

Consultation Paper on Review of Regulation on Election Advertisements

Introduction

To facilitate candidates to conduct electioneering activities, particularly in new media, and simplify the procedures for handling election advertisements (“EAs”) while maintaining the integrity, fairness and openness of elections, the Government is now conducting a review on the regulatory regime of EAs.

2. Legislative Council (“LegCo”) Members and political parties have expressed concerns about the problems encountered in complying with the existing requirements regarding the submission of EAs. At meetings of the Subcommittee on Nine Amendment Regulations under the Electoral Affairs Commission Ordinance (Cap. 541) in June 2011, Members requested legislative amendments to relieve the difficulties in complying with the requirements governing EAs as a result of increasing use of the Internet in electioneering activities. The Administration undertook to further review the arrangements of declaration and submission of EAs to prepare for the LegCo election in September 2012.

3. At the meeting of the LegCo Panel on Constitutional Affairs on 21 November 2011, the Administration briefed Members on the existing regulatory regime of EAs and the proposed amendments. Having considered the views of the Members, the Constitutional and Mainland Affairs Bureau (“CMAB”) has prepared this Consultation Paper to collect views from the public on this issue.

4. We will consider all the comments and suggestions that will be received. Any persons or organizations wishing to offer views are invited to send them to the CMAB **on or before 31 December 2011**. After the consultation, the Administration will consolidate the views received and introduce into the LegCo an amendment Bill in early 2012. Following the passage of the Bill by the LegCo, we will implement the revised arrangements starting from the LegCo election in September 2012.

Existing Regulatory Regime on EAs

5. The current regulatory regime on EAs is laid down in the Elections (Corrupt and Illegal Conduct) Ordinance (“ECICO”) (Cap. 554) and the relevant regulations made under the Electoral Affairs Commission

Ordinance (“EAC regulations”). The following paragraphs provide a summary of the regime. Extracts of the relevant provisions are at **Annex A**.

Definition of EA

6. EA is defined in section 2 of the ECICO. It covers notices, public announcement or any other form of publication (including printed advertisements and those distributed by electronic transmission) published for the purpose of promoting or prejudicing the election of a candidate or candidates at the election.

Declaration and submission of EA

7. Section 34(1) of the ECICO stipulates that a person must not publish a printed EA that fails to show the printing details. These include the name and address of the printer, the date of printing and number of copies printed. Nevertheless, the section is not contravened if the candidate has lodged with the Returning Officer (“RO”) a statutory declaration which states the printing details mentioned above not later than seven days after the advertisement is published. Section 34(4) also provides that a person must, not later than seven days after publishing a printed EA, furnish two copies of the EA with the RO. These provisions do not cover electronic EAs.

8. The above requirements are to assist the Registration and Electoral Office (“REO”) in checking the returns of election expenses. As candidates are required to lodge election returns (setting out election expenses and election donations received) not later than 60 days after the publication of election result for any constituency of the LegCo and not later than 30 days for other elections, ex-post declaration and submission of EAs under the ECICO is sufficient to facilitate the REO in checking the election returns.

9. Separately, to facilitate the RO in dealing with complaints relating to EAs, the relevant EAC regulations require candidates to furnish the declarations together with two copies each of the declared EAs to the RO before they display, distribute or use the EA. If it is not practicable to make a copy of an EA for submission, the regulations allow the candidates to furnish with the RO two colour photographs in postcard size of the EA instead. The EAC regulations also provide that the RO must make available for public inspection a copy of the declaration and the EA furnished by candidates. Relevant notes and forms published by the REO on submission and declaration of EAs are at **Annex B**.

10. In light of the difficulties experienced by candidates in complying with the requirements for electronic EAs (viz. EAs displayed, distributed or otherwise used by electronic means), and concerns raised by LegCo Members on various occasions, the Electoral Affairs Commission introduced amendments to relax the relevant procedures for electronic EAs and the following were passed by the LegCo in July 2011:

- (a) for electronic EAs, candidates can make the required declaration and submission to the RO either electronically or in hard copy; and
- (b) where it is not practicable to submit electronic EAs to the RO before they are displayed, distributed or used (such as messages displayed or sent interactively and spontaneously through social networking platforms on the Internet like Facebook and Twitter), candidates can deposit with the RO a declaration and the electronic EAs by the end of the first working day following the day on which the advertisements are sent or displayed.

Consent of support

11. Section 27(1) and (2) of the ECICO make it an offence if a candidate or a person publishes an EA which includes the name, logo or pictorial representation of another person or an organization in such a way as to imply, or to be likely to cause electors to believe that a certain candidate has the support from such person or organization, unless the candidate or the person concerned has obtained prior written consent of support from such person or organization. Failure to meet the requirement will constitute a false claim of support. The EAC regulations also stipulate that the candidate must deposit the consent in writing with the RO.

Problems Encountered

12. Many candidates now use different electronic platforms on the Internet to promote themselves. As messages posted on the websites such as on social networking websites are interactive in nature and may change frequently and rapidly, it is not practicable for candidates to submit EAs on such platforms and make declaration before EAs on such platforms are broadcast. Moreover, candidates may have difficulty in maintaining a full record of all electronic EAs for the purpose of declaration since the messages posted on websites such as Facebook and Twitter could be removed or deleted without the candidates' prior

knowledge. It is not practicable to ensure that a full record of the electronic EA could be declared and submitted by the candidates.

13. On social networking and communication websites on the Internet, it is not uncommon that people may indicate support to a candidate in relation to his or her policies or activities by inserting a “Like” sign or posting supportive comments on the candidate’s webpage. Such a sign or comment could amount to an indication of support under the ECICO. It is difficult, if not impossible, for the candidate to obtain prior written consent of support from people indicating such spontaneous support.

Proposed Amendments

14. When considering amendments to the existing requirements, we need to make reference to the following principles:

- (a) the proposal should facilitate public inspection, the checking of election returns and the investigation of complaints so as to ensure that the election can be conducted in a fair, just and open manner; and
- (b) the proposal should also facilitate the electioneering activities of candidates, free flow of information and ideas and allow EAs to be submitted in a reasonable and practicable manner.

Declaration and submission of EAs

15. At the meeting of the LegCo Panel on Constitutional Affairs on 21 November 2011, we proposed to allow candidates to post their EAs onto the election websites maintained by them for public inspection instead of submitting copies to the ROs. Some Members have expressed concerns about the difficulties candidates may have in operating and keeping the website for public inspection of the EAs. Taking into account these views, we propose to amend the existing requirements relating to the declaration and submission of EAs, as follows:

- (a) for electronic EAs, subject to (b) below, if a candidate has posted such EAs onto an election website maintained by him or a central portal maintained by the REO for public inspection within one working day after the publication of such EAs, there is no need for the candidate to make declaration and submission of such EAs to the RO;

- (b) for electronic EAs which are displayed or sent through open platforms on the Internet, if it is not practicable for a candidate to post such EAs onto his election website or the central portal maintained by the REO (such as messages displayed or sent interactively and spontaneously through social networking platforms on the Internet), the candidate is only required to post the hyperlink of such platforms on his election website or the central portal (whichever is applicable) within one working day after the publication of the EAs;
- (c) for all EAs except electronic EAs, if a candidate has posted a digital image of such EAs onto his election website or the central portal maintained by REO for public inspection within one working day after the publication of such EAs, there is no need for the candidate to make declaration and submission of such EAs to the RO;
- (d) if a candidate chooses to post his EAs or hyperlink onto his election website, the candidate is required to provide the electronic address of the website to the RO who will then publicise such information. If the candidate has posted his EAs or hyperlink onto the central portal, the REO will make public the information posted by the candidates. All interested parties can view the EAs and hyperlink posted by the candidates via the Internet;
- (e) to facilitate public inspection and investigation on complaints about EAs, a candidate is required to maintain his election website (as mentioned in (a) to (c) above) for 12 months after the results of the relevant election are published. As for the central portal, the REO will maintain the information posted by the candidates on the portal for 12 months after the results of the relevant election are published;
- (f) as an alternative option for a candidate who prefers not to maintain an election website or post his EAs onto the central portal for public inspection, he is required to deposit two copies of such EAs with the RO within one working day after publication. For electronic EAs which are displayed or sent through open platforms on the Internet, the candidate is only required to provide the electronic addresses of the platforms on which such EAs are displayed or sent within

one working day after the publication of the EAs. The RO will make available such information for public inspection; and

- (g) candidates who fail to comply with the above revised arrangements commit an offence and are liable to a fine at Level 2 up to \$5,000 and to imprisonment of 6 months.

16. The above proposed amendments have taken into consideration that EAs published by candidates must be publicly accessible to ensure fairness and openness of elections. As the Internet is now a publicly accessible network and many candidates are making use of this electronic platform for their electioneering activities, the revised arrangement of requiring candidates to post EAs onto their websites maintained by them or the central portal of the REO will enable the public to gain access to and be informed of the contents of such EAs. This can serve the purpose of public inspection of the EAs.

17. The revised arrangements also provide for flexibility under which candidates may provide only a hyperlink of the platforms on which the EAs are published on the websites if the full contents of such EAs cannot be displayed in his election website or posted to the central portal (such as those EAs which are interactive in nature in the social networking platforms on the Internet).

18. Under the existing arrangement, the RO is required to keep the EAs for public inspection one year after the results of the relevant election are published. The proposed arrangement in paragraph 15(e) above will facilitate public inspection and investigation on complaints about the EAs.

19. For those candidates who prefer not to maintain an election website or post their EAs onto the central portal, the revised arrangement provides an alternative for them to deposit copies of the EAs with the RO (or the electronic addresses of the platforms concerned in the case of electronic EAs which are displayed or sent through open platforms on the Internet). The RO will then make available such information for public inspection. In line with the existing requirement, the RO will keep such information for one year after the results of the relevant election are published.

20. To streamline the operation of the arrangements and facilitate electioneering activities, the revised arrangements allow candidates to post EAs onto their election website or the central portal or to deposit two

copies of the EAs with the RO within one working day after the publication of the EAs. This replaces the existing arrangements which generally require candidates to make declaration and submission of EAs to the RO before publishing the EAs.

21. To ensure compliance, it is proposed that candidates who fail to comply with the revised arrangements commit an offence and are liable to a fine at level 2 and to imprisonment of 6 months. This is on par with the level of penalty for candidates who fail to comply with the existing requirements regarding the declaration and submission of EAs under the relevant EAC regulations.

