

CHAPTER 9

ELECTION MEETINGS

PART I : GENERAL

9.1 An **election meeting** is a meeting held to promote or prejudice the election of a particular candidate, a group of candidates or a list in a GC election [s 12(5) of the ECICO]. For the avoidance of doubt, election forums organised for all candidates in the same constituency are not treated as election meetings [see Part IV: Election Forums of Chapter 11].

9.2 Expenses incurred before, during or after the LegCo election on account of an election meeting organised for any of the purposes stated above are **election expenses**. There may be cases where a meeting is not organised for any of the above purposes, but has nevertheless been used for such purposes by a candidate or any other person on his behalf. In that event, it will be for the candidate to assess the expenses which have been incurred for the said purposes. [See s 2 of the ECICO and the guidelines on Election Expenses and Donations in Chapter 16.] The person who uses the meeting for promoting the candidate may also be liable for prosecution for his failure in obtaining the candidate's prior authorisation to appoint him as the candidate's election expense agent for incurring election expenses on behalf of the candidate [see s 23 of the ECICO].

9.3 Candidates should refer to the section on "Treating" in Part IV of Chapter 17, regarding the serving of drinks and meals at or incidental to an election meeting.

9.4 In addition to the election expenses incurred, candidates are responsible for the election meetings or public processions which they organise, including the keeping of order and safety, controlling noise level, cleanliness and other liabilities.

9.5 An election meeting may take place in a public place or in private premises. A public procession for election campaigning purposes is a form of election meeting, as is an exhibition organised with a view to promoting or prejudicing the election of a particular candidate or particular candidates.

PART II : NOTIFICATION TO THE POLICE

Election Meetings in Public Places

9.6 Any person who organises an election meeting in a public place must notify the Commissioner of Police in writing **not later than 11 am on the same day (if a general holiday, the first day preceding that day which is not a general holiday) of the week in the preceding week as the day on which the meeting is intended to be held** [s 8(1) of the Public Order Ordinance (Cap 245)]. “Public place” means any place to which for the time being the public or any section of the public are entitled or permitted to have access, whether on payment or otherwise, and, in relation to any meeting, includes any place which is or will be, on the occasion and for the purposes of such meeting, a public place [s 2 of Cap 245].

9.7 The written notification may be **handed in** to the officer in charge of any police station. It should contain the following particulars:

- (a) the name, address and telephone number of the person organising the meeting and any organisation promoting or connected with the holding of the meeting and a person able to act, if necessary, in place of the organiser;
- (b) the purpose and subject matter of the meeting;
- (c) the date, location, time of commencement and duration of the meeting;
- (d) an estimate of the number of people expected to attend the meeting;
- (e) the number and names of persons proposed as platform-speakers for the meeting;
- (f) the sound amplification devices, if any, intended to be used at the meeting; and
- (g) the nature, form and contents of the advertisements, printed matter, posters or banners intended for publication, distribution or display in respect of the meeting.

[S 8(4) of Cap 245.]

A **form** of notification for a public meeting or procession together with notes provided by the Police will be given to a candidate upon his submission of nomination. The Police has advised that the use of the form will speed up processing time.

9.8 Notification to the Commissioner of Police of an election meeting is not required if the meeting is to be:

- (a) attended by not more than 50 persons; or
- (b) held at the private premises where the number of persons attending will not exceed 500 persons; or
- (c) held in a school, college, university or other educational establishment with the approval of an accredited society or similar body of such school, college or educational establishment **and** consent of the governing body of the establishment concerned.

[S 7(2) of Cap 245.]

Where in doubt, a candidate should seek advice from the Police.

9.9 The Commissioner of Police may prohibit the holding of any public meeting notified (referred to in paras. 9.6 and 9.7 above) where he reasonably considers such prohibition to be necessary in the interests of national security or public safety, public order (*ordre public*) or the protection of the rights and freedoms of others, and if so, he shall give notice of the prohibition to the person who gave the notification not later than 48 hours prior to the time of commencement of the meeting [s 9 of Cap 245]. On the other hand, the Commissioner of Police may give notice to the organisers and impose conditions for the meeting to take place, and the organisers must comply with such conditions and comply forthwith with any direction given by a police officer for ensuring compliance with or the due performance of the conditions and the requirements referred to in para. 9.10 below. [S 11 of Cap 245.]

9.10 At every public meeting:

- (a) there shall be present throughout the meeting either the organiser, or if he is not present, a person nominated by him to act in his place;
- (b) good order and public safety shall be maintained throughout the meeting; and
- (c) the control of any amplification device that is used in such a manner that it causes a noise that would not be tolerated by a reasonable person, shall if so required by a police officer, be surrendered to the police officer for the duration of the meeting.

[S 11(1) of Cap 245.]

Public Processions

9.11 A public procession for election campaigning purposes may be held without notification to the Commissioner of Police:

- (a) where it consists of not more than 30 persons; or
- (b) where it is held at a place other than a public highway, public thoroughfare or public park.

[s 13(2) of Cap 245.]

