a person or an organisation. *[Amended in October 2022]*

17.5 Under the ECICO, **support** (支持), in relation to a candidate, includes the support for the policies or activities of the candidate. In the case that the content of an EA (where either the candidate has obtained the prior written consent mentioned above or the candidate has neither requested or directed nor authorised any person to request or direct the inclusion of the name, logo or pictorial representation in his/her EAs) is provided by a person or an organisation, the candidate engages in illegal conduct if he/she modifies, or authorises any person to modify, the name, logo, or pictorial representation or the content, unless the person or organisation concerned has **consented in writing** to the inclusion of the modified name, logo, pictorial representation or content in the EA **before** such modification. [S 27(1), (1A), (1B) and (7) of the ECICO] Moreover, when including personal data<sup>37</sup> (which may include the name, logo or pictorial representation and/or the content) of a person in the EA, all practicable steps shall be taken to ensure that the personal data is correct and accurate. Otherwise, it may contravene the Data Protection Principle 2(1)(a)<sup>38</sup> in Schedule 1 to the PD(P)O. *[Amended in October 2012 and October 2022]*

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<sup>37</sup> S 2(1) of the PD(P)O provides that “personal data” means any data:

- (a) relating directly or indirectly to a living individual;
- (b) from which it is practicable for the identity of the individual to be directly or indirectly ascertained; and
- (c) in a form in which access to or processing of the data is practicable.

<sup>38</sup> Data Protection Principle 2(1)(a): All practicable steps shall be taken to ensure that personal data is accurate having regard to the purpose (including any directly related purpose) for which the personal data is or is to be used.

[Please also see paras. 16.12 to 16.16 of Chapter 16.]

17.6 It is not uncommon that a candidate publishes EAs through online platforms such as social networks or communication websites to promote his/her candidature. There may be cases that a person shows his/her support to the candidate out of his/her own volition by giving response or indicating “like” in the EA published by the candidate, or by appearing in the live broadcast of an electioneering activity published by the candidate. The candidate is not required to seek the prior written consent of the person if the candidate has neither requested or directed nor authorised any person to request or direct the inclusion of the name, logo or pictorial representation of the person in the EA. Nevertheless, if a person is invited by the candidate to show his/her support by giving response to the online EA or by participating in the electioneering activity which is covered by the live broadcast, the candidate should obtain prior written consent from the person. [S 27(1) and (1A) of the ECICO] *[Added in October 2022]*

17.7 Oral consent or retrospective written consent obtained after the publication of the EA does **not** comply with the legal requirements. As set out in para. 17.4 above, a written consent is a requirement under the ECICO. It protects the candidates from unnecessary complaints and disputes which may arise if only oral consent is obtained. It also protects the electors from being misinformed as to whether a candidate has the support of a person or an organisation. The EAC provides a sample form for candidates to seek **consent of support** in writing from a person or an organisation for this purpose. Prior written consent is required if the inclusion of the name, logo or pictorial representation of a person or an organisation, as the case may be, implies support towards the candidate concerned. What amounts to “support” will depend on the circumstances of each case. The question to consider is whether any reasonable person, as opposed to the candidate or any other person publishing or authorising the publication of the EA, will have the perception

that the person(s) appearing in the EA support the candidate after seeing the pictorial representation. *[Amended in September 2005, October 2012, October 2018 and October 2022]*

17.8 It is important to note that it is still an offence even if such an EA contains a statement to the effect that the EA does not imply support by the person or organisation for a candidate or candidates [s 27(4) of the ECICO]. It is also an offence for a person to give information which he/she knows or ought to know is materially false or misleading to a candidate or candidates for the purpose of promoting or prejudicing the election of the candidate or candidates [s 27(6) of the ECICO]. *[Amended in September 2005 and October 2022]*

17.9 For the avoidance of doubt, it is advisable for the written consent to set out clearly whether consent is given:

- (a) by a supporter in his/her personal capacity - in which case the office title of supporters should not be mentioned in the candidate's EAs and campaign activities;
- (b) by a supporter with the mention of his/her office title (bearing no reference to the name of the organisation concerned) - in which case the consent should indicate whether the supporter consents to the mention of his/her office title(s) and the description of the title(s). If office title(s) is/are to be mentioned in an EA, the supporter and the candidate should take particular care to ensure that the usage of the information does not give a misleading impression that the candidate has obtained the support of the organisation(s) concerned. For example, if the office title of "the school principal" (e.g. "Chan Tai Man, the Principal") or "chairman of an owners' corporation" (e.g. "Chan Tai Man,

Chairman of Owners' Corporation") is to be included in an EA, and that the EA is to be posted in the school or the building in which the person is serving, it will be desirable for the candidate to seek the relevant organisation's prior written approval;

- (c) by a supporter with the mention of his/her office title and the name of the organisation concerned - in which case the candidate should ensure that the supporter has obtained the prior written approval of the organisation, in accordance with the organisation's internal rules and procedures or any established convention (e.g. approved by the governing body of the organisation or by a resolution of that organisation passed at a general meeting) for the candidate to use both the supporter's office title(s) and the name of the organisation. In case of doubt, the candidate or his/her supporter should consult the organisation concerned on the aforesaid internal rules and procedures. The candidate should be careful not to give the impression that he/she has obtained the support of the whole organisation; and
- (d) by an organisation - in which case the consent should indicate that approval has been given by the governing body of the organisation or by a resolution of the members of the organisation passed at a general meeting [s 27(5) of the ECICO]. The consent must be signed by an authorised person such as the director, chairman or CE, etc. of the organisation concerned.

*[Amended in October 2010, October 2011 and October 2018]*

17.10 Candidates should note that the HAD has its own guidelines for MACs and their office-bearers in respect of their giving consent of support to candidates. A copy of such guidelines can be found at **Appendix 15**.

*[Added in October 2004]*

17.11 Although confusion may arise, consent may be given to 2 or more candidates contesting in the election, even if they are competing in the same Rural Area. A consent given can be revoked. In case of a revocation, in order to avoid dispute, it is advisable for the person or organisation revoking the consent to send a notice of the revocation to the candidate concerned. The candidate is required to notify the relevant RO in writing of any revocation of consent or post a copy of the revocation onto the Candidate's Platform or the Central Platform in the manner as set out in para. 7.57 of Chapter 7.

*[Amended in October 2004, October 2014 and October 2018]*

17.12 After a revocation of consent is made, the candidate should handle with care and immediately cease to use any EA which contains the support of the person or organisation who/which has made the revocation. In accordance with the requirements of the Data Protection Principle 2(2) in Schedule 1 to the PD(P)O, the candidate should not retain the personal data of the person for a period that is longer than necessary<sup>39</sup>, particularly if his/her consent of support has been revoked. The costs incurred for the production of EAs bearing such support should still be regarded as the candidate's election expenses and be clearly listed in the election return. *[Amended in October 2014 and October 2022]*

17.13 If candidate A's name or photograph appears in an EA of candidate B to indicate support for candidate B, the issue of whether the expenditure incurred for the EA should be borne by candidate A will depend on whether the publicity material in question has explicitly or implicitly promoted the election of candidate A. There may be 2 different scenarios in such cases:

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<sup>39</sup> Personal data should not be kept longer than is necessary for the fulfillment of the purpose (including any directly related purpose) for which the data is used.

**Scenario A**

If the appearance of the name and photograph of candidate A in candidate B's EA is solely to indicate support for candidate B but not to promote the election of candidate A, the EA should not be treated as a joint EA. The election expenses incurred should be counted as candidate B's election expenses only, but not as candidate A's. Candidate B has to obtain the prior written consent of support from candidate A before using candidate A's names or photographs in his/her EAs [s 27 of the ECICO].

**Scenario B**

If candidate B wishes to publish the EAs for promoting his/her candidature and that of candidate A as well, he/she must obtain prior written authorisation from candidate A to act as his/her election expense agent and the expenses so incurred will have to be borne by candidates A and B in equal or proportional shares as their respective election expenses, to be calculated by the respective proportion of the size of the advertisement.

It should be noted that the EA mentioned in Scenario B above should be treated as a joint EA. To comply with the requirement stipulated in s 27 of the ECICO, both candidate A and candidate B should seek written consent of support from each other before publishing the joint EA.

*[Added in October 2004, amended in October 2011 and October 2012]*

17.14 It is not uncommon for candidates to put photographs with the appearance of other persons (who may include other candidates standing for the same election) in their EAs to show their past activities. Candidates should exercise due care in handling photographs in their EAs. If a candidate

includes such a photograph in his/her EA and the publication of that EA implies or is very likely to cause electors to believe that the candidate has obtained the support of the persons appearing in the photograph, prior written consent from the persons concerned must be obtained by the candidate **before** the publication of the EA. Otherwise, the candidate should take effective measures to avoid implying or causing electors to believe that he/she has obtained the support of the persons appearing in the photograph. For instance, if an EA carries a photograph of the candidate attending an activity with other attendees, the candidate may add a caption specifying the particular nature and relevant information of the event underneath the photograph in such a way that, to any reasonable and neutral person (as opposed to the candidate or any other person publishing or authorising the publication of the EA), it will not imply or will not be likely to cause the beholder to believe that the candidate has obtained the support of those persons appearing in the photograph. However, if the photograph concerned is still likely to cause electors to believe that the candidate has obtained the support of those persons appearing in the photograph, it is still an offence even if such an EA contains a statement to the effect that the EA does not imply that support of those persons has been obtained [s 27(4) of the ECICO]. In such circumstances, prior written consent of support from those persons must be obtained by the candidate. *[Added in October 2004, amended in October 2011 and October 2022]*

17.15 To avoid misleading the electors to believe that a candidate has obtained support from a certain person, organisation, government agency or department, which is not the case, a candidate should not attach any materials published by any such person, organisation, government agency or department together with his/her own EAs. *[Added in October 2004]*

17.16 According to the PD(P)O, any data (including images) relating to a living individual and from which it is practicable to ascertain the identity

of the individual<sup>40</sup>, constitute personal data of the individual. The use of such image(s) without the consent of the person concerned for a purpose other than the original purpose of data collection, or for a purpose that is not directly related to the original purpose of data collection, constitutes infringement of personal data. Therefore, when using such image(s), candidates should observe the relevant data protection principle as set out in the “Guidance on Election Activities for Candidates, Government Departments, Public Opinion Research Organisations and Members of the Public” at **Appendix 7**. *[Added in October 2010, amended in October 2018 and October 2022]*

### **Written Consent**

17.17 As stated in para. 17.4 above, a written consent cannot consist of several documents, nor can it be inferred from a chain of correspondence or messages. The EAC has prepared a sample form for candidates to seek **consent of support in writing from a person or an organisation**. After the publication in the Gazette of the notice specifying the period and place for the submission of nomination forms, the form of written consent will be available at the offices of the relevant RO and for download from the HAD website. The form will also be provided to candidates upon their submission of nomination forms for the election. It should be noted that the form is designed to cover a specific Rural Area in a particular RR election. A candidate who subsequently switches to another Rural Area should seek afresh the consent from the person or organisation concerned. *[Amended in October 2004, October 2012, October 2014, October 2018 and October 2022]*

17.18 Among the allegations and complaints received in the past, there were cases where the compliance of the law by a candidate had to be

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<sup>40</sup> As advised by the PCPD, an example of such data can be an image with a caption, from which it is practicable for the identity of the individual in the image to be directly ascertained; or it can be an image with no caption and additional information, but it is practicable for the identity of the individual in the image to be indirectly ascertained (the individual in the image is generally recognised by the public).

ascertained. Therefore, candidates are required to post the written consent for EAs onto the Candidate's Platform or Central Platform, or deposit with the relevant RO a copy of the written consent in the manner as set out in para. 7.57 of Chapter 7 [s 92 of the EP (RRE) Reg]. If consent has been revoked, candidates are also **required to post** onto the Candidate's Platform or Central Platform a written notice of revocation **or notify** the relevant RO of such revocation in the manner as set out in para. 7.57 of Chapter 7. Copies of the written consent and notice of revocation received by the RO will be made available for public inspection (with the identity document numbers, if any therein, of the persons involved obliterated) at a specified location. *[Amended in October 2012 and October 2018]*

### **Powers of the Court to Grant Relief**

17.19 Under s 31 of the ECICO, if a candidate breaches any offences of illegal conduct due to inadvertence, an accidental miscalculation or any reasonable cause (and not due to bad faith), the candidate may apply to the CFI for an order exempting him/her from the criminal liability (for details please refer to Part VI of Chapter 16). For previous court's decisions regarding applications for the relief of election-related penalties and liabilities, please see para. 7.73 of Chapter 7 for the relevant judgments. *[Added in October 2022]*

### **Penalty**

17.20 It is an illegal conduct under the ECICO for a person to make false claim of support. For details of penalty and sanction, please refer to para. 16.3(b) and Part VII of Chapter 16. *[Amended in October 2012]*

## CHAPTER 18

### **PARTICIPATION IN ELECTION-RELATED ACTIVITIES BY CIVIL SERVANTS AND OFFICIALS UNDER THE POLITICAL APPOINTMENT SYSTEM AND ATTENDANCE OF PUBLIC FUNCTIONS BY BOTH CIVIL SERVANTS AND CANDIDATES**

#### **PART I : GENERAL**

18.1 This chapter sets out the general guidelines on the participation in election-related activities of an RR election by civil servants and officials under the Political Appointment System (“politically appointed officials”) and the attendance of civil servants at public functions which are also attended by candidates. The guidelines in respect of civil servants are also equally applicable to the non-civil service government staff (please refer to para. 6.6 of Chapter 6 for the definition of non-civil service government staff). *[Amended in October 2010, October 2011, October 2012, October 2014 and October 2022]*

#### **IMPORTANT :**

“Candidate” includes a person who has publicly declared an intention to stand for election at any time before the end of the nomination period for the election, whether or not he/she has submitted a nomination form. [S 2 of the ECICO]

## **PART II : PARTICIPATION IN THE RURAL REPRESENTATIVE ELECTION BY CIVIL SERVANTS**

18.2 Civil servants who wish to engage in the RR election, including standing as RR candidates and/or participating in electioneering activities, should observe the regulations, rules and guidelines issued by the CSB. A civil servant who engages in the RR election as a candidate needs to avoid conflict of interest, having regard to the nature of his/her current duties. He/She should also avoid participation in election-related activities that may arouse any suspicion of conflict of interest or use of public resources. *[Amended in October 2010, October 2012, October 2014 and October 2018]*

18.3 Civil servants, other than directorate officers, Administrative Officers, Information Officers and police officers and those officers acting in the above grades or ranks with a view to substantive appointment thereto, (i.e. other than acting for temporary relief purpose), may act as agents or assist in electioneering activities **provided that** they are not already appointed as ROs, AROs, PROs, polling or counting staff, that there is no conflict of interest with their official duties, that no use of public resources is involved, and that no government uniform is worn. To avoid any unfairness or appearance of unfairness or conflict of interest, civil servants who work in a Rural Area or have extensive contacts with the public in a Rural Area, particularly, staff members of the HAD and DOs of the New Territories, are strongly advised not to accept appointment by a candidate in the relevant Rural Area to be his/her agent and/or participate in electioneering activities in the Rural Area concerned. Civil servants who participate in electioneering activities, including the seeking of election donations, for any candidates should not use or give the impression of using any public resources in such activities. *[Amended in October 2014 and October 2018]*

18.4 The guidelines set out in paras. 18.2 to 18.3 above are equally applicable to the non-civil service government staff. *[Added in October 2018]*

### **PART III : ATTENDANCE OF PUBLIC FUNCTIONS BY CIVIL SERVANTS**

#### **On the Occasion of Being Invited**

18.5 Civil servants should exercise care in accepting invitations from persons or organisations to attend any public function that may also be attended by a candidate/candidates (“the function”). *[Amended in October 2012]*

18.6 They should take such care when any person has publicly declared an intention to run for election in respect of a particular Rural Area or when the nomination commences, whichever is the earlier, up to the end of the polling day. *[Amended in October 2014]*

18.7 Before deciding to attend the function, a civil servant should satisfy himself/herself that:

- (a) by attending the function, he/she is performing an official duty normally required of the post he/she is currently holding; and
- (b) to his/her best knowledge, the organiser of the function has no intention whatsoever of making use of the function to promote or prejudice the election of any candidate.

*[Amended in October 2012]*

### **During the Function**

18.8 The EAC appeals to civil servants to avoid having photographs taken with any candidate at the function since such photographs, if published, may be seen as their lending support to the candidate(s). However, a civil servant may have photographs taken with candidates under the following circumstances:

- (a) such photographs are needed for him/her to perform his/her official duty at the function normally required of the post he/she is currently holding;
- (b) the taking of such photographs is a natural part of the function and his/her refusal would be seen as acting against proper etiquette of the function; or
- (c) it is a group photo with all the candidates of the same Rural Area.

*[Amended in October 2011, October 2012 and October 2014]*

18.9 The guidelines set out from paras. 18.5 to 18.8 above are equally applicable to the non-civil service government staff. *[Added in October 2012]*

### **PART IV : ATTENDANCE OF PUBLIC FUNCTIONS BY CANDIDATES**

18.10 Similarly, the EAC appeals to all candidates who attend public functions not to have photographs taken with any civil servant, since such photographs, if published, may lead to the perception that the candidate is

being given an unfair advantage over other candidates. However, a candidate may have photographs taken with civil servants under the following circumstances:

- (a) such photographs are needed for him/her to perform his/her role at the function as requested by the function organiser;
- (b) the taking of such photographs is a natural part of the function and his/her refusal would be seen as acting against proper etiquette of the function; or
- (c) it is a group photo with all the candidates of the same Rural Area.

*[Amended in October 2011, October 2012 and October 2014]*

## **PART V : OFFICIALS UNDER THE POLITICAL APPOINTMENT SYSTEM**

18.11 The term “civil servants” used in the earlier parts of this chapter does not include politically appointed officials. Politically appointed officials are political appointees and they may belong to or be affiliated with political organisations. Politically appointed officials have to comply with a “Code for Officials under the Political Appointment System”. *[Added in October 2010 and amended in October 2012]*

18.12 Politically appointed officials may, subject to the guidelines below, participate in election-related activities. *[Added in October 2010]*

18.13 As far as the RR election is concerned, politically appointed officials should not use any public resources for any election-related activities.

A politically appointed official should ensure that when taking part in such activities, great care should be taken that there is no actual or potential conflict of interest with the business of the Government or his/her own official duties.

*[Added in October 2010 and amended in October 2014]*

## CHAPTER 19

### COMPLAINTS PROCEDURE

#### PART I : GENERAL

19.1 This chapter deals with the procedures for making complaints relating to **any breach or non-compliance of electoral guidelines and the provisions of the EP (RRE) Reg or the spirit thereof.** The guidelines and regulations seek to ensure the conduct of public elections under the principles of openness, fairness and honesty. *[Amended in October 2011 and October 2014]*

19.2 A complaint against criminal, corrupt or illegal activities may be made direct to the relevant authorities such as the Police or the ICAC. The procedures for making and processing such a complaint are formulated by these authorities, and will not be covered in this chapter.

19.3 The EAC will solemnly handle complaints against any breach of the principles of fairness and equality as set out in the electoral guidelines. Investigation must be conducted in accordance with the principle of procedural fairness and be based on factual evidence. The party concerned must be given the opportunity to make representation in defence. In considering whether any conduct is unfair in the absence of contravention of the law, a decision could not be made lightly without careful consideration of all relevant matters and circumstances. Furthermore, while complaints are often received shortly before the polling day, the EAC cannot circumvent or compress the established procedure because of the time constraint so as to avoid any unfairness. *[Added in October 2022]*

19.4 If a complaint is substantiated, the EAC may, if necessary, make a

censure in a public statement to keep the electors and the public informed of major occurrences during the election. The EAC may also issue press statements on matters of principle which have attracted widespread public concern in order to set the record straight. *[Added in October 2022]*

## **PART II : TO WHOM A COMPLAINT MAY BE MADE**

19.5 The EAC is an impartial, independent, and apolitical body established under the EACO to deal with all matters concerning the conduct of elections including handling election-related complaints. The EAC may, for the purpose of dealing with complaints, set up a **Complaints Committee** consisting of 3 EAC members and 1 or more professionals, who are independent and politically neutral. *[Amended in October 2004, October 2010 and October 2022]*

19.6 Without limiting the right of a citizen to make a complaint to the Police or the ICAC or other authorities, a complaint for breach of or non-compliance with the electoral guidelines or the provisions of the EP (RRE) Reg or relating to election matters can be made to any of the following bodies or persons:

- (a) the RO of the relevant Rural Area appointed by the EAC to deal with electoral arrangements;
- (b) the REO;
- (c) the EAC or its Complaints Committee; or
- (d) the PRO (on the polling day).

*[Amended in October 2011, October 2014 and October 2018]*

19.7 **Important:** If the complaint is against the conduct, behaviour, or acts of any of the HAD/DO/REO staff or any RO, it should be addressed directly to the EAC or its Complaints Committee and the envelope must be marked “CONFIDENTIAL” to ensure that only the EAC or its Complaints Committee receives the letter. *[Amended in October 2014]*

### **PART III : TIME AND PROCEDURE FOR MAKING COMPLAINT**

19.8 The guidelines herein deal with election-related activities. Any non-compliances, abuses and irregularities, if can be redressed should be remedied as soon as practicably possible. It is **imperative** that **all complaints are made as soon as possible**, as delay in the making of complaint may result in the futility of the remedial measures and the loss of necessary evidence. Therefore, complaints should be lodged **not later than 45 days** after the polling day of the relevant election. *[Amended in October 2012]*

19.9 No specific format or use of a specified complaint form is required for making a complaint. A complaint can be made either orally or in writing. A person who wishes to make an oral complaint can call the EAC Complaints Hotline. *[Amended in October 2012]*

19.10 In each case, the complainant is required to identify himself/herself and provide his/her correspondence address, telephone number or other means of contact. A written complaint must be confirmed by signature. Save where it relates to a matter of minor nature or which requires urgent action, an oral complaint received will be recorded in writing and the complainant will be required to sign the written record afterwards. All personal particulars of a complainant will be **treated in strict confidence**. *[Amended in October 2018]*

## **PART IV : COMPLAINTS INSIDE A POLLING STATION**

19.11 If a person has a complaint about anything that occurs inside a polling station, he/she should follow the following procedures:

- (a) he/she should direct the complaint to the PRO, the Deputy PRO or an Assistant PRO immediately;
- (b) if the matter remains unresolved, or if the complainant still feels aggrieved, or if it is a complaint against the PRO, the Deputy PRO or an Assistant PRO, he/she should as soon as possible report the matter to the RO of the relevant Rural Area of the polling station by calling the telephone number listed in the guide on procedures for complaint;
- (c) where the matter is still not resolved by the RO, the complainant should without any delay call the EAC Complaints Hotline to report his/her complaint in brief. He/She should then try to collect as much evidence as possible in support of the complaint. As talking to or communication with any elector is not allowed inside the polling station, the complainant may need to go outside the polling station to collect the necessary evidence; and
- (d) a member of the EAC or its Complaints Committee or an officer of the REO will handle the complaint as soon as practicable.

A copy of the guide on procedures for handling complaints at a polling station (together with telephone numbers of the relevant RO(s) and the EAC Complaints Hotline) will be displayed inside each polling station. *[Amended in October 2014]*

19.12 Any complaint mentioned in para. 19.11(a) and (b) and any other complaints and enquiries relating to the particulars of an elector's data should be recorded by the PRO or his/her Deputy PRO or Assistant PRO.

## **PART V : THE PROCESSING OF COMPLAINTS**

19.13 The DHA, ROs and PROs are obliged under s 87 of the EP (RRE) Reg to report irregularities to the EAC or its Complaints Committee. By the guidelines herein, they are also required to report all complaints received by them to the EAC or its Complaints Committee. Except where a complaint is of a minor nature or the RO has been delegated with the authority to deal with it, any complaint received by the RO or the REO will be forwarded to the EAC or its Complaints Committee together with comments and all relevant information relating to the complaint. When the EAC or its Complaints Committee receives a complaint, it may seek additional information and comments from the relevant RO, the REO or the HAD, if necessary. *[Amended in October 2014]*

19.14 The EAC or its Complaints Committee, the RO or the REO (if authorised by the EAC or its Complaints Committee), may seek further information on the complaint from the complainant or may arrange interviews with the complainant in order to seek clarification or evidence. The complainant may be required to make a statutory declaration stating that the complaint or statement is true and correct. If the complainant fails to provide the required information or he/she refuses to be interviewed or to make the statutory declaration, the EAC or its Complaints Committee, the RO or the REO may or may not take further action on the complaint. *[Amended in October 2014]*

19.15 All bona fide complaints will be processed and considered by the

RO who has been delegated with the necessary authority or by the EAC or its Complaints Committee as soon as reasonably practicable, taking into account the merits of the complaint with all the information and evidence gathered [s 6(3) of the EACO]. *[Amended in October 2014]*

19.16 Where a complaint is substantiated, a decision will be made on the appropriate course to be taken, including one or more of the following:

- (a) take remedial measures to address the complaint, such as the removal of EAs displayed in breach of the guidelines in that regard;
- (b) issue to the relevant person a warning on the matter under complaint after making a reasonable effort to contact the person and giving him/her a reasonable opportunity to give explanations. Where necessary, immediate rectification action against a complaint substantiated on the spot should be taken without delay; *[Amended in February 2005]*
- (c) publish a public statement of reprimand or censure against the acts or omissions and the person complained of (see various chapters in the Guidelines) after making a reasonable effort to contact the person and giving him/her a reasonable opportunity to make representations [s 6(4) of the EACO];
- (d) with or without comments, refer the matter to the ICAC for investigation and/or further action [s 5(e) of the EACO]; and
- (e) with or without comments, refer the matter to the Secretary for Justice or the Police for further action such as prosecution of the suspected person [s 5(e) of the EACO].

19.17 The EAC or its Complaints Committee will also notify the complainant in writing of its decision, and an explanation if the decision is that the complaint is not substantiated. It is common that a large number of complaints are received during the election period. As each complaint requires detailed investigation, completion of investigation for all complaints may take some time. *[Amended in October 2014 and October 2018]*

## **PART VI : ELECTORAL AFFAIRS COMMISSION'S REPORT ON COMPLAINTS**

19.18 The EAC is required to report to the CE on any complaint made to it in connection with an election within 3 months of the conclusion of the election. [S 8(1) and (2) of the EACO]

## **PART VII : OBLIGATIONS OF THE DIRECTOR OF HOME AFFAIRS, THE RETURNING OFFICERS, THE PRESIDING OFFICERS AND THE CHIEF ELECTORAL OFFICER**

19.19 The DHA, ROs, PROs and the CEO are required to report as soon as practicable to the EAC or its Complaints Committee (in writing or otherwise as circumstances may demand) on any complaints received by them and on any occurrence which they consider to be a material irregularity relating to an election, poll or count. *[Amended in October 2010, October 2012, October 2014 and October 2022]*

## **PART VIII : SANCTION FOR FALSE COMPLAINT**

19.20 Any person who knowingly makes or causes to be made to an ICAC officer a false report of the commission of any offence or misleads such an officer by giving false information or by making false statements or accusations commits an offence and will be liable to a fine at level 4 (\$25,000) and to imprisonment for 1 year [s 13B of the ICAC Ordinance (Cap. 204)]. Likewise, an offence is committed where a false report is made or false information given to a police officer [s 64 of the Police Force Ordinance (Cap. 232)]. It is also an offence for a person to make a false complaint and give false information to the EAC or its Complaints Committee knowing that the EAC or its Complaints Committee will refer or direct such complaint and information to the ICAC or the Police. If a person knowingly and wilfully makes a false statement on a particular material matter in a statutory declaration submitted to the EAC or its Complaints Committee, the RO or the REO, he/she commits an offence and will be liable to a fine and to imprisonment for 2 years [s 36 of the Crimes Ordinance]. *[Amended in October 2006, October 2014 and October 2018]*



# **APPENDICES**

**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: <a href="http://www.had.gov.hk/rre">www.had.gov.hk/rre</a>.</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"> <li>(iv) to appoint an election expense agent;</li> <li>(v) to incur election expenses save where he/she has been appointed as an election expense agent by the candidate;</li> <li>(vi) to revoke the appointment of an election agent or election expense agent; and</li> <li>(vii) to be present at a dedicated polling station situated in a maximum security prison.</li> </ul>
	(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"> <li>(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</li> <li>(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.</li> </ul> <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>
	(b) Lodge with the RO the form “Intention to Display EAs at Designated Spots”.

<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	<p>12. Lodge with the RO the “Notice of Appointment of Counting Agents” by hand, by post, by electronic mail or by facsimile transmission.</p>

<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.)
	19. Receive from the RO the location maps and layout plans of the polling stations, counting stations and ballot paper sorting station.
Within 14 days after the end of Nomination Period	

<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)” <b>ONLY when</b> –</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")	<b><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></b>
	(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).
	(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.