Consent of support

22. In light of the issue relating to the consent of support in EAs, we propose to amend the existing requirements, as follows :

- (a) a candidate or a person is not required to obtain prior written consent from those who provide support in the EAs published by him if such support is provided by the supporters themselves out of their own volition; and
- (b) if a candidate or a person publishes or continues to publish the EAs with the support mentioned in (a) above without any modification of the contents or description of the support, the candidate or the person is not required to obtain prior written consent from those who provide support in such EAs. Otherwise, the candidate or the person has to follow the existing requirement to obtain prior written consent before publishing such EAs.

23. The proposed amendments seek to protect a candidate or a person from being inadvertently caught under section 27 of the ECICO in circumstances under which it is difficult for him to obtain prior written consent from third parties indicating support out of their own volition.

24. Under the revised arrangement as mentioned in paragraph 22(a), a candidate or a person is not required to obtain prior written consent of support if such support is provided by the supporters themselves out of their own volition. This would relieve the candidate or the person from the burden of seeking consent in circumstances in which this is not practicable, such as when people put a “Like” sign or post supportive comments on the webpage of the candidate or the person.

25. Under the revised arrangement mentioned in paragraph 22(b), if a candidate or a person publishes and continues to publish the EA (with the support provided by the supporters themselves out of their own volition), the candidate or the person does not have to obtain prior written consent from those who provide support in such EA if there is no modification to the contents or description of the support. As the action concerned only involves the change of platforms in showing the EAs with the support (such as from his Facebook to the website), the candidate or the person should not be required to go through the cumbersome process of obtaining the consent of support.

26. The revised arrangements do not cover circumstances in which the support is not provided by their supporters themselves out of their own volition. In such circumstances the candidate or the person concerned will still be required to obtain prior written consent from the supporters. This will prevent false claim of support and offer protection to third parties from being misused for electioneering purposes.

Ways of providing views and comments

27. Please send us your views by mail, facsimile or email **on or before 31 December 2011**:

Address: Team 3
Constitutional and Mainland Affairs Bureau
12/F., East Wing
Central Government Offices
2 Tim Mei Avenue, Tamar
Hong Kong

Fax number: 2840 1976

E-mail address: rrea_consultation@cmab.gov.hk

28. It is voluntary for members of the public to supply their personal data upon providing views on this consultation paper. The submissions and personal data collected may be transferred to the relevant Government bureaux and departments for purposes directly related to this consultation exercise. The Government bureaux and departments receiving the data may only use the data for such purposes.

29. The names and views of individuals and organisations who/which put forth submissions in response to this consultation paper (“senders”) may be published for public viewing. We may, either in discussion with others, whether privately or publicly, or in any subsequent report, cite comments submitted in response to this consultation paper.

30. To safeguard senders’ data privacy, we will remove senders’ relevant data, such as residential/return addresses, email addresses, identity card numbers, telephone numbers, facsimile numbers and signatures, where provided, when publishing their submissions.

31. We will respect the wish of senders to remain anonymous and/or keep the views confidential in part or in whole. If the senders request anonymity in the submissions, their names will be removed when publishing their views. If the senders request confidentiality, their submissions will not be published.

32. If the senders do not request anonymity or confidentiality in the submissions, it will be assumed that the senders can be named and the views can be published in their entirety.

33. Any sender providing personal data to this Bureau in the submission will have rights of access and correction with respect to such personal data. Requests for data access and correction of personal data should be made in writing to:

Address: Assistant Secretary (3A)
Constitutional and Mainland Affairs Bureau
12/F., East Wing
Central Government Offices
2 Tim Mei Avenue, Tamar
Hong Kong

Fax number: 2840 1976

Email Address: rrea_consultation@cmab.gov.hk

**Extract of Relevant Provisions under
the Elections (Corrupt and Illegal Conduct) Ordinance (ECICO) and the
Regulations Made under Electoral Affairs Commission (EAC) Ordinance**


Definition of election advertisements	Section 2 of the ECICO
Prior consent of support	Section 27 of the ECICO
Electoral advertising	Sections 33 to 35 of the ECICO
Election advertisement	Section 102 of the EAC (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D)
	Section 103 of the EAC (Electoral Procedure) (District Councils) Regulation (Cap. 541F)
	Section 100 of the EAC (Electoral Procedure) (Election Committee) Regulation (Cap. 541I)
	Section 81 of the Electoral Procedure (Chief Executive Election) Regulation (Cap. 541J)

Chapter:	554	Title:	ELECTIONS (CORRUPT AND ILLEGAL CONDUCT) ORDINANCE	Gazette Number:	L.N. 189 of 2003
Section:	2	Heading:	Interpretation	Version Date:	01/10/2004


"election advertisement" (選舉廣告), in relation to an election, means-

- (a) a publicly exhibited notice; or
- (b) a notice delivered by hand or electronic transmission; or
- (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;

Chapter:	554	Title:	ELECTIONS (CORRUPT AND ILLEGAL CONDUCT) ORDINANCE	Gazette Number:	L.N. 55 of 2000
					
Section:	27	Heading:	Illegal conduct to publish election advertisement that includes false claim of support	Version Date:	03/03/2000

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- (1) A candidate engages in illegal conduct at an election if the candidate publishes, or authorizes the publication of, an election advertisement that includes-
- (a) the name or logo of or associated with a person or an organization;
 - or
 - (b) a name or logo that is substantially similar to the name or logo of or associated with a person or an organization; or
 - (c) a pictorial representation of a person,
- in such a way as to imply, or to be likely to cause electors to believe, that the candidate or candidates with whom the candidate is associated have the support of the person or organization unless, before the publication of the election advertisement, the person or organization consented in writing to the inclusion of the name, logo or pictorial representation.
- (2) A person engages in illegal conduct at an election if the person publishes, or authorizes the publication of, an election advertisement that includes-
- (a) the name or logo of or associated with another person or an organization; or
 - (b) a name or logo that is substantially similar to the name or logo of or associated with another person or an organization; or
 - (c) a pictorial representation of another person,
- in such a way as to imply, or to be likely to cause electors to believe, that a particular candidate or particular candidates have the support of the other person or organization unless, before the publication of the election advertisement, the other person or organization consented in writing to the inclusion of the name, logo or pictorial representation.
- (3) For the purposes of subsections (1) and (2), the consent of an organization is taken to have been obtained if-
- (a) the consent was given by an officer of the organization; and
 - (b) the candidate or person who publishes, or authorizes the publication of, the election advertisement believed on reasonable grounds that the officer had authority to give the consent.
- (4) A candidate or other person engages in illegal conduct for having published or authorized the publication of an election advertisement of a kind referred to in subsection (1) or (2) despite the fact that the advertisement contains a statement to the effect that the inclusion in the advertisement of a name or logo of or associated with a person or an organization, or a pictorial representation of a person, does not imply support by the person or organization for a candidate or candidates.
- (5) A person engages in illegal conduct at an election if the person purports to give consent in writing to the inclusion in an election advertisement of the name or logo of or associated with an organization without having been approved by the governing body of the organization or by a resolution of the members of the organization passed at a general meeting.
- (6) A person engages in illegal conduct at an election if the person, for the purpose of promoting or prejudicing the election of a candidate or candidates, gives information to the candidate or candidates that the person knows or ought to know is materially false or misleading.
- (7) In this section, "support" (支持), in relation to a candidate, includes support for the policies or activities of the candidate.

Chapter:	554	Title:	ELECTIONS (CORRUPT AND ILLEGAL CONDUCT) ORDINANCE	Gazette Number:	2 of 2003
					
Section:	33	Heading:	Interpretation: Part 5	Version Date:	14/02/2003

PART 5

ELECTORAL ADVERTISING

In this Part-

"incumbent candidate" (在任的候選人) means-

- (a) the person holding office as, or for the time being assuming the duties of, the Chief Executive; or
- (b) a serving Member of the Legislative Council, or a person who was a Member of the Legislative Council immediately before its dissolution; or
- (c) a serving member of a District Council; or
- (d) a serving member of the Heung Yee Kuk; or
- (e) a serving Chairman, Vice-Chairman or member of the Executive Committee of a Rural Committee; or
- (f) a serving Village Representative, (Amended 2 of 2003 s. 68)


who is seeking re-election to the same office or body or election to another office or body to which this Ordinance applies;

"performance report" (工作表現報告) means a document that gives details of activities organized, services performed or work done by an incumbent candidate as-


- (a) the Chief Executive; or
- (b) a serving Member of the Legislative Council; or
- (c) a serving member of a District Council; or
- (d) a serving member of the Heung Yee Kuk; or
- (e) a serving Chairman, Vice-Chairman or member of the Executive Committee of a Rural Committee; or
- (f) a serving Village Representative; (Amended 2 of 2003 s. 68)

"printer" (印刷人), in relation to a document, includes any person who reproduces the document by any means;

"registered local newspaper" (註冊本地報刊) means a newspaper registered under section 7 of the Registration of Local Newspapers Ordinance (Cap 268).

Chapter:	554	Title:	ELECTIONS (CORRUPT AND ILLEGAL CONDUCT) ORDINANCE	Gazette Number:	L.N. 55 of 2000
					
Section:	34	Heading:	Offence to publish election advertisements that do not meet certain requirements	Version Date:	03/03/2000

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- (1) A person must not publish a printed election advertisement that fails to show, in the English or Chinese language-
- (a) the name and address of the printer; and
 - (b) the date on which it was printed; and
 - (c) the number of copies printed.
- (2) Subsection (1) does not apply to an election advertisement that is printed in a registered local newspaper.
- (3) Subsection (1) is not contravened in relation to the publication of a printed election advertisement if, not later than 7 days after the advertisement is published, the publisher, or a person authorized by the publisher, has lodged with the appropriate returning officer a statutory declaration that states-
- (a) the name and address of the printer; and
 - (b) the date on which it was printed; and
 - (c) the number of copies printed.
- (4) A person must, not later than 7 days after publishing a printed election advertisement, furnish 2 copies of the advertisement to the appropriate returning officer.
- (5) If a printed election advertisement is published in a registered local newspaper, the duty to comply with subsection (4) is on the person who seeks to place the advertisement in the newspaper.
- (6) A person who contravenes subsection (1) or (4) commits an offence and is-
- (a) if tried summarily, liable on conviction to a fine at level 5 and to imprisonment for 1 year; or
 - (b) if tried on indictment, liable on conviction to a fine of \$200000 and to imprisonment for 3 years.
- (7) A returning officer must keep each copy of statutory declaration or an election advertisement lodged with the officer under this section for 6 months after the date on which the result of the relevant election is published and may then destroy it or dispose of it in some other manner.
- (8) Subject to subsection (5), any person who authorizes the publication of an election advertisement is taken to have published the advertisement for the purposes of this section.
- (9) A performance report published by an incumbent candidate during an election period is an election advertisement for the purposes of this section.

