

Supplementary Information to
the Guidelines on Election-related Activities
in respect of the Rural Representative Election
Issued by the Electoral Affairs Commission in October 2022

Candidates, members of the public and organisations/ institutions must comply with the Guidelines on Election-related Activities in respect of the Rural Representative Election issued by the Electoral Affairs Commission (“EAC”) in October 2022. The persons concerned should also note and comply with the requirements set out in the following supplementary information for the 2024 Rural By-election held in December 2024:

Supplementary Information (1):

Reminding candidates the information relating to a person contained in any register or in any extract of any register can only be used for election-related purposes prescribed by the electoral law. Please refer to the changes in the related chapter listed below.

CHAPTER 2 REGISTRATION OF ELECTORS AND VOTING SYSTEM

PART II : REGISTRATION OF ELECTORS *(Supplementing paragraph 2.49, changes are bolded and highlighted in yellow)*

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.

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.

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.

In accordance with Data Protection Principle 3 of Schedule 1 to the Personal Data (Privacy) Ordinance (Cap 486) (“PD(P)O”), personal data relating to a person (as a data subject) contained in any register or in any extract of any register shall not, without the prescribed consent of the data subject¹, or if the exemption under Part 8 of the PD(P)O is not applicable, be used for a “new purpose”². Moreover, according to s 64(3A) and (3B) 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 or in any extract of any register without the relevant consent of the data subject with an intent to cause any specified harm³ 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 to a fine of \$100,000 and to imprisonment for 2 years. According to s 64(3C) and (3D) of the PD(P)O, if the disclosure causes any specified harm to the data subject or any 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.

¹ 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).

² 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.

³ 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.

Supplementary Information (2):

The deadline for candidates to upload election advertisements (“EAs”) or to submit copies of EAs together with the relevant information and documents after the publication of EAs will be adjusted from 1 working day to 3 working days. Please refer to the changes in the related chapter and appendices listed below.

CHAPTER 7 ELECTION ADVERTISEMENTS

PART I : GENERAL (Revising paragraph 7.4, changes are bolded and highlighted in yellow)

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 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 **3 working days** after publication of the EA. 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.

PART VII : REQUIREMENTS RELATING TO PUBLICATION OF ELECTION ADVERTISEMENTS (Revising paragraphs 7.57 and 7.58, changes are bolded and highlighted in yellow)

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 **3 working days** (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.

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 **3 working days** after the publication of the EAs (see Appendix 4). A candidate must ensure the accuracy of all the information provided.

APPENDIX 1 RURAL REPRESENTATIVE ELECTION ACTION CHECKLIST FOR CANDIDATES

(Revising item 5(d), changes are bolded and highlighted in yellow)

5(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 **3 working days** after publication.

APPENDIX 4 SUBMISSION METHOD, FORMAT AND STANDARD FOR POSTING ELECTRONIC COPY OF ELECTION ADVERTISEMENT AND RELEVANT INFORMATION ONTO AN OPEN PLATFORM FOR PUBLIC INSPECTION

(Revising paragraph 1, changes are bolded and highlighted in yellow)

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 **3 working days** 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.

Supplementary Information (3):

If the information of the EAs submitted by the candidates contain a mistake, the deadline for candidates to post or submit the amended information is adjusted from 2 working days to 3 working days after the polling day. Please refer to the changes in the related chapter and appendices listed below.

CHAPTER 7 ELECTION ADVERTISEMENTS

PART VII: REQUIREMENTS RELATING TO PUBLICATION OF ELECTION ADVERTISEMENTS *(Supplementing paragraph 7.59, changes are bolded and highlighted in yellow)*

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 **3 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.

APPENDIX 1 RURAL REPRESENTATIVE ELECTION ACTION CHECKLIST FOR CANDIDATES

(Revising item 31, changes are bolded and highlighted in yellow)

<u>Time</u>	<u>Action</u>
Not later than 3 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".

APPENDIX 4 SUBMISSION METHOD, FORMAT AND STANDARD FOR POSTING ELECTRONIC COPY OF ELECTION ADVERTISEMENT AND RELEVANT INFORMATION ONTO AN OPEN PLATFORM FOR PUBLIC INSPECTION

(Revising paragraphs 5 and 13, changes are bolded and highlighted in yellow)

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 **3 working days** after the polling day.