**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](http://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]*

**A List of Existing Village,  
Indigenous Village,  
Composite Indigenous Village and Market Town**

**EXISTING VILLAGE**

<i>Name of village</i>	<i>Number of persons to hold the office of resident representative</i>	<i>Rural Committee</i>
1. A Ma Wat (亞媽笏)	1	Sha Tau Kok District Rural Committee
2. A Shan (鴉山)	1	Tai Po Rural Committee
3. Ah Kung Kok Fishermen Village (亞公角漁民新村)	1	Sha Tin Rural Committee
4. Ap Chau (鴨洲)	1	Sha Tau Kok District Rural Committee
5. Au Ha (凹下)	1	Sha Tau Kok District Rural Committee
6. Au Pui Wan (坳背灣)	1	Sha Tin Rural Committee
7. Chai Kek (寨𨵿)	1	Tai Po Rural Committee
8. Chap Wai Kon (插桅杆)	1	Sha Tin Rural Committee
9. Chau Tau (洲頭)	1	San Tin Rural Committee
10. Che Ha (輦下)	1	Sai Kung North Rural Committee
11. Che Keng Tuk (輦徑篤)	1	Sai Kung Rural Committee
12. Chek Keng (赤徑)	1	Sai Kung North Rural Committee
13. Chek Lap Kok (赤鱸角)	1	Tung Chung Rural Committee
14. Chek Nai Ping (赤坭坪)	1	Sha Tin Rural Committee
15. Cheung Kong Tsuen (長江 村)	1	Pat Heung Rural Committee

16.	Cheung Lek (長瀝)	1	Sheung Shui District Rural Committee
17.	Cheung Lek Mei (長瀝尾)	1	Sha Tin Rural Committee
18.	Cheung Muk Tau (樟木頭)	1	Sai Kung North Rural Committee
19.	Cheung Po Tsuen (長埔村)	1	Pat Heung Rural Committee
20.	Cheung Sha Lower Village (長沙下村)	1	South Lantao Rural Committee
21.	Cheung Sha Upper Village (長沙上村)	1	South Lantao Rural Committee
22.	Cheung Sheung (嶂上)	1	Sai Kung North Rural Committee
23.	Cheung Shue Tan (樟樹灘)	1	Tai Po Rural Committee
24.	Cheung Uk Tei (張屋地)	1	Tai Po Rural Committee
25.	Choi Uk Tsuen (蔡屋村)	1	Shap Pat Heung Rural Committee
26.	Chok Ko Wan and Pa Tau Kwu (竹篙灣及扒頭鼓)	1	Ma Wan Rural Committee
27.	Chow Tin Tsuen (週田村)	1	Ta Kwu Ling District Rural Committee
28.	Chuen Lung (川龍)	1	Tsuen Wan Rural Committee
29.	Chuk Hang Tsuen (竹坑 村)	1	Pat Heung Rural Committee
30.	Chuk Yuen (竹園)	1	Ta Kwu Ling District Rural Committee
31.	Chuk Yuen (竹園)	1	San Tin Rural Committee
32.	Chung Hau (North) (涌口 (北))	1	Mui Wo Rural Committee
33.	Chung Hau (South) (涌口 (南))	1	Mui Wo Rural Committee
34.	Chung Kwai Chung (中葵 涌)	1	Tsuen Wan Rural Committee
35.	Chung Mei Tsuen (涌美 村)	1	Tsing Yi Rural Committee
37.	Chung Uk Tsuen (鍾屋村)	1	Tai Po Rural Committee

38.	Chung Uk Tsuen (鍾屋村)	1	Tuen Mun Rural Committee
39.	Fa Peng, Tso Wan and Tai Chuen (花坪、草灣及大轉)	1	Ma Wan Rural Committee
40.	Fan Lau (汾流)	1	Tai O Rural Committee
41.	Fan Leng Lau (粉嶺樓)	1	Fanling District Rural Committee
42.	Fan Tin San Yi Cho (蕃田莘野祖)	1	San Tin Rural Committee
43.	Fanling Wai (粉嶺圍)	1	Fanling District Rural Committee
44.	Fo Tan (火炭)	1	Sha Tin Rural Committee
45.	Fong Ma Po (放馬莆)	1	Tai Po Rural Committee
46.	Fu Tau Chau (斧頭洲)	1	Hang Hau Rural Committee
47.	Fu Tei Pai (虎地排)	1	Fanling District Rural Committee
48.	Fu Tei Tsuen (虎地村)	1	Tuen Mun Rural Committee
49.	Fu Yung Pei (芙蓉泌)	1	Sha Tin Rural Committee
50.	Fui Sha Wai (灰沙圍)	1	Ping Shan Heung Rural Committee
51.	Fui Yiu Ha and Tse Uk (灰窰下及謝屋)	1	Sha Tin Rural Committee
52.	Fuk Hang Tsuen (Lower) (福亨村(下))	1	Tuen Mun Rural Committee
53.	Fuk Hang Tsuen (Upper) (福亨村(上))	1	Tuen Mun Rural Committee
55.	Fung Chi Tsuen (鳳池村)	1	Ping Shan Heung Rural Committee
56.	Fung Hang (鳳坑)	1	Sha Tau Kok District Rural Committee
57.	Fung Ka Wai (馮家圍)	1	Ping Shan Heung Rural Committee
58.	Fung Kat Heung (逢吉鄉)	1	Kam Tin Rural Committee
59.	Fung Kong Tsuen (鳳降村)	1	Ha Tsuen Rural Committee
60.	Fung Wong Wu (鳳凰湖)	1	Ta Kwu Ling District Rural Committee

61.	Fung Yuen (鳳園)	1	Tai Po Rural Committee
62.	Ha Che Tsuen (下輦村)	1	Pat Heung Rural Committee
63.	Ha Fa Shan (下花山)	1	Tsuen Wan Rural Committee
64.	Ha Hang (下坑)	1	Tai Po Rural Committee
65.	Ha Keng Hau (下徑口)	1	Sha Tin Rural Committee
66.	Ha Kwai Chung (下葵涌)	1	Tsuen Wan Rural Committee
67.	Ha Ling Pei (下嶺皮)	1	Tung Chung Rural Committee
68.	Ha Mei San Tsuen (蝦尾新村)	1	Ping Shan Heung Rural Committee
69.	Ha Pak Nai Tsuen (下白泥村)	1	Ha Tsuen Rural Committee
70.	Ha Shan Kai Wat (下山雞乙)	1	Ta Kwu Ling District Rural Committee
71.	Ha Tei Ha (蝦地下)	1	Tai Po Rural Committee
72.	Ha Tsuen Shi (廈村市)	1	Ha Tsuen Rural Committee
73.	Ha Wan Tsuen (下灣村)	1	San Tin Rural Committee
74.	Ha Wo Che (下禾輦)	1	Sha Tin Rural Committee
75.	Ha Wo Hang (下禾坑)	1	Sha Tau Kok District Rural Committee
76.	Ha Wong Yi Au (下黃宜坳)	1	Tai Po Rural Committee
77.	Ha Wun Yiu (下碗窰)	1	Tai Po Rural Committee
78.	Ha Yau Tin (下攸田)	1	Shap Pat Heung Rural Committee
79.	Ha Yeung (下洋)	1	Sai Kung North Rural Committee
80.	Ha Yeung (下洋)	1	Hang Hau Rural Committee
81.	Ham Tin (咸田)	1	South Lantau Rural Committee
82.	Ham Tin (咸田)	1	Tsuen Wan Rural Committee
83.	Hang Ha Po (坑下莆)	1	Tai Po Rural Committee
84.	Hang Hau (坑口)	1	Hang Hau Rural Committee

85.	Hang Mei Tsuen (坑尾村)	1	Ping Shan Heung Rural Committee
86.	Hang Tau (坑頭)	1	Sheung Shui District Rural Committee
87.	Hang Tau Tsuen (坑頭村)	1	Ping Shan Heung Rural Committee
88.	Heung Yuen Wai (香園圍)	1	Ta Kwu Ling District Rural Committee
89.	Hin Tin (顯田)	1	Sha Tin Rural Committee
90.	Hing Keng Shek (慶徑石)	1	Sai Kung Rural Committee
91.	Ho Chung (蠔涌)	1	Sai Kung Rural Committee
92.	Ho Lek Pui (河瀝背)	1	Sha Tin Rural Committee
93.	Ho Pui (河背)	1	Tsuen Wan Rural Committee
94.	Ho Pui Tsuen (河背村)	1	Pat Heung Rural Committee
95.	Ho Sheung Heung (河上鄉)	1	Sheung Shui District Rural Committee
96.	Ho Tin Tsuen (河田村)	1	Tuen Mun Rural Committee
97.	Hoi Ha (海下)	1	Sai Kung North Rural Committee
98.	Hoi Pa (Cheung Pei Shan Road) (海壩(象鼻山路))	1	Tsuen Wan Rural Committee
99.	Hoi Pa (South Platform) (海壩(南台))	1	Tsuen Wan Rural Committee
100.	Hoi Pa (Wo Yi Hop Road and Kwok Shui Road) (海壩(和宜合道及國瑞道))	1	Tsuen Wan Rural Committee
101.	Hoi Pong Street (海傍街)	1	Sai Kung Rural Committee
102.	Hok Tau Wai (鶴藪圍)	1	Fanling District Rural Committee
103.	Hong Mei Tsuen (巷尾村)	1	Ha Tsuen Rural Committee
104.	Hung Cho Tin (紅棗田)	1	Shap Pat Heung Rural Committee
105.	Hung Leng (孔嶺)	1	Fanling District Rural Committee
106.	Hung Uk Tsuen (洪屋村)	1	Ping Shan Heung Rural Committee
107.	Kai Ham (界咸)	1	Sai Kung Rural Committee

108.	Kai Kuk Shue Ha and Nam Hang Mei (雞谷樹下及南坑尾)	1	Sha Tau Kok District Rural Committee
109.	Kai Leng (雞嶺)	1	Sheung Shui District Rural Committee
110.	Kak Tin (隔田)	1	Sha Tin Rural Committee
111.	Kam Shan Village (錦山村)	1	Tai Po Rural Committee
112.	Kam Tin Shing Mun San Tsuen (錦田城門新村)	1	Kam Tin Rural Committee
113.	Kam Tsin (金錢)	1	Sheung Shui District Rural Committee
114.	Kam Tsin Wai Tsuen (金錢圍村)	1	Pat Heung Rural Committee
115.	Kan Tau Tsuen (簡頭村)	1	Fanling District Rural Committee
116.	Kan Tau Wai (簡頭圍)	1	Ta Kwu Ling District Rural Committee
117.	Kap Lung Tsuen (甲龍村)	1	Pat Heung Rural Committee
118.	Kap Tong (蛤塘)	1	Sha Tau Kok District Rural Committee
119.	Kat Hing Back Street (吉慶後街)	1	Tai O Rural Committee
120.	Kat Hing Street (吉慶街)	1	Tai O Rural Committee
121.	Kat Hing Wai (吉慶圍)	1	Kam Tin Rural Committee
122.	Kat O (吉澳)	1	Sha Tau Kok District Rural Committee
123.	Kau Liu Ha (較寮下)	1	Tai Po Rural Committee
124.	Kau Lung Hang (九龍坑)	1	Tai Po Rural Committee
125.	Kau Sai San Tsuen (滘西新村)	1	Sai Kung Rural Committee
126.	Kau Tam Tso (九担租)	1	Sha Tau Kok District Rural Committee
127.	Kau To (九肚)	1	Sha Tin Rural Committee
128.	Kau Wah Keng (九華徑)	1	Tsuen Wan Rural Committee

129. Kau Wah Keng San Tsuen (also known as Kau Wah San Tsuen) (九華徑新村 (又名九華新村))	1	Tsuen Wan Rural Committee
130. Kei Ling Ha Lo Wai (企嶺 下老圍)	1	Sai Kung North Rural Committee
131. Kei Ling Ha San Wai (企 嶺下新圍)	1	Sai Kung North Rural Committee
132. Kei Lun Wai (麒麟圍)	1	Tuen Mun Rural Committee
133. Keung Shan, Lower (下羗 山)	1	Tai O Rural Committee
134. Keung Shan, Upper and Luk Wu (上羗山及鹿湖)	1	Tai O Rural Committee
135. Kiu Tau Wai (橋頭圍)	1	Ping Shan Heung Rural Committee
136. Ko Lau Wan (高流灣)	1	Sai Kung North Rural Committee
137. Ko Long (高塱)	1	Lamma Island (North) Rural Committee
138. Ko Po (高莆)	1	Fanling District Rural Committee
139. Ko Po Tsuen (高埔村)	1	Kam Tin Rural Committee
140. Ko Tong (高塘)	1	Sai Kung North Rural Committee
141. Kong Ha (崗下)	1	Sha Tau Kok District Rural Committee
142. Kong Tau (港頭)	1	Shap Pat Heung Rural Committee
143. Kuk Po (谷埔)	1	Sha Tau Kok District Rural Committee
144. Kwan Mun Hau (關門口)	1	Tsuen Wan Rural Committee
145. Kwan Tei (軍地)	1	Fanling District Rural Committee
146. Kwong Shan Tsuen (礦山 村)	1	Tuen Mun Rural Committee
147. Kwu Hang (古坑)	1	Tsuen Wan Rural Committee
148. Kwu Tung (North) (古洞 (北))	1	Sheung Shui District Rural Committee

149. Kwu Tung (South) (古洞 (南))	1	Sheung Shui District Rural Committee
150. Kwun Hang (官坑)	1	Sai Kung North Rural Committee
151. Kwun Yam Shan and Kong Pui (觀音山及崗背)	1	Sha Tin Rural Committee
152. Lai Chi Chong (荔枝莊)	1	Sai Kung North Rural Committee
153. Lai Chi Shan (荔枝山)	1	Tai Po Rural Committee
154. Lai Chi Wo (荔枝窩)	1	Sha Tau Kok District Rural Committee
154A. Lai Pek Shan (犁壁山)	1	Tai Po Rural Committee
155. Lai Tau Shek (犁頭石)	1	Sha Tau Kok District Rural Committee
156. Lam Che and Nim Un (藍 峯及稔園)	1	Tung Chung Rural Committee
157. Lam Hau Tsuen (欖口村)	1	Ping Shan Heung Rural Committee
158. Lam Tei (藍地)	1	Tuen Mun Rural Committee
159. Lam Tin Tsuen (藍田村)	1	Tsing Yi Rural Committee
161. Lau Shui Heung (流水响)	1	Fanling District Rural Committee
162. Lee Uk Tsuen (李屋村)	1	Ha Tsuen Rural Committee
163. Lei Uk (李屋)	1	Ta Kwu Ling District Rural Committee
164. Leng Pei Tsuen (嶺皮村)	1	Fanling District Rural Committee
165. Leng Tsai (嶺仔)	1	Fanling District Rural Committee
166. Leng Tsui (嶺咀)	1	Fanling District Rural Committee
167. Leung Tin Tsuen (良田村)	1	Tuen Mun Rural Committee
168. Leung Uk (梁屋)	1	Tai O Rural Committee
169. Lin Au, Cheng Uk (蓮澳鄭 屋)	1	Tai Po Rural Committee
170. Lin Au, Lei Uk (蓮澳李屋)	1	Tai Po Rural Committee
171. Lin Fa Tei (蓮花地)	1	Pat Heung Rural Committee
172. Lin Ma Hang (蓮麻坑)	1	Sha Tau Kok District Rural Committee

173. Lin Tong Mei (蓮塘尾)	1	Sheung Shui District Rural Committee
174. Liu Pok (料壘)	1	Sheung Shui District Rural Committee
175. Lo So Shing (蘆鬚城)	1	Lamma Island (South) Rural Committee
176. Lo Tik Wan (蘆荻灣)	1	Lamma Island (North) Rural Committee
177. Lo Tsz Tin (蘆慈田)	1	Tai Po Rural Committee
178. Lo Uk Tsuen (老屋村)	1	Tsing Yi Rural Committee
179. Lo Uk Tsuen (羅屋村)	1	Ha Tsuen Rural Committee
180. Lo Wai (老圍)	1	Tsuen Wan Rural Committee
181. Lo Wu (羅湖)	1	Ta Kwu Ling District Rural Committee
182. Loi Tung (萊洞)	1	Sha Tau Kok District Rural Committee
183. Lok Lo Ha (落路下)	1	Sha Tin Rural Committee
184. Lok Ma Chau (落馬洲)	1	San Tin Rural Committee
185. Long Keng (浪徑)	1	Sai Kung Rural Committee
186. Luen On San Tsuen (聯安 新村)	1	Tuen Mun Rural Committee
187. Luen Yick Fishermen Village (聯益漁村)	1	Tai Po Rural Committee
188. Lui Kung Tin Tsuen (雷公 田村)	1	Pat Heung Rural Committee
189. Luk Chau (鹿洲)	1	Lamma Island (South) Rural Committee
190. Luk Keng (鹿頸)	1	Ma Wan Rural Committee
191. Luk Keng Chan Uk (鹿頸 陳屋)	1	Sha Tau Kok District Rural Committee
192. Luk Keng Wong Uk (鹿頸 黃屋)	1	Sha Tau Kok District Rural Committee
193. Luk Tei Tong (鹿地塘)	1	Mui Wo Rural Committee
194. Lung A Pei (龍丫排)	1	Tai Po Rural Committee
195. Lung Kwu Tan (龍鼓灘)	1	Tuen Mun Rural Committee

196.	Lung Mei (龍尾)	1	Tai Po Rural Committee
197.	Lung Mei (龍尾)	1	Sai Kung Rural Committee
198.	Lung Tin (龍田)	1	Shap Pat Heung Rural Committee
199.	Lung Yeuk Tau (龍躍頭)	1	Fanling District Rural Committee
200.	Ma Kwu Lam (馬牯纜)	1	Sai Kung North Rural Committee
201.	Ma Liu (馬料)	1	Sha Tin Rural Committee
202.	Ma Mei Ha (馬尾下)	1	Fanling District Rural Committee
203.	Ma Nam Wat (麻南笏)	1	Sai Kung Rural Committee
204.	Ma Niu Shui San Tsuen (馬料水新村)	1	Fanling District Rural Committee
205.	Ma On Kong Tsuen (馬鞍 崗村)	1	Pat Heung Rural Committee
206.	Ma On Shan (馬鞍山)	1	Sha Tin Rural Committee
207.	Ma Po Mei (麻布尾)	1	Tai Po Rural Committee
208.	Ma Sim Pai (馬閃排)	1	Tsuen Wan Rural Committee
209.	Ma Tin (馬田)	1	Shap Pat Heung Rural Committee
210.	Ma Tseuk Leng Ha (麻雀 嶺下)	1	Sha Tau Kok District Rural Committee
211.	Ma Tseuk Leng Sheung (麻雀嶺上)	1	Sha Tau Kok District Rural Committee
212.	Ma Tso Lung (North) (馬 草壠(北))	1	Sheung Shui District Rural Committee
213.	Ma Tso Lung (South) (馬 草壠(南))	1	Sheung Shui District Rural Committee
214.	Ma Wan and Wong Nai Uk (馬灣及黃泥屋)	1	Tung Chung Rural Committee
215.	Ma Wan Chung (馬灣涌)	1	Tung Chung Rural Committee
216.	Ma Wan Main Street (馬灣 大街)	1	Ma Wan Rural Committee

217.	Ma Wat Tsuen (麻笏村)	1	Fanling District Rural Committee
218.	Ma Wo Tsuen (馬窩村)	1	Tai Po Rural Committee
219.	Ma Yau Tong (馬游塘)	1	Hang Hau Rural Committee
220.	Mai Po Tsuen (米埔村)	1	San Tin Rural Committee
221.	Main Street (East) (正街 (東))	1	Sai Kung Rural Committee
222.	Main Street (West) (正街 (西))	1	Sai Kung Rural Committee
223.	Man Kok Tsui (萬角咀)	1	Mui Wo Rural Committee
224.	Man Uk Pin (萬屋邊)	1	Sha Tau Kok District Rural Committee
225.	Man Wo (蠻窩)	1	Sai Kung Rural Committee
226.	Man Yee Wan New Village (萬宜灣新村)	1	Sai Kung Rural Committee
227.	Mang Kung Uk (孟公屋)	1	Hang Hau Rural Committee
228.	Mau Ping New Village (茅 坪新村)	1	Sai Kung Rural Committee
229.	Mau Tat (茅笪)	1	Sha Tin Rural Committee
230.	Mau Tso Ngam (茂草岩)	1	Sha Tin Rural Committee
231.	Mau Wu Tsai (茅湖仔)	1	Hang Hau Rural Committee
232.	Ming Tak Tong (明德堂)	1	San Tin Rural Committee
233.	Miu Tin (苗田)	1	Sha Tau Kok District Rural Committee
234.	Mo Tat (模達)	1	Lamma Island (South) Rural Committee
235.	Mo Tat Wan (模達灣)	1	Lamma Island (South) Rural Committee
236.	Mok Ka (莫家)	1	Tung Chung Rural Committee
237.	Mok Tse Che (莫遮峯)	1	Sai Kung Rural Committee
238.	Mong Tseng Tsuen (輞井 村)	1	Ping Shan Heung Rural Committee
239.	Mong Tseng Wai (輞井圍)	1	Ping Shan Heung Rural Committee

240. Mong Tung Wan (望東灣)	1	South Lantao Rural Committee
241. Mui Shue Hang (梅樹坑)	1	Tai Po Rural Committee
242. Mui Tsz Lam (梅子林)	1	Sha Tau Kok District Rural Committee
243. Mui Tsz Lam (梅子林)	1	Sha Tin Rural Committee
244. Muk Kiu Tau (木橋頭)	1	Shap Pat Heung Rural Committee
245. Muk Min Ha (木棉下)	1	Tsuen Wan Rural Committee
246. Muk Min Tau and Tsiu Hang (木棉頭及蕉坑)	1	Sha Tau Kok District Rural Committee
247. Muk Wu (木湖)	1	Ta Kwu Ling District Rural Committee
248. Nai Chung (泥涌)	1	Sai Kung North Rural Committee
249. Nai Wai (泥圍)	1	Tuen Mun Rural Committee
250. Nam A (南丫)	1	Sai Kung Rural Committee
251. Nam Bin Wai (南邊圍)	1	Shap Pat Heung Rural Committee
252. Nam Chung (南涌)	1	Sha Tau Kok District Rural Committee
253. Nam Hang (南坑)	1	Tai Po Rural Committee
254. Nam Hang (南坑)	1	Shap Pat Heung Rural Committee
255. Nam Shan (南山)	1	Sai Kung Rural Committee
256. Nam Shan Tung (南山洞)	1	Sai Kung North Rural Committee
257. Nam Tong Sun Tsuen (南塘新村)	1	Tai O Rural Committee
258. Nam Wa Po (南華莆)	1	Tai Po Rural Committee
259. Nam Wai (南圍)	1	Sai Kung Rural Committee
260. Ng Ka Tsuen (吳家村)	1	Pat Heung Rural Committee
261. Ng Tung Chai (梧桐寨)	1	Tai Po Rural Committee
262. Ng Uk Tsuen (吳屋村)	1	Sheung Shui District Rural Committee
263. Ng Uk Tsuen (吳屋村)	1	Ping Shan Heung Rural Committee

264. Nga Iu Tau Tsun (瓦窰頭村)	1	Sai Kung North Rural Committee
265. Nga Yiu (瓦窰)	1	Ta Kwu Ling District Rural Committee
266. Nga Yiu Ha (瓦窰下)	1	Ta Kwu Ling District Rural Committee
267. Ngar Yiu Tau (瓦窰頭)	1	Shap Pat Heung Rural Committee
268. Ngau Au (牛凹)	1	Tung Chung Rural Committee
269. Ngau Hom Tsuen (鰲磡村)	1	Ping Shan Heung Rural Committee
270. Ngau Keng Tsuen (牛徑村)	1	Pat Heung Rural Committee
271. Ngau Kwu Long (牛牯塢)	1	Mui Wo Rural Committee
272. Ngau Pei Sha (牛皮沙)	1	Sha Tin Rural Committee
273. Ngau Shi Wu (牛屎湖)	1	Sha Tau Kok District Rural Committee
274. Ngong Ping (昂坪)	1	Sai Kung North Rural Committee
275. Ngong Ping (昂坪)	1	Tai O Rural Committee
276. Ngong Wo (昂窩)	1	Sai Kung Rural Committee
277. Nim Shu Wan (稔樹灣)	1	Peng Chau Rural Committee
278. Nim Wan (稔灣)	1	Tuen Mun Rural Committee
279. O Long (澳朗)	1	Sai Kung Rural Committee
280. O Tau (澳頭)	1	Sai Kung Rural Committee
281. On Lok Tsuen (East) (安樂村(東))	1	Fanling District Rural Committee
282. On Lok Tsuen (West) (安樂村(西))	1	Fanling District Rural Committee
283. On Lung Tsuen (安龍村)	1	San Tin Rural Committee
284. Pa Mei (壩尾)	1	Tung Chung Rural Committee
285. Pai Min Kok (排棉角)	1	Tsuen Wan Rural Committee
286. Pai Tau (排頭)	1	Sha Tin Rural Committee
287. Pak A (北丫)	1	Sai Kung Rural Committee

288. Pak Kok Kau Tsuen (北角舊村)	1	Lamma Island (North) Rural Committee
289. Pak Kok San Tsuen (北角新村)	1	Lamma Island (North) Rural Committee
290. Pak Kong (北港)	1	Sai Kung Rural Committee
291. Pak Kong Au (北港坳)	1	Sai Kung Rural Committee
292. Pak Lap (白腊)	1	Sai Kung Rural Committee
293. Pak Mong (白芒)	1	Mui Wo Rural Committee
294. Pak Nai Tsuen (白泥村)	1	Ha Tsuen Rural Committee
295. Pak Ngan Heung (白銀鄉)	1	Mui Wo Rural Committee
296. Pak Ngau Shek Ha Tsuen (白牛石下村)	1	Tai Po Rural Committee
297. Pak Ngau Shek Sheung Tsuen (白牛石上村)	1	Tai Po Rural Committee
298. Pak Sha (白沙)	1	Shap Pat Heung Rural Committee
299. Pak Sha O (白沙澳)	1	Sai Kung North Rural Committee
300. Pak Sha Wan (白沙灣)	1	Sai Kung Rural Committee
301. Pak Tam (北潭)	1	Sai Kung Rural Committee
302. Pak Tam Au (北潭凹)	1	Sai Kung North Rural Committee
303. Pak Tam Chung (北潭涌)	1	Sai Kung Rural Committee
304. Pak Tin Pa (白田壩)	1	Tsuen Wan Rural Committee
305. Pak Wai (北圍)	1	Sai Kung Rural Committee
306. Pan Chung (泮涌)	1	Tai Po Rural Committee
307. Pan Chung San Tsuen (泮涌新村)	1	Tai Po Rural Committee
308. Pan Long Wan (檳榔灣)	1	Hang Hau Rural Committee
309. Pang Ka Tsuen (彭家村)	1	Pat Heung Rural Committee
310. Pat Tsz Wo (拔子窩)	1	Sha Tin Rural Committee

311. Pik Uk (壁屋)	1	Sai Kung Rural Committee
312. Ping Chau Chau Mei (平洲洲尾)	1	Sai Kung North Rural Committee
313. Ping Chau Chau Tau (平洲洲頭)	1	Sai Kung North Rural Committee
314. Ping Chau Nai Tau (平洲奶頭)	1	Sai Kung North Rural Committee
315. Ping Chau Sha Tau (平洲沙頭)	1	Sai Kung North Rural Committee
316. Ping Chau Tai Tong (平洲大塘)	1	Sai Kung North Rural Committee
317. Ping Che (坪輦)	1	Ta Kwu Ling District Rural Committee
318. Ping Kong (丙崗)	1	Sheung Shui District Rural Committee
319. Ping Long (坪朗)	1	Tai Po Rural Committee
320. Ping Shan Chai (坪山仔)	1	Tai Po Rural Committee
321. Ping Shan San Tsuen (屏山新村)	1	Ping Shan Heung Rural Committee
322. Ping Tun (坪墩)	1	Sai Kung Rural Committee
323. Ping Yeung (坪洋)	1	Ta Kwu Ling District Rural Committee
324. Po Sam Pai (布心排)	1	Tai Po Rural Committee
325. Po Toi (蒲台)	1	Lamma Island (South) Rural Committee
326. Po Toi O (布袋澳)	1	Hang Hau Rural Committee
327. Po Tong Ha (寶塘下)	1	Tuen Mun Rural Committee
328. Po Tung Road (East) (普通道(東))	1	Sai Kung Rural Committee
329. Po Tung Road (West) (普通道(西))	1	Sai Kung Rural Committee
330. Pok Wai (壘圍)	1	San Tin Rural Committee

331. Pui O Lo Uk Tsuen (貝澳羅屋村)	1	South Lantao Rural Committee
332. Pui O Lo Wai (貝澳老圍)	1	South Lantao Rural Committee
333. Pui O San Wai (貝澳新圍)	1	South Lantao Rural Committee
334. Pun Shan Chau (半山洲)	1	Tai Po Rural Committee
335. Pun Uk Tsuen (潘屋村)	1	San Tin Rural Committee
336. Sai Bin Wai (西邊圍)	1	Shap Pat Heung Rural Committee
337. Sai Keng (西徑)	1	Sai Kung North Rural Committee
338. Sai Kung Road (North) (西貢道(北))	1	Sai Kung Rural Committee
339. Sai Kung Road (South) (西貢道(南))	1	Sai Kung Rural Committee
340. Sai Lau Kok (西樓角)	1	Tsuen Wan Rural Committee
341. Sai Lau Kong (西流江)	1	Sha Tau Kok District Rural Committee
342. Sai O (西澳)	1	Sai Kung North Rural Committee
344. Sai Wan (西灣)	1	Sai Kung Rural Committee
345. Sam A (三桠)	1	Sha Tau Kok District Rural Committee
346. Sam Mun Tsai (三門仔)	1	Tai Po Rural Committee
347. Sam Tung Uk (三棟屋)	1	Tsuen Wan Rural Committee
348. San Hing Tsuen (新慶村)	1	Tuen Mun Rural Committee
349. San Hing Tsuen (新慶村)	1	Ping Shan Heung Rural Committee
350. San Lung Tsuen (新龍村)	1	San Tin Rural Committee
351. San Sang Tsuen (新生村)	1	Ha Tsuen Rural Committee
352. San Shek Wan (磳石灣)	1	South Lantao Rural Committee
353. San Tau (磳頭)	1	Tai O Rural Committee
354. San Tau Kok (磳頭角)	1	Tai Po Rural Committee
355. San Tin (新田)	1	Sha Tin Rural Committee

356.	San Tong (新塘)	1	Tai Po Rural Committee
357.	San Tong Po (新塘莆)	1	Fanling District Rural Committee
358.	San Tsuen (新村)	1	Sha Tau Kok District Rural Committee
359.	San Tsuen (新村)	1	Tsuen Wan Rural Committee
360.	San Tsuen (Lam Tsuen) (新村(林村))	1	Tai Po Rural Committee
361.	San Uk Ka (新屋家)	1	Tai Po Rural Committee
362.	San Uk Ling (新屋嶺)	1	Ta Kwu Ling District Rural Committee
363.	San Uk Tsai (新屋仔)	1	Fanling District Rural Committee
364.	San Uk Tsai (新屋仔)	1	Tai Po Rural Committee
365.	San Uk Tsuen (新屋村)	1	Tsing Yi Rural Committee
366.	San Uk Tsuen (新屋村)	1	Ha Tsuen Rural Committee
367.	San Wai (新圍)	1	Ha Tsuen Rural Committee
368.	San Wai (I) (新圍(一))	1	San Tin Rural Committee
369.	San Wai (II) (新圍(二))	1	San Tin Rural Committee
370.	San Wai Tsai (新圍仔)	1	Tai Po Rural Committee
371.	San Wai Tsai (新圍仔)	1	Tuen Mun Rural Committee
372.	See Cheung Street (市場 街)	1	Sai Kung Rural Committee
373.	Sha Chau Lei (I) (沙洲里 (一))	1	Ha Tsuen Rural Committee
374.	Sha Chau Lei (II) (沙洲里 (二))	1	Ha Tsuen Rural Committee
375.	Sha Ha (沙下)	1	Sai Kung Rural Committee
376.	Sha Kiu Tsuen (I) (沙橋村 (一))	1	Ping Shan Heung Rural Committee
377.	Sha Kiu Tsuen (II) (沙橋村 (二))	1	Ping Shan Heung Rural Committee

378.	Sha Kok Mei (沙角尾)	1	Sai Kung Rural Committee
379.	Sha Kong Wai (沙江圍)	1	Ping Shan Heung Rural Committee
380.	Sha Lo Tung Cheung Uk (沙螺洞張屋)	1	Tai Po Rural Committee
381.	Sha Lo Tung Lei Uk (沙螺 洞李屋)	1	Tai Po Rural Committee
382.	Sha Lo Wan (沙螺灣)	1	Tai O Rural Committee
383.	Sha Po (沙埔)	1	Lamma Island (North) Rural Committee
384.	Sha Po Tsuen (沙埔村)	1	Kam Tin Rural Committee
385.	Sha Tau Kok Market (East) (沙頭角墟(東))	1	Sha Tau Kok District Rural Committee
386.	Sha Tau Kok Market (West Lower) (沙頭角墟(西下))	1	Sha Tau Kok District Rural Committee
387.	Sha Tau Kok Market (West Upper) (沙頭角墟(西上))	1	Sha Tau Kok District Rural Committee
388.	Sha Tin Tau and Lee Uk (沙田頭及李屋)	1	Sha Tin Rural Committee
389.	Sha Tin Wai (沙田圍)	1	Sha Tin Rural Committee
390.	Sha Tsui New Village (沙 咀新村)	1	Sai Kung Rural Committee
391.	Sham Chung (深涌)	1	Sai Kung North Rural Committee
392.	Sham Chung (深涌)	1	Shap Pat Heung Rural Committee
393.	Sham Shek (深石)	1	Tai O Rural Committee
394.	Sham Tseng (深井)	1	Tsuen Wan Rural Committee
395.	Shan Ha Tsuen (山廈村)	1	Ping Shan Heung Rural Committee
396.	Shan Ha Wai (山下圍)	1	Sha Tin Rural Committee
397.	Shan Liu (山寮)	1	Tai Po Rural Committee
398.	Shan Liu (山寮)	1	Sai Kung Rural Committee
399.	Shan Mei (山尾)	1	Sha Tin Rural Committee

400.	Shan Pui (山貝)	1	Shap Pat Heung Rural Committee
401.	Shan Pui Chung Hau (I) (山貝涌口(一))	1	Shap Pat Heung Rural Committee
402.	Shan Pui Chung Hau (II) (山貝涌口(二))	1	Shap Pat Heung Rural Committee
403.	Shan Tsui (山嘴)	1	Sha Tau Kok District Rural Committee
404.	Shap Long (拾浪)	1	South Lantao Rural Committee
405.	Shap Yi Wat (十二笏)	1	Sha Tin Rural Committee
406.	She Shan (社山)	1	Tai Po Rural Committee
407.	She Tau (蛇頭)	1	Sai Kung Rural Committee
408.	Shek Chung Au (石涌凹)	1	Sha Tau Kok District Rural Committee
409.	Shek Hang (石坑)	1	Sai Kung Rural Committee
410.	Shek Kiu Tau (石橋頭)	1	Sha Tau Kok District Rural Committee
411.	Shek Kwu Lung (石鼓壟)	1	Tai Po Rural Committee
412.	Shek Kwu Lung and Nam Shan (石古壟及南山)	1	Sha Tin Rural Committee
413.	Shek Lau Po (石榴埔)	1	Tung Chung Rural Committee
414.	Shek Lung Tsai (石壟仔)	1	Sha Tin Rural Committee
415.	Shek Mun Kap (石門甲)	1	Tung Chung Rural Committee
416.	Shek Pik San Tsuen (石碧 新村)	1	Tsuen Wan Rural Committee
417.	Shek Po Tsuen (石埗村)	1	Ping Shan Heung Rural Committee
418.	Shek Tsai Po (East) (石仔 埗(東))	1	Tai O Rural Committee
419.	Shek Tsai Po (West) (石仔 埗(西))	1	Tai O Rural Committee
420.	Shek Wai Kok (石圍角)	1	Tsuen Wan Rural Committee
421.	Shek Wu Tong Tsuen (石 湖塘村)	1	Pat Heung Rural Committee

422.	Shek Wu Wai (石湖圍)	1	San Tin Rural Committee
423.	Sheung Che Tsuen (上輦村)	1	Pat Heung Rural Committee
424.	Sheung Cheung Wai (上璋圍)	1	Ping Shan Heung Rural Committee
425.	Sheung Keng Hau (上徑口)	1	Sha Tin Rural Committee
426.	Sheung Kwai Chung (上葵涌)	1	Tsuen Wan Rural Committee
427.	Sheung Ling Pei (上嶺皮)	1	Tung Chung Rural Committee
428.	Sheung Shan Kai Wat (上山雞乙)	1	Ta Kwu Ling District Rural Committee
429.	Sheung Shui Heung (上水鄉)	1	Sheung Shui District Rural Committee
430.	Sheung Sze Wan (相思灣)	1	Hang Hau Rural Committee
431.	Sheung Tsuen (上村)	1	Pat Heung Rural Committee
432.	Sheung Wo Che (上禾輦)	1	Sha Tin Rural Committee
433.	Sheung Wo Hang (上禾坑)	1	Sha Tau Kok District Rural Committee
434.	Sheung Wong Yi Au (上黃宜坳)	1	Tai Po Rural Committee
435.	Sheung Wun Yiu (上碗窰)	1	Tai Po Rural Committee
436.	Sheung Yau Tin (上攸田)	1	Shap Pat Heung Rural Committee
437.	Sheung Yeung (上洋)	1	Hang Hau Rural Committee
438.	Shing Uk Tsuen (盛屋村)	1	Ping Shan Heung Rural Committee
439.	Shuen Wan Chan Uk (船灣陳屋)	1	Tai Po Rural Committee
440.	Shuen Wan Chim Uk (船灣詹屋)	1	Tai Po Rural Committee
441.	Shuen Wan Lei Uk (船灣李屋)	1	Tai Po Rural Committee