Chapter:	554	Title:	ELECTIONS (CORRUPT AND ILLEGAL CONDUCT) ORDINANCE	Gazette Number:	L.N. 55 of 2000
					
Section:	35	Heading:	Court may grant relief in certain circumstances if election advertisements do not meet requirements	Version Date:	03/03/2000

(1) A person who publishes a printed election advertisement without complying with section 34(1) or (4) may apply to the Court for an order under subsection (2).

(2) On the hearing of an application made under subsection (1), the Court may make an order allowing the publication which would, but for this section, constitute an offence under section 34, be excepted from the relevant requirements under that section and relieving the applicant from the penalties imposed by that section, but only if the Court-

(a) is satisfied that-

(i) the non-compliance was due to inadvertence, an accidental miscalculation or any reasonable cause and was not due to bad faith; and

(ii) where the Court requires notice of the application to be given in Hong Kong, the notice has been given; and

(b) believes it to be just that the applicant should not be subject to those penalties.


(3) If an application is made under subsection (1), no prosecution against the applicant for not having complied with section 34(1) or (4) may be instituted or carried on until the application is disposed of by the Court.

(4) An applicant is not liable to be convicted of an offence under section 34 if the non-compliance by the applicant with section 34(1) or (4) is the subject of an order made under subsection (2).

Chapter:	541D	Title:	ELECTORAL AFFAIRS	Gazette Number:	L.N. 73 of 2011;
			COMMISSION		L.N. 121 of
			(ELECTORAL		2011
			PROCEDURE)		
			(LEGISLATIVE COUNCIL)		
			REGULATION		
Section:	102	Heading:	Election advertisements	Version Date:	08/07/2011

- (1) Before a candidate displays, distributes or otherwise uses an election advertisement, he or she must allocate a number to each election advertisement. The number must be a consecutive number in a series beginning with the number "1" and is not to be used more than once for a particular type of election advertisement.
- (2) Each type of election advertisement must be numbered as a separate series.
- (3) A candidate must make a declaration which complies with subsection (4) in respect of the election advertisements he or she proposes to use at an election.
- (4) The declaration must be in the specified form and state the quantity of each type of election advertisement he or she proposes to display, distribute or otherwise use for the time being for the election. The declaration must contain any other information required to be furnished on the specified form.
- (4A) Despite section 3 of the Electronic Transactions (Exclusion) Order (Cap 553 sub. leg. B), if—
- (a) an election advertisement is to be displayed, distributed or otherwise used by electronic means; or
 - (b) a digital image of an election advertisement is furnished to the Returning Officer in accordance with subsection (7)(b), the declaration in respect of the advertisement may be submitted to the Returning Officer by electronic means in the manner and format specified by the Commission. (L.N. 73 of 2011)
- (5) The declaration must be submitted to the Returning Officer before the candidate displays, distributes or otherwise uses an election advertisement.
- (5A) If it is not practicable for a candidate to comply with subsection (5) in relation to an election advertisement to be displayed, distributed or otherwise used by electronic means, the declaration in respect of the advertisement may be submitted in accordance with subsection (4A) within the time specified by the Commission. (L.N. 73 of 2011)
- (6) A candidate must furnish to the Returning Officer—
- (a) in the case of an election advertisement that is to be displayed, distributed or otherwise used by electronic means—
 - (i) in the manner and format specified by the Commission, an electronic copy of the advertisement—
 - (A) before so displaying, distributing or using it; or
 - (B) if compliance with sub-subparagraph (A) is not practicable, within the time specified by the Commission; or
 - (ii) 2 hard copies of the advertisement—
 - (A) before so displaying, distributing or using it; or
 - (B) if compliance with sub-subparagraph (A) is not practicable, within the time specified by the Commission;
 - (b) in the case of any other election advertisement, subject to subsection (7), 2 copies of the advertisement before displaying, distributing or otherwise using it. (L.N. 73 of 2011 and L.N. 121 of 2011)
- (7) If it is not practicable to make a copy of an election advertisement, the candidate must furnish to the Returning Officer—
- (a) 2 colour photographs in postcard size of the advertisement; or
 - (b) in the manner and format specified by the Commission, an image of the

- advertisement that is kept on a computer system or on an electronic medium. (L.N. 73 of 2011)
- (8) (Repealed L.N. 65 of 2000)
- (9) If an election advertisement is recorded on a videotape or an audio tape or disc, the candidate must, for the purposes of subsection (6), furnish to the Returning Officer 2 copies of the tape or disc.
- (10) Before displaying an election advertisement in the form of a bill or poster within the meaning of section 104E of the Public Health and Municipal Services Ordinance (Cap 132), the candidate must deposit with the Returning Officer a copy of the permission or other authorization obtained for the purposes of section 104A(1) of that Ordinance. (L.N. 66 of 2008)
- (10A) Before displaying, distributing or otherwise using an election advertisement which is of a kind referred to in section 27(1) or (2) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554), the candidate must deposit with the Returning Officer a copy of the consent in writing referred to in that section 27(1) or (2), as the case may be. (L.N. 66 of 2008)
- (11) The Returning Officer must make available for inspection by any person a copy each of any declaration, permission or authorization, consent or election advertisement furnished under this section. They must be made available after the declaration, permission or authorization, consent or election advertisement is furnished to the Returning Officer and until the end of the period for which copies of election returns lodged by candidates are available for inspection under section 41 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554). (10 of 2000 s. 47; L.N. 65 of 2000)
- (12) A candidate who fails to comply with any requirement in this section commits an offence.
- (13) A person who displays an election advertisement in respect of which a requirement in this section has not been complied with, commits an offence.
- (14) A person who commits an offence under subsection (12) or (13) is liable to a fine at level 2 and to imprisonment for 6 months.
- (15) The Returning Officer or any person authorized by that Officer may seize and dispose of, or destroy, or obliterate, or cover with such materials as that Officer or the person thinks fit, any election advertisement on display and in respect of which any requirement in this section has not been complied with. (L.N. 65 of 2000; L.N. 84 of 2004)
- (15A) Subsections (1) and (2) do not apply to an election advertisement—
- (a) which is a printed material—
 - (i) of or smaller than A4 size, that is, 30 cm x 21 cm;
 - (ii) contained in a single sheet of paper; and
 - (iii) bearing upon it the printer's name and address, number of copies printed and date of printing;
 - (b) appearing on a local newspaper (within the meaning of the Registration of Local Newspapers Ordinance (Cap 268)) registered under section 7 of that Ordinance;
 - (c) to be sent by facsimile or any other form of electronic transmission; or
 - (d) in the form of a balloon, badge, carrier bag, clothing or head-dress. (L.N. 65 of 2000; L.N. 84 of 2004)
- (16) The Commission may exempt by notice published in the Gazette any other class or type of election advertisement from the application of subsections (1) and (2). (L.N. 65 of 2000)
- (17) If a Returning Officer has not been appointed for a constituency, the references in this section to a Returning Officer are to be construed as a reference to the Chief Electoral Officer. (L.N. 84 of 2004)

Chapter:	541F	Title:	ELECTORAL AFFAIRS	Gazette Number:	L.N. 74 of 2011;
			COMMISSION		L.N. 122 of
			(ELECTORAL		2011
			PROCEDURE) (DISTRICT		
			COUNCILS) REGULATION		
Section:	103	Heading:	Election advertisements	Version Date:	08/07/2011

(1) Before a candidate displays, distributes or otherwise uses an election advertisement, he or she must allocate a number to each election advertisement. The number must be a consecutive number in a series beginning with the number "1" and is not to be used more than once for a particular type of election advertisement.

(2) Each type of election advertisement must be numbered as a separate series.

(3) A candidate must make a declaration which complies with subsection (4) in respect of an election advertisement he or she uses at an election.

(4) The declaration must be in the specified form and state the quantity of each type of election advertisement he or she displays, distributes or otherwise uses for the time being for the election. The declaration must contain any other information required to be furnished on the specified form.

(4A) Despite section 3 of the Electronic Transactions (Exclusion) Order (Cap 553 sub. leg. B), if-

(a) an election advertisement is to be displayed, distributed or otherwise used by electronic means; or

(b) a digital image of an election advertisement is furnished to the Returning Officer in accordance with subsection (7)(b),

the declaration in respect of the advertisement may be submitted to the Returning Officer by electronic means in the manner and format specified by the Commission. (L.N. 74 of 2011)

(5) The declaration must be submitted to the Returning Officer before the candidate displays, distributes or otherwise uses the election advertisement. (L.N. 125 of 2003)

(5A) If it is not practicable for a candidate to comply with subsection (5) in relation to an election advertisement to be displayed, distributed or otherwise used by electronic means, the declaration in respect of the advertisement may be submitted in accordance with subsection

(4A) within the time specified by the Commission. (L.N. 74 of 2011)

(6) A candidate must furnish to the Returning Officer-

(a) in the case of an election advertisement that is to be displayed, distributed or otherwise used by electronic means-

(i) in the manner and format specified by the Commission, an electronic copy of the advertisement-

(A) before so displaying, distributing or using it; or

(B) if compliance with sub-subparagraph (A) is not practicable, within the time specified by the Commission; or

(ii) 2 hard copies of the advertisement-

(A) before so displaying, distributing or using it; or

(B) if compliance with sub-subparagraph (A) is not practicable, within the time specified by the Commission;

(b) in the case of any other election advertisement, subject to subsection (7), 2 copies of the advertisement before displaying, distributing or otherwise using it. (L.N. 74 of 2011 and L.N. 122 of 2011)

(7) If it is not practicable to make a copy of an election advertisement, the candidate must furnish to the Returning Officer-

(a) 2 colour photographs in postcard size of the advertisement; or

(b) in the manner and format specified by the Commission, an image of the advertisement that is kept on a computer system or on an electronic medium. (L.N. 74 of 2011)

- (8) If an election advertisement is recorded on a videotape or an audio tape or disc, the candidate must, for the purposes of subsection (6), furnish to the Returning Officer 2 copies of the tape or disc.
- (9) Before displaying an election advertisement in the form of a bill or poster within the meaning of section 104E of the Public Health and Municipal Services Ordinance (Cap 132), the candidate must deposit with the Returning Officer a copy of the permission or other authorization obtained for the purposes of section 104A(1) of that Ordinance. (L.N. 74 of 2011)
- (9A) Before displaying, distributing or otherwise using an election advertisement which is of a kind referred to in subsection (1) or (2) of section 27 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554), the candidate must deposit with the Returning Officer a copy of the consent in writing referred to in that subsection. (L.N. 74 of 2011)
- (10) The Returning Officer must make available for inspection by any person a copy each of any declaration, permission or authorization, consent or election advertisement furnished under this section. They must be made available after the declaration, permission or authorization, consent or election advertisement is furnished to the Returning Officer and until the end of the period for which copies of election returns lodged by candidates are available for inspection under section 41 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554). (10 of 2000 s. 47; L.N. 74 of 2011)
- (11) A candidate who fails to comply with any requirement in this section commits an offence.
- (12) A person who displays an election advertisement in respect of which a requirement in this section has not been complied with commits an offence.
- (13) A person who commits an offence under subsection (11) or (12) is liable to a fine at level 2 and to imprisonment for 6 months.
- (14) Any unauthorized election advertisement may be seized, disposed of, destroyed, covered or obliterated by the Returning Officer or any person authorized by that Officer. (L.N. 125 of 2003)
- (15) Subsections (1) and (2) do not apply to an election advertisement-
- (a) which is a printed material-
 - (i) of or smaller than A4 size, that is, 30 cm x 21 cm;
 - (ii) contained in a single sheet of paper; and
 - (iii) bearing upon it the printer's name and address, number of copies printed and date of printing;
 - (aa) appearing on a local newspaper within the meaning, and registered under section 7, of the Registration of Local Newspapers Ordinance (Cap 268); (L.N. 79 of 2007)
 - (b) to be sent by facsimile or any other form of electronic transmission; or
 - (c) in the form of a balloon, badge, carrier bag, clothing or head-dress. (L.N. 125 of 2003)
- (16) The Commission may exempt by notice published in the Gazette any other class or type of election advertisement from the application of subsections (1) and (2).
- (17) If a Returning Officer has not been appointed for a constituency, references in this section to a Returning Officer are to be construed as references to the Chief Electoral Officer.

