

CHAPTER 14

PROHIBITION AGAINST CANVASSING ACTIVITIES OUTSIDE POLLING STATIONS

PART I : GENERAL

14.1 This chapter deals with the ban on canvassing activities **outside** polling stations on the polling day.

14.2 A “No Canvassing Zone Scheme” is employed for the purpose of prohibiting canvassing activities outside polling stations on the polling day in order to maintain free and safe passage for voters, and to ensure that they are not unduly harassed on their way to a polling station.

PART II : DECLARATION OF A NO CANVASSING ZONE AND NO STAYING ZONE

14.3 The RO for a subsector must determine an area outside each polling station used for polling for that subsector to be a NCZ. In so doing, he will take into account the characteristics and special conditions of the polling station. He must also determine an area within the NCZ outside the entrance/exit of the polling station as a NSZ. These two zones are to be determined with reference to a map or plan [s 40(1) of the EAC (EP) (EC) Reg]. *[Amended in September 2006]*

14.4 For a polling station which is used for more than one EC subsector, the determination of the NCZ or NSZ is to be made by the RO

specified by the CEO [s 40(2) of the EAC (EP) (EC) Reg].

14.5 The RO who made the determination of declaring a NCZ or NSZ in respect of a polling station must, at least **7 days** before the polling day, give notice of the declaration to the candidates of his own EC subsector and to the ROs of other EC subsectors for which polling will be held in the polling station; and thereafter each of the ROs of these other EC subsectors must give notice of the declaration to the candidates of his own EC subsectors as soon as practicable [s 40(3), (4) and (5) of the EAC (EP) (EC) Reg]. *[Amended in September 2006]*

14.6 The notice will be given in writing, either in person or by post or by facsimile transmission, to the candidates or to the election agents or polling agents [s 40(12) of the EAC (EP) (EC) Reg].

14.7 Where the circumstances so warrant, the RO who has made a determination may vary the NCZ or NSZ. Notice of the variation must be given as soon as practicable after the variation in the same manner as a notice referred to in para. 14.6 above [s 40(7) of the EAC (EP) (EC) Reg]. However, a notice of variation need not be given to the candidates if it is not reasonably practicable to do so before the close of poll [s 40(11) of the EAC (EP) (EC) Reg].

14.8 A notice of the determination or the variation, together with indication of the boundaries of the NCZ or the NSZ, need to be displayed, on polling day, at or near the relevant polling station, in order to make the determination or variation effective [s 40(8), (9) and (10) of the EAC (EP) (EC) Reg].

14.9 The RO who is empowered to determine NCZ and NSZ may

authorise his ARO or the PRO of the relevant polling station to exercise the power to vary the determination and to perform the associated duties on polling day [ss 40(8A) and 89 of the EAC (EP) (EC) Reg]. *[Amended in September 2006]*

PART III : CONDUCT INSIDE THE NO CANVASSING ZONE AND NO STAYING ZONE

14.10 Door-to-door canvassing and, for the purpose of such canvassing, the display of propaganda material, eg any badge, emblem, clothing or head-dress which may promote or prejudice the election of a candidate or candidates at the election, or makes direct reference to a body any member of which is standing as a candidate in the election or to a political body in Hong Kong, will be allowed on the storeys above or below street level in a building within a NCZ other than a building in which there is a polling station provided that permission has been obtained for entry to the building for canvassing votes, and that obstruction is not posed to voters and no amplifying device is used [s 40(15) of the EAC (EP) (EC) Reg]. Apart from this, no other canvassing activities (including suggesting not to vote for any candidate) will be allowed within a NCZ except for static displays of election advertisements that are authorised by the RO or the PRO of the relevant polling station. Where there are premises situated within the NCZ, the ROs should issue a notice in advance to all the candidates asking them to remove all of their election advertisements, if any, posted up at the premises within the NCZ which can be seen by the voters on their way to the polling stations on the polling day. If the candidates fail to remove the election advertisements as requested by the ROs, the ROs may issue a warning to them to remove the offending election advertisements immediately. If the candidate fails to do so, the EAC may issue a censure or reprimand. Canvassing activities may take many different forms. A list of common canvassing activities which are forbidden in a NCZ is at **Appendix H**. *[Amended in September 2006]*

14.11 On the polling day, the PRO will make his best endeavours to ensure that no person carries out any activity other than those permitted activities described in para. 14.10 above in the NCZ in respect of his polling station to persuade or induce any elector to vote or not to vote. Any unauthorised display of election advertisements in the area will be removed by the RO or other persons authorised by the RO [s 100(14) of the EAC (EP) (EC) Reg]; and any person found to have conducted canvassing activities in the area will be asked to leave the area [s 41 of the EAC (EP) (EC) Reg]. *[Amended in September 2006]*

14.12 The use of loudspeakers or loud-hailers will not be permitted within the NCZ, nor will any such device or any activity (eg lion dance) be permitted in the vicinity so that the sound emitted can be heard within the NCZ [s 40(14) of the EAC (EP) (EC) Reg]. Save for canvassing activities allowed in para. 14.10, candidates and their supporters are not allowed to pass, let alone shout, appeal message to persons while inside the NCZ. [See Part II of Chapter 12 regarding the use of loudspeakers.] *[Amended in September 2006]*

14.13 Within the NCZ but immediately outside the entrance/exit of each polling station (and sometimes the entrance is also the same as the exit), there will be a **NSZ**, in which no person is allowed to stay or loiter, except where a person has been expressly permitted to do so by the PRO [s 41(1)(e) of the EAC (EP) (EC) Reg]. This is for the purpose of securing safe and smooth passage of voters into and out of polling stations. *[Amended in September 2006]*

14.14 A person shall not obtain or attempt to obtain (in any manner) information as to which candidate an elector of the relevant polling station is about to vote for or has voted for, in a NCZ or in a NSZ without the express permission of the PRO who should have regard to exit pollsters who have complied with the requirements set out in Chapter 15 : Exit Poll.

14.15 Any person who misconducts himself or carries out any forbidden activity in a NCZ or NSZ, or fails to obey a lawful order of the RO (who has made the determination in respect of that NCZ or NSZ) or the PRO, commits an offence punishable with a fine and imprisonment and may be ordered by such officer to leave the NCZ or NSZ [s 41(2) of the EAC (EP) (EC) Reg]. If he fails to leave immediately, he may be removed from the relevant zone by a police officer, an officer of the CSD or the law enforcement agency, or by any other person authorised in writing by the RO or the PRO [s 41(3) of the EAC (EP) (EC) Reg]. The person so removed may not re-enter the NCZ or NSZ on that day except with the permission of the RO or the PRO [s 41(4) of the EAC (EP) (EC) Reg]. *[Amended in September 2006 and January 2010]*

14.16 Nevertheless, the RO or the PRO shall not exercise their powers to remove a person from the NCZ or NSZ so as to prevent him from voting [s 41(5) of the EAC (EP) (EC) Reg].

PART IV : PENALTY

14.17 Any canvassing within a NCZ except those exempted, any attempt to obtain information as described in para. 14.14 without the necessary permission and any conduct prohibited under paras. 14.13 and 14.15 above will each be an offence under s 45(4) of the EAC (EP) (EC) Reg, punishable by a fine at level 2 (up to \$5,000) and imprisonment for up to 3 months.