442.	Shuen Wan Sha Lan (船灣沙欄)	1	Tai Po Rural Committee
443.	Shuen Wan Wai Ha (船灣圍下)	1	Tai Po Rural Committee
444.	Shui Bin (水邊)	1	Hang Hau Rural Committee
445.	Shui Chiu Lo Wai (水蕉老圍)	1	Shap Pat Heung Rural Committee
446.	Shui Chiu San Tsuen (水蕉新村)	1	Shap Pat Heung Rural Committee
447.	Shui Hau (水口)	1	South Lantao Rural Committee
448.	Shui Lau Tin Tsuen (水流田村)	1	Pat Heung Rural Committee
449.	Shui Mei Tsuen (水尾村)	1	Kam Tin Rural Committee
450.	Shui Pin Tsuen (水邊村)	1	Ping Shan Heung Rural Committee
451.	Shui Pin Wai (水邊圍)	1	Ping Shan Heung Rural Committee
452.	Shui Tau Tsuen (水頭村)	1	Kam Tin Rural Committee
453.	Shui Tin Tsuen (水田村)	1	Ping Shan Heung Rural Committee
454.	Shui Tsan Tin Tsuen (水盞田村)	1	Pat Heung Rural Committee
455.	Shui Wo (水窩)	1	Tai Po Rural Committee
456.	Shung Ching San Tsuen (I) (崇正新村(一))	1	Shap Pat Heung Rural Committee
457.	Shung Ching San Tsuen (II) (崇正新村(二))	1	Shap Pat Heung Rural Committee
458.	Shung Him Tong (East) (崇謙堂(東))	1	Fanling District Rural Committee
459.	Shung Him Tong (West) (崇謙堂(西))	1	Fanling District Rural Committee
460.	Sik Kong Tsuen (錫降村)	1	Ha Tsuen Rural Committee
461.	Sik Kong Wai (錫降圍)	1	Ha Tsuen Rural Committee

462.	Siu A Chau (小鴉洲)	1	South Lantao Rural Committee
463.	Siu Hang San Tsuen (小坑新村)	1	Fanling District Rural Committee
464.	Siu Hang Tsuen (小坑村)	1	Tuen Mun Rural Committee
465.	Siu Lam (小欖)	1	Tuen Mun Rural Committee
466.	Siu Lek Yuen (小瀝源)	1	Sha Tin Rural Committee
467.	Siu Om Shan (小菴山)	1	Tai Po Rural Committee
468.	So Kwun Wat (掃管笏)	1	Tuen Mun Rural Committee
469.	So Lo Pun (鎖羅盆)	1	Sha Tau Kok District Rural Committee
470.	Sok Kwu Wan (索罟灣)	1	Lamma Island (South) Rural Committee
471.	Sun Fung Wai (順風圍)	1	Tuen Mun Rural Committee
472.	Sz Tau Leng (獅頭嶺)	1	Fanling District Rural Committee
473.	Ta Ho Tun (打蠔墩)	1	Sai Kung Rural Committee
474.	Ta Pang Po (打棚埔)	1	Ma Wan Rural Committee
475.	Ta Shek Wu Tsuen (打石湖村)	1	Pat Heung Rural Committee
476.	Ta Tit Yan (打鐵印)	1	Tai Po Rural Committee
477.	Tai A Chau (大鴉洲)	1	South Lantao Rural Committee
478.	Tai Hang (泰亨)	1	Tai Po Rural Committee
479.	Tai Hang Hau (大坑口)	1	Hang Hau Rural Committee
480.	Tai Ho (大蠔)	1	Mui Wo Rural Committee
481.	Tai Hong Wai (泰康圍)	1	Kam Tin Rural Committee
482.	Tai Kei Leng (I) (大旗嶺(一))	1	Shap Pat Heung Rural Committee
483.	Tai Kei Leng (II) (大旗嶺(二))	1	Shap Pat Heung Rural Committee
484.	Tai Kiu (大橋)	1	Shap Pat Heung Rural Committee

485. Tai Kong Po Tsuen (大江埔村)	1	Pat Heung Rural Committee
486. Tai Lam Chung (大欖涌)	1	Tuen Mun Rural Committee
487. Tai Lam Liu (大南寮)	1	Sha Tin Rural Committee
488. Tai Lam Wu (大藍湖)	1	Sai Kung Rural Committee
489. Tai Long (大朗)	1	Sha Tau Kok District Rural Committee
490. Tai Long (大浪)	1	South Lantau Rural Committee
491. Tai Long (大浪)	1	Sai Kung Rural Committee
492. Tai Long Wan (大浪灣)	1	Tai O Rural Committee
493. Tai Mei Tuk (大美督)	1	Tai Po Rural Committee
495. Tai Mong Tsai (大網仔)	1	Sai Kung Rural Committee
496. Tai No (大腦)	1	Sai Kung Rural Committee
497. Tai O Country Side (大澳市郊)	1	Tai O Rural Committee
498. Tai O Market Street (大澳街市街)	1	Tai O Rural Committee
499. Tai O Tai Ping Street (I) (大澳太平街(一))	1	Tai O Rural Committee
500. Tai O Tai Ping Street (II) (大澳太平街(二))	1	Tai O Rural Committee
501. Tai O Wing On Street (I) (大澳永安街(一))	1	Tai O Rural Committee
502. Tai O Wing On Street (II) (大澳永安街(二))	1	Tai O Rural Committee
503. Tai Om (大菴)	1	Tai Po Rural Committee
504. Tai Om Shan (大菴山)	1	Tai Po Rural Committee
505. Tai Peng Tsuen (大坪村)	1	Lamma Island (North) Rural Committee
506. Tai Po (低埔)	1	Tung Chung Rural Committee
507. Tai Po Kau (大埔滘)	1	Tai Po Rural Committee

508.	Tai Po Mei (大埔尾)	1	Tai Po Rural Committee
509.	Tai Po Tau (大埔頭)	1	Tai Po Rural Committee
510.	Tai Po Tau Shui Wai (大埔頭水圍)	1	Tai Po Rural Committee
511.	Tai Po Tin (大埔田)	1	Ta Kwu Ling District Rural Committee
512.	Tai Po Tsai (大埔仔)	1	Hang Hau Rural Committee
513.	Tai Po Tsai (大埗仔)	1	Sai Kung Rural Committee
514.	Tai Sang Wai (大生圍)	1	San Tin Rural Committee
515.	Tai She Wan (大蛇灣)	1	Sai Kung Rural Committee
516.	Tai Shui Hang (大水坑)	1	Sha Tin Rural Committee
517.	Tai Street (East) (大街(東))	1	Sai Kung Rural Committee
518.	Tai Street (West) (大街(西))	1	Sai Kung Rural Committee
519.	Tai Tan (大灘)	1	Sai Kung North Rural Committee
520.	Tai Tau Leng (大頭嶺)	1	Sheung Shui District Rural Committee
521.	Tai Tei Tong (大地塘)	1	Mui Wo Rural Committee
522.	Tai To Tsuen (大道村)	1	Ping Shan Heung Rural Committee
523.	Tai Tong (大棠)	1	Shap Pat Heung Rural Committee
524.	Tai Tong Wu (大塘湖)	1	Sha Tau Kok District Rural Committee
525.	Tai Tseng Wai (大井圍)	1	Ping Shan Heung Rural Committee
526.	Tai Tung (大洞)	1	Sai Kung North Rural Committee
527.	Tai Wai (大圍)	1	Shap Pat Heung Rural Committee
528.	Tai Wai (大圍)	1	Sha Tin Rural Committee
529.	Tai Wan (大環)	1	Sai Kung Rural Committee
530.	Tai Wan Kau Tsuen (大灣舊村)	1	Lamma Island (North) Rural Committee

531.	Tai Wan San Tsuen (大灣新村)	1	Lamma Island (North) Rural Committee
532.	Tai Wan Tau (大環頭)	1	Hang Hau Rural Committee
533.	Tai Wo (大窩)	1	Tai Po Rural Committee
534.	Tai Wo Tsuen (大窩村)	1	Pat Heung Rural Committee
535.	Tai Wong Ha Tsuen (大王下村)	1	Tsing Yi Rural Committee
535A.	Tai Yeung Che (大陽輦)	1	Tai Po Rural Committee
536.	Tai Yuen (大園)	1	Lamma Island (North) Rural Committee
537.	Tak Lung Back Street (德隆後街)	1	Sai Kung Rural Committee
538.	Tak Lung Front Street (德隆前街)	1	Sai Kung Rural Committee
539.	Tak Yuet Lau (得月樓)	1	Ta Kwu Ling District Rural Committee
540.	Tam Shui Hang (担水坑)	1	Sha Tau Kok District Rural Committee
541.	Tam Wat (叟笏)	1	Sai Kung Rural Committee
542.	Tan Chuk Hang (丹竹坑)	1	Fanling District Rural Committee
543.	Tan Ka Wan (蛋家灣)	1	Sai Kung North Rural Committee
544.	Tan Kwai Tsuen (丹桂村)	1	Ping Shan Heung Rural Committee
545.	Tap Mun (塔門)	1	Sai Kung North Rural Committee
546.	Tap Mun Fishermen Village (塔門漁民村)	1	Sai Kung North Rural Committee
547.	Tei Tong Tsai (地塘仔)	1	Tung Chung Rural Committee
548.	Tin Fu Tsai (田夫仔)	1	Tuen Mun Rural Committee
549.	Tin Ha Wan (田下灣)	1	Hang Hau Rural Committee
550.	Tin Liu (田寮)	1	Sai Kung North Rural Committee
551.	Tin Liu (田寮)	1	Ma Wan Rural Committee
552.	Tin Liu (田寮)	1	Shap Pat Heung Rural Committee

553.	Tin Liu Ha (田寮下)	1	Tai Po Rural Committee
554.	Tin Shui Wai (I) (天水圍 (一))	1	Ping Shan Heung Rural Committee
555.	Tin Shui Wai (II) (天水圍 (二))	1	Ping Shan Heung Rural Committee
556.	Tin Sum (田心)	1	Sha Tin Rural Committee
557.	Tin Sum Tsuen (田心村)	1	Ha Tsuen Rural Committee
558.	Tin Sum Tsuen (田心村)	1	Pat Heung Rural Committee
559.	Ting Kau (汀九)	1	Tsuen Wan Rural Committee
560.	Ting Kok (汀角)	1	Tai Po Rural Committee
561.	Tit Kim Hang (鐵鉗坑)	1	Sai Kung Rural Committee
562.	To Kwa Peng (土瓜坪)	1	Sai Kung North Rural Committee
563.	To Shek (多石)	1	Sha Tin Rural Committee
564.	To Tau Wan (渡頭灣)	1	Sha Tin Rural Committee
565.	To Yuen Tung (桃源洞)	1	Tai Po Rural Committee
566.	To Yuen Wai (桃園圍)	1	Tuen Mun Rural Committee
567.	Tong Fong (塘坊)	1	Ta Kwu Ling District Rural Committee
568.	Tong Fong Tsuen (塘坊村)	1	Ping Shan Heung Rural Committee
569.	Tong Fuk (塘福)	1	South Lantao Rural Committee
570.	Tong Hang (Lower) (塘坑 (下))	1	Fanling District Rural Committee
571.	Tong Hang (Upper) (塘坑 (上))	1	Fanling District Rural Committee
572.	Tong Kung Leng (唐公嶺)	1	Sheung Shui District Rural Committee
573.	Tong Sheung Tsuen (塘上 村)	1	Tai Po Rural Committee
574.	Tong Tau Po (塘頭埔)	1	Shap Pat Heung Rural Committee
575.	Tong To (塘肚)	1	Sha Tau Kok District Rural Committee

576. Tong Yan San Tsuen (I) (唐人新村(一))	1	Ping Shan Heung Rural Committee
577. Tong Yan San Tsuen (II) (唐人新村(二))	1	Ping Shan Heung Rural Committee
578. Tong Yan San Tsuen (III) (唐人新村(三))	1	Ping Shan Heung Rural Committee
579. Tsak Yue Wu (鯽魚湖)	1	Sai Kung Rural Committee
580. Tsam Chuk Wan (斬竹灣)	1	Sai Kung Rural Committee
581. Tsat Muk Kiu (七木橋)	1	Sha Tau Kok District Rural Committee
582. Tsat Sing Kong Tsuen (七星崗村)	1	Pat Heung Rural Committee
583. Tseng Lan Shue (井欄樹)	1	Hang Hau Rural Committee
584. Tseng Tau (井頭)	1	Sai Kung North Rural Committee
585. Tseng Tau (井頭)	1	Tai Po Rural Committee
586. Tseng Tau Tsuen (Middle and Lower) (井頭村(中及下))	1	Tuen Mun Rural Committee
587. Tseng Tau Tsuen (Upper) (井頭村(上))	1	Tuen Mun Rural Committee
588. Tseung Kong Wai (祥降圍)	1	Ha Tsuen Rural Committee
589. Tseung Kwan O (將軍澳)	1	Hang Hau Rural Committee
590. Tsing Chuen Wai (青磚圍)	1	Tuen Mun Rural Committee
591. Tsing Fai Tong (清快塘)	1	Tsuen Wan Rural Committee
592. Tsing Lung Tau (青龍頭)	1	Tsuen Wan Rural Committee
593. Tsing Lung Tsuen (青龍村)	1	San Tin Rural Committee
594. Tsing Shan Tsuen (青山村)	1	Tuen Mun Rural Committee

595. Tsing Yi Fishermen and St. Paul's Village (青衣漁民及聖保祿村)	1	Tsing Yi Rural Committee
596. Tsiu Hang (蕉坑)	1	Sai Kung Rural Committee
597. Tsiu Keng (蕉徑)	1	Sheung Shui District Rural Committee
598. Tso Wo Hang (早禾坑)	1	Sai Kung Rural Committee
599. Tsok Pok Hang (作壘坑)	1	Sha Tin Rural Committee
600. Tsuen Wan Sam Tsuen (荃灣三村)	1	Tsuen Wan Rural Committee
601. Tsung Pak Long (松柏朗)	1	Sheung Shui District Rural Committee
602. Tsung Yuen Ha (松園下)	1	Ta Kwu Ling District Rural Committee
603. Tsz Tin Tsuen (紫田村)	1	Tuen Mun Rural Committee
604. Tsz Tong Tsuen (祠堂村)	1	Fanling District Rural Committee
605. Tsz Tong Tsuen (祠堂村)	1	Kam Tin Rural Committee
606. Tuen Mun Kau Hui (屯門舊墟)	1	Tuen Mun Rural Committee
607. Tuen Mun San Hui (屯門新墟)	1	Tuen Mun Rural Committee
608. Tuen Mun San Tsuen (屯門新村)	1	Tuen Mun Rural Committee
609. Tuen Tsz Wai (屯子圍)	1	Tuen Mun Rural Committee
610. Tui Min Hoi (對面海)	1	Sai Kung Rural Committee
611. Tung A (東丫)	1	Sai Kung Rural Committee
612. Tung Chun Wai (東鎮圍)	1	San Tin Rural Committee
613. Tung Lo Wan (銅鑼灣)	1	Sha Tin Rural Committee
614. Tung O (東澳)	1	Lamma Island (South) Rural Committee
615. Tung Sam Kei (東心淇)	1	Sai Kung North Rural Committee
616. Tung Tau Tsuen (東頭村)	1	Ha Tsuen Rural Committee

617.	Tung Tau Tsuen (東頭村)	1	Shap Pat Heung Rural Committee
619.	Tung Tsz (洞梓)	1	Tai Po Rural Committee
620.	Uk Cheung (屋場)	1	Sai Kung Rural Committee
621.	Uk Tau (屋頭)	1	Sai Kung North Rural Committee
622.	Wa Mei Shan (畫眉山)	1	Fanling District Rural Committee
623.	Wa Shan Tsuen (華山村)	1	Sheung Shui District Rural Committee
624.	Wai Tau Tsuen (圍頭村)	1	Tai Po Rural Committee
625.	Wai Tsai (圍仔)	1	San Tin Rural Committee
625A.	Wang Chau Chung Sam Wai (橫洲忠心圍)	1	Ping Shan Heung Rural Committee
625B.	Wang Chau Fuk Hing Tsuen (橫洲福慶村)	1	Ping Shan Heung Rural Committee
625C.	Wang Chau Lam Uk Tsuen (橫洲林屋村)	1	Ping Shan Heung Rural Committee
625D.	Wang Chau Sai Tau Wai (橫洲西頭圍)	1	Ping Shan Heung Rural Committee
625E.	Wang Chau Tung Tau Wai (橫洲東頭圍)	1	Ping Shan Heung Rural Committee
625F.	Wang Chau Yeung Uk Tsuen (橫洲楊屋村)	1	Ping Shan Heung Rural Committee
626.	Wang Long (橫壟)	1	Lamma Island (North) Rural Committee
627.	Wang Shan Keuk (橫山腳)	1	Sha Tau Kok District Rural Committee
628.	Wang Toi Shan Ha San Uk Tsuen (橫台山下新屋村)	1	Pat Heung Rural Committee
629.	Wang Toi Shan Ho Lik Pui Tsuen (橫台山河瀝背村)	1	Pat Heung Rural Committee
630.	Wang Toi Shan Lo Uk Tsuen (橫台山羅屋村)	1	Pat Heung Rural Committee
631.	Wang Toi Shan Shan Tsuen (橫台山散村)	1	Pat Heung Rural Committee

632.	Wang Toi Shan Wing Ning Lei Tsuen (橫台山永寧里村)	1	Pat Heung Rural Committee
633.	Wing Lung Wai (永隆圍)	1	Kam Tin Rural Committee
634.	Wing Ning Tsuen (永寧村)	1	Ping Shan Heung Rural Committee
635.	Wing Ping Tsuen (永平村)	1	San Tin Rural Committee
636.	Wo Hop Shek (和合石)	1	Fanling District Rural Committee
637.	Wo Keng Shan (禾徑山)	1	Ta Kwu Ling District Rural Committee
638.	Wo Liu (禾寮)	1	Sai Kung Rural Committee
639.	Wo Liu Hang (禾寮坑)	1	Sha Tin Rural Committee
640.	Wo Mei (窩美)	1	Sai Kung Rural Committee
641.	Wo Ping San Tsuen (和平新村)	1	Tuen Mun Rural Committee
642.	Wo Sang Wai (和生圍)	1	San Tin Rural Committee
643.	Wo Tin (窩田)	1	Mui Wo Rural Committee
644.	Wo Yi Hop (和宜合)	1	Tsuen Wan Rural Committee
645.	Wong Chuk Shan New Village (黃竹山新村)	1	Sai Kung Rural Committee
646.	Wong Chuk Wan (黃竹灣)	1	Sai Kung Rural Committee
647.	Wong Chuk Yeung (黃竹洋)	1	Sai Kung North Rural Committee
648.	Wong Chuk Yeung (黃竹洋)	1	Sha Tin Rural Committee
649.	Wong Ka Wai and Lung Tseng Tau (黃家圍及龍井頭)	1	Tung Chung Rural Committee
650.	Wong Keng Tei (黃麋地)	1	Sai Kung Rural Committee
651.	Wong Keng Tsai (黃麋仔)	1	Sai Kung Rural Committee
652.	Wong Mo Ying (黃毛應)	1	Sai Kung Rural Committee

653.	Wong Nai Tau, Tai Che and Fa Sham Hang (黃泥頭、大輦及花心坑)	1	Sha Tin Rural Committee
654.	Wong Nai Tun (黃坭墩)	1	Shap Pat Heung Rural Committee
655.	Wong Uk (王屋)	1	Sha Tin Rural Committee
656.	Wong Uk Tsuen (黃屋村)	1	Shap Pat Heung Rural Committee
657.	Wong Yi Chau (黃宜洲)	1	Sai Kung Rural Committee
658.	Wong Yue Tan (黃魚灘)	1	Tai Po Rural Committee
659.	Wu Kai Sha and Cheung Kang (烏溪沙及長徑)	1	Sha Tin Rural Committee
660.	Wu Kau Tang (烏蛟騰)	1	Sha Tau Kok District Rural Committee
661.	Wu Shek Kok (烏石角)	1	Sha Tau Kok District Rural Committee
662.	Yan Sau Wai (仁壽圍)	1	San Tin Rural Committee
663.	Yau Kam Tau (油柑頭)	1	Tsuen Wan Rural Committee
664.	Yau Tam Mei (I) (攸潭美(一))	1	San Tin Rural Committee
665.	Yau Tam Mei (II) (攸潭美(二))	1	San Tin Rural Committee
666.	Yau Yue Wan (魷魚灣)	1	Hang Hau Rural Committee
667.	Yeung Siu Hang (楊小坑)	1	Tuen Mun Rural Committee
668.	Yeung Uk (楊屋)	1	Tsuen Wan Rural Committee
670.	Yeung Uk Tsuen (楊屋村)	1	Shap Pat Heung Rural Committee
671.	Yi O (二澳)	1	Tai O Rural Committee
672.	Yi Pei Chun (二陂圳)	1	Tsuen Wan Rural Committee
673.	Yick Yuen Tsuen (亦園村)	1	Tuen Mun Rural Committee
674.	Yim Tin Kok Tsuen (鹽田角村)	1	Tsing Yi Rural Committee
675.	Yim Tin Tsai (鹽田仔)	1	Sai Kung Rural Committee

676. Yim Tso Ha and Pok Tau Ha (鹽灶下及膊頭下)	1	Sha Tau Kok District Rural Committee
677. Yin Kong (燕崗)	1	Sheung Shui District Rural Committee
678. Yin Ngam (燕岩)	1	Tai Po Rural Committee
679. Ying Lung Wai (英龍圍)	1	Shap Pat Heung Rural Committee
680. Ying Pun (營盤)	1	Sheung Shui District Rural Committee
681. Ying Pun Ha Chuk Hang (營盤下竹坑)	1	Tai Po Rural Committee
682. Yue Kok (魚角)	1	Tai Po Rural Committee
683. Yuen Kong San Tsuen (元崗新村)	1	Pat Heung Rural Committee
684. Yuen Kong Tsuen (元崗村)	1	Pat Heung Rural Committee
685. Yuen Leng Lei Uk (元嶺李屋)	1	Tai Po Rural Committee
686. Yuen Leng Yip Uk (元嶺葉屋)	1	Tai Po Rural Committee
686A. Yuen Long Kau Hui (元朗舊墟)	1	Shap Pat Heung Rural Committee
687. Yuen Tun (圓墩)	1	Tsuen Wan Rural Committee
688. Yuen Tun Ha (元墩下)	1	Tai Po Rural Committee
689. Yung Shu O (榕樹澳)	1	Sai Kung North Rural Committee
690. Yung Shue Au (榕樹凹)	1	Sha Tau Kok District Rural Committee
691. Yung Shue Ha (榕樹下)	1	Lamma Island (South) Rural Committee
692. Yung Shue Long (榕樹塢)	1	Lamma Island (North) Rural Committee
693. Yung Shue Wan (榕樹灣)	1	Lamma Island (North) Rural Committee

**INDIGENOUS VILLAGE**

	<i>Name of village</i>	<i>Number of persons to hold the office of indigenous inhabitant representative</i>	<i>Rural Committee</i>
1.	A Ma Wat (亞媽笏)	1	Sha Tau Kok District Rural Committee
2.	A Shan (鴉山)	1	Tai Po Rural Committee
3.	Au Ha (凹下)	1	Sha Tau Kok District Rural Committee
4.	Au Pui Wan (坳背灣)	1	Sha Tin Rural Committee
5.	Chai Kek (寨𨵿)	1	Tai Po Rural Committee
6.	Chap Wai Kon (插桅杆)	1	Sha Tin Rural Committee
7.	Chau Tau (洲頭)	2	San Tin Rural Committee
8.	Che Ha (輦下)	1	Sai Kung North Rural Committee
9.	Che Keng Tuk (輦徑篤)	1	Sai Kung Rural Committee
10.	Chek Keng (赤徑)	1	Sai Kung North Rural Committee
11.	Chek Lap Kok (赤鱸角)	1	Tung Chung Rural Committee
12.	Chek Nai Ping (赤坭坪)	2	Sha Tin Rural Committee
13.	Cheung Kong Tsuen (長江村)	1	Pat Heung Rural Committee
14.	Cheung Lek (長瀝)	1	Sheung Shui District Rural Committee
15.	Cheung Lek Mei (長瀝尾)	1	Sha Tin Rural Committee
16.	Cheung Muk Tau (樟木頭)	1	Sai Kung North Rural Committee
17.	Cheung Po Tsuen (長埔村)	1	Pat Heung Rural Committee

18.	Cheung Sha Lower Village (長沙下村)	1	South Lantao Rural Committee
19.	Cheung Sha Upper Village (長沙上村)	1	South Lantao Rural Committee
20.	Cheung Sheung (嶂上)	1	Sai Kung North Rural Committee
21.	Cheung Shue Tan (樟樹灘)	2	Tai Po Rural Committee
22.	Cheung Uk Tei (張屋地)	1	Tai Po Rural Committee
23.	Choi Uk Tsuen (蔡屋村)	1	Shap Pat Heung Rural Committee
24.	Chow Tin Tsuen (週田村)	2	Ta Kwu Ling District Rural Committee
25.	Chuen Lung (川龍)	3	Tsuen Wan Rural Committee
26.	Chuk Hang Tsuen (竹坑村)	1	Pat Heung Rural Committee
27.	Chuk Yuen (竹園)	1	Ta Kwu Ling District Rural Committee
28.	Chuk Yuen (竹園)	1	San Tin Rural Committee
29.	Chung Kwai Chung (中葵 涌)	3	Tsuen Wan Rural Committee
30.	Chung Mei San Tsuen (涌尾 新村)	1	Tai Po Rural Committee
31.	Chung Mei Tsuen (涌美村)	3	Tsing Yi Rural Committee
32.	Chung Pui San Tsuen (涌背 新村)	1	Tai Po Rural Committee
34.	Chung Uk Tsuen (鍾屋村)	1	Tai Po Rural Committee
35.	Chung Uk Tsuen (鍾屋村)	2	Tuen Mun Rural Committee
36.	Fan Lau (汾流)	1	Tai O Rural Committee
37.	Fan Leng Lau (粉嶺樓)	2	Fanling District Rural Committee
38.	Fan Tin San Yi Cho (蕃田莘 野祖)	3	San Tin Rural Committee
39.	Fanling Wai (粉嶺圍)	3	Fanling District Rural Committee
40.	Fo Tan (火炭)	1	Sha Tin Rural Committee
41.	Fong Ma Po (放馬莆)	1	Tai Po Rural Committee

42.	Fu Tau Chau (斧頭洲)	1	Hang Hau Rural Committee
43.	Fu Tei Pai (虎地排)	1	Fanling District Rural Committee
44.	Fu Tei Tsuen (虎地村)	1	Tuen Mun Rural Committee
45.	Fu Yung Pei (芙蓉泌)	1	Sha Tin Rural Committee
46.	Fui Sha Wai (灰沙圍)	1	Ping Shan Heung Rural Committee
48.	Fung Chi Tsuen (鳳池村)	1	Ping Shan Heung Rural Committee
49.	Fung Hang (鳳坑)	1	Sha Tau Kok District Rural Committee
50.	Fung Kong Tsuen (鳳降村)	1	Ha Tsuen Rural Committee
51.	Fung Shue Wo Tsuen (楓樹 窩村)	1	Tsing Yi Rural Committee
52.	Fung Wong Wu (鳳凰湖)	1	Ta Kwu Ling District Rural Committee
53.	Fung Yuen (鳳園)	1	Tai Po Rural Committee
54.	Ha Che Tsuen (下輦村)	1	Pat Heung Rural Committee
55.	Ha Fa Shan (下花山)	1	Tsuen Wan Rural Committee
56.	Ha Hang (下坑)	2	Tai Po Rural Committee
57.	Ha Keng Hau (下徑口)	1	Sha Tin Rural Committee
58.	Ha Kwai Chung (下葵涌)	2	Tsuen Wan Rural Committee
59.	Ha Ling Pei (下嶺皮)	1	Tung Chung Rural Committee
60.	Ha Mei San Tsuen (蝦尾新 村)	1	Ping Shan Heung Rural Committee
61.	Ha Shan Kai Wat (下山雞 乙)	1	Ta Kwu Ling District Rural Committee
62.	Ha Tei Ha (蝦地下)	1	Tai Po Rural Committee
63.	Ha Tsuen Shi (廈村市)	1	Ha Tsuen Rural Committee
64.	Ha Wo Che (下禾輦)	1	Sha Tin Rural Committee
65.	Ha Wo Hang (下禾坑)	1	Sha Tau Kok District Rural Committee
66.	Ha Wong Yi Au (下黃宜坳)	1	Tai Po Rural Committee
67.	Ha Wun Yiu (下碗窰)	1	Tai Po Rural Committee
68.	Ha Yau Tin (下攸田)	1	Shap Pat Heung Rural Committee

69.	Ha Yeung (下洋)	1	Sai Kung North Rural Committee
70.	Ha Yeung (下洋)	1	Hang Hau Rural Committee
71.	Ham Tin (咸田)	1	South Lantao Rural Committee
72.	Ham Tin (咸田)	1	Tsuen Wan Rural Committee
73.	Hang Ha Po (坑下莆)	1	Tai Po Rural Committee
74.	Hang Hau (坑口)	3	Hang Hau Rural Committee
75.	Hang Mei Tsuen (坑尾村)	3	Ping Shan Heung Rural Committee
76.	Hang Tau (坑頭)	2	Sheung Shui District Rural Committee
77.	Hang Tau Tsuen (坑頭村)	2	Ping Shan Heung Rural Committee
78.	Heung Yuen Wai (香園圍)	1	Ta Kwu Ling District Rural Committee
79.	Hin Tin (顯田)	1	Sha Tin Rural Committee
80.	Hing Keng Shek (慶徑石)	1	Sai Kung Rural Committee
81.	Ho Chung (蠔涌)	2	Sai Kung Rural Committee
82.	Ho Lek Pui (河瀝背)	1	Sha Tin Rural Committee
83.	Ho Pui (河背)	2	Tsuen Wan Rural Committee
84.	Ho Pui Tsuen (河背村)	1	Pat Heung Rural Committee
85.	Ho Sheung Heung (河上鄉)	2	Sheung Shui District Rural Committee
86.	Hoi Ha (海下)	1	Sai Kung North Rural Committee
87.	Hoi Pa (Cheung Pei Shan Road) (海壩(象鼻山路))	2	Tsuen Wan Rural Committee
88.	Hoi Pa (South Platform) (海壩(南台))	1	Tsuen Wan Rural Committee
89.	Hoi Pa (Wo Yi Hop Road and Kwok Shui Road) (海壩(和宜合道及國瑞道))	3	Tsuen Wan Rural Committee
90.	Hok Tau Wai (鶴藪圍)	1	Fanling District Rural Committee
91.	Hong Mei Tsuen (巷尾村)	1	Ha Tsuen Rural Committee
92.	Hung Cho Tin (紅棗田)	1	Shap Pat Heung Rural Committee
93.	Hung Leng (孔嶺)	1	Fanling District Rural Committee

94.	Hung Uk Tsuen (洪屋村)	1	Ping Shan Heung Rural Committee
95.	Kai Ham (界咸)	1	Sai Kung Rural Committee
96.	Kai Leng (雞嶺)	1	Sheung Shui District Rural Committee
97.	Kak Tin (隔田)	2	Sha Tin Rural Committee
98.	Kam Chuk Pai San Tsuen (金竹排新村)	1	Tai Po Rural Committee
99.	Kam Shan Village (錦山村)	3	Tai Po Rural Committee
100.	Kam Tin Shing Mun San Tsuen (錦田城門新村)	1	Kam Tin Rural Committee
101.	Kam Tsin (金錢)	2	Sheung Shui District Rural Committee
102.	Kam Tsin Wai Tsuen (金錢 圍村)	1	Pat Heung Rural Committee
103.	Kan Tau Tsuen (簡頭村)	1	Fanling District Rural Committee
104.	Kan Tau Wai (簡頭圍)	1	Ta Kwu Ling District Rural Committee
105.	Kap Lung Tsuen (甲龍村)	1	Pat Heung Rural Committee
106.	Kap Tong (蛤塘)	1	Sha Tau Kok District Rural Committee
107.	Kat Hing Wai (吉慶圍)	2	Kam Tin Rural Committee
108.	Kat O (吉澳)	3	Sha Tau Kok District Rural Committee
109.	Kau Liu Ha (較寮下)	1	Tai Po Rural Committee
110.	Kau Lung Hang (九龍坑)	2	Tai Po Rural Committee
111.	Kau Sai San Tsuen (濬西新 村)	1	Sai Kung Rural Committee
112.	Kau Tam Tso (九担租)	1	Sha Tau Kok District Rural Committee
113.	Kau To (九肚)	1	Sha Tin Rural Committee
114.	Kau Wah Keng (九華徑)	2	Tsuen Wan Rural Committee
115.	Kei Ling Ha Lo Wai (企嶺 下老圍)	1	Sai Kung North Rural Committee
116.	Kei Ling Ha San Wai (企嶺 下新圍)	1	Sai Kung North Rural Committee

117. Kei Lun Wai (麒麟圍)	1	Tuen Mun Rural Committee
118. Keung Shan, Lower (下羗山)	1	Tai O Rural Committee
119. Kiu Tau Wai (橋頭圍)	1	Ping Shan Heung Rural Committee
120. Ko Lau Wan (高流灣)	2	Sai Kung North Rural Committee
121. Ko Long (高壟)	1	Lamma Island (North) Rural Committee
122. Ko Po (高莆)	1	Fanling District Rural Committee
123. Ko Po Tsuen (高埔村)	1	Kam Tin Rural Committee
124. Ko Tong (高塘)	1	Sai Kung North Rural Committee
125. Kong Ha (崗下)	1	Sha Tau Kok District Rural Committee
126. Kong Tau (港頭)	1	Shap Pat Heung Rural Committee
127. Kuk Po (谷埔)	2	Sha Tau Kok District Rural Committee
128. Kwan Mun Hau (關門口)	3	Tsuen Wan Rural Committee
129. Kwan Tei (軍地)	2	Fanling District Rural Committee
130. Kwu Hang (古坑)	1	Tsuen Wan Rural Committee
131. Kwun Hang (官坑)	1	Sai Kung North Rural Committee
132. Lai Chi Chong (荔枝莊)	1	Sai Kung North Rural Committee
133. Lai Chi Shan (荔枝山)	1	Tai Po Rural Committee
134. Lai Chi Wo (荔枝窩)	2	Sha Tau Kok District Rural Committee
134A. Lai Pek Shan (犁壁山)	1	Tai Po Rural Committee
135. Lai Tau Shek (犁頭石)	1	Sha Tau Kok District Rural Committee
136. Lam Hau Tsuen (欖口村)	2	Ping Shan Heung Rural Committee
137. Lam Tei (藍地)	1	Tuen Mun Rural Committee
138. Lam Tin Tsuen (藍田村)	2	Tsing Yi Rural Committee
140. Lau Shui Heung (流水响)	1	Fanling District Rural Committee
141. Lee Uk Tsuen (李屋村)	1	Ha Tsuen Rural Committee
142. Lei Uk (李屋)	1	Ta Kwu Ling District Rural Committee
143. Leng Pei Tsuen (嶺皮村)	1	Fanling District Rural Committee