Chapter: 54II Title: ELECTORAL AFFAIRS Gazette Number: L.N. 75 of
 COMMISSION 2011; L.N. 123
(ELECTORAL of 2011
PROCEDURE) (ELECTION
COMMITTEE)
REGULATION

Section: 100 Heading: **Election advertisements** Version Date: 08/07/2011

(1) Before a candidate displays, distributes or otherwise uses an election advertisement, he or she must allocate a number to each election advertisement. The number must be a consecutive number in a series beginning with the number 1 and is not to be used more than once for a particular type of election advertisement.

(2) Each type of election advertisement must be numbered as a separate series.

(3) A candidate must make a declaration which complies with subsection (4) in respect of the election advertisements he or she proposes to use at a subsector election.

(4) The declaration must be in the specified form and state the quantity of each type of election advertisement he or she proposes to display, distribute or otherwise use for the time being for the subsector election. The declaration must contain any other information required to be furnished on the specified form.

(4A) Despite section 3 of the Electronic Transactions (Exclusion) Order (Cap 553 sub. leg. B), if-

(a) an election advertisement is to be displayed, distributed or otherwise used by electronic means; or

(b) a digital image of an election advertisement is furnished to the Returning Officer in accordance with subsection (7)(b),

the declaration in respect of the advertisement may be submitted to the Returning Officer by electronic means in the manner and format specified by the Commission. (L.N. 75 of 2011)

(5) The declaration must be submitted to the Returning Officer before the candidate displays, distributes or otherwise uses an election advertisement.

(5A) If it is not practicable for a candidate to comply with subsection (5) in relation to an election advertisement to be displayed, distributed or otherwise used by electronic means, the declaration in respect of the advertisement may be submitted in accordance with subsection

(4A) within the time specified by the Commission. (L.N. 75 of 2011)

(6) A candidate must furnish to the Returning Officer-

(a) in the case of an election advertisement that is to be displayed, distributed or otherwise used by electronic means-

(i) in the manner and format specified by the Commission, an electronic copy of the advertisement-

(A) before so displaying, distributing or using it; or

(B) if compliance with sub-subparagraph (A) is not practicable, within the time specified by the Commission; or

(ii) 2 hard copies of the advertisement-

(A) before so displaying, distributing or using it; or

(B) if compliance with sub-subparagraph (A) is not practicable, within the time specified by the Commission;


(b) in the case of any other election advertisement, subject to subsection (7), 2 copies of the advertisement before displaying, distributing or otherwise using it. (L.N. 75 of 2011 and L.N. 123 of 2011)

(7) If it is not practicable to make a copy of an election advertisement, the candidate must furnish to the Returning Officer-

(a) 2 colour photographs in postcard size of the advertisement; or

(b) in the manner and format specified by the Commission, an image of the

- advertisement that is kept on a computer system or on an electronic medium. (L.N. 75 of 2011)
- (8) If an election advertisement is recorded on a videotape or an audio tape or disc, the candidate must, for the purposes of subsection (6), furnish to the Returning Officer 2 copies of the tape or disc.
- (9) Before displaying an election advertisement in the form of a bill or poster within the meaning of section 104E of the Public Health and Municipal Services Ordinance (Cap 132), the candidate must deposit with the Returning Officer a copy of the permission or other authorization obtained for the purposes of section 104A(1) of that Ordinance. (L.N. 75 of 2011)
- (9A) Before displaying, distributing or otherwise using an election advertisement which is of a kind referred to in subsection (1) or (2) of section 27 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554), the candidate must deposit with the Returning Officer a copy of the consent in writing referred to in that subsection. (L.N. 75 of 2011)
- (10) The Returning Officer must make available for inspection by any person a copy each of any declaration, permission or authorization, consent or election advertisement furnished under this section. They must be made available after the declaration, permission or authorization, consent or election advertisement is furnished to the Returning Officer and until the expiry of the period for which copies of election returns lodged by candidates are available for inspection under section 41 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554).
- (11) A candidate who fails to comply with any requirement in this section, commits an offence.
- (12) A person who displays an election advertisement in respect of which a requirement in this section has not been complied with, commits an offence.
- (13) A person who commits an offence under subsection (11) or (12) is liable to a fine at level 2 and to imprisonment for 6 months.
- (14) The Returning Officer or any person authorized by that Officer may seize and dispose of, or destroy, or obliterate, or with such materials as that Officer or the person thinks fit, cover any election advertisement on display and in respect of which any requirement in this section has not been complied with. (L.N. 114 of 2006)
- (15) Subsections (1) and (2) do not apply to an election advertisement-
- (a) which is a printed material-
 - (i) of or smaller than A4 size, that is, 30 cm x 21 cm;
 - (ii) contained in a single sheet of paper; and
 - (iii) bearing upon it the printer's name and address, number of copies printed and date of printing;
 - (b) appearing on a local newspaper (within the meaning of the Registration of Local Newspapers Ordinance (Cap 268)) registered under section 7 of that Ordinance;
 - (c) to be sent by facsimile or any other form of electronic transmission; or
 - (d) in the form of a balloon, badge, carrier bag, clothing or head-dress. (L.N. 114 of 2006)
- (16) The Commission may exempt by notice published in the Gazette any other class or type of election advertisement from the application of subsections (1) and (2).
- (17) If a Returning Officer has not been appointed for a subsector, references in this section to a Returning Officer are to be construed as references to the Chief Electoral Officer.

Chapter:	541J	Title:	ELECTORAL PROCEDURE	Gazette Number:	L.N. 76 of 2011;
			(CHIEF EXECUTIVE		L.N. 124 of
			ELECTION) REGULATION		2011
Section:	81	Heading:	Election advertisement	Version Date:	08/07/2011

- (1) No candidate shall display, distribute or otherwise use an election advertisement unless—
- (a) each election advertisement of the same type is marked in a conspicuous position with a consecutive number in a series beginning with the number "1"; and (L.N. 76 of 2011)
 - (b) he makes beforehand a declaration in the specified form stating the quantity of each type of election advertisement he proposes to display, distribute or otherwise use for the time being for the election. (L.N. 76 of 2011)
 - (c)-(d) (Repealed L.N. 76 of 2011)
- (1A) Despite sections 2 and 3 of the Electronic Transactions (Exclusion) Order (Cap 553 sub. leg. B), if—
- (a) an election advertisement is to be displayed, distributed or otherwise used by electronic means; or
 - (b) a digital image of an election advertisement is furnished to the Returning Officer in accordance with subsection (1E)(b),
the declaration in respect of the advertisement may be submitted to the Returning Officer by electronic means in the manner and format specified by the Commission. (L.N. 76 of 2011)
- (1B) A declaration required under subsection (1)(b) must be submitted to the Returning Officer before the candidate displays, distributes or otherwise uses an election advertisement. (L.N. 76 of 2011)
- (1C) If it is not practicable for a candidate to comply with subsection (1B) in relation to an election advertisement to be displayed, distributed or otherwise used by electronic means, the declaration in respect of the advertisement may be submitted in accordance with subsection (1A) within the time specified by the Commission. (L.N. 76 of 2011)
- (1D) A candidate must furnish to the Returning Officer—
- (a) in the case of an election advertisement that is to be displayed, distributed or otherwise used by electronic means—
 - (i) in the manner and format specified by the Commission, an electronic copy of the advertisement—
 - (A) before so displaying, distributing or using it; or
 - (B) if compliance with sub-subparagraph (A) is not practicable, within the time specified by the Commission; or
 - (ii) 2 hard copies of the advertisement—
 - (A) before so displaying, distributing or using it; or
 - (B) if compliance with sub-subparagraph (A) is not practicable, within the time specified by the Commission;
 - (b) in the case of any other election advertisement, subject to subsection (1E), 2 copies of the advertisement before displaying, distributing or otherwise using it. (L.N. 76 of 2011 and L.N. 124 of 2011)
- (1E) If it is not practicable to make a copy of an election advertisement, the candidate must furnish to the Returning Officer—
- (a) 2 colour photographs in postcard size of the advertisement; or
 - (b) in the manner and format specified by the Commission, an image of the advertisement that is kept on a computer system or on an electronic medium. (L.N. 76 of 2011)

(1F) If an election advertisement is recorded on a videotape or an audio tape or disc, the candidate must, for the purposes of subsection (1D), furnish to the Returning Officer 2 copies of the tape or disc. (L.N. 76 of 2011)

(1G) Before displaying an election advertisement in the form of a bill or poster within the meaning of section 104E of the Public Health and Municipal Services Ordinance (Cap 132), the candidate must deposit with the Returning Officer a copy of the permission or other authorization obtained for the purposes of section 104A(1) of that Ordinance. (L.N. 76 of 2011)

(1H) Before displaying, distributing or otherwise using an election advertisement which is of a kind referred to in subsection (1) or (2) of section 27 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554), the candidate must deposit with the Returning Officer a copy of the consent in writing referred to in that subsection. (L.N. 76 of 2011)

(2) A copy each of any declaration, permission, authorization, consent, election advertisement, photograph, tape or disc submitted to the Returning Officer under subsection (1) shall be made available by him for inspection by the public—

- (a) free of charge;
- (b) at an office of the Returning Officer specified by him; and
- (c) during ordinary business hours,

until the end of the period during which copies of election returns lodged by candidates are available for inspection under section 41 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554).