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 **3 working days** after the polling day.

Supplementary Information (4):

Reminding candidates to arrange for the removal of all EAs displayed on private land/property and on the windows or bodywork of the public service vehicles as soon as possible after the election. Please refer to the changes in the related chapter listed below.

CHAPTER 7 ELECTION ADVERTISEMENTS

PART V : CONDITIONS AND LIMITATIONS ON DISPLAY *(Supplementing paragraph 7.53, changes are bolded and highlighted in yellow)*

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. **For EAs displayed on private land/property and on the windows or bodywork of the public service vehicles (e.g. public light buses, taxis, etc.), candidates should inform the owner or occupier of the private land/property concerned, and owner or manager of any public service vehicles to arrange the removal of all EAs as soon as possible after the 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 (Cap. 121) or the Buildings Ordinance (Cap. 123) and its subsidiary regulations should be complied with.**

Supplementary Information (5):

Mutual aid committees ("MACs") in Hong Kong had been dissolved by 1 January, 2023. MAC should therefore be removed from relevant contents. Please refer to the changes in the related chapters and appendices listed below.

CHAPTER 7 ELECTION ADVERTISEMENTS

PART II : WHAT CONSTITUTES AN ELECTION ADVERTISEMENT *(Revising paragraph 7.9(c), deleted parts are highlighted in yellow and marked with double strikethrough)*

7.9(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")~~, 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.

PART X : ADVERTISEMENTS OF POLITICAL, PROFESSIONAL BODIES, TRADE ORGANISATIONS OR OTHER ORGANISATIONS *(Revising paragraph 7.74, deleted parts are highlighted in yellow and marked with double strikethrough)*

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:

CHAPTER 8 ELECTIONEERING ACTIVITIES IN PREMISES OR BUILDINGS WHERE ELECTORS RESIDE, WORK OR FREQUENT

PART I : GENERAL (Revising paragraph 8.3, deleted parts are highlighted in yellow and marked with double strikethrough)

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.

PART II : RIGHTS OF TENANTS AND OWNERS (Revising paragraph 8.12, deleted parts are highlighted in yellow and marked with double strikethrough)

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.

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 *(Revising paragraph 8.34, deleted parts are highlighted in yellow and marked with double strikethrough)*

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.

CHAPTER 9 ELECTION MEETINGS

PART IV : ELECTION MEETINGS IN PRIVATE PREMISES *(Revising paragraph 9.20, deleted parts are highlighted in yellow and marked with double strikethrough)*

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.

PART V : ELECTIONEERING EXHIBITIONS *(Revising paragraph 9.22, deleted parts are highlighted in yellow and marked with double strikethrough)*

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.

CHAPTER 17 NAMEDROPPING

PART II : CLAIM OF SUPPORT *(Removing entire paragraph 17.10 and appendix 15, deleted parts are highlighted in yellow and marked with double strikethrough)*

~~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.~~

APPENDIX 8 GUIDANCE NOTE ON SAFE CONDUCT OF ELECTION-RELATED ACTIVITIES

(Revising paragraph 5, deleted parts are highlighted in yellow and marked with double strikethrough)

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.

APPENDIX 15 GUIDELINES FOR MUTUAL AID COMMITTEES

(As a result of deletion of paragraph 17.10, entire appendix is removed)

Supplementary Information (6):

Providing the latest version of the *Guidance on Election Activities for Candidates, Government Departments, Public Opinion Research Organisations and Members of the Public* published by the Office of the Privacy Commissioner for Personal Data. Please refer to the changes in the related appendix listed below.

APPENDIX 7 GUIDANCE ON ELECTION ACTIVITIES FOR CANDIDATES, GOVERNMENT DEPARTMENTS, PUBLIC OPINION RESEARCH ORGANISATIONS AND MEMBERS OF THE PUBLIC

Please refer to the link below for the latest version of the Guidance:
https://www.pcpd.org.hk/english/resources_centre/publications/files/electioneering_en.pdf

Electoral Affairs Commission

October 2024