144.	Leng Tsai (嶺仔)	1	Fanling District Rural Committee
145.	Leng Tsui (嶺咀)	1	Fanling District Rural Committee
146.	Leung Tin Tsuen (良田村)	1	Tuen Mun Rural Committee
147.	Leung Uk (梁屋)	1	Tai O Rural Committee
148.	Lin Au, Cheng Uk (蓮澳鄭屋)	1	Tai Po Rural Committee
149.	Lin Au, Lei Uk (蓮澳李屋)	1	Tai Po Rural Committee
150.	Lin Fa Tei (蓮花地)	2	Pat Heung Rural Committee
151.	Lin Ma Hang (蓮麻坑)	2	Sha Tau Kok District Rural Committee
152.	Lin Tong Mei (蓮塘尾)	1	Sheung Shui District Rural Committee
153.	Liu Pok (料壘)	2	Sheung Shui District Rural Committee
154.	Lo So Shing (蘆鬚城)	1	Lamma Island (South) Rural Committee
155.	Lo Tik Wan (蘆荻灣)	1	Lamma Island (North) Rural Committee
156.	Lo Tsz Tin (蘆慈田)	1	Tai Po Rural Committee
157.	Lo Uk Tsuen (老屋村)	1	Tsing Yi Rural Committee
158.	Lo Uk Tsuen (羅屋村)	1	Ha Tsuen Rural Committee
159.	Lo Wai (老圍)	3	Tsuen Wan Rural Committee
160.	Loi Tung (萊洞)	1	Sha Tau Kok District Rural Committee
161.	Lok Lo Ha (落路下)	1	Sha Tin Rural Committee
162.	Lok Ma Chau (落馬洲)	1	San Tin Rural Committee
163.	Long Ke (浪茄)	1	Sai Kung Rural Committee
164.	Long Keng (浪徑)	1	Sai Kung Rural Committee
165.	Luk Chau (鹿洲)	1	Lamma Island (South) Rural Committee
166.	Luk Keng (鹿頸)	1	Ma Wan Rural Committee
167.	Luk Keng Chan Uk (鹿頸陳屋)	2	Sha Tau Kok District Rural Committee
168.	Luk Keng Wong Uk (鹿頸黃屋)	1	Sha Tau Kok District Rural Committee
169.	Luk Tei Tong (鹿地塘)	1	Mui Wo Rural Committee

170. Lung A Pei (龍丫排)	1	Tai Po Rural Committee
171. Lung Kwu Tan (龍鼓灘)	2	Tuen Mun Rural Committee
172. Lung Mei (龍尾)	2	Tai Po Rural Committee
173. Lung Mei (龍尾)	1	Sai Kung Rural Committee
174. Lung Yeuk Tau (龍躍頭)	3	Fanling District Rural Committee
175. Ma Kwu Lam (馬牯纜)	1	Sai Kung North Rural Committee
176. Ma Liu (馬料)	1	Sha Tin Rural Committee
177. Ma Mei Ha (馬尾下)	1	Fanling District Rural Committee
178. Ma Nam Wat (麻南笏)	1	Sai Kung Rural Committee
179. Ma Niu Shui San Tsuen (馬料水新村)	1	Fanling District Rural Committee
180. Ma On Kong Tsuen (馬鞍崗村)	1	Pat Heung Rural Committee
181. Ma On Shan (馬鞍山)	1	Sha Tin Rural Committee
182. Ma Po Mei (麻布尾)	1	Tai Po Rural Committee
183. Ma Sim Pai (馬閃排)	1	Tsuen Wan Rural Committee
184. Ma Tin (馬田)	2	Shap Pat Heung Rural Committee
185. Ma Tseuk Leng Ha (麻雀嶺下)	1	Sha Tau Kok District Rural Committee
186. Ma Tseuk Leng Sheung (麻雀嶺上)	1	Sha Tau Kok District Rural Committee
187. Ma Wan Chung (馬灣涌)	1	Tung Chung Rural Committee
188. Ma Wan Main Street (馬灣大街)	5	Ma Wan Rural Committee
189. Ma Wat Tsuen (麻笏村)	2	Fanling District Rural Committee
190. Ma Yau Tong (馬游塘)	1	Hang Hau Rural Committee
191. Mai Po Tsuen (米埔村)	2	San Tin Rural Committee
192. Man Kok Tsui (萬角咀)	1	Mui Wo Rural Committee
193. Man Uk Pin (萬屋邊)	1	Sha Tau Kok District Rural Committee

194. Man Wo (蠻窩)	1	Sai Kung Rural Committee
195. Man Yee Wan New Village (萬宜灣新村)	1	Sai Kung Rural Committee
196. Mang Kung Uk (孟公屋)	5	Hang Hau Rural Committee
197. Mau Ping New Village (茅 坪新村)	1	Sai Kung Rural Committee
198. Mau Tat (茅笪)	1	Sha Tin Rural Committee
199. Mau Tso Ngam (茂草岩)	1	Sha Tin Rural Committee
200. Mau Wu Tsai (茅湖仔)	1	Hang Hau Rural Committee
201. Ming Tak Tong (明德堂)	3	San Tin Rural Committee
202. Miu Tin (苗田)	1	Sha Tau Kok District Rural Committee
203. Mo Tat (模達)	1	Lamma Island (South) Rural Committee
204. Mo Tat Wan (模達灣)	1	Lamma Island (South) Rural Committee
205. Mok Ka (莫家)	1	Tung Chung Rural Committee
206. Mok Tse Che (莫遮峯)	1	Sai Kung Rural Committee
207. Mong Tseng Tsuen (輞井村)	2	Ping Shan Heung Rural Committee
208. Mong Tseng Wai (輞井圍)	2	Ping Shan Heung Rural Committee
209. Mong Tung Wan (望東灣)	1	South Lantau Rural Committee
210. Mui Shue Hang (梅樹坑)	1	Tai Po Rural Committee
211. Mui Tsz Lam (梅子林)	1	Sha Tau Kok District Rural Committee
212. Mui Tsz Lam (梅子林)	1	Sha Tin Rural Committee
213. Muk Kiu Tau (木橋頭)	1	Shap Pat Heung Rural Committee
214. Muk Min Ha (木棉下)	2	Tsuen Wan Rural Committee
215. Muk Wu (木湖)	1	Ta Kwu Ling District Rural Committee
216. Nai Chung (泥涌)	1	Sai Kung North Rural Committee
217. Nai Wai (泥圍)	2	Tuen Mun Rural Committee
218. Nam A (南丫)	1	Sai Kung Rural Committee
219. Nam Bin Wai (南邊圍)	4	Shap Pat Heung Rural Committee

220.	Nam Chung (南涌)	2	Sha Tau Kok District Rural Committee
221.	Nam Hang (南坑)	2	Tai Po Rural Committee
222.	Nam Hang (南坑)	1	Shap Pat Heung Rural Committee
223.	Nam Shan (南山)	1	Sai Kung Rural Committee
224.	Nam Shan Tung (南山洞)	1	Sai Kung North Rural Committee
225.	Nam Wa Po (南華莆)	1	Tai Po Rural Committee
226.	Nam Wai (南圍)	2	Sai Kung Rural Committee
227.	Ng Tung Chai (梧桐寨)	1	Tai Po Rural Committee
228.	Ng Uk Tsuen (吳屋村)	1	Sheung Shui District Rural Committee
229.	Ng Uk Tsuen (吳屋村)	2	Ping Shan Heung Rural Committee
230.	Nga Iu Tau Tsun (瓦窰頭村)	1	Sai Kung North Rural Committee
231.	Nga Yiu Ha (瓦窰下)	1	Ta Kwu Ling District Rural Committee
232.	Ngar Yiu Tau (瓦窰頭)	1	Shap Pat Heung Rural Committee
233.	Ngau Au (牛凹)	1	Tung Chung Rural Committee
234.	Ngau Hom Tsuen (鰲磡村)	1	Ping Shan Heung Rural Committee
235.	Ngau Keng Tsuen (牛徑村)	2	Pat Heung Rural Committee
236.	Ngau Kwu Long (牛牯塢)	1	Mui Wo Rural Committee
237.	Ngau Pei Sha (牛皮沙)	1	Sha Tin Rural Committee
238.	Ngau Shi Wu (牛屎湖)	1	Sha Tau Kok District Rural Committee
239.	Ngong Ping (昂坪)	1	Sai Kung North Rural Committee
240.	Ngong Ping (昂坪)	2	Tai O Rural Committee
241.	Ngong Wo (昂窩)	1	Sai Kung Rural Committee
242.	Nim Wan (稔灣)	2	Tuen Mun Rural Committee
243.	O Tau (澳頭)	1	Sai Kung Rural Committee
244.	On Lung Tsuen (安龍村)	1	San Tin Rural Committee
245.	Pa Mei (壩尾)	1	Tung Chung Rural Committee
246.	Pai Tau (排頭)	2	Sha Tin Rural Committee
247.	Pak A (北丫)	1	Sai Kung Rural Committee

248. Pak Kok Kau Tsuen (北角舊村)	2	Lamma Island (North) Rural Committee
249. Pak Kok San Tsuen (北角新村)	1	Lamma Island (North) Rural Committee
250. Pak Kong (北港)	1	Sai Kung Rural Committee
251. Pak Kong Au (北港坳)	1	Sai Kung Rural Committee
252. Pak Lap (白腊)	1	Sai Kung Rural Committee
253. Pak Mong (白芒)	1	Mui Wo Rural Committee
254. Pak Ngan Heung (白銀鄉)	1	Mui Wo Rural Committee
255. Pak Ngau Shek Ha Tsuen (白牛石下村)	1	Tai Po Rural Committee
256. Pak Ngau Shek Sheung Tsuen (白牛石上村)	1	Tai Po Rural Committee
257. Pak Sha (白沙)	1	Shap Pat Heung Rural Committee
258. Pak Sha O (白沙澳)	1	Sai Kung North Rural Committee
259. Pak Tam (北潭)	1	Sai Kung Rural Committee
260. Pak Tam Au (北潭凹)	1	Sai Kung North Rural Committee
261. Pak Tam Chung (北潭涌)	1	Sai Kung Rural Committee
262. Pak Tin Pa (白田壩)	1	Tsuen Wan Rural Committee
263. Pak Wai (北圍)	1	Sai Kung Rural Committee
264. Pan Chung (泮涌)	2	Tai Po Rural Committee
265. Pan Chung San Tsuen (泮涌新村)	1	Tai Po Rural Committee
266. Pan Long Wan (檳榔灣)	1	Hang Hau Rural Committee
267. Pat Tsz Wo (拔子窩)	1	Sha Tin Rural Committee
268. Pik Uk (壁屋)	1	Sai Kung Rural Committee
269. Ping Chau Chau Mei (平洲洲尾)	1	Sai Kung North Rural Committee
270. Ping Chau Chau Tau (平洲洲頭)	1	Sai Kung North Rural Committee

271. Ping Chau Nai Tau (平洲奶頭)	1	Sai Kung North Rural Committee
272. Ping Chau Sha Tau (平洲沙頭)	1	Sai Kung North Rural Committee
273. Ping Chau Tai Tong (平洲大塘)	1	Sai Kung North Rural Committee
274. Ping Che (坪輦)	1	Ta Kwu Ling District Rural Committee
275. Ping Kong (丙崗)	1	Sheung Shui District Rural Committee
276. Ping Long (坪朗)	1	Tai Po Rural Committee
277. Ping Shan Chai (坪山仔)	1	Tai Po Rural Committee
278. Ping Shan San Tsuen (屏山新村)	1	Ping Shan Heung Rural Committee
279. Ping Tun (坪墩)	1	Sai Kung Rural Committee
280. Ping Yeung (坪洋)	4	Ta Kwu Ling District Rural Committee
281. Po Sam Pai (布心排)	2	Tai Po Rural Committee
282. Po Toi (蒲台)	1	Lamma Island (South) Rural Committee
283. Po Toi O (布袋澳)	1	Hang Hau Rural Committee
284. Po Tong Ha (寶塘下)	1	Tuen Mun Rural Committee
285. Pok Wai (壘圍)	2	San Tin Rural Committee
286. Pui O Lo Uk Tsuen (貝澳羅屋村)	1	South Lantau Rural Committee
287. Pui O Lo Wai (貝澳老圍)	2	South Lantau Rural Committee
288. Pui O San Wai (貝澳新圍)	1	South Lantau Rural Committee
289. Pun Shan Chau (半山洲)	1	Tai Po Rural Committee
290. Pun Uk Tsuen (潘屋村)	1	San Tin Rural Committee
291. Sai Bin Wai (西邊圍)	2	Shap Pat Heung Rural Committee
292. Sai Keng (西徑)	1	Sai Kung North Rural Committee
293. Sai Lau Kok (西樓角)	1	Tsuen Wan Rural Committee
294. Sai O (西澳)	1	Sai Kung North Rural Committee

296. Sai Wan (西灣)	1	Sai Kung Rural Committee
297. Sam A (三桒)	1	Sha Tau Kok District Rural Committee
298. Sam Tung Uk (三棟屋)	3	Tsuen Wan Rural Committee
299. San Hing Tsuen (新慶村)	1	Tuen Mun Rural Committee
300. San Hing Tsuen (新慶村)	1	Ping Shan Heung Rural Committee
301. San Lung Tsuen (新龍村)	1	San Tin Rural Committee
302. San Sang Tsuen (新生村)	1	Ha Tsuen Rural Committee
303. San Shek Wan (磡石灣)	1	South Lantao Rural Committee
304. San Tau (磡頭)	1	Tai O Rural Committee
305. San Tau Kok (磡頭角)	2	Tai Po Rural Committee
306. San Tin (新田)	2	Sha Tin Rural Committee
307. San Tong (新塘)	1	Tai Po Rural Committee
308. San Tong Po (新塘莆)	1	Fanling District Rural Committee
309. San Tsuen (新村)	1	Sha Tau Kok District Rural Committee
310. San Tsuen (新村)	3	Tsuen Wan Rural Committee
311. San Tsuen (Lam Tsuen) (新村(林村))	1	Tai Po Rural Committee
312. San Uk Ka (新屋家)	1	Tai Po Rural Committee
313. San Uk Ling (新屋嶺)	1	Ta Kwu Ling District Rural Committee
314. San Uk Tsai (新屋仔)	1	Fanling District Rural Committee
315. San Uk Tsai (新屋仔)	1	Tai Po Rural Committee
316. San Uk Tsuen (新屋村)	1	Tsing Yi Rural Committee
317. San Uk Tsuen (新屋村)	1	Ha Tsuen Rural Committee
318. San Wai (新圍)	4	Ha Tsuen Rural Committee
319. San Wai Tsai (新圍仔)	2	Tai Po Rural Committee
320. San Wai Tsai (新圍仔)	1	Tuen Mun Rural Committee
321. Sha Ha (沙下)	1	Sai Kung Rural Committee
322. Sha Kok Mei (沙角尾)	3	Sai Kung Rural Committee

323.	Sha Kong Wai (沙江圍)	2	Ping Shan Heung Rural Committee
324.	Sha Lo Tung Cheung Uk (沙螺洞張屋)	2	Tai Po Rural Committee
325.	Sha Lo Tung Lei Uk (沙螺洞李屋)	1	Tai Po Rural Committee
326.	Sha Lo Wan (沙螺灣)	1	Tai O Rural Committee
327.	Sha Po (沙埔)	1	Lamma Island (North) Rural Committee
328.	Sha Po Tsuen (沙埔村)	2	Kam Tin Rural Committee
329.	Sha Tin Wai (沙田圍)	1	Sha Tin Rural Committee
330.	Sha Tsui New Village (沙咀新村)	1	Sai Kung Rural Committee
331.	Sham Chung (深涌)	2	Sai Kung North Rural Committee
332.	Sham Chung (深涌)	1	Shap Pat Heung Rural Committee
333.	Sham Tseng (深井)	2	Tsuen Wan Rural Committee
334.	Shan Ha Tsuen (山廈村)	3	Ping Shan Heung Rural Committee
335.	Shan Ha Wai (山下圍)	1	Sha Tin Rural Committee
336.	Shan Liu (山寮)	1	Tai Po Rural Committee
337.	Shan Liu (山寮)	1	Sai Kung Rural Committee
338.	Shan Mei (山尾)	1	Sha Tin Rural Committee
339.	Shan Pui (山貝)	3	Shap Pat Heung Rural Committee
340.	Shan Tsui (山嘴)	2	Sha Tau Kok District Rural Committee
341.	Shap Long (拾浪)	1	South Lantao Rural Committee
342.	Shap Yi Wat (十二笏)	1	Sha Tin Rural Committee
343.	She Shan (社山)	1	Tai Po Rural Committee
344.	She Tau (蛇頭)	1	Sai Kung Rural Committee
345.	Shek Hang (石坑)	1	Sai Kung Rural Committee
346.	Shek Kiu Tau (石橋頭)	1	Sha Tau Kok District Rural Committee
347.	Shek Kwu Lung (石鼓壟)	1	Tai Po Rural Committee
348.	Shek Lau Po (石榴埔)	1	Tung Chung Rural Committee

349.	Shek Lung Tsai (石壟仔)	1	Sha Tin Rural Committee
350.	Shek Mun Kap (石門甲)	1	Tung Chung Rural Committee
351.	Shek Pik San Tsuen (石碧新村)	1	Tsuen Wan Rural Committee
352.	Shek Po Tsuen (石埗村)	2	Ping Shan Heung Rural Committee
353.	Shek Wai Kok (石圍角)	1	Tsuen Wan Rural Committee
354.	Shek Wu Tong Tsuen (石湖塘村)	2	Pat Heung Rural Committee
355.	Shek Wu Wai (石湖圍)	1	San Tin Rural Committee
356.	Sheung Che Tsuen (上輦村)	1	Pat Heung Rural Committee
357.	Sheung Cheung Wai (上璋圍)	1	Ping Shan Heung Rural Committee
358.	Sheung Keng Hau (上徑口)	1	Sha Tin Rural Committee
359.	Sheung Kwai Chung (上葵涌)	2	Tsuen Wan Rural Committee
360.	Sheung Ling Pei (上嶺皮)	1	Tung Chung Rural Committee
361.	Sheung Shan Kai Wat (上山雞乙)	1	Ta Kwu Ling District Rural Committee
362.	Sheung Shui Heung (上水鄉)	3	Sheung Shui District Rural Committee
363.	Sheung Sze Wan (相思灣)	1	Hang Hau Rural Committee
364.	Sheung Tsuen (上村)	3	Pat Heung Rural Committee
365.	Sheung Wo Che (上禾輦)	1	Sha Tin Rural Committee
366.	Sheung Wo Hang (上禾坑)	2	Sha Tau Kok District Rural Committee
367.	Sheung Wong Yi Au (上黃宜坳)	1	Tai Po Rural Committee
368.	Sheung Wun Yiu (上碗窰)	1	Tai Po Rural Committee
369.	Sheung Yau Tin (上攸田)	1	Shap Pat Heung Rural Committee
370.	Sheung Yeung (上洋)	1	Hang Hau Rural Committee
371.	Shing Uk Tsuen (盛屋村)	1	Ping Shan Heung Rural Committee

372.	Shuen Wan Chan Uk (船灣陳屋)	1	Tai Po Rural Committee
373.	Shuen Wan Chim Uk (船灣詹屋)	1	Tai Po Rural Committee
374.	Shuen Wan Lei Uk (船灣李屋)	1	Tai Po Rural Committee
375.	Shuen Wan Sha Lan (船灣沙欄)	1	Tai Po Rural Committee
376.	Shuen Wan Wai Ha (船灣圍下)	1	Tai Po Rural Committee
377.	Shui Chiu Lo Wai (水蕉老圍)	2	Shap Pat Heung Rural Committee
378.	Shui Chiu San Tsuen (水蕉新村)	2	Shap Pat Heung Rural Committee
379.	Shui Hau (水口)	1	South Lantao Rural Committee
380.	Shui Lau Tin Tsuen (水流田村)	1	Pat Heung Rural Committee
381.	Shui Mei Tsuen (水尾村)	1	Kam Tin Rural Committee
382.	Shui Pin Tsuen (水邊村)	1	Ping Shan Heung Rural Committee
383.	Shui Pin Wai (水邊圍)	1	Ping Shan Heung Rural Committee
384.	Shui Tau Tsuen (水頭村)	2	Kam Tin Rural Committee
385.	Shui Tin Tsuen (水田村)	1	Ping Shan Heung Rural Committee
386.	Shui Tsan Tin Tsuen (水盞田村)	1	Pat Heung Rural Committee
387.	Shui Wo (水窩)	1	Tai Po Rural Committee
388.	Sik Kong Tsuen (錫降村)	2	Ha Tsuen Rural Committee
389.	Sik Kong Wai (錫降圍)	2	Ha Tsuen Rural Committee
390.	Siu A Chau (小鴉洲)	1	South Lantao Rural Committee
391.	Siu Hang San Tsuen (小坑新村)	1	Fanling District Rural Committee

392.	Siu Hang Tsuen (小坑村)	1	Tuen Mun Rural Committee
393.	Siu Kau San Tsuen (小湓新村)	1	Tai Po Rural Committee
394.	Siu Lek Yuen (小瀝源)	2	Sha Tin Rural Committee
395.	Siu Om Shan (小菴山)	1	Tai Po Rural Committee
396.	So Kwun Wat (掃管笏)	3	Tuen Mun Rural Committee
397.	So Lo Pun (鎖羅盆)	1	Sha Tau Kok District Rural Committee
398.	Sok Kwu Wan (索罟灣)	1	Lamma Island (South) Rural Committee
399.	Sun Fung Wai (順風圍)	2	Tuen Mun Rural Committee
400.	Sz Tau Leng (獅頭嶺)	1	Fanling District Rural Committee
401.	Ta Ho Tun (打蠔墩)	1	Sai Kung Rural Committee
402.	Ta Pang Po (打棚埔)	1	Ma Wan Rural Committee
403.	Ta Shek Wu Tsuen (打石湖村)	1	Pat Heung Rural Committee
404.	Ta Tit Yan (打鐵印)	1	Tai Po Rural Committee
405.	Tai A Chau (大鴉洲)	1	South Lantau Rural Committee
406.	Tai Hang (泰亨)	3	Tai Po Rural Committee
407.	Tai Hang Hau (大坑口)	1	Hang Hau Rural Committee
408.	Tai Ho (大蠔)	1	Mui Wo Rural Committee
409.	Tai Hong Wai (泰康圍)	1	Kam Tin Rural Committee
410.	Tai Kau San Tsuen (大湓新村)	1	Tai Po Rural Committee
411.	Tai Kiu (大橋)	1	Shap Pat Heung Rural Committee
412.	Tai Lam Chung (大欖涌)	2	Tuen Mun Rural Committee
413.	Tai Lam Liu (大南寮)	1	Sha Tin Rural Committee
414.	Tai Lam Wu (大藍湖)	1	Sai Kung Rural Committee
415.	Tai Long (大朗)	1	Sha Tau Kok District Rural Committee
416.	Tai Long (大浪)	1	South Lantau Rural Committee
417.	Tai Long (大浪)	1	Sai Kung Rural Committee

418.	Tai Long Wan (大浪灣)	1	Tai O Rural Committee
419.	Tai Mei Tuk (大美督)	2	Tai Po Rural Committee
421.	Tai Mong Tsai (大網仔)	1	Sai Kung Rural Committee
422.	Tai No (大腦)	1	Sai Kung Rural Committee
423.	Tai Om (大菴)	1	Tai Po Rural Committee
424.	Tai Om Shan (大菴山)	1	Tai Po Rural Committee
425.	Tai Pak (大白)	1	Peng Chau Rural Committee
426.	Tai Peng Tsuen (大坪村)	2	Lamma Island (North) Rural Committee
427.	Tai Po (低埔)	1	Tung Chung Rural Committee
428.	Tai Po Kau (大埔滘)	1	Tai Po Rural Committee
429.	Tai Po Kau Hui (大埔舊墟)	3	Tai Po Rural Committee
430.	Tai Po Mei (大埔尾)	2	Tai Po Rural Committee
431.	Tai Po Tau (大埔頭)	2	Tai Po Rural Committee
432.	Tai Po Tau Shui Wai (大埔頭水圍)	1	Tai Po Rural Committee
433.	Tai Po Tin (大埔田)	1	Ta Kwu Ling District Rural Committee
434.	Tai Po Tsai (大埔仔)	2	Hang Hau Rural Committee
435.	Tai Po Tsai (大埗仔)	1	Sai Kung Rural Committee
436.	Tai She Wan (大蛇灣)	1	Sai Kung Rural Committee
437.	Tai Shui Hang (大水坑)	1	Sha Tin Rural Committee
438.	Tai Tan (大灘)	1	Sai Kung North Rural Committee
439.	Tai Tau Leng (大頭嶺)	2	Sheung Shui District Rural Committee
440.	Tai Tei Tong (大地塘)	1	Mui Wo Rural Committee
441.	Tai Tong (大棠)	1	Shap Pat Heung Rural Committee
442.	Tai Tong Wu (大塘湖)	1	Sha Tau Kok District Rural Committee
443.	Tai Tseng Wai (大井圍)	1	Ping Shan Heung Rural Committee
444.	Tai Tsing Chau (大青洲)	1	Ma Wan Rural Committee
445.	Tai Tung (大洞)	1	Sai Kung North Rural Committee

446.	Tai Uk Wai (大屋圍)	2	Tsuen Wan Rural Committee
447.	Tai Wai (大圍)	2	Shap Pat Heung Rural Committee
448.	Tai Wai (大圍)	3	Sha Tin Rural Committee
449.	Tai Wan (大環)	1	Sai Kung Rural Committee
450.	Tai Wan Kau Tsuen (大灣舊村)	1	Lamma Island (North) Rural Committee
451.	Tai Wan San Tsuen (大灣新村)	1	Lamma Island (North) Rural Committee
452.	Tai Wan Tau (大環頭)	1	Hang Hau Rural Committee
453.	Tai Wo (大窩)	1	Tai Po Rural Committee
454.	Tai Wo Tsuen (大窩村)	1	Pat Heung Rural Committee
455.	Tai Wong Ha Tsuen (大王下村)	5	Tsing Yi Rural Committee
455A.	Tai Yeung Che (大陽輦)	1	Tai Po Rural Committee
456.	Tai Yuen (大園)	1	Lamma Island (North) Rural Committee
457.	Tam Shui Hang (担水坑)	3	Sha Tau Kok District Rural Committee
458.	Tam Wat (氹笏)	1	Sai Kung Rural Committee
459.	Tan Chuk Hang (丹竹坑)	1	Fanling District Rural Committee
460.	Tan Ka Wan (蛋家灣)	1	Sai Kung North Rural Committee
461.	Tap Mun (塔門)	2	Sai Kung North Rural Committee
462.	Tei Tong Tsai (地塘仔)	1	Tung Chung Rural Committee
463.	Tin Fu Tsai (田夫仔)	1	Tuen Mun Rural Committee
464.	Tin Ha Wan (田下灣)	1	Hang Hau Rural Committee
465.	Tin Liu (田寮)	1	Sai Kung North Rural Committee
466.	Tin Liu (田寮)	4	Ma Wan Rural Committee
467.	Tin Liu (田寮)	1	Shap Pat Heung Rural Committee
468.	Tin Liu Ha (田寮下)	2	Tai Po Rural Committee
469.	Tin Sum (田心)	2	Sha Tin Rural Committee
470.	Tin Sum Tsuen (田心村)	2	Ha Tsuen Rural Committee

471. Tin Sum Tsuen (田心村)	1	Pat Heung Rural Committee
472. Ting Kau (汀九)	1	Tsuen Wan Rural Committee
473. Ting Kok (汀角)	3	Tai Po Rural Committee
474. Tit Kim Hang (鐵鉗坑)	1	Sai Kung Rural Committee
475. To Kwa Peng (土瓜坪)	1	Sai Kung North Rural Committee
476. To Shek (多石)	1	Sha Tin Rural Committee
477. To Yuen Tung (桃源洞)	1	Tai Po Rural Committee
478. To Yuen Wai (桃園圍)	1	Tuen Mun Rural Committee
479. Tong Fong (塘坊)	1	Ta Kwu Ling District Rural Committee
480. Tong Fong Tsuen (塘坊村)	1	Ping Shan Heung Rural Committee
481. Tong Fuk (塘福)	1	South Lantau Rural Committee
482. Tong Kung Leng (唐公嶺)	1	Sheung Shui District Rural Committee
483. Tong Sheung Tsuen (塘上村)	1	Tai Po Rural Committee
484. Tong Tau Po (塘頭埔)	1	Shap Pat Heung Rural Committee
485. Tong To (塘肚)	1	Sha Tau Kok District Rural Committee
486. Tsak Yue Wu (鯽魚湖)	1	Sai Kung Rural Committee
487. Tsam Chuk Wan (斬竹灣)	1	Sai Kung Rural Committee
488. Tsat Muk Kiu (七木橋)	1	Sha Tau Kok District Rural Committee
489. Tsat Sing Kong Tsuen (七星崗村)	1	Pat Heung Rural Committee
490. Tseng Lan Shue (井欄樹)	2	Hang Hau Rural Committee
491. Tseng Tau (井頭)	1	Sai Kung North Rural Committee
492. Tseng Tau (井頭)	1	Tai Po Rural Committee
493. Tseung Kong Wai (祥降圍)	1	Ha Tsuen Rural Committee
494. Tseung Kwan O (將軍澳)	1	Hang Hau Rural Committee
495. Tsing Chuen Wai (青磚圍)	1	Tuen Mun Rural Committee
496. Tsing Fai Tong (清快塘)	1	Tsuen Wan Rural Committee

497.	Tsing Lung Tau (青龍頭)	1	Tsuen Wan Rural Committee
498.	Tsing Lung Tsuen (青龍村)	1	San Tin Rural Committee
499.	Tsiu Hang (蕉坑)	1	Sai Kung Rural Committee
500.	Tsiu Keng (蕉徑)	1	Sheung Shui District Rural Committee
501.	Tso Wo Hang (早禾坑)	1	Sai Kung Rural Committee
502.	Tsok Pok Hang (作壘坑)	1	Sha Tin Rural Committee
503.	Tsuen Wan Sam Tsuen (荃灣三村)	1	Tsuen Wan Rural Committee
504.	Tsung Pak Long (松柏朗)	3	Sheung Shui District Rural Committee
505.	Tsung Yuen Ha (松園下)	1	Ta Kwu Ling District Rural Committee
506.	Tsz Tin Tsuen (紫田村)	1	Tuen Mun Rural Committee
507.	Tsz Tong Tsuen (祠堂村)	2	Fanling District Rural Committee
508.	Tsz Tong Tsuen (祠堂村)	1	Kam Tin Rural Committee
509.	Tuen Mun Kau Hui (屯門舊墟)	1	Tuen Mun Rural Committee
510.	Tuen Mun San Hui (屯門新墟)	2	Tuen Mun Rural Committee
511.	Tuen Mun San Tsuen (屯門新村)	1	Tuen Mun Rural Committee
512.	Tuen Tsz Wai (屯子圍)	1	Tuen Mun Rural Committee
513.	Tui Min Hoi (對面海)	1	Sai Kung Rural Committee
514.	Tung A (東丫)	1	Sai Kung Rural Committee
515.	Tung Chun Wai (東鎮圍)	2	San Tin Rural Committee
516.	Tung Lo Wan (銅鑼灣)	2	Sha Tin Rural Committee
517.	Tung O (東澳)	1	Lamma Island (South) Rural Committee
518.	Tung Sam Kei (東心淇)	1	Sai Kung North Rural Committee
519.	Tung Tau Tsuen (東頭村)	1	Ha Tsuen Rural Committee
520.	Tung Tau Tsuen (東頭村)	2	Shap Pat Heung Rural Committee
522.	Tung Tsz (洞梓)	1	Tai Po Rural Committee

523. Uk Cheung (屋場)	1	Sai Kung Rural Committee
524. Uk Tau (屋頭)	1	Sai Kung North Rural Committee
525. Wa Mei Shan (畫眉山)	1	Fanling District Rural Committee
526. Wa Shan Tsuen (華山村)	1	Sheung Shui District Rural Committee
527. Wai Tau Tsuen (圍頭村)	1	Tai Po Rural Committee
528. Wai Tsai (圍仔)	1	San Tin Rural Committee
529. Wan Tau Kok (運頭角)	1	Tai Po Rural Committee
529A. Wang Chau Chung Sam Wai (橫洲忠心圍)	1	Ping Shan Heung Rural Committee
529B. Wang Chau Fuk Hing Tsuen (橫洲福慶村)	2	Ping Shan Heung Rural Committee
529C. Wang Chau Lam Uk Tsuen (橫洲林屋村)	1	Ping Shan Heung Rural Committee
529D. Wang Chau Sai Tau Wai (橫 洲西頭圍)	1	Ping Shan Heung Rural Committee
529E. Wang Chau Tung Tau Wai (橫洲東頭圍)	2	Ping Shan Heung Rural Committee
529F. Wang Chau Yeung Uk Tsuen (橫洲楊屋村)	2	Ping Shan Heung Rural Committee
530. Wang Ling Tau San Tsuen (橫嶺頭新村)	1	Tai Po Rural Committee
531. Wang Long (橫塢)	1	Lamma Island (North) Rural Committee
532. Wang Shan Keuk (橫山腳)	1	Sha Tau Kok District Rural Committee
533. Wang Toi Shan Ha San Uk Tsuen (橫台山下新屋村)	1	Pat Heung Rural Committee
534. Wang Toi Shan Ho Lik Pui Tsuen (橫台山河瀝背村)	1	Pat Heung Rural Committee
535. Wang Toi Shan Lo Uk Tsuen (橫台山羅屋村)	1	Pat Heung Rural Committee
536. Wang Toi Shan Shan Tsuen (橫台山散村)	1	Pat Heung Rural Committee