(3) If any requirement in this section has not been complied with in relation to an election advertisement, the Returning Officer or any person authorized by him may— (L.N. 209 of 2006)

- (a) cover the advertisement with such materials as he thinks fit; (L.N. 209 of 2006)
- (aa) destroy or obliterate the advertisement in such manner as he thinks fit; or (L.N. 209 of 2006)
- (b) seize the advertisement and dispose of it in such manner as he thinks fit.

(4) If the Returning Officer has not been appointed, a reference in this section to the Returning Officer shall be construed as a reference to the Chief Electoral Officer.

(5) Subsection (1)(a) does not apply to an election advertisement—

- (a) which is a printed material—
 - (i) of or smaller than A4 size, that is, 30 cm x 21 cm;
 - (ii) contained in a single sheet of paper; and
 - (iii) bearing upon it the printer's name and address, number of copies printed and date of printing;
- (b) published on a newspaper required to be registered under section 7 of the Registration of Local Newspapers Ordinance (Cap 268);
- (c) to be sent by facsimile or any other form of electronic transmission; (L.N. 279 of 2001)
- (d) in the form of a balloon, badge, carrier bag, clothing or head-dress; or (L.N. 279 of 2001; L.N. 209 of 2006)
- (e) of such other class or type as the Commission may specify by notice published in the Gazette. (L.N. 279 of 2001)

**Relevant Notes and Forms Published by the
Registration and Electoral Office (“REO”) on
Submission and Declaration of Election Advertisements**

2011 District Council Election* :

1. Notes on Submission of Declaration and Copy of Election Advertisements by Candidates
2. Procedural Guide on Submission of Electronic Election Advertisements and Declaration by E-mail (without Annexes)
3. Declaration of Election Advertisements not Submitted by E-mail (with Notes on Completion)
4. Declaration of Electronic Election Advertisements Submitted by E-mail (with Notes on Completion)
5. Notification of E-mail Address for Submission of Electronic Election Advertisements and Declaration

* For other elections such as the Chief Executive election, Election Committee subsector elections and Legislative Council election, similar notes and forms are published by the REO on submission and declaration of EAs. For details of these documents, please refer to the website of the REO: <http://www.reo.gov.hk/en/voter/otherform.htm>.

Notes on Submission of Declaration and Copy of Election Advertisements (EAs) by Candidates

Before submitting a declaration of EA, candidates are advised to read Chapter 7 of the Guidelines on Election-related Activities in respect of the District Council Election (“Guidelines”) carefully to understand the relevant requirements. To facilitate candidates’ understanding of such requirements, the submission means of different types of EA is summarized in the texts below. We have also compiled a diagram to illustrate these submission means (See **Annex**). Should there be any discrepancies between the texts below and/or Annex and Chapter 7 of the Guidelines, the Guidelines should prevail.

Type 1: Printed EAs (e.g. pamphlets, handbills, posters, etc)

- Candidates should submit to the Returning Officer (“RO”) a declaration and 2 copies of each EA in accordance with the requirements of the Guidelines before the EAs are displayed, distributed and used.

Type 2: EAs which cannot be practically or conveniently photocopied (e.g. billboard, banner, balloon, etc)

- Before the EAs are displayed, distributed and used, candidates should:
 - submit to the RO a declaration and 2 identical postcard sized colour photographs of each EA in accordance with the requirements of the Guidelines; or
 - submit to the RO a declaration and a digital image of each EA in accordance with the requirements on submission of EAs delivered by electronic means and declaration as set out in Appendix B of the Guidelines.

Type 3: EAs delivered by electronic means

- Before display, distribution and use of EAs which are delivered by electronic means, candidates should deposit with the RO a declaration and a copy of the EA by the following means:
 - to submit by e-mail an electronic copy of the declaration and a copy of each EA in accordance with the procedures and file size limit set out in Appendix B of the Guidelines; or
 - a declaration and 2 identical copies of a CD-ROM or DVD-ROM containing an electronic copy each of the EAs; or
 - ~~3~~ a declaration and 2 hard copies of each EA.
- If copies of EA and declaration are submitted by e-mail:
 - candidates must make sure that each e-mail submission is signed with a digital signature in accordance with the requirement stipulated in the Electronic Transactions Ordinance (Cap 553). Besides, the total file size of each e-mail should not exceed 10 MB according to Appendix B of the Guidelines.

- Candidates are required to furnish the e-mail address to the RO at least one working day before the first e-mail submission of EA and declaration to allow verification of the digital signature. The e-mail address used must be identical with that included in the digital signature.
 - ³ An acknowledgement of receipt would be automatically generated by the system and sent to the sender upon successful transmission of the e-mail to the RO. Candidates should check with the RO if the acknowledgement is not received within the same day of the e-mail submission.
- If the electronic EAs are sent through social networking or communication websites on the Internet like Twitter, Facebook, blogs etc. and the exchanges are of an interactive and spontaneous nature, candidate can deposit with the RO a declaration and an electronic copy of each EA by the end of the first working day **following** the day on which the EAs are displayed, distributed or otherwise used.

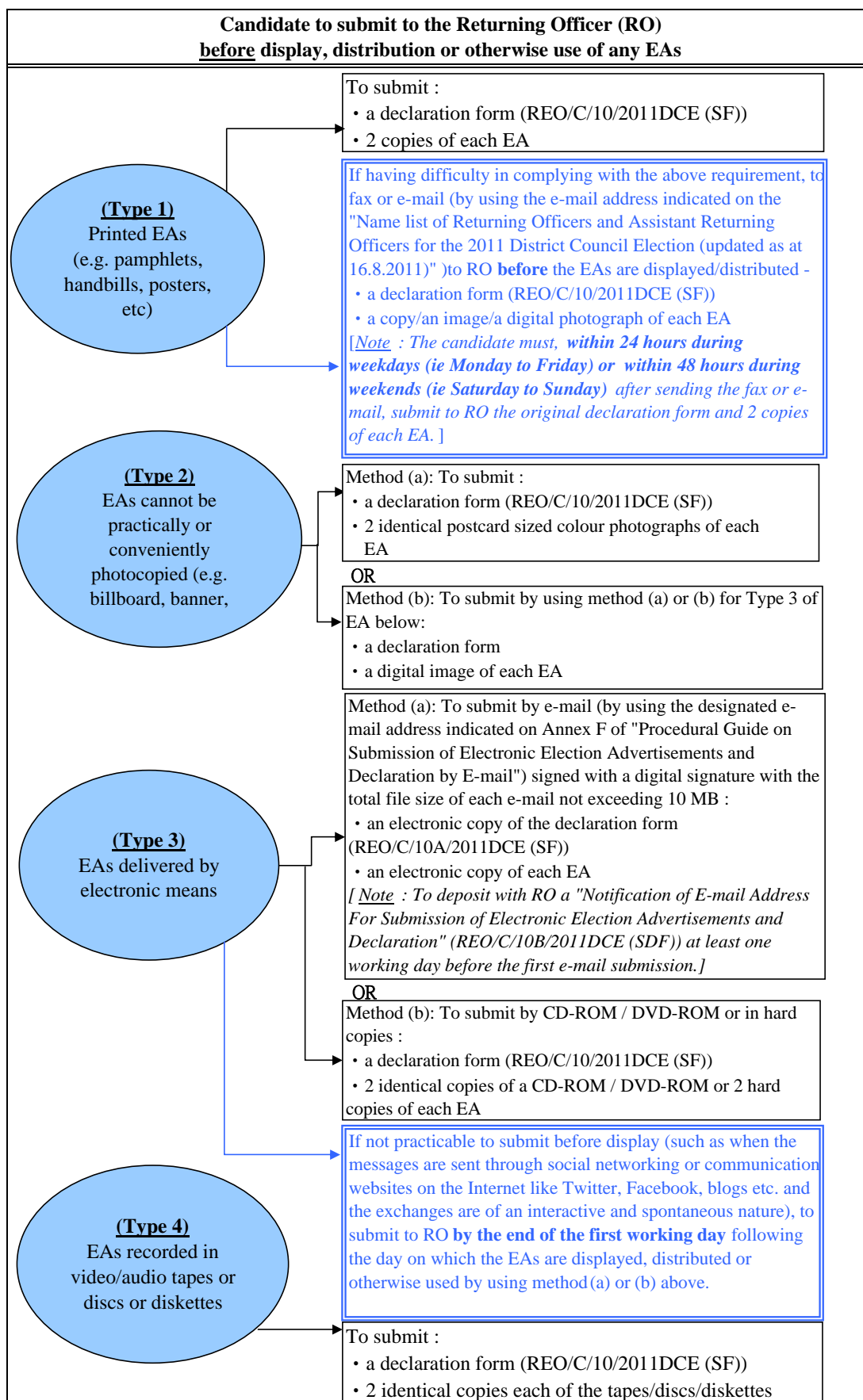
Notes :

- (i) **If the e-mails or attachments submitted by the candidates do not meet the requirements set out in Appendix B of the Guidelines (e.g. the e-mail is not signed with a digital signature), such declaration will not be accepted as valid. The RO would request candidates to supplement and/or re-submit the declaration/EA and/or any other documents as required by the electoral law.**
- (ii) **Candidates should bear in mind the responsibilities and risks involved in delivering EAs by different electronic means especially electronic messages sent through the Internet (e.g. Twitter, Facebook or Weibo etc.), and ensure compliance with the regulations concerned and the Guidelines in the course of publication. If candidates have doubt as to whether certain electronic messages should be regarded as EAs (e.g. texts or photographs uploaded by supporters on the Internet), or whether they should deposit with the RO the declaration or electronic copy of EA before such publication, they should consult their legal advisers.**

Type 4: EAs recorded in video/audio tapes or discs or diskettes

- Before display, distribution and use of EAs, candidates should submit to the RO a declaration and 2 identical copies each of the tapes/discs/diskettes.

Note on Submission of Declaration and Copy of Election Advertisements (EAs) by Candidates



Procedural Guide on
Submission of Electronic Election Advertisements and Declaration By E-mail
以電郵方式呈交電子選舉廣告及聲明的程序指引

This procedural guide is provided for the submission of electronic election advertisements in accordance with Chapter 7 of the Guidelines on Election-related Activities in respect of the District Council Election.