537.	Wang Toi Shan Wing Ning Lei Tsuen (橫台山永寧里 村)	1	Pat Heung Rural Committee
538.	Wing Lung Wai (永隆圍)	1	Kam Tin Rural Committee
539.	Wing Ping Tsuen (永平村)	1	San Tin Rural Committee
540.	Wo Hop Shek (和合石)	3	Fanling District Rural Committee
541.	Wo Keng Shan (禾徑山)	1	Ta Kwu Ling District Rural Committee
542.	Wo Liu (禾寮)	1	Sai Kung Rural Committee
543.	Wo Liu Hang (禾寮坑)	1	Sha Tin Rural Committee
544.	Wo Mei (窩美)	1	Sai Kung Rural Committee
545.	Wo Yi Hop (和宜合)	2	Tsuen Wan Rural Committee
546.	Wong Chuk Shan New Village (黃竹山新村)	1	Sai Kung Rural Committee
547.	Wong Chuk Wan (黃竹灣)	1	Sai Kung Rural Committee
548.	Wong Chuk Yeung (黃竹洋)	1	Sai Kung North Rural Committee
549.	Wong Chuk Yeung (黃竹洋)	1	Sha Tin Rural Committee
550.	Wong Keng Tei (黃麩地)	1	Sai Kung Rural Committee
551.	Wong Keng Tsai (黃麩仔)	1	Sai Kung Rural Committee
552.	Wong Mo Ying (黃毛應)	1	Sai Kung Rural Committee
553.	Wong Nai Tun (黃坭墩)	1	Shap Pat Heung Rural Committee
554.	Wong Uk (王屋)	1	Sha Tin Rural Committee
555.	Wong Uk Tsuen (黃屋村)	2	Shap Pat Heung Rural Committee
556.	Wong Yi Chau (黃宜洲)	1	Sai Kung Rural Committee
557.	Wong Yue Tan (黃魚灘)	1	Tai Po Rural Committee
558.	Wu Kau Tang (烏蛟騰)	2	Sha Tau Kok District Rural Committee
559.	Wu Shek Kok (烏石角)	1	Sha Tau Kok District Rural Committee
560.	Yan Sau Wai (仁壽圍)	2	San Tin Rural Committee
561.	Yau Kam Tau (油柑頭)	2	Tsuen Wan Rural Committee
562.	Yau Yue Wan (魷魚灣)	1	Hang Hau Rural Committee

563. Yeung Siu Hang (楊小坑)	1	Tuen Mun Rural Committee
564. Yeung Uk (楊屋)	3	Tsuen Wan Rural Committee
566. Yeung Uk Tsuen (楊屋村)	1	Shap Pat Heung Rural Committee
567. Yi O (二澳)	1	Tai O Rural Committee
568. Yi Pak (二白)	1	Peng Chau Rural Committee
569. Yi Pei Chun (二陂圳)	1	Tsuen Wan Rural Committee
570. Yim Tin Kok Tsuen (鹽田角村)	1	Tsing Yi Rural Committee
571. Yim Tin Tsai (鹽田仔)	1	Sai Kung Rural Committee
572. Yin Kong (燕崗)	1	Sheung Shui District Rural Committee
573. Yin Ngam (燕岩)	1	Tai Po Rural Committee
574. Ying Lung Wai (英龍圍)	1	Shap Pat Heung Rural Committee
575. Yue Kok (魚角)	1	Tai Po Rural Committee
576. Yuen Kong San Tsuen (元崗新村)	1	Pat Heung Rural Committee
577. Yuen Kong Tsuen (元崗村)	2	Pat Heung Rural Committee
578. Yuen Leng Lei Uk (元嶺李屋)	2	Tai Po Rural Committee
579. Yuen Leng Yip Uk (元嶺葉屋)	1	Tai Po Rural Committee
579A. Yuen Long Kau Hui (元朗舊墟)	1	Shap Pat Heung Rural Committee
580. Yuen Tun (圓墩)	1	Tsuen Wan Rural Committee
581. Yuen Tun Ha (元墩下)	1	Tai Po Rural Committee
582. Yung Shu O (榕樹澳)	1	Sai Kung North Rural Committee
583. Yung Shue Au (榕樹凹)	1	Sha Tau Kok District Rural Committee
584. Yung Shue Ha (榕樹下)	1	Lamma Island (South) Rural Committee
585. Yung Shue Long (榕樹塢)	1	Lamma Island (North) Rural Committee
586. Yung Shue Wan (榕樹灣)	2	Lamma Island (North) Rural Committee

**COMPOSITE INDIGENOUS VILLAGE**

<i>Name of community</i>	<i>Number of persons to hold the office of indigenous inhabitant representative</i>	<i>Rural Committee</i>
1. Chok Ko Wan and Pa Tau Kwu (竹篙灣及扒頭鼓)	1	Ma Wan Rural Committee
2. Fa Peng, Tso Wan and Tai Chuen (花坪、草灣及大轉)	1	Ma Wan Rural Committee
3. Fui Yiu Ha and Tse Uk (灰窰下及謝屋)	1	Sha Tin Rural Committee
4. Kai Kuk Shue Ha and Nam Hang Mei (雞谷樹下及南坑尾)	1	Sha Tau Kok District Rural Committee
5. Keung Shan, Upper and Luk Wu (上羗山及鹿湖)	1	Tai O Rural Committee
6. Kwun Yam Shan and Kong Pui (觀音山及崗背)	1	Sha Tin Rural Committee
7. Lam Che and Nim Un (藍輦及稔園)	1	Tung Chung Rural Committee
8. Ma Wan and Wong Nai Uk (馬灣及黃泥屋)	1	Tung Chung Rural Committee
9. Muk Min Tau and Tsiu Hang (木棉頭及蕉坑)	1	Sha Tau Kok District Rural Committee
10. Sha Tin Tau and Lee Uk (沙田頭及李屋)	1	Sha Tin Rural Committee
11. Shek Kwu Lung and Nam Shan (石古壟及南山)	1	Sha Tin Rural Committee

- |     |  |   |                                      |
|-----|--|---|--------------------------------------|
| 12. | Wong Ka Wai and Lung<br>Tseng Tau (黃家圍及龍井<br>頭)            | 1 | Tung Chung Rural Committee           |
| 13. | Wong Nai Tau, Tai Che and<br>Fa Sham Hang (黃泥頭、<br>大輦及花心坑) | 1 | Sha Tin Rural Committee              |
| 14. | Wu Kai Sha and Cheung<br>Kang (烏溪沙及長徑)                     | 1 | Sha Tin Rural Committee              |
| 15. | Yim Tso Ha and Pok Tau<br>Ha (鹽灶下及膊頭下)                     | 1 | Sha Tau Kok District Rural Committee |

**MARKET TOWN**

	<i>Name of Market Town</i>	<i>Number of persons to hold the office of Kaifong Representative</i>	<i>Rural Committee</i>
1.	Cheung Chau (長洲)	39	Cheung Chau Rural Committee
2.	Peng Chau (坪洲)	17	Peng Chau Rural Committee

*[Amended in October 2014 and October 2022]*

**Specified Persons Eligible to Inspect Registers for Rural Area**

<b>Registers</b> <sup>Note1</sup>	<b>Specified Persons</b>
(1) Provisional Register (“PR”) and Omissions List (“OL”)	<p>(a) a person who subscribes to the Government News and Media Information System maintained by the Director of Information Services;</p> <p>(b) a body or organisation that is incorporated, or is registered or exempt from registration, under any law of Hong Kong—</p> <p>(i) to which an extract of the register was made available by the Electoral Registration Officer (“ERO”) for a purpose related to a previous election <sup>Note2</sup>;</p> <p>(ii) and was represented by a validly nominated candidate at a previous election; or</p> <p>(iii) and has publicly declared an intention to arrange for any person (including a person yet to be specified) to stand as a candidate at a coming election <sup>Note3</sup>;</p> <p>(c) the Heung Yee Kuk;</p> <p>(d) a Rural Committee (for inspecting a copy of the</p>

<sup>Note1</sup> Applicable to registers for Existing Villages (“EVs”), Indigenous Villages (“IVs”), Composite Indigenous Villages (“CIVs”) and Market Towns (“MTs”).

<sup>Note2</sup> In relation to a PR, “previous election” means—

- (a) the last rural ordinary election that was held before the publication date of the register; or
- (b) any rural by-election that was held after the election mentioned in paragraph (a) and before the publication date of the register.

<sup>Note3</sup> In relation to a PR, “coming election” means any of the following elections that is held within 1 year after the publication date of the register—

- (a) a rural ordinary election; or
- (b) a rural by-election.

<b>Registers</b> <sup>Note1</sup>	<b>Specified Persons</b>
	<p>specific division of the PR that relates to the Rural Area only);</p> <p>(e) a resident of an EV (for inspecting a copy of the specific division of the PR that relates to the EV only);</p> <p>(f) an indigenous inhabitant of an IV or a CIV (for inspecting a copy of the specific division of the PR that relates to the IV or the CIV only); or</p> <p>(g) a resident of an MT (for inspecting a copy of the specific division of the PR that relates to the MT only).</p> <p>[S 22 of the Electoral Affairs Commission (Registration of Electors) (Rural Representative Election) Regulation (Cap. 541K) (“EAC (ROE) (RRE) Reg”)]</p>
(2) Final Register (“FR”)	<p>(a) a person who subscribes to the Government News and Media Information System maintained by the Director of Information Services;</p> <p>(b) a body or organisation that is incorporated, or is registered or exempt from registration, under any law of Hong Kong—</p> <p>(i) to which an extract of the register was made available by the ERO for a purpose related to a previous election <sup>Note4</sup>;</p>

<sup>Note4</sup> In relation to an FR, “previous election” means—

- (a) the last rural ordinary election that was held before the publication date of the register; or
- (b) any rural by-election that was held after the election mentioned in paragraph (a) and before the publication date of the register.

<b>Registers</b> <sup>Note1</sup>	<b>Specified Persons</b>
	<p>(ii) and was represented by a validly nominated candidate at a previous election; or</p> <p>(iii) and has publicly declared an intention to arrange for any person (including a person yet to be specified) to stand as a candidate at a coming election <sup>Note5</sup>;</p> <p>(c) a person who is a validly nominated candidate for a Rural Area at a coming election;</p> <p>(d) the Heung Yee Kuk;</p> <p>(e) a Rural Committee (for inspecting a copy of the specific division of the FR that relates to the Rural Area only);</p> <p>(f) a resident of an EV (for inspecting a copy of the specific division of the FR that relates to the EV only);</p> <p>(g) an indigenous inhabitant of an IV or a CIV (for inspecting a copy of the specific division of the FR that relates to the IV or the CIV only); or</p> <p>(h) a resident of an MT (for inspecting a copy of the specific division of the FR that relates to the MT only).</p> <p>[S 30 of the EAC (ROE) (RRE) Reg]</p>

*[Added in October 2022]*

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<sup>Note5</sup> In relation to an FR, “coming election” means any of the following elections that is held within 1 year after the publication date of the register—

- (a) a rural ordinary election; or
- (b) a rural by-election.

**Submission Method, Format and Standard for Posting Electronic Copy of Election Advertisement and Relevant Information onto an Open Platform for Public Inspection (with Annex (I) and Annex (II) on the guidelines and basic layout design requirements for Candidate’s Platform)**

1. To comply with the requirement on public inspection of election advertisements (“EAs”) under s 92(2) of the Electoral Procedure (Rural Representative Election) Regulation (Cap. 541L) regarding the electronic submission of EAs, a candidate must post the following EA particulars as applicable, **within 1 working day**<sup>Note1</sup> after the publication of an EA, onto either an **open platform** maintained by the Director of Home Affairs (“DHA”) (“Central Platform”) or one maintained by the candidate himself/herself or a person authorised by him/her (“Candidate’s Platform”) for public inspection:

- (a) an electronic copy of the EA;
- (b) a hyperlink of each EA that is published through an open platform<sup>Note2</sup> (the hyperlink to the specific EA published must be provided, rather than the hyperlink to the entire election website or to the dedicated social media page) where it is technically impracticable to produce an electronic copy of the EA (for example, when messages are exchanged in a real-time interactive manner through social network or communication websites on the Internet such as Instagram, Twitter, Facebook, blogs, etc.);
- (c) printing/publication information pertaining to the EA including:
  - name and address of the producer/printer;
  - date of production/printing;
  - dimension/size;
  - manner of publication;
  - date of publication;
  - number of copies published; and
  - number of copies produced/printed as applicable;
- (d) an electronic copy of each permission/authorisation for the publication of such EA, as applicable (except those provided by the Returning Officer (“RO”) in connection with the allocation of designated spots);

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<sup>Note1</sup> A “working day” means any day other than a general holiday and Saturday.

<sup>Note2</sup> 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.

and

- (e) an electronic copy of each document giving consent of support.

### **Central Platform**

2. If a candidate chooses to post the EA particulars onto the Central Platform, he/she must comply with the requirements set out in the ensuing paragraphs.

### **Submission Method**

3. A candidate is required to apply to the DHA in a specified form for the creation of an account to access the Central Platform before posting the EA particulars onto the platform for public inspection. Each candidate can only create one account.

4. The DHA will inform the candidate concerned upon the creation of the account and provide the candidate with a username and two sets of passwords (which can be changed subsequently by the candidate) **within 3 working days** upon receiving an application. Afterwards, the candidate can access the platform by using the registered username and passwords.

5. EA particulars uploaded onto the platform at any one time by a candidate will be treated and referred to as one single submission. As long as the size of the file(s) does not exceed the limit as stipulated in para. 7 below, there is no restriction on the number of EAs or other documents to be attached in each submission. If subsequent correction to any submitted EA particulars is required, the candidate must post the corrected EA particulars, including the corrected printing/publication information (“corrected information”) of the EA, onto the platform by selecting the EA particulars concerned. If accepted, both the original and the corrected EA particulars will be displayed alongside for public inspection. The corrected information should be posted onto the platform **not later than 2 working days after the polling day**.

6. An acknowledgement of receipt in the form of a summary report of the EA particulars uploaded will be automatically generated and displayed on the computer screen for reference by the candidate after each successful submission. In addition, the acknowledgement of receipt will also be sent to the e-mail address and mobile phone number as specified on the application form for account creation.

**File Size**

7. The size of each file to be uploaded **must not exceed 50 MB (Megabyte)** or else the submission will be rejected.
8. Files attached to a submission may be compressed in the format of Zip (.zip), RAR (.rar) or GNU zip (.gz).
9. A file exceeding the size limit will not be accepted. In such a case, the candidate may upload the EA particulars in separate files.

**Format**

10. Files attached to a submission must be given, served or presented in the following file formats:

General Document

- (a) Rich Text Format (RTF) or Microsoft Word Format (DOC/DOCX);
- (b) Hypertext Mark Up Language (HTML) Format;
- (c) Adobe Portable Document Format (PDF); or
- (d) Plain Text (TXT);

Graphics/Images

- (e) Graphics Interchange Format (GIF);
- (f) Joint Photographic Experts Group (JPEG);
- (g) Tag Image File Format (TIFF); or
- (h) Portable Network Graphics (PNG);

Audio

- (i) Waveform Audio Format (WAV); or
- (j) MPEG-1 Audio Layer 3 (MP3);

Video

- (k) Audio Video Interleave (AVI); or
- (l) Moving Picture Experts Group (MPEG).

Files (including texts, videos, etc.) uploaded onto the Central Platform should be accessible for persons with visual impairment as far as possible.

### **Computer Instructions**

11. The files uploaded must not contain any computer viruses or any computer instructions including, but not limited to, macros, scripts and fields which depend on the execution environment and the execution of which will cause changes to the files themselves or the information system displaying the files.

### **Candidate's Platform**

12. If a candidate chooses to maintain a platform of his/her own for the posting of EA particulars for public inspection, he/she must provide the electronic address of the platform to the RO **at least 3 working days before the publication of the first EA**. To avoid causing confusion to members of the public, the platform should be dedicated to the sole purpose of posting EA particulars for public inspection. Candidates for different Rural Areas are allowed to use a common platform but the EA particulars there should be presented in a way that will not cause confusion to the public during the inspection process. The EA particulars posted onto the platform should be virus-free and should be arranged in descending order of the date of submission. The required printing/publication information should also be posted alongside the corresponding EA particulars. To maintain the consistency in design and to facilitate public inspection, the DHA will provide guidelines and specify the basic layout design requirements for such platform for candidates to follow (see **Annex (I) and Annex (II)**). The guidelines and basic layout design requirements can also be downloaded from the Rural Representative Election website.

13. If the candidate wishes to correct any uploaded EA particulars on the platform, he/she should post the corrected EA particulars, together with the date of correction, alongside the original EA particulars for public inspection (see **Annex (II)**). Any such corrected information should be posted onto the platform **not later than 2 working days after the polling day**.

14. Candidates are not allowed to remove any EA particulars that have already been uploaded onto the platform, unless such removal is directed by the DHA, the Electoral Affairs Commission ("EAC") or the Court (as applicable) due to unlawful or non-EA related content/information. In the event that an EA has to be removed as directed by the DHA, the EAC or the Court, the candidate should post a note onto the platform to inform the public about the removal of the EA and the reason for such removal. Other information/documents related to the removed EA should still be displayed on the platform for public inspection (see **Annex (II)**).

15. When posting EA particulars onto the Candidate's Platform,

candidates should also follow the requirements on file format and computer instructions as detailed in paras. 10 and 11 above.

16. The DHA will arrange to publicise the electronic address of the platform to facilitate public inspection of the EA particulars.

### **Important Notes**

17. EA particulars must conform to the requirements as set out above. Any electronic file containing images should have sufficient resolution to ensure that the content is both legible and readable.

18. Each candidate must be solely responsible for (and that the DHA has no responsibility to him/her or any third party for) the content/information of the EA particulars uploaded and posted onto the Central Platform, including hyperlinks to external websites. The DHA reserves the right to remove any of the EA particulars posted on the Central Platform containing unlawful, non-EA related or computer virus infected content/information. In the event that the EA has to be removed due to computer virus contamination, the candidate will be informed to upload the relevant EA particulars onto the Central Platform again.

19. Candidates should observe all existing legal requirements on personal data privacy when uploading information onto the aforesaid platforms for public inspection. In particular, for documents containing/conveying the required permission/authorisation and/or consent of support pertaining to an EA, candidates are reminded to obliterate the identity document numbers therein, if any, of the persons providing such permission/authorisation and/or consent of support before uploading them onto the platforms.

20. When posting a hyperlink of an EA onto the Central Platform or Candidate's Platform, candidates must ensure that the hyperlink is valid and the relevant website on which the EA is uploaded continues to operate until the end of the period for which copies of election returns are available for public inspection pursuant to s 41 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554)<sup>Note3</sup> to facilitate public inspection of the EAs.

*[Added in October 2012, amended in April 2014, October 2014, October 2018 and October 2022]*

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<sup>Note3</sup> Pursuant to s 41 of the Elections (Corrupt and Illegal Conduct) Ordinance, the RO must keep all the copies of the election returns available at his/her office for the public inspection during ordinary business hours, until the 30<sup>th</sup> day before the first anniversary of the date of the deadline for lodging the relevant election return (regardless of any relief granted by the Court of First Instance to candidates in certain circumstances).

**Points to Note for Building Candidate's Platform**

**General**

1. The name of the election should be shown on the candidate's platform, e.g. 20XX Rural Ordinary Election / 20XX XX Rural By-election.
2. The name of the Rural Area and Rural Committee concerned should be shown on the candidate's platform.
3. The name of the candidate should be shown on the candidate's platform.
4. The candidate number should be shown on the candidate's platform once available.
5. The EA particulars (including the electronic copy, hyperlink, consent, permission or authorisation documents, etc. of the EA) should be displayed and arranged in descending order according to the date of publication.
6. The required information to be shown for each EA can be found in **Annex (II)**.
7. The corrected EA particulars should be posted next to or under the original version.
8. Candidates are not allowed to remove any EA particulars that have already been uploaded onto the candidate's platform, unless such removal is directed by the DHA, the EAC or the Court (as applicable) due to unlawful or non-EA related content/information. In the event that an EA has to be removed as directed by the DHA, the EAC or the Court, the candidate should post a note onto the platform to inform the public about the removal of the EA and the reason for such removal. Other information/documents related to the removed EA should still be displayed at the platform for public inspection.
9. The file format and computer instruction should follow the details shown at **Appendix 4** of the Guidelines on Election-related Activities in respect of the Rural Representative Election.
10. Sensitive personal data should not be posted onto the candidate's platform. For example, Hong Kong Identity Card Numbers shown on the consent form should be masked before the consent form is uploaded onto the candidate's platform.
11. Candidates should, where applicable, provide an e-mail address and/or a

telephone number on the platform for public enquiries and technical assistance when necessary.

### **Security Measures**

1. The candidate's platform should be installed with firewall and/or an Intrusion Protection System to prevent intruder attacks.
2. All files should be properly scanned by anti-virus software before they are posted onto the candidate's platform.
3. To protect against data loss of the candidate's platform, backup exercises should be conducted on a regular basis.
4. The hyper-links to external websites should be checked regularly in order to ensure that they are up-to-date.
5. For more information and resources on online information security, please visit [www.infosec.gov.hk](http://www.infosec.gov.hk).

### **Accessibility**

1. The candidate's platform should be accessible by browsers and operating systems commonly used in personal computers.
2. For any electronic files containing images, they should have sufficient resolution to ensure that the content is both legible and readable.
3. The platform should be available in both English and Chinese, and the text should be readable and understandable. Suitable instructions should also be provided for easy navigation of the platform.
4. The candidate's platform should be easily accessible to persons with visual impairment as far as possible.

*[Added in October 2012, amended in April 2014 and October 2014]*

## 候選人平台建議版面設計 Proposed Layout Design of Candidate's Platform

選舉 Election: 20XX 年鄉郊一般選舉 20XX Rural Ordinary Election / 20XX 年 XX 月鄉郊補選 20XX XX Rural By-election  
 鄉郊地區 Rural Area: 屋頭 Uk Tau  
 鄉事委員會 Rural Committee: 上水區 Sheung Shui District  
 候選人編號 Candidate No.: 1  
 候選人姓名 Name of Candidate: 陳大文 Chan Tai Man

### 選舉廣告詳情 (依發布日期降序排列) Election Advertisement Particulars (in descending order according to 'Date of Publication')

項目 Item	修正日期 Date of Correction (dd-mm-yyyy)	選舉廣告 類別 Election Advertisement Type	製作/ 印刷日期 Date of Production/ Printing (dd-mm-yyyy)	尺寸/ 面積 Size/ Dimension	製作數量/ 印刷的 文本數目 Quantity Produced/ Number of Copies Printed	發布數量/ 發布的文本 數目 Quantity Published/ Number of Copies Published	發布日期 Date of Publication (dd-mm-yyyy)	發布的方式 Manner of Publication	製作人/ 印刷人的 姓名或名稱 Name of Producer/ Printer	製作人/ 印刷人的 地址 Address of Producer/ Printer	選舉廣告 檔案/連結 Election Advertisement File/Link	准許/ 授權文件 Permission/ Authorisation Document	選舉廣告 檔案/連結 移除日期 Date of Removal of Election Advertisement File/Link (dd-mm-yyyy) [Reason 原因]
1	-	小冊子 Pamphlets	12-04-20XX	A4	100	100	14-04-20XX	街頭派發 Distributed on street	AA 印刷公司 AA Printing Company	地址 Address	File1.jpg	-	-
2	-	橫額 Banners	11-04-20XX	1 米 x 2.5 米 1m x 2.5m	20	20	13-04-20XX	懸掛於路邊 鐵欄 Hung on roadside railing	BB 製作公司 BB Producer	地址 Address	File2.jpg	Authorisation .jpg	-
註 Note	14-04-20XX	-	-	-	-	-	-	-	-	-	File2 (Revised).jpg	-	-
3	-	海報 Posters	10-04-20XX	10Mb	150	150	12-04-20XX	Facebook, Twitter, Instagram	CC 印刷公司 CC Printing Company	地址 Address	http://www. XXX.com.hk/ poster.jpg	Permission .jpg	-

註：只顯示曾被修正的資料。Note: Only corrected particular(s) will be shown.

### 同意書 Consent

項目 Item	檔案 File	備註 Remark
1	Consent1.jpg	
2	Consent2.jpg	同意書已於 17-04-20XX 撤銷 Consent revoked on 17-04-20XX

[Added in October 2012, amended in April 2014, October 2014, October 2018 and October 2022]

**Canvassing Activities which are Forbidden**  
**Within a No Canvassing Zone**

(Note : (1) This list is by no means an exhaustive list of the canvassing activities which are prohibited within a no canvassing zone (“NCZ”). It only serves to illustrate some of the common forms of canvassing activities.

(2) Door-to-door canvassing and for the purpose of such canvassing, the display or wearing of any promotional material such as any badge, emblem, clothing or head-dress which may promote or prejudice the election of a candidate or candidates at the election or which makes 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 on storeys **above or below the street level (i.e. excluding the storey at the street level) in a building** (including residential and commercial premises such as restaurants or shops) within an NCZ **other than the building in which a polling station is located**, provided that permission has been obtained for entry to the building for canvassing votes, and no obstruction is caused to any person and no sound amplifying system or device is used (except for the performance of duties by officers of the Correctional Services Department on the polling day at dedicated polling stations situated in penal institutions). **Nevertheless, candidates must note that canvassing activities are strictly prohibited on the storey at the street level of all buildings within an NCZ.)** [*Amended in October 2004, October 2010, October 2012 and October 2022*]

1. Unauthorised static display of election advertisements (“EAs”) on walls (including the outer walls of the polling station), windows, railings, fences, etc.
2. Exhibition of portable displays on vehicles (whether in motion or parked within an NCZ), or held or carried by persons.

3. Except for the purpose of door-to-door canvassing referred to in Note (2) above, display or wearing any promotional material, e.g. any badge, emblem, clothing, carrier bags or head-dress which: *[Amended in October 2004 and October 2010]*
  - (a) may promote or prejudice the election of a candidate or candidates at the election; or
  - (b) makes direct reference to a body any member of which is standing as a candidate in the election or a political body in Hong Kong.
4. Distribution of EAs.
5. Canvassing for votes by:
  - (a) talking to electors;
  - (b) greeting electors by smiling, waving, nodding, shaking hands, etc.;
  - (c) shouting slogans or the name or number of a candidate or any appeal message;
  - (d) singing or chanting; or
  - (e) making signals or signs to electors.
6. Broadcast of audio or video recording to appeal to or induce electors to vote, or not to vote.
7. Using loud-hailers or loudspeakers (whether carried by a person or mounted on a vehicle or installed in any other manner) to broadcast any message which appeals to or induces electors to vote or not to vote.
8. Candidates wilfully stay or loiter in the NCZ and show goodwill to electors, which constitutes canvassing for votes.

*[Amended in October 2011, October 2018 and October 2022]*

**Conduct of Electioneering Activities and Election Meetings in  
Premises under the Management of the Housing Department and  
the Hong Kong Housing Society**

Validly nominated candidates must obtain **prior approval** <sup>Note</sup> from an estate manager or officer-in-charge before conducting any electioneering activities or election meetings within a housing estate, in addition to compliance with regulations and conditions imposed by other relevant authorities. An **application** for approval **should be made at least 2 clear working days (excluding a Saturday, Sunday and public holiday) before the proposed election meeting/electioneering activity**, and the applicant will be notified as soon as practicable after a decision is arrived at. To avoid any conflict that may arise from allowing 2 or more candidates and their supporters to hold election meetings/electioneering activities in a housing estate at the same venue and time, the Housing Department and the Hong Kong Housing Society will process the applications as soon as practicable and will adopt the following arrangements:

- (a) if only 1 application for holding an election meeting/electioneering activity at a particular venue and at a particular time is received, that application will be approved;
- (b) if 2 or more applications for the same venue and the same period are received by the Housing Department or the Hong Kong Housing Society 2 clear working days before the election meeting/electioneering activity takes place, the applicants will be advised to negotiate among themselves to reach a compromise on condition that no canvassing from 2 or more groups will be held at the same place and at the same time to avoid any dispute or clash. If no compromise can be reached, allocation of venue or time will be made by the drawing of lots at a time to be decided by the relevant estate office;

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<sup>Note</sup> The Housing Department and the Hong Kong Housing Society require candidates to be validly nominated and submit relevant proof before they can apply for approval to conduct electioneering activities or election meetings within a housing estate. Upon approval from the Housing Department and the Hong Kong Housing Society, the validly nominated candidates will be allowed to commence their electioneering activities within the housing estate at the earliest on the day following the lots drawing session for candidates conducted by the Returning Officer (“RO”).

- (c) for the purpose of (a) and (b) above, an application for several periods will be dealt with as separate applications for each of the periods; and
- (d) the relevant estate office should send a copy of the letter of approval to the respective RO for record and for public inspection.

*[Amended in October 2018 and October 2022]*



## Guidance on Election Activities for Candidates, Government Departments, Public Opinion Research Organisations and Members of the Public

### 1. Introduction

Collection, retention, processing and use of personal data are usually involved in election activities (including elector registration, candidate nomination, electioneering, public opinion researching, and casting and counting of votes). This guidance note provides assistance to candidates and their affiliated political bodies, government departments and public opinion research organisations in relation to compliance with the requirements under the Personal Data (Privacy) Ordinance (the Ordinance) when carrying out election activities. It also provides members of the public with advice on personal data protection in this regard.

### 2. Legal Liabilities of Candidates, Government Departments and Public Opinion Research Organisations as Principals

Candidates, government departments and public opinion research organisations (the Principals) may engage election agents, campaign staff, full-time or part-time employees, contractors and volunteers (the Agents) to assist in election-related activities. In such circumstances, the Principals are liable for the acts and practices of their Agents in the course of performing actions assigned

by them<sup>1</sup>. The Principals are responsible for supervising their Agents to ensure compliance with the requirements under the Ordinance.

### 3. Guidance for Candidates and their Affiliated Political Bodies

#### Minimum Data Collection

- 3.1 When candidates collect personal data directly from an individual or indirectly from a third party (e.g. trade union, professional or political body) for election purposes (such as electioneering, organising an election forum, or fund raising), only adequate, and not excessive personal data, necessary for election purposes should be collected (for example, a Hong Kong Identity Card number should not be collected)<sup>2</sup>.

#### Informed Collection

- 3.2 When a candidate or affiliated trade union, professional or political body solicits personal data directly from an individual for election purposes, the candidate should ensure that the individual is informed of the purpose of collection of the data and other matters<sup>3</sup> set out in the Ordinance by, for example, providing a “Personal Information Collection Statement” (PICS) to the individual.

<sup>1</sup> According to section 65(1) and (2) of the Ordinance, any act done or practice engaged in by a person in the course of his employment or as agent for another person with the authority of that other person shall be treated as done or engaged in by his employer or that other person as well as by him.

<sup>2</sup> Data Protection Principle 1(1): Personal data shall not be collected unless the data is collected for a lawful purpose directly related to a function or activity of the data user; and the data collected is necessary, adequate but not excessive in relation to that purpose.

<sup>3</sup> Data Protection Principle 1(3): On or before a data user collects personal data directly from a data subject, the data user shall take all reasonably practicable steps to ensure that the data subject has been informed of whether it is obligatory or voluntary for him to supply the data and the consequences for him if he fails to supply the data. The data subject shall be explicitly informed of the purpose of data collection and the classes of transferees to whom the data may be transferred as well as the name / job title and address of the individual to whom the request of access to and correction of the data subject’s personal data may be made.

3.3 Candidates and their Agents may lobby electors by a variety of means<sup>4</sup>. In certain circumstances, the electors may have no previous dealings with the candidates and their Agents, and may be concerned as to where the candidates and their Agents obtained their personal data. When asked, candidates and their Agents should inform the electors as to how their personal data was obtained.

**Collection Purpose**

3.5 If a trade union, or a professional or political body intends to provide their members' personal data to candidates for election purposes, or to directly send election-related communication to their members, the proper course of action is for such bodies to determine whether this is a permitted purpose for which the personal data was collected. Prior notification to members of such use of their data, and the classes of possible transferees of the data, should be provided.

**Case 1**

A candidate of the District Council election collected feedback from members of the public on community affairs by distributing flyers. In the flyer, members of the public were requested to provide their names and contact details. However, there was no PICS in the questionnaire and some members of the public were worried about how their personal data would be used.

When the candidate solicited personal data directly from individuals (such as by distributing a flyer for filling in personal data), the candidate should have provided a PICS to the individuals so that they could decide whether their personal data should be provided.

**Case 3**

After completing a training course organised by a political party, the complainant was asked to complete a questionnaire and provide his personal data for "communication purposes". Subsequently, the political party used the complainant's personal data in canvassing him to vote for a candidate.

In response to the complaint, the party revised the PICS in the questionnaire by explicitly stating that the personal data collected would be used for "election purposes".

**Case 2**

The Election Committee members of a subsector, and Legislative Councillors of the functional constituency concerned, co-organised an election forum to provide a platform for electors of that subsector to exchange ideas on candidates' manifestoes. A complainant was dissatisfied that the organisers had failed to provide a PICS on the online registration form.

In response to the complaint, the forum organisers revised the online registration form by stating that personal data collected would be used only for enrolling participants, and the data would be destroyed after the event without it being transferred to third parties. Information on making data access and data correction requests was also made available on the registration form.