本程序指引乃根據「區議會選舉活動指引」第七章有關以電子方式呈交電子選舉廣告程序而提供。

Before Submission

呈交前

Reference

Tick for completion

/Form
參考
/表格

完成後
請加✓

- (1) Acquire a **personal digital certificate** in relation to the use of digital signature (if not yet have a valid one) from the following recognized certification authorities – 如並無有效的數碼簽署，向以下認可核證機關申請有關使用數碼簽署的**個人數碼證書**：

Annex A
 附表一
 Annex B
 附表二

Recognized certification authorities 認可核證機關	Online application 網上申請	Submit in person 親自呈交
Hongkong Post 香港郵政	https://www.hongkongpost.gov.hk	See Annex A 見附表一
Digi-Sign Certification Services Limited 電子核證服務有限公司	http://dg-sign.com	See Annex B 見附表二

Please bring along your HKID card for face-to-face identity verification.

請帶備你的香港身份證，以供當面核實身分。

- (2) Upon receipt of the certificate file (contained in a floppy disk / e-Cert File Card) and personal PIN, **import the certificate into a mail client** (e.g. Outlook Express/ Mozilla Thunderbird). 收到證書檔案（存於磁碟/電子證書檔案卡）及個人密碼後，

Annex C
 附表三

將電子證書匯入郵件客戶端（例如 Outlook Express/ Mozilla Thunderbird）。

- (3) **Add an e-mail account into a mail client** (e.g. Outlook Express/ Mozilla Thunderbird) before sending the first e-mail with e-cert.

在傳送第一個附有電子證書的電郵前，將電郵帳戶加入郵件客戶端（例如 Outlook Express/ Mozilla Thunderbird）。

Annex D
附表四

- (4) Deposit with the relevant Returning Officer (RO) a completed form **“Notification of E-mail Address for Submission of Electronic Election Advertisements and Declaration” (REO/C/10B/2011DCE (SDF))** at least one working day before the first e-mail submission.

在呈交第一個電郵前最少一個工作天，向有關選舉主任繳存已填妥的表格「遞交電子選舉廣告及聲明所用電郵地址通知書」(REO/C/10B/2011DCE (SDF))。

Annex E
附表五

[Note: Please provide the same e-mail address already registered with the digital certificate.]

[註：請提供所註冊數碼證書內的同一電郵地址。]

Reference

- (1) Ensure the e-mail address used to submit electronic election advertisements is identical with the one registered with the digital certificate and the one deposited with the relevant RO.

確保用於呈交電子選舉廣告的電郵地址與所註冊的數碼證書內及繳存予有關選舉主任的電郵地址相同。

Annex F
附表六

- (2) Type in the **e-mail address of corresponding RO** as the receiver.

輸入**相關選舉主任的電郵地址**為收件者。

Annex F
附表六

- (3) Type in the **subject of the e-mail** in the following format: **“Name of candidate_eEA _submission date_batch number”**

採用以下格式輸入**電子郵件的主旨**：

“候選人姓名_電子選舉廣告_繳存日期_批次編號”

Annex F
附表六

<p>(4) Attach the duly completed declaration and electronic copy of the declared election advertisements. 夾附已填妥的「以電郵方式遞交的電子選舉廣告聲明」及有關選舉廣告的電子文本。</p>	<p>Annex F 附表六</p> <p style="text-align: right;"><input type="checkbox"/></p>
<p>(5) Sign each e-mail submission with a digital signature. 以數碼形式簽署每一個電子郵件。</p>	<p>Annex F 附表六</p> <p style="text-align: right;"><input type="checkbox"/></p>
<p>(6) Submit the e-mail. 傳送電郵。</p>	<p>Annex F 附表六</p> <p style="text-align: right;"><input type="checkbox"/></p>
<p>(7) Check with the relevant RO if you do not receive an acknowledgement for each of the corresponding e-mail within the same day of the e-mail transmission. 如在發出電郵當日內未能收到確認回條，請向有關的選舉主任查詢。</p>	<p>Annex F 附表六</p> <p style="text-align: right;"><input type="checkbox"/></p>

Enquiry 查詢

For enquiry on the **application for and installation of a personal digital certificate**, please contact Hongkong Post at 2921 6633 or Digi-Sign Certification Services Limited at 2917 8833.

有關申請及裝置個人數碼證書的查詢，請致電香港郵政（電話號碼：2921 6633）或電子核證服務有限公司（電話號碼：2917 8833）。

For enquiry on the **submission procedure of Electronic Election Advertisements and declaration**, please contact the relevant Returning Officer.

有關電子選舉廣告及聲明呈交程序的查詢，請致電有關的選舉主任。

非以電郵方式遞交的選舉廣告聲明
DECLARATION OF ELECTION ADVERTISEMENTS
NOT SUBMITTED BY E-MAIL

《選舉管理委員會（選舉程序）（區議會）規例》（第 541 章，附屬法例 F）第 103 條
Section 103 of the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541 sub. leg F)

2011 年區議會選舉
2011 DISTRICT COUNCIL ELECTION

(區議會名稱) (Name of District Council)	區議會 District Council	(選區名稱) (Name of Constituency)	選區 Constituency
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選舉日期：2011 年 11 月 6 日
Date of Election: 6 November 2011

[備註：在填寫此聲明前，請參閱《填寫非以電郵方式遞交的選舉廣告聲明說明》。]
[Note: Before completing this declaration, please read the "Notes on Completion of Declaration of Election Advertisements not Submitted by E-mail".]

候選人姓名（正楷）：_____

Name of Candidate (in BLOCK LETTERS) (姓 Surname) (名 Other name)

1. 本人為上述*候選人／候選人的選舉代理人，現聲明候選人或其他代表候選人之人士／團體將展示、分發或以其他方式（如郵遞、傳真或直接派發）使用載於附錄內之表一至表八中的選舉廣告，作為推廣或宣傳參與上述選舉的候選人。
I, being *the above-named candidate/the election agent of the above-named candidate, hereby declare that the election advertisement items as listed in Tables I to VIII in the appendix to this declaration will be displayed or distributed or otherwise used (e.g. sent by post or by fax or handed out) by the candidate or other persons/organizations on behalf of the candidate for the purpose of advertising or promoting the candidate in the above election.
2. 在附錄的表一、表五至表七中—
In Tables I, V to VII in the appendix-
 - (a) “A”指發予候選人之批准／授權書上所示的指定展示位置。本人已如下文第 9 段所述，將該批准／授權書的副本呈交有關的選舉主任；
“A” means the designated display spots shown in the permissions/authorizations granted to the candidate, a copy of each of which has been provided by me to the relevant Returning Officer, referred to in paragraph 9 below;
 - (b) “B”指發予候選人之協議或批准或牌照上所示的私人土地／物業。本人已如下文第 9 段所述，將該些協議或批准或牌照的副本呈交有關的選舉主任。
“B” means the private land/properties shown in the agreements or permissions or licences granted to the candidate, a copy of each of which has been provided by me to the relevant Returning Officer, referred to in paragraph 9 below.
3. 本人聲明，除了由選舉管理委員會豁免不需編號的選舉廣告外（見說明第 3 項），附錄內表一至表八所列各項選舉廣告每一張的正面，均已清楚記有所分配的順序編號，選舉廣告如屬 60 厘米 × 42 厘米（A2 尺碼）或以下，該編號的直徑不小於 2 厘米；如比 A2 尺碼大，編號直徑則不得小於 4 厘米。
I declare that, save the items exempted by the Electoral Affairs Commission from the requirement of serial numbering (see Note 3), each of the items of election advertisements shown in Tables I to VIII in the Appendix has been legibly marked on its face with the serial number allocated to it. The size of the number is not smaller than 2 cm in diameter on the election advertisements which are not larger than 60 cm × 42 cm (A2 size) and the size of the number marked on those which are larger than A2 size is not smaller than 4 cm in diameter.
4. 本人現聲明此聲明所述之選舉廣告上所有陳述的事實資料真確無訛。

I hereby declare that all the factual statements in the election advertisements referred to in this declaration are true and correct.

5. 本人清楚明白此聲明所述之選舉廣告，只會按下列方式展示－

I understand that the election advertisements referred to in this declaration may only be displayed in the following manner-

- (a) 選舉廣告不會在天橋、橋樑（包括行人天橋）、燈柱、路牌、道路交匯處角落的欄杆、行人過路處、巴士站及巴士總站或其附近地方展示；
they shall not be displayed on or over flyovers, bridges including footbridges, lamp posts, road signs and railings at corners of road junctions or at or near pedestrian crossings, bus stops and bus termini;
- (b) 選舉廣告不會在投票站範圍內（包括其外牆）展示；
they shall not be displayed within the boundaries of the polling station including its outer walls;
- (c) 在欄杆及圍欄展示的選舉廣告，高度不應超過 1 米，長度不應超過 2.5 米；及選舉廣告一定不可分散駕駛者的注意力，或干擾駕駛者及行人的視線、遮擋任何交通標誌及交通燈號，或阻礙行人的流動；及
they, if displayed at railings and fences, should not exceed 1 metre high and 2.5 metres long. They must not distract motorists or interfere with sight lines of motorists and pedestrians, obscure any traffic sign or traffic light signal, or obstruct the circulation of pedestrians; and
- (d) 使用這些位置展示選舉廣告前，必須事先取得有關當局書面批准。
prior written authorization must be obtained from the appropriate authorities for using such spots for displaying the election advertisements.

6. 本人承諾在上述投票日後 10 天內將附錄的表一、表五至表七所列之選舉廣告拆除。倘未能將選舉廣告拆除，候選人可能會遭起訴，有關當局亦可能會將該等廣告拆除及扣押，並可向候選人索回一切清理費用。這筆費用將會被視作選舉開支。

I undertake to arrange removal of all the above election advertisements shown in Tables I and V to VII within 10 days following the above polling day. If I fail to do so, the candidate may be prosecuted, and such advertisements may be removed and seized by the relevant authorities. The relevant removal cost may also be recovered from the candidate and will be counted as election expenses.

7. 本人清楚明白，不得在此聲明中註明的地點以外展示任何選舉廣告。選舉主任或其授權的任何人士可將任何未經批准或違例展示的選舉廣告檢取、處置、銷毀、覆蓋或塗掉。候選人或其選舉代理人可被檢控，若罪名成立，可判罰款或監禁。清除該等廣告的費用為民事債項，會被視作選舉開支。

I understand that no election advertisements shall be displayed other than at the places set out in this declaration. Any unauthorized or offending election advertisements displayed may be seized, disposed of, destroyed, covered or obliterated by the Returning Officer or any person authorized by him as he thinks fit. The candidate or his election agent may also be prosecuted and if convicted, may be liable to a fine or imprisonment. The cost of removal, being a civil debt, will also be counted as election expenses.

8. 本人亦清楚明白，不得展示在此聲明中未提及和在下文第 10 段(a)至(c)所述的文本／複製品或第 10 段(d)所述之相片中沒有顯示的選舉廣告。

I also understand that no election advertisements shall be displayed other than those referred to in this declaration and as shown by the copies described in paragraph 10(a) to (c) or on the photographs described in paragraph 10(d) below.

9. 本人已向有關的選舉主任提交可在指定展示位置及私人物業展示選舉廣告而獲發之各授權書、批准書或支持同意書之副本。

I have forwarded to the relevant Returning Officer one copy of each of all the authorizations, permissions or Consent of Support obtained for displaying the election advertisements at the designated display spots and private properties mentioned therein.

10. 就此聲明中提及擬用作展示、分發或作其他用途之選舉廣告，本人亦已向有關的選舉主任提交下列資料－

In respect of the election advertisements contained in this declaration which are intended to be displayed or distributed or otherwise used, I have also deposited with the relevant Returning Officer-

- (a) 一式兩份以原本顏色印製的宣傳印刷品文本，印備印刷商中文或英文姓名或名稱及地址、印製日期，以及印製數量；
two copies of each of the printed advertisements in original colours bearing, in Chinese or English, the name and address of the printer together with the date of printing and the number of copies printed;

- (b) 錄有選舉廣告的錄影帶／錄音帶或光碟或磁碟一式兩份的複製品；
two identical copies of any video/audio tapes or discs or diskettes containing election advertisements;
- (c) 任何以電子媒介發送的選舉廣告的印本式文本兩份，或兩份載有以電子媒介發送的選舉廣告的電子文本的唯讀光碟(CD-ROM)或唯讀型數碼多功能光碟(DVD-ROM)的複製品（如選舉廣告經由網頁展示或分發，應包括更新有關網頁內容而改動的網頁的文本）；或
two hard copies of any election advertisement sent by electronic means or two identical copies of a CD-ROM or DVD-ROM each containing the electronic copies of the election advertisements (including a copy each of the modified webpages when the contents of the website are changed or updated if the advertisement is displayed or distributed through a website) ; or
- (d) 任何因實際情況不能或不便影印的選舉廣告的彩色相片（明信片尺寸）一式兩張，或數碼影像的印本式文本一式兩份。
two identical postcard-sized colour photographs, or two hard copies of each digital image of any election advertisement which cannot be practically or conveniently photocopied.

11. 本人更清楚明白，若此「非以電郵方式遞交的選舉廣告聲明」有任何錯誤、或所聲明擬展示的任何類型的選舉廣告的數量或展示地點等有所改變，候選人或選舉代理人必須向有關的選舉主任提交「修訂非以電郵方式遞交的選舉廣告聲明」（表格編號：REO/C/11/2011DCE (SDF)），以更正有關錯誤或將有關選舉廣告的更改記錄在案。所有修訂聲明必須於投票日前一天（即 2011 年 11 月 5 日）正午十二時或之前呈交有關的選舉主任。如候選人或選舉代理人沒有就此聲明提交任何修訂聲明，則此聲明將被作為依據，用以審查及核對候選人的「選舉開支及接受選舉捐贈之申報書及聲明書」（表格編號：REO/C/1/2011DCE (SF)），和用以拆除未經批准而展示或違例或違反指引展示的選舉廣告。

I further understand that if this “**Declaration of Election Advertisements not Submitted by E-mail**” contains a mistake or if the declared intention as to the number of any type of election advertisements to be displayed or the location of display, etc. has been changed, the candidate or election agent must make a “**Corrective Declaration of Election Advertisements not Submitted by E-mail**” (form no.: REO/C/11/2011DCE (SDF)) to correct the mistake or record the changed intention. All such corrective declarations must be deposited with the relevant Returning Officer **on or before 12:00 noon on the day preceding the polling day (i.e. 5 November 2011)**. If no such declaration has been so deposited, this declaration will be used as one of the bases for examining and checking the candidate’s “Return and Declaration of Election Expenses and Election Donations” (form no.: REO/C/1/2011DCE (SF)), and as the basis for removal of unauthorized or offending displays.

*候選人／選舉代理人姓名：_____

Name of *Candidate/Election Agent (姓 Surname) (名 Other name)

香港身分證號碼：_____

Hong Kong Identity Card Number

簽署：_____

Signature

日期：_____

Date

備註： * 請刪去不適用者
Note: * Please delete whichever is inapplicable

表一： 海報
Table I: Posters

項目編號 Item No.	印刷日期 Date of Printing	數量 Quantity	順序編號 (參閱說明第 3 項) Serial No. (See Note 3)	尺寸 Size	顏色 (單色/多色) Colour (Single/Multi)	擬展示 之地點 Intended Place for Display	授權書/批准書 之編號 Reference of Authorization/ Permission	樣本編號 (供政府部門填寫) Sample Ref. No. (For Official Use)
1.			1 -			*A/B		
2.			1 -			*A/B		
3.			1 -			*A/B		
4.			1 -			*A/B		
5.			1 -			*A/B		
6.			1 -			*A/B		
7.			1 -			*A/B		
8.			1 -			*A/B		
9.			1 -			*A/B		
10.			1 -			*A/B		

表二： 小冊子
Table II: Pamphlets

項目編號 Item No.	印刷日期 Date of Printing	數量 Quantity	順序編號 (參閱說明第 3 項) Serial No. (See Note 3)	尺寸 Size	顏色 (單色/多色) Colour (Single/Multi)	分派/使用方式 Manner of Distribution/Use	樣本編號 (供政府部門填寫) Sample Ref. No. (For Official Use)
1.			1 -				
2.			1 -				
3.			1 -				
4.			1 -				
5.			1 -				
6.			1 -				
7.			1 -				
8.			1 -				
9.			1 -				
10.			1 -				

表三：傳單（A3 或 A4 或 A5 尺寸的紙張亦應算作傳單。）

Table III: Handbills (One-page paper with the size of A3, A4 or A5 should also be regarded as handbills.)

項目編號 Item No.	印刷日期 Date of Printing	數量 Quantity	順序編號 (參閱說明第 3 項) Serial No. (See Note 3)	尺寸 Size	顏色 (單色/多色) Colour (Single/Multi)	分派/使用方式 Manner of Distribution/Use	樣本編號 (供政府部門填寫) Sample Ref. No. (For Official Use)
1.			1 -				
2.			1 -				
3.			1 -				
4.			1 -				
5.			1 -				
6.			1 -				
7.			1 -				
8.			1 -				
9.			1 -				
10.			1 -				

表四：其他印刷物品（請註明有關選舉廣告的類別，例如：名片、信封或明信片等。）

Table IV: Other Printed Items (Please specify the types of the election advertisements concerned, e.g. namecards, envelopes or postcards, etc.)

項目編號 Item No.	類別及印刷日期 Type and Date of Printing	數量 Quantity	順序編號 (參閱說明第 3 項) Serial No. (See Note 3)	尺寸 Size	顏色 (單色/多色) Colour (Single/Multi)	分派/使用方式 Manner of Distribution/Use	樣本編號 (供政府部門填寫) Sample Ref. No. (For Official Use)
1.			1 -				
2.			1 -				
3.			1 -				
4.			1 -				
5.			1 -				
6.			1 -				
7.			1 -				
8.			1 -				
9.			1 -				
10.			1 -				

表五： 橫額
Table V: Banners

項目編號 Item No.	發布日期 Date of Publication	數量 Quantity	順序編號 (參閱說明第 3 項) Serial No. (See Note 3)	尺寸 Size	擬展示 之地點 Intended Place for Display	授權書／批准書 之編號 Reference of Authorization/ Permission	樣本編號 (供政府部門填寫) Sample Ref. No. (For Official Use)
1.			1 -		*A/B		
2.			1 -		*A/B		
3.			1 -		*A/B		
4.			1 -		*A/B		
5.			1 -		*A/B		
6.			1 -		*A/B		
7.			1 -		*A/B		
8.			1 -		*A/B		
9.			1 -		*A/B		
10.			1 -		*A/B		

表六： 小旗
Table VI: Pennants

項目編號 Item No.	發布日期 Date of Publication	數量 Quantity	順序編號 (參閱說明第 3 項) Serial No. (See Note 3)	尺寸 Size	顏色 (單色／多色) Colour (Single/Multi)	擬展示 之地點 Intended Place for Display	授權書／批准書 之編號 Reference of Authorization/ Permission	樣本編號 (供政府部門填寫) Sample Ref. No. (For Official Use)
1.			1 -			*A/B		
2.			1 -			*A/B		
3.			1 -			*A/B		
4.			1 -			*A/B		
5.			1 -			*A/B		
6.			1 -			*A/B		
7.			1 -			*A/B		
8.			1 -			*A/B		
9.			1 -			*A/B		
10.			1 -			*A/B		

表七： 標語牌
Table VII: Placards

項目編號 Item No.	發布日期 Date of Publication	數量 Quantity	順序編號 (參閱說明第 3 項) Serial No. (See Note 3)	尺寸 Size	擬展示 之地點 Intended Place for Display	授權書／批准書 之編號 Reference of Authorization/ Permission	樣本編號 (供政府部門填寫) Sample Ref. No. (For Official Use)
1.			1 -		*A/B		
2.			1 -		*A/B		
3.			1 -		*A/B		
4.			1 -		*A/B		
5.			1 -		*A/B		
6.			1 -		*A/B		
7.			1 -		*A/B		
8.			1 -		*A/B		
9.			1 -		*A/B		
10.			1 -		*A/B		

表八： 其他（未能分類為以上任何一項的選舉廣告應在此欄中填寫。例如：報紙廣告、光碟、圖文傳真、電子訊息（包括電子郵件）、資訊系統網絡、電子展示版、電腦網頁、互聯網廣告等。）

Table VIII: Others (The election advertisements which cannot be classified into any one of the above items should be stated in this part. Examples are newspaper advertisements, video discs, facsimile, electronic messages (including electronic mail), information system network, electronic display boards, web page, Internet advertisements, etc.)

項目編號 Item No.	類別／印刷／ 發布日期 Type/Date of Printing/ Publication	數量 Quantity	順序編號 (參閱說明第 3 項) Serial No. (See Note 3)	尺寸 Size	分派／使用方式 Manner of Distribution/Use	樣本編號 (供政府部門填寫) Sample Ref. No. (For Official Use)
1.			1 -			
2.			1 -			
3.			1 -			
4.			1 -			
5.			1 -			
6.			1 -			
7.			1 -			
8.			1 -			
9.			1 -			
10.			1 -			

填寫非以電郵方式遞交的選舉廣告聲明說明

Notes on Completion of Declaration of Election Advertisements not Submitted by E-mail

1. **選舉廣告**包括為促使或阻礙任何候選人在選舉中當選而發布的任何演辭、告示、招貼、標語牌、海報、牌板、橫額、旗幟、旗號、色別、符號、訊息、音響、圖像或圖畫，以及任何物品、物件或物料。
Election advertisement includes any address, notice, bill, placard, poster, board, banner, flag, standard, colour, sign, message, sound, image or picture and any article, thing or material that has the effect of promoting or prejudicing the election of any candidate.