**Case 4**

The complainant had been a member of a trade union for years. In a recent election, the complainant received a telephone call from the trade union canvassing votes for a candidate. The complainant stated that the trade union had never informed him that his personal data would be used for election purposes when he joined the union.

Upon the PCPD's enquiry, it was found that the latest version of the PICS in the membership application form had stated that the trade union would use the members' personal data for election purposes. However, the trade union did not provide the latest version of the PICS to those members who had their membership renewed. The PCPD thus requested the trade union to provide the latest version of the PICS to the members when they renewed their membership in future.

**Lawful and Fair Collection**

3.4 Candidates should not collect personal data for election purposes by deceptive means or by misrepresenting the purpose of the collection, for example, by collecting personal data on the pretext of assisting citizens to apply for government welfare.<sup>5</sup>

<sup>4</sup> Such as telephone, fax messages, SMS/MMS or emails.

<sup>5</sup> Data Protection Principle 1(2): Personal data must be collected by means which are lawful and fair in the circumstances of the case.

**Express Consent**

3.6 Personal data may have been provided to candidates and their Agents for non-election purposes, such as in connection with the handling of building management matters, or requests for assistance. Should candidates or their Agents wish to use personal data so collected for an election purpose, express consent from the data subject must be obtained beforehand<sup>6</sup>.

**Case 5**

A resident of a building lodged a complaint with a political party in relation to the management of the building, and for this purpose supplied his personal data. Subsequently, the political party used his personal data in canvassing him to vote for a candidate in an election.

In response to the complaint, the political party undertook in future to obtain express and voluntary consent from any resident that had lodged a complaint with the party, before using their personal data for election purposes.

**Case 6**

The PCPD has received complaints against councillors for not respecting the residents' privacy, for example, by uploading photos or videos which contained close-up facial images of individuals involved in disputes in the neighbourhood, or by disclosing the full addresses of patients confirmed of having contracted epidemic diseases.

The PCPD understands that councillors or political bodies may from time to time report on the local affairs in the community through social media, upload photos to reflect actual situations, or provide information to residents for combatting pandemic. However, if the information contains an individual's facial image, full address or any other personal data, councillors should take into account the data subject's wish and feeling. Individual's privacy right should be respected when sharing information on topical affairs and incidents on the social media.

**Disclosing personal data on social media**

3.7 Social networks are rapidly evolving and developing. It is becoming common for political bodies, district councillors and community officers to provide information relating to the district to the residents and to stay connected with them through social media. Political bodies and district councillors must ensure that the personal data privacy of the residents is protected when sharing information that involves personal data.

**Registers of Electors**

- 3.8 When using personal data from published registers of electors, candidates should ensure that such personal data is used only for election purposes as prescribed by the relevant election legislation. Using any information on the register for a purpose other than a purpose related to an election is an offence under the current electoral legislations and is liable to a fine at level 2 (the prevailing amount is HK\$5,000) and to imprisonment for 6 months.
- 3.9 Besides, the PCPD noted that the Court of Appeal handed down a judgment on 21 May 2020 and a decision on 27 May 2020 regarding an appeal<sup>7</sup> regarding the dismissal of an application for judicial review on whether the requirement of showing the names of the registered electors together with their principal residential addresses ("Linked Information") in the electoral registers for public inspection or provision to candidates is constitutional<sup>8</sup>. The Court of Appeal held, amongst others, that displaying the Linked Information of

<sup>6</sup> Data Protection Principle 3: Personal data shall not, without the prescribed consent of the data subject, be used for a new purpose. New purpose, in relation to the use of personal data, means any purpose other than the purpose, or a directly related purpose, for which the data was to be used at the time of the collection of the data.

<sup>7</sup> Junior Police Officers' Association of the Hong Kong Police Force and Anor (as the applicants) v Electoral Affairs Commission, Chief Electoral Officer, Electoral Registration Officer (as the respondents) Hong Kong Journalists Association (as the intervener) (CACV 73/2020, Date of Judgment: 21 May 2020).

<sup>8</sup> In this appeal, the applicants challenged the constitutionality of section 20(3) of the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap.541A) and Section 38(1) of the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap.541F) (together as "Impugned Provisions"). Under the Impugned Provisions, the Linked Information of a registered elector as recorded in the Final Register would be available (1) to the public for inspection at place(s) specified by the Electoral Registration Officer and (2) to the candidate(s) for the constituency to which the elector belongs.

**List of “No”**

- 3.12 Candidates should also maintain a list of individuals who, to their knowledge, find election-related communication, such as phone calls, mail, fax messages, emails or visits, objectionable, and avoid approaching them to canvass for their votes.

**Data Security**

- 3.13 When conducting election activities, candidates and their Agents should take all practicable steps to protect personal data of electors against accidental or unauthorised access<sup>13</sup>. For example, they should safeguard electors’ personal data that they have obtained from the register of electors or government departments (such as a DVD of the "Candidate Mailing Label System", and mailing labels of electors). If it is absolutely necessary to access electors’ information outside office premises for an election purpose, only the minimal and necessary data should be taken away from the office premises. Furthermore, the data should be encrypted and protected from unauthorised access or retrieval. After use, the data should be returned to the office, or be delivered to a safe place for proper storage as soon as possible.

electors in the electoral registers to an individual's right to privacy and is thus protected generally under Article 14 of section 8 in Part II of the Hong Kong Bill of Rights Ordinance<sup>9</sup> (c.f. from Article 17(1) of the International Covenant on Civil and Political Rights). Hence, the requirement of displaying publicly the names and residential addresses of some individuals (for example victims of stalking or family violence) may cause a real risk of harm to them. As the ultimate guardian of the law, the Court of Appeal is obliged to consider if a proportionate balance is struck between the right of privacy and the right to vote (particularly the measures adopted in the current electoral system to achieve the transparent election aim)<sup>10</sup>. Nevertheless, the Court of Appeal also ruled that it is not its function to formulate electoral policy or to devise a particular electoral system. The PCPD suggests the candidates and stakeholders pay attention to the relevant election policy and amendment in law (if applicable) published by the Registration and Electoral Office in future<sup>11</sup>.

**Personal Data in Other Public Domains**

- 3.10 Other than for the register of electors, personal data available in the public domain (such as professional registers) is generally not intended to be used for election purposes. Before using personal data obtained from the public domain, candidates must take into account the original purpose for which the public register was established, the restrictions on its use, and the reasonable privacy expectation<sup>12</sup> of the data subjects.

**Option to Decline**

- 3.11 As a matter of good practice, when candidates and their Agents canvass for votes from individuals directly, or indirectly through a third party (such as a trade union, or a professional body or political body), the individuals should be given an option to decline receipt of any subsequent electioneering communication from the candidates in relation to the election concerned, so as to avoid receipt of unwanted electioneering communication from such candidates.

**Case 7**

A district councillor sent an email to a list of recipients canvassing votes for a candidate in an election without concealing the names and email addresses of the recipients. The complainant, being one of the recipients of that email, complained that his name and email address had been disclosed to all other recipients of the email.

In response to the complaint, the district councillor agreed to safeguard the security of the personal data of the electors when transmitting messages via electronic means (for example, by use of the “bcc” function).

<sup>9</sup> Article 14 of section 8 in Part II of the Hong Kong Bill of Rights Ordinance (Cap. 383): (1) No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. (2) Everyone has the right to the protection of the law against such interference or attacks.

<sup>10</sup> See paragraphs 95-96 of the judgment.

<sup>11</sup> This paragraph is updated as of 10 June 2020.

<sup>12</sup> Reference can be made to the *Guidance on Use of Personal Data Obtained from the Public Domain* issued by the office of the Privacy Commissioner for Personal Data, Hong Kong (PCPD).

<sup>13</sup> Data Protection Principle 4(1): All practicable steps shall be taken to ensure that personal data (including data in a form in which access to or processing of the data is not practicable) held by a data user is protected against unauthorised or accidental access, processing, erasure, loss or use.

**Data Disposal**

3.14 Personal data collected for election purposes should not be retained for a period beyond completion of all the election activities<sup>14</sup>. For example, after an election, candidates should dispose of all the electors' personal data obtained from a published register of electors, or those provided by government departments for election purposes. When data processors<sup>15</sup> are appointed or engaged by the candidates to destroy personal data of electors on their behalf, the candidates must use contractual or other means to prevent the personal data being transferred to data processors from: (i) being kept longer than is necessary for election purposes<sup>16</sup>; and (ii) unauthorised or accidental access, processing, erasure, loss or use<sup>17</sup>.

**Distributing or Providing Assistance in Purchasing Supplies**

3.15 Political bodies and councillors may from time to time distribute supplies to the residents and they may collect the residents' personal data for identification purposes. Political bodies and councillors should respect the residents' privacy and comply with the Ordinance when collecting, using and retaining the residents' personal data.

**Case 8**

Political bodies, councillors and community officers provided assistance in purchasing anti-epidemic items through the internet or distributed anti-epidemic items to members of the public at roadside booths. This aroused a number of privacy concerns:

**Case 8 (continued)**

- 1) Even if there is a practical need for the organiser to collect personal data, for instance for the purposes of registration, compiling a waiting list, and collection or delivery of products, the organiser should collect the minimum amount of personal data in a lawful and fair manner<sup>18</sup>. As in the circumstances of shopping in the supermarket, providers of goods and services should not collect personal data that is unrelated to the transactions. Hence, the organiser should not collect data that is unrelated to and unnecessary for the transactions or delivery (for example, date of birth, income, family status, family members' personal data and identity card copy).
- 2) No matter whether the organiser collects personal data through paper or electronic form, the organiser should inform members of the public of the purpose of collection, the classes of transferees and whether it is obligatory or voluntary to supply the data<sup>19</sup>. The good practice is to provide a PICS to them.
- 3) The organiser should not use the personal data collected for other purposes without the data subjects' consent<sup>20</sup> (for example, for purposes other than the directly related purposes for which the data was collected, including marketing of commercial products or to advance political publicity)<sup>21</sup>. If the organiser intends to use the personal data collected for other purposes, the organiser should explain clearly to the data subject and seek the data subject's consent. The consent given by the data subject must be express and voluntary.

<sup>14</sup> Data Protection Principle 2(2): Personal data shall not be kept longer than is necessary for the fulfillment of the purpose (including any directly related purpose) for which the data is or is to be used.

<sup>15</sup> "Data processor" means a person who processes personal data on behalf of another person; and does not process the data for any of the person's own purposes. Reference can be made to the information leaflet *Outsourcing the Processing of Personal Data to Data Processors* issued by the PCPD.

<sup>16</sup> Data Protection Principle 2(3): If a data user engages a data processor, whether within or outside Hong Kong, to process personal data on the data user's behalf, the data user must adopt contractual or other means to prevent any personal data transferred to the data processor from being kept longer than is necessary for processing of the data.

<sup>17</sup> Data Protection Principle 4(2): If a data user engages a data processor, whether within or outside Hong Kong, to process personal data on the data user's behalf, the data user must adopt contractual or other means to prevent unauthorised or accidental access, processing, erasure, loss or use of the data transferred to the data processor for processing.

<sup>18</sup> See footnote 2 and footnote 5.

<sup>19</sup> See footnote 3.

<sup>20</sup> See footnote 6.

<sup>21</sup> Except for those scenarios that are exempted under Part 8 of the Ordinance.

**Case 8 (continued)**

- 4) For the retention period of personal data, notwithstanding that the Ordinance does not require data users to inform data subjects of the retention period of personal data, data users are required to erase personal data that is no longer needed for the purpose for which the data is used<sup>22</sup>. Hence, the organiser should erase the personal data collected after distributing the supplies or providing the services (in other words, after fulfilling the purpose for which the data is used), in order to avoid potential data security problem.

## 4. Guidance for the Relevant Government Departments

### Security Measures

- 4.1 In campaigns launched by government departments for the purpose of promoting elector registration or updating electors' particulars, such activities may involve collection of personal data in paper form (such as collection of elector registration forms at pavement booths). Government departments should take practicable steps to safeguard personal data so collected against accidental or unauthorised access by unrelated parties<sup>23</sup>. For example, the responsible staff should be alert to data leakage risks in the surroundings when receiving completed forms. If notebook computers / tablets or portable storage devices are used, extra care must be taken (see paragraph 4.3 below for more details). The data should be returned to the office or delivered to a safe place for proper storage as soon as possible upon completion of the activities.
- 4.2 Government departments should, at all times, adopt all practicable security measures to protect the voluminous and sensitive personal data of electors held by them against unauthorised or accidental access, processing, erasure, loss or use<sup>24</sup>. In addition to encrypting the database, government departments should also:

- Make available the personal data for access or use only on a "need-to-know" and "need-to-use" basis, especially when portable storage devices, such as notebook computers, are involved;
- Adopt the principle of least-privileged rights, by which only staff authorised to handle identity verification are able to retrieve or access relevant personal data;
- Strictly evaluate the necessity of downloading and copying electors' personal data, and establish approval procedures and standards;
- Monitor to ascertain if any system containing electors' personal data has been downloaded or copied without authorisation. Such systems and related servers should record all activity logs in order to trace access, use, downloading, editing and / or deletion of the data by a system user; and
- Install monitoring and alarm mechanisms in all systems containing electors' personal data, and the related servers, so that if there is an irregularity (such as downloading or deletion of huge volume of personal data), timely reporting of the case, as well as tracing and reviews can be performed.

- 4.3 In circumstances when accessing electors' personal data outside office premises is required, a risk assessment should be conducted to ascertain the actual need of storing electors' personal data in portable storage devices (such as in USB flash cards, notebook computers / tablets, portable hard drives or optical discs). If it is necessary to store electors' personal data by such means, effective technical security measures commensurate with the quantity and sensitivity of the data should be adopted by, for example, use of two-factor authentication for data access. Adequate physical security measures should also be effected to safeguard devices (such as affixing the device with a cable lock to an appropriate fixture, or avoidance of departmental logos on the devices)<sup>25</sup>.

- 4.4 Government departments should formulate, systematically review and update their current personal data security policies, procedures and practical guidelines, according to their functions and activities. Steps should be taken to effectively disseminate personal data security policies to all staff, and provide clear instructions as to how to

<sup>22</sup> See footnote 14.

<sup>23</sup> See footnote 13.

<sup>24</sup> See footnote 13.

<sup>25</sup> Reference can be made to the *Guidance on the Use of Portable Storage Devices* issued by the PCPD.

access such policies. Government departments should also review and formulate a compliance check mechanism to ensure personal data security policies, procedures and practical guidelines are complied with.

- 4.5 The multiple transfers and storage venues for the election documents increased the risk and harm of losing the documents. For the purposes of monitoring and reviewing the implantation of the security measures, government departments should set up procedures in respect of proper recording of movements of electoral documents, retrieval systems and dossier reviews.

**Case 9**

A backup notebook computer of a government department prepared for use in an election was discovered missing at the fallback election venue. The computer stored the names of Election Committee members eligible to vote in the election, and also the personal data of all electors in Hong Kong.

While the Privacy Commissioner for Personal Data, Hong Kong (Privacy Commissioner) considered the chance of leakage being low, as the personal data of the electors involved had already undergone multiple layers of encryption, the assessment and approval of the use of an enquiry system containing the electors' data was not well thought out or adapted to the special circumstances of the case. The data user had simply followed past practices and had failed to review, update or appraise the existing mechanism in light of the circumstances, in a timely manner. The investigation revealed that the data user lacked the requisite awareness and vigilance expected of it in protecting personal data. Rules of application and implementation of various guidelines had not been clearly set out or followed, and internal communication was not sufficiently effective. The data user failed to take all reasonably practicable steps in consideration of the actual circumstances, or to ensure that electors' personal data was protected from accidental loss, and thereby contravened Data Protection Principle 4(1)<sup>26</sup> of the Ordinance. An enforcement notice was served on the government department to remedy and prevent recurrence of the contravention<sup>27</sup>.

**Case 10**

A government department lost a marked final register of electors after an election. The register contained the unique and sensitive information about electors' identity card numbers and their polling statuses.

The Privacy Commissioner found that there were no specific guidelines or standing procedures as security standards for managing the marked final register. Its inventory and movements were not properly and adequately documented. There were no dossier reviews, and retrieval systems for storerooms were not put in place .

In addition, human errors in handling physical and tangible records of personal data could have been caused by overly long work hours, scarce resources, inexperienced or under-trained staff, etc. The Privacy Commissioner served an Enforcement Notice to direct the government department to remedy and prevent any recurrence of the contraventions.

- 4.6 When handling requests for information that involve the personal data of individuals, including electors, candidates or nominees, government departments must carefully assess if the release of the requested information would amount to a breach of Data Protection Principle 3<sup>28</sup>. In making such a determination, the exemptions provided in Part 8 of the Ordinance<sup>29</sup> are applicable. If necessary, more information may be sought from the requestor to facilitate appropriate consideration.

**5. Guidance for Public Opinion Research Organisations**

**Informed Collection**

- 5.1 Public opinion research organisations may conduct opinion or mock polls to gauge public views on candidates' approval ratings or electors' voting preferences. An elector's voting preference is considered to be very sensitive personal data, and organisers of these activities should exercise due care to ensure that participants are informed of the purpose of collecting the personal data, and other matters required by the Ordinance<sup>30</sup>.

<sup>26</sup> See footnote 13.

<sup>27</sup> The investigation report (R17-6249) is available on the PCPD website.

<sup>28</sup> See footnote 6.

<sup>29</sup> If application of Data Protection Principle 3 is likely to prejudice security, defence and international relations; crime prevention or detection; assessment or collection of any tax or duty; news activities; health; legal proceeding; due diligence exercise; handling life-threatening emergency situation, the relevant personal data is exempt from the use limitation requirements.

<sup>30</sup> See footnote 3.

5.2 For the purpose of gauging public views on candidates' approval ratings and the electors' voting preferences, public opinion research organisations need only the overall results of the survey and some macro parameters (for example, gender, age group, occupation categories, area of residence and income group). Hence, it is generally not necessary for the public opinion research organisations to indiscriminately collect the respondents' personal data (such as names, identity card numbers, telephone numbers and addresses). If data subjects are asked to provide these kinds of personal data for research purpose, they must check clearly the purpose of collection before considering to disclose such data, and should do so only on a well-informed and voluntary basis.

**Case 11**

A complainant provided his personal data in a signature campaign organised by a political body. He noticed that the purpose of collecting the personal data and data transfer arrangement was not stated on the form used for collecting personal data. According to the organiser, it had indicated on the form that “the personal data was collected solely for expressing views, and it would be destroyed afterwards”.

In response to the complaint, the organiser undertook to take all practicable steps to supply relevant information to the participants in similar future events launched, including, for instance, the purpose for which the data was to be used, whether it was obligatory or voluntary for participants to provide the data, the classes of person to whom the data might be transferred, and their right to request access to a copy of their personal data and to request correction of the data.

**Lawful and Fair Collection**

5.3 When collecting personal data in opinion or mock polls, organisers should carefully assess if the means of data collection could confuse or mislead the participants. Vigilance should be exercised to avoid providing untrue or misleading information concerning the background and objectives of the activities. If the organisers fail to identify themselves as the data user to the participants, or fail to state the nature of the activities clearly (e.g. whether the activities are “official” or “of legal effect”), this could amount to unfair collection of personal data<sup>31</sup>.

**Case 12**

A political body commissioned a public opinion research organisation to launch a mock poll during the election, but the website of the activity did not state clearly that the mock poll was “non-official” or “of no legal effect.”

Furthermore, despite the claim on the website that the research team was commissioned by a political association to launch the activity, other parties or associations had publicly stated that they were involved in planning or participating in the activity. While the website carried the emblem of a university and a contact email with the university’s domain name, there was a footnote in small print stating the activity was unrelated to the university. No clear explanation of the purpose and lawful basis for the data collection was given by the activity organiser, and the true identity of the data user was not made known. The Privacy Commissioner took the view that such a manner of collection of personal data was unfair.

After intervention by the Privacy Commissioner, the activity organiser stated on the website the purpose of collecting the participants’ personal data; it made clear to the participants that the activity was initiated by community organisations; and it had no connection with the official election and the result was of no legal effect. Information related to the university, including the university’s emblem and email domain name, were deleted from the website and the name of the organiser was clearly stated.

In this case, before casting their votes in a mock poll, participants were required to install an instant messaging programme for identity verification, and then input in the voting system their password used for the said programme. By giving away the password, participants had in effect allowed third parties to read the messages they had sent or received with the programme. A security loophole was thus created.

Subsequently, to remedy the security problem revealed in this case, the organiser replaced the voting system in question.

**Data Security**

5.4 If collection of personal data is involved, organisers of opinion or mock polls should still safeguard personal data collected against accidental or unauthorised access by unrelated parties.<sup>32</sup> When employing the

<sup>31</sup> See footnote 5.

<sup>32</sup> See footnote 13.

use of computer programmes or software developed by third parties, assessment should be made to identify possible privacy risks (including, for example, the security issues related to data transmission and storage, technical safeguards of the system and network, and the restriction on data access by staff). Measures should be taken to ensure the personal data collected is appropriately protected.

### **Data Disposal**

5.5 Organisers should not retain personal data collected in opinion or mock polls after completion of these activities<sup>33</sup>. If data processors are appointed or engaged by the organisers to destroy the personal data of participants on their behalf, the organisers must comply with the relevant requirements under the Ordinance (see paragraph 3.14 above).

## **6. Personal Data Protection Advice for Members of the Public**

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- 6.1 Upon receipt of emails or letters soliciting personal data in relation to election, members of the public must verify senders' identity to ensure there is no fraudulent collection of personal data in the name of government departments.
- 6.2 In submitting the completed elector registration form to the relevant authority, due care must be exercised regardless of the means of submission. For example, the envelope should be properly sealed and the information of recipients should be input correctly.
- 6.3 Members of the public may indicate on the elector registration form that emailing is their preference for receiving electioneering communications from the candidates. Otherwise, the email address provided would only be used by the relevant authority for communication purposes.
- 6.4 Electors may exercise their right to object to receipt of electioneering communications from the candidates and their affiliated political bodies.
- 6.5 Electors who have changed their registration particulars should report the change to the relevant authority as soon as possible for the record update.
- 6.6 If participants of opinion or mock polls need to provide personal data, they must ascertain if the organisers of these activities have clearly stated the nature of the activities (e.g. whether the activities are "official" or "of legal effect") and identified

themselves. Participants are also reminded to check if the organisers have provided them with information such as the purpose of collecting the personal data, and other matters required by the Ordinance<sup>34</sup>. In case of doubts, enquiries should be made to the organisers.

- 6.7 If personal data is collected by political bodies in their activities such as distribution of or providing assistance in making purchases of supplies, the participants should ascertain whether the data collected will be used in subsequent elections. If the participants do not consent to such use, they should not provide their personal data.
- 6.8 Members of the public should not give up their personal data for small gains. Personal data belongs to the data subjects themselves. They are advised to be vigilant about protecting their own personal data. Before providing personal information through whatever channels, they should first read the PICS and the privacy policy, and get to know the other party's identity and background, as well as their purposes of collection, the classes of transferees and whether the other party is collecting excessive personal data, etc.
- 6.9 If members of the public believe that their personal data have been collected or used improperly, they can consider raising their queries and negotiating with the individuals or organisations concerned. If they are dissatisfied with the individuals' or organisations' response, they can complain to the PCPD.

## **7. A Final Note**

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In view of the huge volume and sensitive nature of the personal data collected or used in election activities, candidates, government departments, public opinion research organisations and members of the public must make the best efforts to avoid leakage.

Data users are recommended to formulate a policy on data breach handling and the giving of breach notifications<sup>35</sup>. In the unfortunate event of a data breach, data users should consider issuing notifications to lessen the harm caused by the breach.

The PCPD stands ready to offer assistance and respond to data breach notifications to all stakeholders. For enquiries, please visit our website from which all publications referred to in this guidance can be downloaded, or call our hotline at 2827 2827.

<sup>33</sup> See footnote 14.

<sup>34</sup> footnote 3.

<sup>35</sup> Reference can be made to the *Guidance on Data Breach Handling and the Giving of Breach Notifications* issued by the PCPD.



PCPD website  
[pcpd.org.hk](http://pcpd.org.hk)

**Enquiry Hotline** : (852) 2827 2827  
**Fax** : (852) 2877 7026  
**Address** : Room 1303, 13/F, Sunlight Tower, 248 Queen's Road East, Wanchai, Hong Kong  
**Email** : [enquiry@pcpd.org.hk](mailto:enquiry@pcpd.org.hk)



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June 2020 (Seventh Revision)

## **Guidance Note on Safe Conduct of Election-related Activities**

### **Introduction**

1. This guidance note serves to provide general advice to candidates and organisers of election-related activities, for the safe conduct of such activities.

### **Election Meetings**

2. The Public Order Ordinance (Cap. 245) and Part III of Chapter 9 of the “Guidelines on Election-related Activities in respect of the Rural Representative Election” (“the Guidelines”) provide direction on when a meeting, to be held in a public place, is to be notified to the Police and the procedures to be followed.

3. For the sake of safety and to minimise the potential confrontation with and/or harassment of candidates, irrespective of whether or not the meeting is required to be notified to the Police, candidates should be mindful of the reactions of those attending the election meeting. In this regard, consideration should be given to making appropriate arrangements with the relevant management office (if any) to facilitate the smooth conduct of the meeting. Should a candidate have any concerns over his/her own safety, consideration should be given to seeking advice from the local police station of the district concerned, before the meeting.

### **Election Forums**

4. In addition to the provisions of Part III of Chapter 10 of the Guidelines, organisers of election forums should be aware of the possible instances of harassment of candidates.

5. In order to ensure that order, fairness and impartiality are maintained throughout the event and to avoid any embarrassing situation, where a forum is held at a private premise, the organiser should arrange in advance with the owner, occupier, owners’ corporation, building management or the mutual aid committee of the premise for precautionary measures to ensure the

safety of all participants and the orderly conduct of the forum. Where necessary, security guards should be employed and stationed on-site.

### **Electioneering at Living or Working Places of Electors**

6. Chapter 8 of the Guidelines gives details regarding the conduct of electioneering activities at the living or working places of electors.

7. If owners or owners' corporations decide to allow electioneering by candidates, they may also set out the time of access allowed for the event and impose other conditions. These conditions help minimise the potential confrontation with and harassment of candidates.

8. Related to this, candidates should be sensitive to the feelings of tenants, occupiers and owners in planning and carrying out electioneering activities. By doing so, they will ensure that such activities can be carried out in a safe and orderly manner.

9. In addition to obtaining the formal approval or consent of the owner or owners' corporation having the right to control or manage the common parts of the building for the conduct of electioneering activities, candidates are advised to inform the management office when the electioneering activities are about to start.

### **General**

10. Should any safety issues be of particular concern, consideration should be given to seeking advice from the local police station of the district concerned, before conducting the activity.

*[Added in October 2004, amended in October 2010, October 2011 and October 2014]*

**Application for a Permit under S4(17)**  
**of Summary Offences Ordinance, Cap. 228**  
**for Non-Charitable Purposes**

This application should reach Division III of Home Affairs Department at 30/F, Southorn Centre, 130 Hennessy Road at least **FOUR WEEKS** before the date of the activity. This will enable the applicant to be notified of the result of his application about seven days before the event. Non-charitable fund-raising activities without permits for fund-raising for non-charitable purposes are subject to prosecution by the Police under S4(17) of Summary Offences Ordinance, Cap. 228 (“SOO”). For enquiries, please call 2835 1492.

1. Name of applicant : \* Mr/Mrs/Miss/Ms \_\_\_\_\_

Name in Chinese (if any) : \_\_\_\_\_

2. Hong Kong Identity Card Number : \_\_\_\_\_

(Please enclose a photocopy of your Hong Kong Identity Card)

3. Address : \_\_\_\_\_

4. Contact Telephone No. : \_\_\_\_\_ Fax No. : \_\_\_\_\_

Email Address: \_\_\_\_\_

5. If this application is made on behalf of an organisation, please complete the following details :

i) Name of organisation (English) : \_\_\_\_\_

Name of organisation (Chinese) : \_\_\_\_\_

ii) Position of applicant in organisation : \_\_\_\_\_

iii) Details of key officers in organisation :

<u>Post</u>	<u>Name</u>	<u>Address</u>
<u>President/Chairman</u>	_____	_____
<u>Secretary</u>	_____	_____
<u>Treasurer/Accountant</u>	_____	_____

iv) Date the organisation was formed : \_\_\_\_\_

v) Type of organisation : Society registered/exempt under the Societies Ordinance, or  
Company incorporated in Hong Kong, or  
Others (Please give details)

\_\_\_\_\_

(Please enclose a copy of the certificate of registration/exemption of your organisation and also a copy of the memorandum and articles of association or the constitution or rules of your organisation whichever is applicable. If your organisation is a company incorporated in Hong Kong, a copy each of a Certificate of Incorporation and Certificate of Existence issued by the Companies Registry should also be produced.)

6. If the money raised is intended to benefit another organisation, please complete the following details :

i) Name of organisation (English) : \_\_\_\_\_

Name of organisation (Chinese) : \_\_\_\_\_

ii) Relationship between applicant and that organisation :

\_\_\_\_\_

iii) Details of key officers in that organisation :

<u>Post</u>	<u>Name</u>	<u>Address</u>
<u>President/Chairman</u>	_____	_____
		_____
<u>Secretary</u>	_____	_____
		_____
<u>Treasurer/Accountant</u>	_____	_____
		_____

iv) Date the organisation was formed :

v) Type of organisation : Society registered/exempt under the Societies Ordinance, or  
Company incorporated in Hong Kong, or  
Others (Please give details)

\_\_\_\_\_  
\_\_\_\_\_

(Please enclose a copy of the certificate of registration/exemption of the organisation and also a copy of the memorandum and articles of association or the constitution or rules of the organisation whichever is applicable. If the organisation is a company incorporated in Hong Kong, a copy each of a Certificate of Incorporation and Certificate of Existence issued by the Companies Registry should also be produced.)

vi) Has the organisation given consent to the activity being organised by you ? \* Yes / No

7. If the applicant is making this application as an individual, please complete the following details :

i) Date and place of birth : \_\_\_\_\_

ii) Length of residence in Hong Kong : \_\_\_\_\_

iii) Are you a permanent resident of Hong Kong ? \* Yes / No

8. ✦ Intended use of money to be collected : \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. ✦ Format of the activity : \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. ✦ Method for money collection (note) : \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. ✦ Date and time of the activity listed in priority : \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Note : To ensure a fair distribution of venues, dates and frequency of fund-raising among all potential applicants, there could be a restriction on the number of days approved, depending on prevailing circumstances.)

12. ✦ Venue and address : \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Has permission to use venue been secured ? \* Yes / No / Under application / Not applicable

(If the venues are in open public places, please give exact locations and enclose layout plan. Please also indicate where furniture (e.g. table) will be placed, if appropriate.)

✦ If approval is given to this application, the permit issued will specify the details given in these items. It will therefore be to the applicant's own advantage to plan the activity carefully, so as to avoid the need to seek fresh approval later on as a result of any changes to the above details.

13. Details of previous S4(17) application(s) to the Secretary for Home and Youth Affairs by the applicant, or the organisations named in 5(i) and 6(i) above, or any of the persons named in 5(iii) and 6(iii) above :

<u>Name of Applicant</u>	<u>Date of Application</u>	<u>Approved or Rejected</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

14. State here any additional information which the applicant wishes to provide in support of this application (e.g. reasons for requesting that the administrative guidelines or licensing conditions for the issue of permit be waived in whole or in part.)

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I declare that to the best of my knowledge and belief, the information supplied by me in this form is true and correct.

Signed : \_\_\_\_\_  
(Applicant)

(Chop of organisation, if applicable) Date : \_\_\_\_\_

\* Delete where applicable

(If there is not enough space in this form for the filling in of the required information, the applicant may provide details on a separate sheet of paper and attach it to the form.)

Note: If the activities concerned involve hawking in public places, please seek advice from the Food and Environmental Hygiene Department (Tel: 2867 5935) as to whether a temporary hawker licence is required.

July 2022

## **Statement of Purpose**

### Purpose of Collection

The personal data provided by means of this form will be used by Home Affairs Department for the purpose of :

“to exercise functions on fund-raising activities for non-charitable purposes”

### Classes of Transferees

2. The personal data you provided by means of this form may be disclosed to other Government bureaux, departments and relevant persons and bodies for the purposes mentioned in paragraph 1 above.

### Access to personal data

3. You have a right of access and correction with respect to personal data as provided for in sections 18 and 22 and principle 6 of Schedule 1 of the Personal Data (Privacy) Ordinance. Your right of access includes the right to obtain a copy of your personal data provided by this form.

### Enquiries

4. Enquiries concerning the personal data collected by means of this form, including the making of access and corrections, should be addressed to:

Executive Officer  
Home Affairs Department  
Tel. No. : 2835 1492

**Administrative Guidelines and Licensing Conditions  
for the issue of Public Fund-raising Permits  
for Non-Charitable Purposes**

Applications for permission under section 4(17) of the SOO to raise funds by collection of money or sale or exchange for donations of badges, tokens or similar articles in a public place should, where the funds are to be used for a charitable purpose, be referred to the Director of Social Welfare. Where the funds are to be used for any other purpose, such applications should be referred to the Secretary for Home and Youth Affairs.

Non-charitable fund-raising activities without permits for fund-raising for non-charitable purposes are subject to prosecution by the Police under S4(17) of the SOO, Cap. 228.