2. 只要不超越選舉開支的最高限額，候選人可發布任何數量的選舉廣告。
Subject to the maximum amount of election expenses that can be incurred by the candidate, there is no restriction as to the quantity of election advertisements employed by him.

3. 除獲豁免外，候選人擬展示、分派及作其他用途的每種選舉廣告每一張的正面，均須標記著清楚易讀由“1”開始的順序編號。各類選舉廣告如屬 60 厘米 × 42 厘米 (A2 尺碼) 或以下，所標記的編號直徑不得小於 2 厘米，如比 A2 尺碼大，編號直徑則不得小於 4 厘米。印刷物品 (如傳單、單張和模擬選票) 如符合下列情況，則無須順序編號—

Save where the exemption applies, all copies of each type of all election advertisements intended to be displayed or distributed or otherwise used by a candidate must be marked distinctly and legibly on the face with consecutive serial number starting from “1”. The size of the number marked on each type of election advertisements which are not larger than 60 cm × 42 cm (A2 size) must not be smaller than 2 cm in diameter, and the size of the number marked on those which are larger than A2 size must not be smaller than 4 cm in diameter. Printed materials (e.g. handbills, leaflets and simulated ballot papers) **are exempted** from the requirement of serial numbering if each of them—

- (a) 尺寸為 A4 紙 (即 30 厘米 × 21 厘米) 或小於 A4 紙；
is of or smaller than A4 size, that is 30 cm x 21 cm;
- (b) 載於單一張紙上；及
is contained in a single sheet of paper; and
- (c) 印有印刷商的姓名或名稱及地址、印刷數量及印刷日期。
is bearing the printer's name and address, number of copies printed and date of printing.

刊登於本地註冊報刊／雜誌的選舉廣告或通過免費郵遞服務寄給選民或經由電子媒介 (例如：圖文傳真、電子郵件、資訊系統網絡、電子展示板) 傳達的選舉廣告；或以氣球、徽章、提包、衣物或頭飾作出的選舉廣告；以及選舉管理委員會於憲報刊登公告而豁免的任何其他種類的選舉廣告，均無須遵守順序編號的規定。

Election advertisements printed in a registered local newspaper/magazine; or sent to electors through the free postage service or transmitted by electronic means (e.g. facsimile, electronic mail, information system/network and electronic display boards); or in the form of a balloon, badge, carrier bag, clothing or head-dress; or of such other types as the Electoral Affairs Commission may specify by notice published in the Gazette are exempted from the requirement of serial numbering.

4. 每款廣告在展示、分發或以其他方式使用前，必須連同此聲明向有關的選舉主任呈交兩份文本。至於實際上不能或不便影印的選舉廣告，則須呈交其彩色相片 (明信片尺寸) 一式兩張。所有選舉廣告印刷品必須印有印刷商的中文或英文姓名或名稱及地址、印刷日期，以及印刷數量。

Two copies of each type of election advertisements together with this declaration must be provided to the relevant Returning Officer **before they are displayed, distributed or otherwise used**. In respect of the type of election advertisement that cannot be practically or conveniently photocopied, two identical postcard-sized colour photographs of it must be provided. All printed election advertisements must bear, in Chinese or English, the name and address of the printer together with the date of printing and the number of copies printed.

5. 候選人可在提交此聲明及此說明中提及的文件予選舉主任開始，至投票結束後 10 天這段期間內，展示選舉廣告。

Candidate may display election advertisements during the period commencing from his handing in of this Declaration together with other supporting documents as referred to in this Notes to the Returning Officer and ending 10 days after the close of poll.

6. **指定展示位置**是指位於政府土地／物業，甚至在私人擁有或佔用而供政府使用的土地／物業，供編配給候選人的展示位置。它們會由選舉主任指定並在提名期結束後用協議或抽籤方式編配予各候選人。候選人獲得編配指定展示位置，並取得有關當局書面批准後，便可在其獲編配的指定展示位置展示選舉廣告。

Designated display spots are spots on government land/property and even those located at premises owned or occupied privately that have been made available to the Government for allocation to candidates. They are designated by the Returning Officer and are allocated to candidates by mutual consent or by drawing of lots **after** the close of nominations. After allocation of the designated display spots and the necessary written permissions or authorizations have been obtained from the relevant authorities, candidate may display election advertisements at the designated display spots allocated to him.

7. **私人展示位置**是指位於私人土地／物業的展示位置，已由候選人自行向有關的業主或佔用人取得書面批准或授權，讓其展示選舉廣告。這是候選人與業主或佔用人之間的私人安排。

Private spots are spots on private land/property in respect of which written permission or authorization for display has been obtained from the private owner or occupier concerned by the candidate himself. It is a matter of private arrangement between the candidate and the owner or occupier.

8. 如某項選舉廣告是擬展示在**指定展示位置**，而有關的批准書或授權書副本已交予選舉主任，則在此聲明附錄內有關的表單中以“A”字母作類別。如某項選舉廣告擬展示在**私人展示位置**，而有關的批准書或授權書副本已交予選舉主任，則在此聲明附錄內有關的表單中以“B”字母作類別。

If the particular item of election advertisement is intended to be displayed at a **designated display spot** and a copy of the permission or authorization has been provided to the Returning Officer, the candidate should adopt “A” against that item in the relevant table in the Appendix to this declaration. If the item of election advertisement is intended to be displayed at **private premises** and a copy of relevant permission or authorization for such display has been provided to the Returning Officer, the candidate should adopt “B” against that item in the relevant table in the Appendix to this declaration.

9. 如某項選舉廣告顯示了某人或某組織的姓名、名稱或標識、跟某人或某組織有關聯的姓名、名稱或標識，或某人的圖像，而發布的方式意味着或相當可能導致選民相信有關候選人獲得該人或該組織的支持，在展示、分發或以其他方式使用該項選舉廣告前，發布或授權發布該選舉廣告的人士必須向有關的選舉主任提交一份他向該名人士或該組織取得的「支持同意書」（表格編號：REO/C/12/2011DCE）。

If the election advertisement includes the name or logo of or associated with a person or an organization or a pictorial representation of that person in such a way as to imply, or to be likely to cause electors to believe that the candidate concerned has the support of the person or the organization, the person(s) who publish(es) or authorize(s) the publication of the election advertisement must deposit with the relevant Returning Officer a copy of the “Consent of Support” (form no.: REO/C/12/2011DCE) he has obtained from this person or organization before he can display, distribute or otherwise use the election advertisement.

10. 關於展示廣告的其他規定／限制，已列於聲明上。

Other requirements/limitations for display have been set out in the declaration.

11. 如候選人向選舉主任繳存的「**非以電郵方式遞交的選舉廣告聲明**」有任何錯誤，或候選人所聲明擬展示的任何類型的選舉廣告的數量或展示地點等有所改變，候選人必須向有關的選舉主任提交「**修訂非以電郵方式遞交的選舉廣告聲明**」(表格編號：REO/C/11/2011DCE (SDF))，以更正有關錯誤或將有關選舉廣告的更改記錄在案。如候選人沒有繳存任何修訂聲明，則其原來的選舉廣告聲明將被視作爲依據，用以審查和核對候選人的「選舉開支及接受選舉捐贈的申報書及聲明書」（表格編號：REO/C/1/2011DCE (SF))，和用以拆除未經批准而展示或違例或違反指引展示的選舉廣告。

Where this “**Declaration of Election Advertisements not Submitted by E-mail**” made by candidate and deposited with the Returning Officer contains a mistake or where the candidate’s declared intention as to the number of any type of election advertisements to be displayed or the location of display, etc. has been changed, the candidate must make a “**Corrective Declaration of Election Advertisements not Submitted by E-mail**” (form no.: REO/C/11/2011DCE (SDF)) to correct the mistake or record the change. If no corrective declaration has been so deposited, this declaration will be used as one of the bases for examining and checking the candidate’s “Return and Declaration of Election Expenses and Election Donations” (form no.: REO/C/1/2011DCE (SF)), and as the basis for removal of unauthorized or offending displays.

12. 選舉主任或其授權的任何人可檢取、處置、銷毀、覆蓋或塗掉任何未獲批准或違規展示的選舉廣告。

Any unauthorized or offending election advertisement may be seized, disposed of, destroyed, covered or

obliterated by the Returning Officer or any person authorized by that Officer.

13. 如尚未委任選舉主任，在此聲明中所提述的選舉主任，均須解釋為提述總選舉事務主任。
If the Returning Officer has not yet been appointed, the references to a Returning Officer in this declaration are to be construed as references to the Chief Electoral Officer.
14. 請注意下列有關在此聲明提供個人資料的說明－
Please note the following with regard to the personal data supplied in connection with this declaration-

(a) **資料用途**

就此聲明提供的個人及其他有關的資料，會供選舉事務處及選舉主任用於與選舉有關的用途。

Purpose of Collection

The personal data and other related information supplied in connection with this declaration will be used by the Registration and Electoral Office and the Returning Officer for election-related purposes.

(b) **資料轉介**

選舉主任收到選舉廣告聲明、批准書、授權書、同意書及選舉廣告樣本後，會將副本供公眾查閱。在展示前，文件內所有身分證明文件號碼將會被遮蓋。有關的資料可能會提供予其他獲授權的部門或機構，用於與選舉有關的用途。

Transfer of Information

A copy of the declaration, permission, authorization, consent and election advertisement will be made available by the Returning Officer for public inspection. All identity document numbers in the documents will be covered before display. The information concerned may be provided to other authorized departments/agencies for election-related purposes.

(c) **索閱個人資料**

任何人有權根據《個人資料（私隱）條例》（第 486 章）的條文要求索閱及改正他所提供的個人資料。

Access to Personal Data

A person has the right to request access to and correction of the personal data he supplied in accordance with the provisions of the Personal Data (Privacy) Ordinance (Cap. 486).

(d) **查詢**

關於透過此聲明收集的個人資料的查詢（包括索閱及改正個人資料），應向總選舉事務主任提出（地址：香港灣仔港灣道 25 號海港中心 10 樓）。

Enquiry

Enquiries concerning the personal data collected by means of this declaration (including request for access to and corrections of personal data) should be addressed to the Chief Electoral Officer at 10th Floor, Harbour Centre, 25 Harbour Road, Wan Chai, Hong Kong.

選舉管理委員會
二零一一年八月
Electoral Affairs Commission
August 2011