**A. Administrative Guidelines for Consideration**

When considering an application for a public fund-raising permit under section 4(17) of the SOO, the Secretary for Home and Youth Affairs will **normally** wish to be satisfied that -

- (i) the organisation or group on behalf of which the permit is sought, and the organisation or group to benefit from the collection if different, are, where applicable, properly registered under the laws of Hong Kong;
- (ii) if the applicant is an individual, he should be aged 21 or above, and should either be a permanent resident of Hong Kong within the meaning of the Immigration Ordinance, or have been ordinarily resident in Hong Kong for a minimum of seven years;
- (iii) the funds collected will be used for purposes which would contribute directly or indirectly to the development of representative government in Hong Kong;
- (iv) the fund-raising activity will not cause public order and public safety problems, and will not cause nuisance or harassment to the general public;
- (v) the fund-raising activity should not be held on a morning which is a “flag day” approved by the Director of Social Welfare unless it is to be held in a confined public place;
- (vi) the fund-raising activity should not be held at the same time and in the same venue or its vicinity as a charitable fund-raising activity;

- (vii) there will be no more than one non-charitable fund-raising activity in the same venue or its vicinity on the same day except where the activities are organised by the same applicant;
- (viii) there will be a fair distribution of venues, dates and frequency of fund-raising among all potential applicants. The number of non-charitable fund-raising activities by the same person or organisation will not be excessive so as to avoid undue inconvenience to the public. As a general rule, each approved activity should not last for more than five days in any two consecutive weeks and that each applicant (by an individual or an organisation) would not be allowed to conduct more than 20 fund-raising activities within a 12-month period. For an activity to be conducted in more than one location, a permit will be required for each location; and
- (ix) the permittee who had breached the conditions stipulated in the permit last granted would not be considered for a new permit unless explanations/justifications have been provided to the satisfaction of the Secretary for Home and Youth Affairs.

Each application will be considered on its own merits having regard to the above administrative guidelines.

## **B. Licensing Conditions**

The following conditions will normally be imposed if an application is approved –

- (i) permission must have been obtained or is likely to be forthcoming from the relevant authorities, including the authority responsible for the management of the venue(s), for the fund-raising activity to be held;
- (ii) the funds collected will not be used to finance any profit-making ventures or activities;
- (iii) the funds collected will be used only in Hong Kong;
- (iv) no person will benefit improperly from the collection;
- (v) the permission given for the fund-raising activity is only valid for the details

specified in the permit. If there are any changes to such details, the approval of the Secretary for Home and Youth Affairs will be required;

- (vi) the permission given for the fund-raising activity will become null and void if the funds collected are used for purposes other than those specified in the permit;
- (vii) within 90 days after the conclusion of the fund-raising activity, the permittee will cause the money received from the public, less any reasonable expenses incurred, to be applied for the purpose for which the permission is given;
- (viii) if after applying the funds collected as described in (vii) above, there is still a balance left, the permittee will donate the unspent funds to a charitable institution which is exempt from tax under section 88 of the Inland Revenue Ordinance (Cap. 112) for charitable purpose;
- (ix) the funds collected will be audited by a qualified accountant arranged by the permittee. A copy of the audited accounts will be submitted to the Secretary for Home and Youth Affairs within 90 days after the conclusion of the fund-raising activity. The audited accounts will also be made available to members of the public for inspection upon demand;
- (x) all donations are to be purely voluntary, and that the activity shall not create public order problems or cause nuisance, including excessive noise, or harassment to the general public, and that the manner in which the activity is conducted should not be such as to be likely to produce a reaction generally against public fund-raising activities;
- (xi) during the course of the fund-raising activity, the name of the organisation and a copy of the permit/approval letter should be prominently displayed. Every participant of the activity should also wear a clear and legible badge identifying the name of the participant and the name of the organisation; and
- (xii) children under the age of 14 must not be allowed to take part in the activity. Participation by young persons between the age of 14 - 18 must be entirely voluntary and the prior written consent of parents must be obtained.

The Secretary for Home and Youth Affairs may, if a particular application so warrants, impose additional conditions such as those required for the protection of the participants in the fund-raising event, for the preservation of law and order, for crowd control, or for public safety

purposes. In specific circumstances, he may waive certain conditions where it appears reasonable for him to do so.

Upon approval of the application, the relevant details about the fund-raising activity including the name of the activity and the date, time and venue for conducting it will be uploaded on the GovHK website (<https://www.gov.hk/fundraising>) and DATA.GOV.HK (<https://data.gov.hk>).

July 2022

**Observations made by the Court in an Election Petition relating to a Television Programme on 2010 Legislative Council By-election**

1. A candidate of the 2010 Legislative Council By-election made an election petition relating to a multi-episode television programme which introduced the election platforms of all candidates of the By-election. Due to the airtime constraint, only four candidates were introduced in each episode and the time allocated to each candidate was more or less the same.

2. There were five candidates in the constituency in which the aforesaid candidate contested and the candidate number allocated to him was 5. According to the candidate number, the broadcaster of the television programme mentioned above introduced the first four candidates of that constituency in the same episode, while the aforesaid candidate was covered in the next episode. However, there was no mention in the episode on the first four candidates that there was a remaining candidate in that constituency who would be introduced in the next episode. The Court considered that it was possible that such arrangement might cause misunderstanding to the audience who only watched the former episode that there were only four candidates in the constituency concerned.

3. The Electoral Affairs Commission considers that the broadcaster should let the audience know: (a) the total number and the names of all candidates in the same constituency (or Rural Area in the case of an RR election) in each relevant episode; and (b) the episode which will cover or has covered the candidate(s) who is/are not introduced in the current episode. Such an arrangement will ensure that the audience will be fully aware of the total number of candidates in the same constituency (or Rural Area in the case of an RR election) even if they watch only one single episode instead of all episodes on the same constituency (or Rural Area in the case of an RR election) and that equal treatment will be given to all candidates concerned.

4. Where appropriate, broadcasters are advised to follow the arrangement set out in para. 3 above when producing multi-episode programmes which are election-related.

*[Added in October 2011 and amended in October 2014]*

**Fair and Equal Treatment of Candidates by the Print Media**

1. Fairness and equality in treatment of candidates will be examined by the Electoral Affairs Commission (“EAC”) with reference to the surrounding circumstances on a case-by-case basis.
2. Practical problems that may be experienced by publishers (like limitation of column space and staff resources; situations such as some candidates having extensive arguments on issues of public relevance while some others not expressing their views, or some candidates having made newsworthy statements or speeches while some others not making any comment; and the difference in status and standing of candidates as public figures) are examples of circumstances alongside which the EAC will judge whether the media have fulfilled the criteria of fair and equal treatment.
3. What is important is that practical problems, in general terms without specifics, should not be allowed to be used as pretexts for not giving fair and equal treatment and coverage to all candidates competing in the same Rural Area. Merely saying that practical problems gave rise to the selective reporting will be viewed as a lame excuse. However, if the other candidates had been approached but declined the interview and this fact is made known in the same article, there can hardly be any suspicion or complaint that the guidelines have been breached.
4. Equal treatment and coverage are not necessarily equal space given to and equal number of words written on every candidate of the same Rural Area. It is an idea that has to be examined together with all the circumstances of each individual case. Where a candidate says more on a topic and another candidate says less, a truthful and faithful report of this should not be criticised of unequal reporting. In other words, fair and equal treatment here is in the sense of **equal opportunity** being given to all candidates competing in the same Rural Area, so as to help electors make informed choices.
5. If there is fair and equal treatment of all candidates competing in the same Rural Area in a publication, its editorial line or the personal opinions of the writer on individual candidates can be freely expressed, insofar as they are fair comments and based on true facts. Any newspaper is at full liberty to express its support for or disapproval of a candidate. The guidelines do not seek to impose any shackle on the expression of such ideas.

*[Amended in October 2014 and October 2022]*

**Application Procedure for the Approval of Float Design**

1. All applications in respect of the design of any float to be used in a procession or parade must be made in writing setting out the make, model and registration mark (or vehicle identification number for a brand new vehicle) of the vehicle to be used as a float. *[Amended in October 2010]*
  
2. The application should be accompanied by 3 copies of a drawing, certified by qualified electrical or mechanical engineers, in minimum A3 size, showing the following details:
  - (1) the float's decoration and the vehicle's outline, side, plan, front and rear views, with all major dimensions (both proposed and original) shown
  - (2) entry/exit to and from the driver's compartment
  - (3) location of rearview mirrors which enable the driver to view both sides of the float
  - (4) location of exhaust outlets of any internal combustion engines
  - (5) location of any auxiliary power equipment installed
  - (6) equipment to communicate with the passengers on the float
  - (7) location of the passenger compartment and means of support for passengers (seats, grab-rails, etc.) on the float

Applicants must pay attention to regulation 53(2) of the Road Traffic (Traffic Control) Regulations (Cap. 374G) on the requirements for carriage of passengers: no driver of a vehicle on a road shall permit a passenger to travel in the vehicle unless seated in a properly constructed seat secured to the bodywork of the vehicle except -

- (a) where the vehicle is a public service vehicle licensed to carry standing passengers; or

- (b) where the vehicle is exempted under regulation 53A of the abovementioned Regulations.
- (8) detailed artwork is **not** required
3. All applications must be made at least 1 month in advance of the date of the event to:
- Engineer (Vehicle Approval and Planning)  
Vehicle Safety and Standards Division  
Transport Department  
(Contact telephone : 3842 5729 Fax : 2802 7533)
4. If the application is approved in principle (subject to the vehicle inspection results), the applicant will be so advised within 14 days upon the receipt of the application, and also informed of further details of the vehicle inspection.
5. If the design is not accepted, the applicant should submit the revised drawings within 1 week upon the receipt of such notice.

*[Amended in October 2006, October 2010, October 2011 and October 2022]*

**Items of Expenses to be Counted towards Election Expenses**

(Note : This list is by no means an exhaustive list of items of expenditure to be counted as election expenses. It only serves to illustrate the common items of election expenses.)

1. Fees and allowances, including travelling expenses, paid to agents and assistants engaged in relation to one's electioneering activities. (Remarks: If the agents and/or assistants are staff members currently employed by an incumbent Rural Representative who is seeking a new term in office, the salary expenses of the staff members concerned should be appropriately apportioned and declared in the candidate's election return.)
2. Costs of meals and drinks for agents and assistants before and on the polling day.
3. Costs of the design and production of election advertisements ("EAs") such as:
  - (a) banners
  - (b) signboards
  - (c) placards
  - (d) posters
  - (e) handbills
  - (f) publicity pamphlets
  - (g) video and audio recordings
  - (h) electronic messages
  - (i) various forms of publications or publicity materials for promoting the election of a candidate or candidates or prejudicing the election of another candidate or other candidates.

(Remarks: Costs of publicity materials used to express gratitude for electors' support after the election will not be counted as election expenses.)

4. Costs of the display and removal of EAs including labour charges. If the EAs have not been removed by the deadline specified by the

Home Affairs Department or the Returning Officer, the removal costs for the EAs charged by government departments should also be included. *[Amended in October 2004 and October 2011]*

5. Costs incurred by the relevant departments for the removal of EAs displayed without authorisation.
6. Costs of rental of places for electioneering activities.
7. Costs of stationery used for electioneering activities.
8. Operation/miscellaneous costs in connection with the electioneering activities, e.g. photocopying, rental costs of telephone and fax lines. (Remarks: Election deposits will not be counted as election expenses.)
9. Postage for the mailing of publicity materials.
10. Costs of the hire of transport for electioneering purposes.
11. Costs of deploying vehicles for publicity. (Remarks: If a vehicle is lent to the candidate by any person(s) free of charge, the candidate should, apart from reporting the free goods or service as an election donation, declare the estimated market value of rental of similar vehicles in his/her election return.) *[Amended in October 2006]*
12. Costs of advertisements by means of the media, taxis or other public transport.
13. Costs of organising election meetings, including venue charges.
14. Costs of T-shirts, armbands, caps and other identification materials for election agents and assistants.
15. Costs of refurbishing old publicity boards and their estimated value.
16. Costs of the publication by a candidate during the election period (i.e. from the commencement of the nomination period to the day on which a declaration is made under s 29 of the Rural Representative Election Ordinance (Cap. 576) or s 19 of the Electoral Procedure (Rural Representative Election) Regulation (Cap. 541L) (“EP (RRE) Reg”); or the day on which the polling ends) of a document that gives details of work done by the candidate in the capacity of:

- (a) the Chief Executive;
  - (b) a member of the Election Committee;
  - (c) a member of the Legislative Council, a District Council or the Heung Yee Kuk;
  - (d) the Chairman, Vice-chairman or a member of the Executive Committee of a Rural Committee; or
  - (e) a Rural Representative.
17. Costs incurred by a political body or organisation with which the candidate is affiliated to promote his/her candidacy. (Remarks: Costs of organising meetings to publicise the platform of the political body or organisation without specific reference to the candidate will not be counted as election expenses. In addition, for the avoidance of doubt, costs incurred by an uncontested candidate who participates in electioneering activities (e.g. campaign rallies) to promote the election of other contested candidates after the declaration of the election result in respect of his/her Rural Area will not be counted as election expenses of the uncontested candidate.)
18. Costs of obtaining legal/professional advice in respect of the conduct of an election (e.g. (a) where a candidate hires a lawyer to vet an election publicity pamphlet to make sure that the content does not constitute defamation; and (b) where a candidate engages a building professional to advise on or carry out building works for the erection of EAs). (Remarks: Costs of obtaining (a) legal advice on the general interpretation/application of the electoral laws, including whether a particular item of expense can be regarded as “election expenses” and “election donations”, and (b) professional advice on the apportionment of expenses between purposes related to an election and any other purposes, will not be regarded as election expenses.)
19. Interest incurred from a loan to finance the electioneering activities of a candidate. (For an interest-free loan, the interest waived should be declared as an election donation and counted as election expenses. A reasonable amount should be determined with reference to the market interest rate.) *[Added in October 2004]*

20. Allowances provided for organising promotional activities for a candidate is a form of election donation which should be counted as election expenses (e.g. (a) an allowance given by an organisation to the staff of the activity to promote the election of a candidate and/or (b) a sponsorship given by the organisation for the said activity).
21. Although certain persons may work for or supply goods, labour or services to candidates free of charge (except for voluntary services), the difference between the reasonably estimated charges of these items and the discounts or concessions generally available to customers, is in itself an election expense (which should be correspondingly counted as an election donation made by these people).
22. Goods given incidental to the provision of voluntary service.
23. Costs of organising charitable activities to promote a candidate.
24. Costs of any negative publicity launched against one's rival candidates.

*[Amended in October 2011, October 2012, October 2014, October 2018 and October 2022]*

### **Collection of Election Donations**

1. Any person or organisation<sup>Note</sup> (including a political party) acting as an agent for a candidate or candidates to solicit, receive or collect election donations is advised to:

- (1) have the prior consent/authorisation of the candidate(s);
- (2) set up a dedicated ledger account for receiving and handling election donations;
- (3) state the apportionment of donations between candidates or other parties if more than one candidate or other parties are involved;
- (4) comply with all the requirements under the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) in respect of election donations, as in the case of donations received by the candidate(s) direct. For example, for donation of more than \$1,000, a receipt should be issued to the donor by the candidate concerned instead of the agent;
- (5) ensure that donors are clearly advised of the purpose(s)/use of their donations; and
- (6) apply for permission from the Secretary for Home and Youth Affairs if the donations are collected through fund-raising activities in a public place for non-charitable purposes.

2. On the other hand, though there is no prohibition against the solicitation of donations by a candidate on behalf of a political party or any other organisation, he/she must make sure that the message conveyed is clear enough so that members of the public are well advised of the purpose and nature of the donation and that in no circumstances would they be misled to believe that the donation is solicited and used for the election of the candidates.

*[Added in October 2018 and amended in October 2022]*

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<sup>Note</sup> In this context, all costs incurred by the person or organisation in the course of rendering service to the candidate(s) should be counted towards election expenses, and are therefore subject to the relevant requirements governing authorisation of election expenses agents as set out in Chapter 6. If the person renders his/her service to the candidate free of charge, voluntarily, personally in his/her own time, the service is regarded as “voluntary service” according to section 2 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554). The candidate is, therefore, not required to include the costs of such service in his/her election expenses (this exemption does not apply to service(s) rendered by an organisation).

### **Guidelines for Mutual Aid Committees Participating in Electioneering Activities**

1. Chapter 17 of the Electoral Affairs Commission's Guidelines on Election-related Activities in respect of the Rural Representative Election provides that a candidate must obtain the prior written consent from a person or an organisation before using the name or logo of that person or organisation, or a pictorial representation of that person in any of the candidate's election advertisements ("EAs") or activities as an indication of support from that person or organisation.
2. In this respect, Mutual Aid Committees ("MACs") should comply with the following procedures:
  - (a) If the support is to be given to a candidate in the name of the MAC, the written consent should be approved at a general meeting convened in accordance with the Model Rules for the MAC<sup>Note</sup>, and signed by the incumbent Chairman of the MAC.
  - (b) If the support to a candidate is to be given in the official capacity of an office-bearer of a MAC, that office-bearer should first obtain the approval of the MAC at a general meeting convened in accordance with the Model Rules for the MAC. Otherwise, that office-bearer should be careful not to give any impression or cause misunderstanding that the support in his/her official capacity represents the support of the MAC.
  - (c) If the support to a candidate is to be given in the personal capacity of an office-bearer of the MAC and his/her official title will not be mentioned in the EAs of the candidate, it will not be necessary for that office-bearer to seek approval from the MAC or its executive committee.
3. All general meetings of the MAC should be convened in accordance with the procedures laid down in the Model Rules for the MAC.
4. Decisions made at the meetings of MACs must be properly recorded and the record must be prominently displayed in the building within 7 days after the meeting.

*[Added in October 2004 and amended in October 2014]*

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<sup>Note</sup> Referring to the "Model Rules for a MAC in a Public Housing Estate" or the "Model Rules for a MAC in a Private Building".

**Guidelines for Candidates on Sending Election Advertisements to  
Registered Electors  
in the Custody of the Correctional Services Department**

**(Note: The following guidelines serve to illustrate that certain mail items which, if possessed by electors in the custody of the Correctional Services Department (“CSD”), may cause security hazards to penal institutions, and hence will be rejected. The list of items set out below is by no means exhaustive.)**

For security reasons and to maintain good order and discipline in penal institutions, any election advertisement (“EA”) mailed to registered electors in the custody of the CSD will be subject to security check; and an EA will be rejected if it falls within any of the following categories: -

Materials

- (a) metal or plastic materials;
- (b) laminated materials;
- (c) sharp objects; or
- (d) materials coated with powder-like substance.

Content/Information

- (a) on how to manufacture arms, ammunition, weapon, explosives, harmful or deleterious substance, intoxicating liquor, or any dangerous drugs within the meaning of the Dangerous Drugs Ordinance (Cap. 134);
- (b) that depicts, describes or encourages violence in the penal institutions, or the escape by any inmate/prisoner from penal institutions;
- (c) that encourages gambling in penal institutions, or adversely affects the rehabilitation of electors in the custody of the CSD;
- (d) that abets or induces electors in the custody of the CSD to commit offences enumerated in the Prison Rules (Cap. 234A) or any other criminal offences;
- (e) that poses threat to any individual’s personal safety or to the security, good order and discipline of penal institutions; or

(f) that is obscene/indecent.

Size & volume

- (a) items larger than A4 size; or
- (b) oversized items.

Remarks: For enquiries, please contact the Principal Officer (Penal Operations)3 of the CSD at 2582 4023.

Correctional Services Department  
January 2015

# INDEX

## Index

(The numbers indicate paragraph numbers)

### *a*

action checklist for candidates.....	Appendix 1
actors, during election period.....	10.28-10.29
address, change of an elector's residential address.....	2.34
address proof.....	2.5-2.6, 2.14, 2.19, 2.35
admission	
- counting station (see also <i>counting station</i> ).....	4.78, 4.80, 4.82, 6.17
- polling station (see also <i>polling station</i> ).....	4.30-4.32
advance return of donations (see also <i>donation</i> ).....	15.34, 15.41-15.43
advertising	
- through the broadcasters.....	7.6, 7.9, 7.11, 15.47
- through the printing media.....	7.66, 10.21-10.24, 10.32, 10.34
agent	
- counting ( <i>see counting agent</i> )	
- election ( <i>see election agent</i> )	
- election expense ( <i>see election expense agent</i> )	
- polling ( <i>see polling agent</i> )	
allocation of designated spots (see <i>designated spots</i> under <i>election advertisement</i> )	
allocation of polling station (see also <i>polling station</i> ).....	4.17,4.20
amplifying system or device (see <i>loudspeaker</i> )	
anonymous donations (see <i>donation</i> )	
appeal against provisional register (see also <i>provisional register</i> ).....	2.46-2.47
appeal against the decision of the Court of Final instance.....	5.5
application for registration as an elector (see also <i>elector</i> ).....	2.12-2.26
appointment	
- counting agent ( <i>see also counting agent</i> ).....	6.44-6.45
- election agent ( <i>see also election agent</i> ).....	6.7-6.9
- election expense agent ( <i>see also election expense agent</i> ).....	6.18-6.19
- polling agent (see also <i>polling agent</i> ).....	6.24-6.26
assistance to incapacitated elector (see also <i>mobility difficulty of electors and elector</i> ).....	4.48-4.49, 6.39-6.40
authorisation of election expense agent.....	6.18-6.20, 15.17-15.20, Appendix 1

**b**

badge, emblem, clothing or head-dress (see also *propaganda material*).....  
 ..... 4.24, 4.59, 6.35, 6.41, 7.9, 13.11, 16.17, Appendix 5

## ballot box

- delivery..... 4.67-4.70, 6.33
- locking and sealing
  - at the close of poll..... 4.5, 4.65-4.66, 6.34
  - before commencement of poll..... 4.5, 4.26-4.28, 6.33-6.34
- opening..... 4.75-4.76, 4.83-4.84

## ballot paper

- counting..... 4.83-4.85
- disposal..... 4.94-4.96
- invalid..... 4.86
- marking..... 4.44, 6.39
- chop..... 4.44, 6.40
- questionable..... 4.87-4.92
- removal from polling station..... Note under 4.47
- spoilt..... 4.57, 4.65, 4.86
- tendered..... 4.36, 4.58, 4.86
- unissued..... 4.65, 4.67
- unused..... 4.55-4.56, 4.65, 4.67, 4.86
- validity..... 4.87-4.92

ballot paper account..... 4.65-4.68, 4.76, 4.85

## ballot paper sorting station

..... 4.13, 4.15, 4.29, 4.70-4.76, 4.85, 6.17, 6.44, 6.47-6.49, 6.51-6.53, Appendix 1

## breach/non-compliance of the Guidelines

..... 7.68-7.72, 11.13, 16.37, 19.1, 19.6

bribery (see also *corrupt conduct*)..... 16.7

broadcasting (see also *election broadcasting*)

broadcasting vehicles (see also *loudspeaker*)..... 11.8-11.11

by-election..... 1.3, 1.4, 4.70, 4.101-4.102

**c**

## candidate

- action checklist..... Appendix 1
- appearing in commercial advertisements..... 10.30-10.31
- attending public functions..... 18.10

candidate (*Cont'd*)

- definition..... Important Note under 7.8, Important Note under 10.5, Important Note under 15.2, 15.8, Important Note under 18.1
- disqualification.....3.8
- false statement (see also *false statement*).....  
.....3.14,15.35-15.40, 15.50, 16.10-16.11
- incumbent candidates (see *incumbent candidates*)
- lodging of complaint inside polling station.....6.43, 19.11
- nomination (see *nomination of candidates*)
- qualification.....3.1-3.7
- request for re-count of votes.....4.92
- withdrawal.....3.23

## canvassing activities

- canvassing messages.....8.22
- in no canvassing zone.....7.34, 13.11-13.14, 14.13, Appendix 5
- in a penal institution or the premises of a law enforcement agency.....8.16
- involving pupils.....12.2-12.8
- joint canvassing.....7.43
- outside a polling station (see also *polling station*).....  
.....4.22-4.25, 13.11-13.17
- using loudspeaker (see *loudspeaker*)
- using vehicles.....7.34, 11.8-11.12, 13.12

## cardboard

- colour.....4.42

censure (see also *reprimand*)

- breach of time restriction when using loud-hailers.....8.23, 11.5
- breach/non-compliance of the Guidelines.....  
.....1.24, 7.72, 11.13, 16.37, 19.16
- corrupt and illegal conduct.....16.37
- exit poll.....14.12-12.14, 14.17-14.20
- false claim of support.....16.37, 17.20
- involving youths of school age.....12.2, 12.11
- namedropping.....16.37, 17.20
- opportunity to make representations.....19.16
- unauthorised display of election advertisements.....7.70-7.72
- unauthorised electioneering against the decision of an organisation or building.....8.18
- unfair and unequal treatment.....8.35, 8.44-8.45, 10.36-10.37

change of an elector's particulars (see also *provisional register*)

- other personal particulars (see also *elector*).....2.34

change of an elector's particulars (see also <i>provisional register</i> ) ( <i>Cont'd</i> )	
- residential address (see also <i>elector</i> ).....	2.34-2.38
Chief Electoral Officer (CEO)	
- admission to a ballot paper sorting station.....	4.71
- admission to a counting zone.....	4.78
- admission to a polling station.....	4.30
- reporting irregularities to EAC.....	19.19
chop (see also <i>ballot paper</i> ).....	4.42, 4.44, 4.47, 4.86, 6.40
claim of support.....	16.12-16.16, 17.4-17.6, 17.9-17.17
close of poll.....	4.63-4.69
columnist (see also <i>regular columnists, restrictions to contribute articles</i> )	
commercial advertisements, candidates appearing in.....	10.30-10.31
common parts of building (see also <i>fair and equal treatment principle</i> ).....	8.8, 8.34, 8.37
communication networks/website.....	7.9, 17.6, Appendix 1, Appendix 4
complaints	
- against conduct, behaviour or acts of RO or REO officers.....	19.7
- against criminal, illegal or corrupt activities.....	19.2
- containing false statement (see also <i>false statement</i> ).....	19.20
- duties of PROs, Deputy PROs, Assistant PROs, ROs and REO .....	19.12-19.13, 19.19
- hotline.....	19.9
- inside polling station.....	4.47, 6.43, 19.11-19.12
- obligations of the RO, PRO and the REO.....	19.19
- period.....	19.8
- procedure.....	19.9-19.11
- processing.....	19.3, 19.13-19.17
- relating to breach of Guidelines or Regulation.....	19.1, 19.6
- relating to display of election advertisements.....	7.72, 7.83
- report to Chief Executive.....	19.18
Complaints Committee... 8.18-8.19, 15.45, 16.34, 19.5-19.7, 19.13-19.15, 19.17	
Composite Indigenous Village (CIV)	
- definition.....	1.5
- numbers.....	1.5
- voting system.....	2.50-2.52
conduct at	
- ballot paper sorting station (see also <i>counting agent and ballot paper sorting station</i> ).....	4.73-4.74, 6.52

conduct at ( <i>Cont'd</i> )	
- counting station (see also <i>counting agent</i> and <i>counting station</i> ).....	4.80-4.82, 6.50-6.52
- polling station (see also <i>polling agent</i> and <i>polling station</i> ).....	4.59-4.62, 6.30, 6.34-6.36
consent of support (see also <i>namedropping</i> ).....	
	7.23, 7.41, 16.12-16.16, 17.4-17.5, 17.9-17.17
contributor (see <i>regular contributors</i> , <i>restrictions to appear in a programme</i> )	
corrupt and illegal conduct	
- election expenses and donations.....	15.16, 15.41, 16.29
- electioneering and voting.....	16.19-16.28
- inciting another person not to vote or to cast invalid vote by activity in public.....	16.17-16.18
- non-compliance and sanction (see also <i>censure</i> and <i>reprimand</i> ).....	16.38
- penalty.....	16.3, 16.38
- power of court to excuse innocent acts.....	16.30-16.33
corrupt conduct	
- aid, abet, incite or attempt.....	16.27
- bribery.....	16.7, 16.19
- deception.....	16.7-16.8
- deface of nomination paper.....	16.9
- duress.....	16.7-16.8, 16.25
- election expenses and donations.....	15.47-15.53, 16.23, 16.29
- electioneering activity which is covered by the live broadcast.....	17.6
- force.....	16.7-16.9, 16.25
- monetary dealing.....	16.20
- nomination and withdrawal of candidates.....	16.7-16.9
- obstruct or prevent an elector from voting.....	4.11, 16.5
- penalty.....	16.3, 16.38
- treating.....	16.21-16.24
- undue influence.....	12.2, 16.25-16.26
- voting offences.....	16.28
counting, rules relating to.....	4.55-4.58
counting agent	
- appointment.....	6.44-6.45
- civil servants acting as agents.....	6.6

counting agent (*Cont'd*)

- conduct inside ballot paper sorting station.....6.52-6.53
- conduct inside counting station.....4.78-4.80, 4.81, 6.49-6.52
- number.....6.4
- qualification.....6.5-6.6
- revocation.....6.46
- role.....6.47

## counting of votes

- presence.....4.78-4.81, 6.50
- process.....4.83-4.92
- re-count of votes.....4.92-4.93

counting officer/staff.....4.78, 6.6, 6.50

## counting station

- admission.....4.78-4.79, 4.82, 6.14,6.17, 6.48-6.49
- conduct inside (see also *conduct at* and *counting agent*).....  
.....4.81-4.82, 6.50-6.52
- display of notice of result.....4.93
- public observation.....4.80-4.81
- take photographs, films or make any video or audio recording.....4.81

counting zone.....4.80-4.81

Court of Final Appeal.....5.5, 15.8

Court of First Instance.....5.3-5.5, 6.22-6.23, 7.5,  
7.22, 15.31, 15.35-15.36, 15.40, 15.44, 16.30-16.33, 17.4, 17.19, Appendix 1

court, power to excuse innocent acts.....16.30-16.33

court case.....3.5, 4.87, 7.5, 7.73, 16.39, 17.4

**d**

## date

- allocation of number to candidates by drawing of lots.....3.25-3.26
- appeal against provisional register.....2.9, 2.46
- application for re-allocation of polling station by electors with mobility  
difficulty .....4.20
- application for registration as an elector.....2.9, 2.29, 2.34, 2.48
- nomination.....3.9
- publication of final register.....2.2, 2.9, 2.48
- publication of provisional register and omissions lists.....2.9, 2.39-2.40
- sending in material for inclusion in introductory leaflet.....3.25-3.27
- sending polling notices.....4.18

date ( <i>Cont'd</i> )	
- suggestions of designated spots to reach relevant Returning Officer.....	Note under 7.27
declaration	
- election advertisement (see also <i>election advertisement</i> ).....	7.44, 7.67, 7.70
- result of election.....	4.93
Declaration of Secrecy	
- ballot paper sorting station.....	4.72, 6.48-6.49
- counting station.....	4.79-4.80, 6.48-6.49
- polling station.....	4.32, 6.31-6.32
dedicated polling station.....	
.....	4.5, 4.7, 4.13, 4.14-4.15, 4.17, 4.21-4.22, 4.25-4.31, 4.33, 4.39, 4.41, 4.43, 4.45, 4.51-4.52, 4.54, 4.61, 4.65, 4.67-4.68, 4.70, 4.76-4.77, 4.85, 6.4, 6.11, 6.13-6.16, 6.24-6.28, 6.33, 6.36, 6.41, 6.44, 6.47, 13.14, 14.11, Appendix 1
delivery of ballot box (see also <i>ballot box</i> ).....	4.13, 4.67, 4.70
deposit, consent of support (see also <i>consent</i> ).....	16.13-16.15, 17.18
deposit, election advertisement with RO (see also <i>election advertisement</i> ).....	7.57-7.60, 7.63-7.64
deposit, permission or authorisation to display election advertisement (see also <i>election advertisement</i> ).....	7.28, 7.33, 7.38, 7.64
designated spot for displaying election advertisement (see <i>election advertisement</i> )	
designation of	
- no canvassing zone (see also <i>no canvassing zone</i> ).....	4.22, 13.4
- no staying zone (see also <i>no staying zone</i> ).....	4.22, 13.4
- polling station (see also <i>polling station</i> ).....	4.14-4.15, 4.17, 4.20
Director of Home Affairs (DHA)	
- appointing counting staff.....	4.77
- designating polling stations.....	4.14-4.17
- keeping sealed packets of documents for safe custody.....	4.94-4.95
- publishing rural by-election notice.....	1.4
- reporting irregularity to the EAC.....	19.13, 19.19
dismounting of election advertisement (see also <i>election advertisement</i> ).....	7.34, 7.53, Appendix 13
display of election advertisement (see <i>election advertisement</i> )	
disposal of documents and ballot papers.....	4.94-4.96
disposal of election donation (see also <i>donation</i> ).....	15.24, 15.26, 15.48

disqualification	
- candidate (see also <i>candidate</i> )	3.8
- elector (see also <i>elector</i> )	2.27
distribution of election advertisement (see also <i>election advertisement</i> )	7.12-7.15, 7.57-7.62, 8.1, 12.3, 12.5, 16.12
document that gives the details of the work done (see also <i>election advertisement</i> )	7.14, 7.16, Appendix 13
donation	
- advance return	15.34, 15.41-15.43
- anonymous	15.26, 15.33
- definition	15.9
- disposal	15.24, 15.26, 15.48
- in kind	15.9, 15.23, 15.26, 15.28-15.30, 15.33
- purpose	15.9, 15.21-15.22, 15.26, 15.48
- receipt	15.26, 15.33-15.34
- return (see <i>return and declaration of election expenses and donations</i> )	
drawing of lots	
- allocation of number to candidate	3.24-3.25
- allocation of designated spots	7.31, 7.37, 7.39
- allocation of venue for conducting election meeting	Appendix 6
- determination of election result	2.52, 4.93
duress ( <i>see force or duress</i> )	
<i>e</i>	
e-mail	6.8, 6.10, 6.14, 6.18, 6.20, 6.24-6.25, 6.27, 6.45-6.46, 8.21, 13.7
election	
- by-election	1.3, 1.4, 4.70, 4.101-4.102
- declaration of result	4.93
- ordinary	1.3
election advertisement	
- corrective declaration	7.59, 7.67
- declaration	7.44, 7.67, 7.70
- definition	7.8-7.16
- deposit with RO	7.58-7.60
- designated spots	7.25-7.27, 7.31-7.33, 7.35-7.37, 7.39-7.41
- allocation	7.31-7.32, 7.35-7.37, 7.39-7.41
- outside the village in which a candidate stands	7.40

election advertisement (*Cont'd*)

- re-allocation.....	7.39
- suggestions by prospective candidates.....	7.27
- dismantling.....	7.48, 7.51, 7.53, 7.70, 7.72
- display on any public service vehicles.....	7.34, 11.3, 11.12, 13.12
- distribution.....	7.12-7.15, 7.57-7.64, 8.1, 12.5
- document that gives the details of the work done (see also <i>election advertisement</i> ).....	7.14, 7.16, Appendix 13
- joint display.....	7.41
- joint declaration and submission.....	7.41
- mailing	
- addressing.....	7.80-7.81
- conditions.....	7.79
- mounting and installation.....	7.46-7.52
- negative campaigning.....	15.18
- no display of election advertisement.....	4.22, 7.34
- penalty.....	7.33, 7.68, 7.70
- permission/authorisation of display.....	7.24, 7.28, 7.33, 7.38, 7.61, 7.77
- political advertising relating to broadcasting.....	10.33
- print media.....	7.66, 10.1, 10.21-10.26, 10.34
- printed election materials.....	7.62, 7.65-7.67, 9.10
- printing details.....	7.57, 7.59
- private spots.....	7.25, 7.28, 8.37
- promoting or prejudicing a candidate.....	7.18-7.19
- public inspection.....	7.41, 7.57, 7.59, 7.64
- published materials by organisations.....	7.74
- quantity.....	7.21
- relief.....	7.22, 7.73
- removal.....	7.48, 7.50, 7.53, 7.69
- re-use of old publicity boards.....	7.44
- size.....	7.35-7.36, 7.45, 8.37, 11.9
- unauthorised display and consequence.....	7.33, 7.70, 13.12-13.13
election agent	
- appointment.....	6.7-6.9
- civil servants acting as agents.....	6.6
- lodging of complaint inside polling station.....	6.43
- number.....	6.4
- qualification.....	6.5-6.6

election agent ( <i>Cont'd</i> )	
- request for re-count of votes.....	4.92
- revocation.....	6.10-6.11
- role.....	6.13-6.14
election broadcasting and report	
- election advertisements.....	10.24, 10.34
- equal time principle.....	10.13
- fair and equal treatment (see also <i>fair and equal treatment principle</i> ).....	10.3, 10.23
- no unfair advantage principle.....	10.12, 10.23-10.29
- participation by candidates.....	10.28-10.31
- political advertising.....	10.33
- restrictions on presenters, regular contributors, actors, musicians, singers or other entertainers who are candidates.....	10.28-10.31
election campaigning.....	9.5, 9.15, 9.22, 10.27, 10.23, 12.10
election donation (see also <i>donation</i> ).....	7.28, 9.8, 15.6, 15.8, 15.9, 15.21-15.30
election expenses	
- corrupt and illegal conduct (see also <i>corrupt and illegal conduct and illegal conduct</i> ).....	6.9, 6.21-6.22, 15.16, 15.19, 15.41-15.46, 16.29, 16.32
- definition.....	7.20, 15.2, 15.8-15.9
- items also counted.....	6.19-6.20, 7.11, 7.28, 7.53, 7.70-7.71, 7.74, 7.77, 8.25, 9.2-9.3, 15.6, 15.9-15.10, 15.12, 15.28, 15.30, 15.36, 16.23, Appendix 13
- liability of a candidate.....	6.9, 6.22, 15.4, 15.19, 15.31, 15.41
- maximum amount.....	7.21-7.22, 15.1, 15.14-15.16
- return (see <i>return and declaration of election expenses and donations</i> )	
- who may incur.....	6.9, 6.13, 6.21, 7.18, 15.3, 15.17-15.20
election expense agent	
- appointment.....	6.18-6.19
- authorisation.....	6.19, 15.17
- civil servants acting as agent.....	6.6
- illegal conduct.....	6.21, 15.47
- number.....	6.4
- qualification.....	6.5-6.6
- revocation.....	6.20
- role.....	6.21, 15.17
election forums.....	9.1, 10.12-10.16, 10.28, Appendix 8

election meeting	
- at private premises.....	9.20-9.21
- definition.....	9.1
- in a public place.....	9.9, 9.12-9.13
- liability of candidates.....	9.4
- notification to the Police.....	9.9-9.11, 9.21
- responsibility of organiser.....	9.13
- safe conduct, guidance note on election-related activities.....	9.14, Appendix 8
election petitions.....	5.1-5.3
electioneering activities	
- at government premises.....	8.15
- at private premises.....	8.1-8.2
- declare to the management body.....	8.42
- identification of canvassers.....	8.25
- management company.....	8.11, 8.34
- management organisations.....	8.1, 8.3-8.4, 8.6, 8.14, 8.17-8.18, 8.26-8.42
- mutual aid committee.....	8.12, 8.34
- notification of decision to RO.....	8.36
- owners' committee.....	8.10-8.11, 8.34
- owners' corporation.....	8.10-8.11, 8.28-8.29, 8.33-8.34, 8.41
- owners' right.....	8.13, 8.34-8.35
- residents' association.....	8.12, 8.34
- sanction.....	8.44-8.45
- tenants' association.....	8.12, 8.34
- tenants' right.....	8.29-8.32
- corrupt and illegal conduct (see also <i>corrupt and illegal conduct</i> and <i>illegal conduct</i> ).....	16.10, 16.19-16.24
- in public housing estates.....	Appendix 6
- in schools.....	12.9-12.10
- participated by school pupils (see also <i>pupil involvement</i> ).....	12.2-12.8
- safe conduct, guidance note on election-related activities.....	9.14, Appendix 8
- using loud-hailers (see also <i>loud-hailers</i> ).....	11.2-11.6, 11.12
electioneering exhibitions.....	9.22-9.23
electioneering on TV and radio station (see <i>election broadcasting and report</i> )	

## elector

- application for registration..... 2.3, 2.9, 2.28-2.33
- change of other particulars..... 2.9, 2.34
- change of residential address..... 2.5-2.6, 2.9, 2.34
- disqualification..... 2.6, 2.27
- eligibility to vote..... 2.10-2.11
- identification at polling station..... 4.34
- imprisoned or held in custody..... 4.17, 6.15, 6.26, 7.81-7.82
- qualification for registration..... 2.4, 2.7-2.9, 2.12-2.26
- with mobility difficulty (see also mobility difficulty of *electors* and *incapacitated elector*)..... 4.20, 4.49, 6.39

## Electoral Registration Officer (ERO)

..... 2.9, 2.11, 2.16-2.17, 2.20, 2.26, 2.35, 2.39-2.40, 2.43-2.44, 2.46, 2.48

electronic poll register (EPR) system..... 4.7, 4.33-4.35, 4.37, 4.65, 4.67, 6.35

## eligibility

- counting agent (see also *counting agent*)..... 6.5-6.6
- election agent (see also *election agent*)..... 6.5-6.6
- election expense agent (see also *election expense agent*)..... 6.5-6.6
- elector (see also *elector*)..... 2.12-2.26
- nomination of candidates (see *nominations of candidates*)..... 3.2-3.8
- polling agent (see also *polling agent*)..... 6.5-6.6
- subscriber (see also *subscriber*)..... 3.11
- to vote..... 2.10-2.11, 2.14, 2.19, 2.27

empty opaque bag (see *voting system*)..... 10.8.1

entertainers, during election..... 10.28-29

entrance intercom system..... 8.22, 8.24

equal time principle..... 10.7, 10.13

## existing village (EV)

- boundary maps ..... 1.5
- definition..... 1.5
- number..... 1.5
- voting system..... 2.50-2.53

## exit poll

- application..... 14.10-14.12
- approval..... 14.12
- identification of interviewers..... 14.15-14.16
- notice, conducting exit polls..... 14.12
- restrictions..... 13.16, 14.9, 14.13

exit poll (*Cont'd*)

- sanction (see also *censure* and *reprimand*).....14.20
- secrecy of the vote.....14.8
- time for publication of result.....14.9

*f*

## fair and equal treatment principle

- broadcasters.....10.1, 10.7-10.13, 10.17-20, 10.25-10.26
- common parts of building.....8.33-8.34, 8.37-8.38
- display of election advertisement at private premises.....7.29, 8.37-8.42
- election forums.....10.12-10.16
- electioneering activities at private premises.....8.1, 8.14-8.15, 8.33-8.35
- electioneering activities in schools.....12.10
- print media.....10.6-10.11, 10.21-10.26, 10.34, Appendix 11
- sanction (see also *censure* and *reprimand*).....  
.....8.16, 8.44-8.45, 10.35-10.37, 12.11

false claim of support.....16.12-16.16, 17.4, 17.20

## false statement

- about a candidate.....16.10-16.11
- about a complaint.....19.20
- in return and declaration of election expenses and donations.....  
.....15.36-15.40, 15.50
- of withdrawal of candidature.....16.10
- penalty.....15.50

fax.....2.46, 6.1, 6.8, 6.10, 6.14, 6.18, 6.20, 6.24-6.25, 6.27, 6.45-6.46, 7.9, 13.7

## filming inside

- ballot paper sorting station (*see also ballot paper sorting station*).....4.73
- counting station (*see also counting station*).....4.81
- polling station (*see also polling station*).....4.62

## final register (FR)

- abuse or misuse of information.....  
.....Important Note under 2.49, Important Note under 8.22
- contents.....Important Note under 2.49
- date of publication.....2.2, 2.9, 2.48
- inclusion of an elector's name.....2.49
- reflection of changes of electors' particulars.....2.48
- specified persons.....2.42, 2.49, Appendix 3
- validity.....2.48

first past the post voting system	
- drawing of lots .....	2.52
- equality of votes .....	2.52
- marking of ballot papers.....	4.44, 6.40
- mechanism .....	2.52
float design.....	11.11, Appendix 12
force or duress (see also <i>corrupt conduct</i> ).....	
.....	Note under 3.23, 4.11, 4.50, 12.2, 16.5, 16.7-16.8, 16.25
form	
- advance return of election donations.....	
.....	15.34, 15.41-15.43, Appendix 1
- apply for a Permit to raise funds.....	9.24, Appendix 9
- authorisation for display/distribution of election advertisements at private premises.....	8.36
- consent of support.....	16.13-16.15, 17.4, 17.7, 17.11, 17.17
- corrected information of election advertisements.....	7.59
- Declaration of Secrecy (see <i>Declaration of Secrecy</i> )	
- nomination (see also <i>nomination of candidates</i> ).....	3.10-3.13
- notice of appointment of counting agents.....	6.45
- notice of appointment of election agent.....	6.8
- notice of appointment of polling agents.....	6.24-6.25
- notice of authorisation of persons to incur election expense.....	6.18-6.19
- notice of revocation of appointment of agents.....	
.....	6.10, 6.20, 6.27-6.28, 6.46
- notice of withdrawal of candidature.....	3.23
- notification for public meeting or procession (see also <i>notification to the Police</i> ).....	9.10, 9.16
- notification of decision on electioneering activities in a building.....	8.36
- return and declaration of election expenses and donations.....	
.....	15.31-15.34
- standard receipt for election donations.....	6.22, 15.26, 15.31-15.33
fund raising activities.....	9.24, Appendix 9

## **g**

government officials (see also <i>Officials under the Political Appointment System</i> )	
- attending public functions.....	18.5-18.9
- civil servants acting as agents for candidates.....	6.6

government officials (see also *Officials under the Political Appointment System*)  
(*Cont'd*)

- supporting electioneering activities of a candidate.....6.6, 18.3

## ***h***

Home Affairs Department (HAD)

- allocation of polling station ..... 4.1, 4.17, 4.20
- keeping sealed packets of documents for safe custody ..... 4.95
- re-allocation of a polling station..... 4.1, 4.17, 4.20
- registration of electors ..... 2.29-2.30, 2.34-2.48
- reporting irregularities to EAC ..... 19.13
- publishing provisional register and omissions list ..... 2.39
- publishing final register..... 2.48

hotline

- complaints..... 19.9
- enquiry on designation of polling station..... 4.20

hours of poll (see also *voting*)..... 4.5, 4.26

## ***i***

identification of

- canvassers conducting electioneering activities in a building..... 8.25
- electors at polling stations (see also *elector*)..... 4.38-4.39
- interviewers conducting exit poll..... 14.15-14.16

illegal conduct

- court to excuse innocent acts..... 16.30-16.33
- election advertisement..... 7.10
- election expenses exceed maximum amount..... 15.15-15.16, 15.47
- false claim of support..... 16.13-16.14, 17.20
- false or misleading statement about a candidate.....  
..... 3.14, 16.10-16.11, 16.16
- incurring election expenses without authority.....  
..... 6.9, 7.10, 7.18, 7.75, 8.41, 9.2, 10.5, 16.23
- namedropping..... 17.1-17.20
- penalty..... 7.68, 15.47-15.52, 16.3
- voting offences..... 16.28

impersonation..... 4.41, 4.47, 6.29, 6.34, 16.28

incapacitated elector (see also <i>mobility difficulty of electors</i> and <i>elector</i> ).....	
.....	3.29, 4.20, 4.48, 4.49, 6.39-6.40
inciting, activity in public (see also corrupt and illegal conduct).....	16.17-16.18
incumbent candidates.....	7.13-7.14, 15.41
indigenous inhabitant	
- maximum no. of votes.....	1.8
- registration as an elector.....	2.17
Indigenous Village (IV)	
- definition.....	1.5
- number.....	1.5
- voting system.....	2.50-2.52
information in	
- return and declaration of election expenses and election donations (see also <i>return and declaration of election expenses and election donations</i> ).....	15.32
Internet.....	7.6, 7.7, 7.11, 7.57, 15.3, 15.47, Appendix 1, Appendix 4
inspection	
- election advertisement (see also <i>election advertisement</i> ).....	7.57
- final register (see also <i>final register</i> ).....	2.49
- provisional register (see also <i>provisional register</i> ).....	2.39
- return and declaration of election expenses and donations (see also <i>return and declaration of election expenses and donations</i> ).....	6.23, 15.44
introduction to candidate	
- contents.....	3.26-3.29
- submission of message and photograph to RO.....	3.27
- to be mailed to electors.....	3.26
invalid ballot paper (see also <i>ballot paper</i> ).....	4.86
invalid nomination (see also <i>nomination of candidates</i> ).....	3.15-3.17, 3.20, 3.22

## *I*

law enforcement agency.....	2.43, 2.46, 2.49, 3.26, 4.17, 4.32, 4.41, 4.47, 4.54, 4.61, 6.31, 6.36, 6.48, 7.82, 8.16, 13.17
locking of ballot box (see <i>ballot box</i> )	
loud-hailers (see <i>loudspeaker</i> )	
loudspeaker	
- restrictions.....	4.23, 6.41, 8.23, 8.27, 9.10, 11.2-11.6, 11.12, 13.11, 13.14, 14.13

loudspeaker (*Cont'd*)

- sanction by EAC..... 11.5
- take into account the needs of persons with visual impairment... 8.23, 11.6
- time restriction..... 8.23, 11.5
- vehicles..... 11.5

***m***mailing of election advertisement (see *election advertisement*)

management company..... 8.11, 8.34

management organisations.....  
..... 8.1, 8.3-8.4, 8.6, 8.14, 8.17-18.18, 8.26-8.30, 8.33, 8.36-8.42marking of ballot paper (see also *ballot paper*)... 4.44, 4.47-4.49, 4.52, 6.39-6.40

## Market Town (MT)

- definition..... 1.5
- number..... 1.5
- voting system..... 1.7-1.8

maximum amount of election expenses (see also *election expenses*).....  
..... 7.21, 15.14-15.16

## media

- print
  - advertisements..... 7.66
  - fair and equal treatment..... 10.23, Appendix 11
  - restrictions on regular columnists..... 10.32
- relating to exit poll results..... 14.9
- report..... 10.1-10.11, 10.17, 10.19-10.20, 10.22-10.24, Appendix 11
- TV and radio station (see also *electioneering on TV and radio station, election broadcasting and report* and *election forums*).....  
..... 10.1, 10.25

## misconduct

- in a no canvassing zone or no staying zone..... 13.17
- in or in the vicinity of ballot paper sorting station..... 4.74, 6.52
- in or in the vicinity of counting station..... 4.82, 6.52
- in or in the vicinity of polling station..... 4.59-4.62, 6.35-6.36

mobile telephone..... 4.59-4.60, 6.35, 8.22

## mobility difficulty of electors

- marking of ballot paper..... 4.9, 4.49, 6.39-6.40
- re-allocation of polling station..... 4.20
- template (see *template*)

mounting and installation of election advertisement (see also <i>election advertisement</i> ).....	7.46-7.52
musicians, during election period.....	10.29
mutual aid committee.....	
.....	7.9, 7.74, 8.3, 8.12, 8.34, 9.20, 9.22, 17.10, Appendix 8, Appendix 15
<b>n</b>	
namedropping	
- form of consent.....	17.17-17.18
- guidelines for mutual aid committees.....	17.10, Appendix 15
- illegal conduct (see also <i>false claim of support</i> and <i>illegal conduct</i> ).....	
.....	17.4-17.16
- penalty (see also <i>censure</i> and <i>reprimand</i> ).....	17.20
negative campaigning.....	15.18
no canvassing zone (NCZ)	
- canvassing activities allowed/forbidden (see also <i>canvassing activities</i> )...	
.....	4.23, 7.34, 13.11-13.14, 13.17, 14.13, Appendix 5
- designation.....	4.22, 13.4-13.5
- notice of declaration.....	4.7, 13.5-13.9
- penalty.....	13.17-13.19
- purpose.....	4.22
- variation.....	13.8-13.10
no display of election advertisement (see also <i>election advertisement</i> ).....	
.....	4.22, 13.12-13.13
no staying zone (NSZ)	
- canvassing activities forbidden.....	4.22-4.23, 13.15, 13.17
- designation.....	4.22, 13.4
- notice of declaration.....	13.6-13.9
- penalty.....	13.17, 13.19
- purpose.....	4.22
- variation.....	13.8-13.10
no unfair advantage principle.....	
.....	7.28, 8.34, 8.38, 10.10, 10.14-10.15, 10.24-10.32, 10.34, Appendix 11
noise nuisance (see also <i>take into account the needs of persons with visual impairment</i> under <i>loud-hailers</i> ).....	11.2, 11.5
nomination of candidates	
- corrupt conduct.....	16.7-16.9
- disqualifications.....	3.8
- false declaration.....	3.14

nomination of candidates ( <i>Cont'd</i> )	
- form	3.10-3.12, 3.16
- invalid	3.13, 3.16-3.17, 3.19-3.20, 3.22
- notice of validly nominated candidates	3.24
- period	3.9
- procedure	3.10-3.13
- qualifications	3.2-3.7
- subscriber	IMPORTANT under 3.11, 3.16, 3.20
- validity	3.15-3.22, 3.24
- withdrawal	3.23
non-civil service government staff	6.6, 18.1
notification to RO regarding electioneering activities in a building	8.36
notification to the Police	
- public meeting (see also <i>public meeting</i> )	9.9-9.12
- public procession (see also <i>public procession</i> )	9.16-9.18
notice of	
- declaration of no canvassing zone (see also <i>no canvassing zone</i> )	4.22, 13.6-13.10
- nomination (see also <i>nomination of candidates</i> )	3.9
- result of election (see also <i>counting station and result</i> )	4.93
- validly nominated candidates (see also <i>nomination of candidates</i> )	3.15, 3.24

## ***o***

Officials under the Political Appointment System (see also <i>government officials</i> )	18.11-18.13
omissions list	2.6-2.9, 2.40-2.44, 2.46, Appendix 3
online platforms	7.7, 17.3, 17.6
opening of ballot box (see also <i>ballot box</i> )	4.75-4.76
ordinarily resided in Hong Kong	3.3, 3.5-3.7
owners' committee	7.8, 7.74, 8.10-8.11, 8.34
owners' corporation	7.9, 7.74, 8.3, 8.8-8.11, 8.28-8.30, 8.34, 8.41, 9.20, 9.22, 17.9, Appendix 8

## ***p***

paging machine	4.59, 6.35, 4.60
period for nomination (see also <i>nomination of candidates</i> )	3.9

permission/authorisation of display	
- display of election advertisement at private premises.....	7.24-7.25, 7.28, 7.33
- display of election advertisement on designated spots.....	7.24-7.25, 7.33, 7.35
personal data privacy, guidance note on electioneering activities.....	8.20, 17.16, Appendix 7
photograph, introductory leaflet.....	3.27
photographing inside	
- ballot paper sorting station (see also <i>ballot paper sorting station</i> ).....	4.73
- counting station (see also <i>counting station</i> ).....	4.81
- polling station (see also <i>polling station</i> ).....	4.62, 6.41
polling agent	
- appointment.....	6.24-6.26
- civil servants acting as agents.....	6.6
- conduct inside polling station.....	6.35-6.36
- lodging of complaint inside polling station.....	6.43
- number.....	6.4
- qualification.....	6.5-6.6
- revocation.....	6.27
- role.....	6.29, 6.34
polling day.....	4.18, 4.100
polling hours.....	4.5, 4.26
polling notices	
- contents.....	3.26, 4.18, 4.20
- date of sending.....	4.18
polling station	
- admission.....	4.26, 4.30-4.32, 4.37, 4.63-4.64, 6.30-6.32
- allocation.....	4.17, 4.20
- a cluster of designated polling stations.....	4.17
- canvassing activities forbidden.....	4.59, 4.61
- communication with electors inside.....	4.60
- conduct inside.....	4.59-4.62, 6.34-6.36
- conduct outside.....	4.22-4.24, 11.12, 13.11-13.17, Appendix 5
- dedicated polling station.....	4.5, 4.13-4.15, 4.17, 4.21-4.30, 6.13-6.16, 6.25-6.27, 6.36, 6.47, Appendix 1
- designation.....	4.14-4.17

polling station ( <i>Cont'd</i> )	
- persons with a mobility difficulty .....	4.20
- re-allocation.....	4.20
- situated in maximum security prison.....	4.27 4.130, 4.67. 6.13-6.14, 6.25
- specially designated polling station.....	4.20
- take photographs, films or make any video or audio recording.....	4.62, 6.41
posting arrangement of election advertisement (see <i>election advertisement</i> )	
presenters of TV, radio and movie	
- guest presenter.....	10.28
- restrictions to appear in a programme.....	10.28-10.29
Presiding Officer (PRO)	
- after the close of poll.....	4.65-4.68
- assistance to incapacitated electors.....	4.49, 6.39
- before commencement of poll.....	4.26, 4.29
- overseeing no canvassing zone.....	13.13, 14.14
- questioning electors before issuing ballot paper.....	4.40, 4.58, 6.34
- recording complaint.....	19.11-19.12
- regulating number of persons inside polling station.....	4.31, 6.17
- reporting irregularities to the EAC.....	19.13, 19.19
print media (see also <i>media</i> )	
- advertising through.....	7.66, 10.21-10.24, 10.34
- fair and equal treatment (see also <i>fair and equal treatment principle</i> ).....	10.6-10.11, 10.21-10.26, 10.34, Appendix 11
printed election materials (see also <i>election advertisement</i> ).....	7.58, 7.62, 7.65-7.67, 9.10
printing details of election advertisement (see also <i>election advertisement</i> ).....	7.65, 7.67
privacy of electors.....	8.20
private premises	
- display of election advertisement (see <i>election advertisement</i> and <i>fair and equal treatment principle</i> )	
- election meeting (see also <i>election meeting</i> ).....	9.5-9.6, 9.11, 9.20-9.21
- electioneering activities (see <i>electioneering activities</i> and <i>fair and equal treatment principle</i> )	
private spots for displaying election advertisement (see also <i>election advertisement</i> ).....	7.25, 7.28-7.29, 7.33, 8.37-8.38
procedure	
- complaints (see also <i>complaints</i> ).....	19.9-19.11

procedure ( <i>Cont'd</i> )	
- nomination (see also <i>nomination of candidates</i> )	3.10-3.12
propaganda material (see also <i>badge, emblem, clothing or head-dress</i> )	4.24, 4.59, 6.35, 6.41, 13.11, Appendix 5
provisional register (PR)	
- appeals	2.46
- contents	2.39
- date of publication	2.39
- electors to change particulars	2.34-2.38
- inclusion of an elector's name	2.48
- reflection of changes of elector's particulars	2.39
- specified persons	2.39, 2.42, Appendix 3
public area inside counting station (see also <i>counting station</i> )	4.79-4.81
public function	16.17-16.18, 18.1-18.10
public fund-raising permits (see also <i>fund raising activities</i> )	9.24, Appendix 9
public housing estates (see also <i>electioneering activities</i> )	7.35, 9.22-9.23, Appendix 6
public meeting (see also <i>election meeting</i> )	
- notification	9.9-9.11
- prohibition	9.12
- responsibility of organiser	9.13
public observation inside counting station (see also <i>counting station</i> )	4.73, 4.80
public procession	9.15-9.19
- notification to the Police	9.15-9.19
public statement	7.72, 8.44, 10.36-10.37, 11.13, 12.11, 14.12, 14.20, 16.37, 19.4, 19.16
publication, for free	10.24
pupil involvement	
- canvassing activities (see also <i>canvassing activities</i> )	12.2-12.8
- sanction (see also <i>censure and reprimand</i> )	12.2, 12.11
- undue influence (see also <i>force or duress</i> )	12.2-12.3, 12.5
<b>q</b>	
qualification	
- candidate (see also <i>candidate</i> )	3.2
- counting agent (see also <i>counting agent</i> )	6.5-6.6
- election agent (see also <i>election agent</i> )	6.5-6.6

qualification ( <i>Cont'd</i> )	
- election expense agent (see also <i>election expense agent</i> )	6.5-6.6
- elector (see also <i>elector</i> )	2.12-2.26
- polling agent (see also <i>polling agent</i> )	6.5-6.6
- subscriber (see also <i>subscriber</i> )	3.11
questionable ballot paper (see also <i>ballot paper</i> )	4.87-4.90
queuing arrangement	4.37
<b>r</b>	
re-allocation of polling station (see also <i>polling station</i> )	4.2, 4.20
recording (video or audio) inside	
- ballot paper sorting station (see also <i>ballot paper sorting station</i> )	4.73
- counting station (see also <i>counting station</i> )	4.81
- polling station (see also <i>polling station</i> )	4.62, 6.41
re-count of votes (see also <i>counting of votes</i> )	4.92-4.93
register	
- final register (see <i>final register</i> )	
- provisional register (see <i>provisional register</i> )	
- use of information obtained	Important Note under 2.49
Registration and Electoral Office (REO)	
- reporting irregularities to EAC	19.13, 19.19
regular columnists, restrictions to contribute articles	10.32
regular contributors, restrictions to appear in a programme	10.28
reprimand (see also <i>censure</i> )	
- breach of time restriction when using loud-hailers	8.23, 11.5
- breach/non-compliance of the Guidelines	1.24, 7.72, 11.13, 16.37, 19.16
- corrupt and illegal conduct	16.37
- exit poll	14.12-14.14, 14.17-14.20
- false claim of support	16.37, 17.20
- involving youths of school age	12.2, 12.11
- namedropping	16.37, 17.20
- opportunity to make representations	19.16
- unauthorised display of election advertisements	7.70-7.72
- unauthorised electioneering against the decision of an organisation or building	8.18
- unfair and unequal treatment	8.35, 8.44-8.45, 10.36-10.37
residents' association	8.12, 8.34

restricted zone.....	6.35, 13.4-13.6, 13.9-13.10
restrictions on	
- canvassing activities in no canvassing zone and no staying zone.....	4.22-4.23, 7.34, 13.11-13.17, 14.13, Appendix 5
- presenters.....	10.28
- regular columnists.....	10.32
- regular contributors.....	10.28
- use of loud-hailers (see also <i>loud-hailers</i> ).....	4.23-4.24, 6.41, 8.23, 11.2, 11.6, 11.12, 13.11, 13.14, 14.13, Appendix 5
result	
- declaration.....	4.93
- notice.....	4.93
- publication in Gazette.....	4.93
return and declaration of election expenses and donations	
- court power to excuse innocent acts.....	16.30-16.33
- delivery.....	15.31
- false statement.....	15.36-15.40, 15.50
- omissions and mistakes.....	15.35-15.37
- penalty for non-compliance.....	15.49-15.53
- public inspection.....	6.23, 15.44
- requirement.....	15.31
Returning Officer (RO)	
- allocation of designated spots.....	3.25, 7.26, 7.31, 7.33, 7.35-7.37, 7.39
- authorising any other manner of delivery of the nomination form to RO.....	3.12
- authorising public officers to enter counting station.....	4.78
- authorising public officers to enter polling station.....	4.30
- conduct of a re-count.....	4.92-4.93
- decision on a ballot paper.....	4.89-4.90
- declaration of election result.....	4.93
- designation and declaration of no canvassing zone and no staying zone.....	4.22, 13.4-13.10
- designation of designated spots.....	7.26-7.27, 7.31
- displaying notice of result.....	4.93
- handling complaints.....	7.72, 19.6-19.7, 19.11, 19.13-19.15
- keeping order at polling and counting stations.....	4.61
- opening of ballot box at counting station.....	4.83, 4.85
- providing sketch maps of polling station and no canvassing zones.....	7.34

Returning Officer (RO) ( <i>Cont'd</i> )	
- reporting irregularities to EAC.....	19.13, 19.19
Revising Officer.....	2.47-2.48
revocation	
- counting agent (see also <i>counting agent</i> ).....	6.46
- election agent (see also <i>election agent</i> ).....	6.10
- election expense agent (see also <i>election expense agent</i> ).....	6.20
- polling agent (see also <i>polling agent</i> ).....	6.27
role	
- counting agent (see also <i>counting agent</i> ).....	6.47
- election agent (see also <i>election agent</i> ).....	6.13
- election expense agent (see also <i>election expense agent</i> ).....	6.21
- polling agent (see also <i>polling agent</i> ).....	6.29
roll-up banner.....	7.9, 7.54
Rural Areas	
- types and numbers.....	1.5-1.6
<b>s</b>	
schools, electioneering activities.....	12.9-12.10
school pupils (see <i>pupil involvement</i> )	
sealing of ballot box (see <i>ballot box</i> )	
secrecy of the vote	
- exit poll (see also <i>exit poll</i> ).....	6.42, 14.2-14.3, 14.8
- inside a ballot paper sorting station.....	4.72, 6.48-6.49
- inside counting station.....	4.79, 6.48-6.49
- inside polling station.....	4.32, 4.50-4.51, 6.31-6.32
secrecy of voting (see <i>secrecy of the vote</i> )	
Secretary for Home and Youth Affairs (SHYA)	
- appointing date of election.....	1.3-1.4
- appointing Electoral Registration Officer.....	2.11
singers, during election period.....	10.29
specified persons.....	2.7, 2.39-2.40, 2.42, 2.49, Appendix 3
spoilt ballot paper, replacement (see also <i>ballot paper</i> ).....	4.57
statutory relief mechanism for errors and false statements.....	15.35-15.40
submission of return and declaration of election expenses and donations (see also <i>return and declaration of election expenses and donations</i> ).....	6.22-6.23, 15.1, 15.31

subscriber (see also *nomination of candidates*)

- number required ..... 3.11
- qualification ..... 3.11, 3.16

## **t**

telephone (see *mobile telephone*)

template (see also *visually impaired electors*) ..... 4.48, 6.40

tenants' association ..... 7.9, 7.74, 8.12, 8.34

tendered ballot paper (see also *ballot paper*) ..... 4.36, 4.58, 4.86, 6.33

treating (see also *corrupt conduct*) ..... 9.8, 16.21-16.24

TV and radio station (see also *election broadcasting and report and election forums*) ..... 10.1, 10.25, 10.30-10.31

types and numbers of agents ..... 6.4

## **u**

undue influence (see also *force or duress*) ..... 12.2-12.3, 12.5, 16.25-16.26

unissued ballot paper (see also *ballot paper*) ..... 4.65-4.67, 6.33

unused ballot paper (see also *ballot paper*) ..... 4.65, 4.67, 6.33

## **v**

validity

- ballot paper (see also *ballot paper*) ..... 4.87-4.89
- nomination (see also *nomination of candidates*) ..... 3.15-3.22

vehicles (see also *loudspeaker*) ..... 7.34, 9.16, 11.3, 11.5-11.12, 13.12, Appendix 5

video or audio recording inside (see also *recording (video or audio) inside*)

visual impairment (see also *take into account the needs of persons with visual impairment under loud-hailers and incapacitated elector*)

- assistance to mark a ballot paper ..... 4.49, 6.39-6.40
- template ..... 4.48, 6.40

voluntary service ..... 15.6, 15.9, 15.25, 15.30

voting

- corrupt conduct (see also *corrupt conduct*) ..... 4.47, 6.34, 16.25, 16.27-16.28
- disqualification ..... 2.27
- eligibility ..... 2.10-2.11
- empty opaque bag ..... 2.52
- marking of ballot paper (see also *ballot paper*) ..... 4.9, 4.44, 4.49, 6.39-6.40

voting (*Cont'd*)

- number of vote allowed.....	1.8
- secrecy (see <i>secrecy of the vote</i> )	
- time.....	4.5, 4.26
- where.....	4.1-4.2, 4.17-4.21
voting compartment.....	4.9, 4.10, 4.44, 4.47, 4.55, 6.35
voting offences (see also <i>corrupt conduct</i> ).....	16.28
voting preference (see also <i>corrupt conduct</i> ).....	9.8, 14.2, 16.19-16.21, 16.24
voting system	
- empty opaque bag.....	2.52
- first past the post system (see also first past the post system).....	2.50

**w**

## website(s) of

- candidates.....	7.9
- ICAC.....	16.2
withdrawal of candidate (see also <i>candidate; corrupt conduct</i> and <i>false statement</i> ).....	3.20, 3.23, 16.7-16.9