9.12 In all other cases, written notification of a public procession, including a vehicle procession, must be given by the person organising the procession to the Commissioner of Police (which may be handed in to the

officer in charge of any police station) **not later than 11 am on the same day (if a general holiday, the first day preceding that day which is not a general holiday) of the week in the preceding week as the day on which the procession is intended to be held** containing the following information [s 13A(4) of Cap 245]:

- (a) the name, address and telephone number of the person organising the procession, any society or organisation promoting or connected with the holding of the procession and a person able to act, if necessary, in place of the organiser;
- (b) the purpose and subject matter of the procession;
- (c) the date, precise route, time of commencement and duration of the procession;
- (d) in respect of any meeting to be held in conjunction with the procession, the location, time of commencement and duration of the meeting; and
- (e) an estimate of the number of people expected to attend the procession.

A notification **form** mentioned in para. 9.7 should be used.

9.13 The Commissioner of Police may issue a notice of no objection for the public procession, or alternatively issue a notice of objection to the procession if he reasonably considers that the objection is necessary in the interest of national security or public safety, public order (*ordre public*) or the protection of the rights and freedoms of others. If the Commissioner of Police so objects to the public procession, he shall issue a notice of objection to the

organiser not later than 48 hours before the commencement time of the procession, otherwise he is taken to have issued a notice of no objection for the public procession. The Commissioner of Police may give notice to the organisers and impose conditions for the procession to take place, and the organisers must comply with such conditions and comply forthwith with any direction given by a police officer for ensuring compliance with or the due performance of the conditions and the requirements referred to in para. 9.14 below. [Ss 14 and 15 of Cap 245.]

9.14 At every public procession:

- (a) there shall be present throughout the procession either the organiser of the procession, or if he is not present, a person nominated by him to act in his place;
- (b) good order and public safety shall be maintained throughout the procession; and
- (c) the control of any amplification device that is used in such a manner that it causes a noise that would not be tolerated by a reasonable person, shall if so required by a police officer, be surrendered to the police officer for the duration of the procession.

[S 15(1) of Cap 245.]

Election Meetings in Private Premises

9.15 Any person who organises an election meeting at private premises should obtain prior permission from the owner, occupier, owners corporation, building management or the mutual aid committee etc concerned.

Housing estates under the management of the Housing Department and the Hong Kong Housing Society are treated as private premises in the guidelines.

9.16 Insofar as the decision regarding election meetings by candidates in the common areas of a building accords fair and equal treatment to all candidates, the EAC will not intervene.

9.17 Candidates must obtain **prior approval** from the Housing Manager before conducting any election meeting inside a housing estate, in addition to compliance with regulations and conditions imposed by other relevant authorities. An **application** for approval **should be made at least two clear working days (excluding Saturday, Sunday or public holiday) before the date of the meeting**, and the applicant will be notified as soon as practicable after a decision is arrived at. To avoid conflicts that may arise from allowing two or more candidates and their supporters to hold election meetings in a housing estate at the same venue and time, the Housing Department and the Hong Kong Housing Society will process the applications as soon as practicable and will adopt the following arrangements:

- (a) if only one application for holding an election meeting at a particular venue and at a particular time is received, that application will be approved;
- (b) if two or more applications for the same venue and the same period are received by the Housing Department or the Hong Kong Housing Society two clear working days before the activity takes place, applicants will be advised to negotiate among themselves to reach a compromise on condition that no canvassing from two or more groups will be held at the same place and at the same time to avoid any dispute or clash. If no compromise can be reached, allocation of venue or time will be

made by the drawing of lots at a time to be decided by the relevant estate Housing Manager;

- (c) for the purpose of (a) and (b) above, an application for several periods will be dealt with as separate applications for each of the periods; and
- (d) the Housing Manager should send a copy of the letter of approval to the respective RO for record and for public inspection.

9.18 Notification in writing to the Commissioner of Police will need to be given, in accordance with the procedure set out in paras. 9.6 and 9.7 above, if at the proposed meeting the attendance will exceed 500 persons.

PART III : MOBILE EXHIBITIONS

9.19 A candidate may hold an exhibition for election campaigning purposes. If such an exhibition is held at private premises, including public housing estates managed by the Housing Department and the Hong Kong Housing Society, the prior permission of the Housing Manager, owner, occupier, owners corporation, building management or the mutual aid committee etc concerned, as appropriate, must be obtained. Relevant guidelines in the other parts in this chapter should also be observed, in addition to compliance with regulations and conditions imposed by other relevant authorities.

9.20 Where approval has been given by a Housing Manager for such an exhibition, the display of EAs at the venue of the exhibition will normally be subject to the conditions that they are displayed in connection with the

activity in question and for a temporary duration of less than a day. The guidelines in Chapter 8: Election Advertisements are applicable to such displays and must be observed by the candidate concerned. The Housing Manager should send a copy of the letter of approval to the respective RO for record and for public inspection.

PART IV : FUND RAISING ACTIVITIES AT ELECTION MEETINGS

9.21 A permit is required for organising, providing equipment for, or participating in any collection of money or sale of badges, tokens or similar articles or exchange the same for donations in a public place [s 4(17) of the Summary Offences Ordinance (Cap 228)]. Any person who wishes to raise funds at an election meeting for non-charitable purposes should apply to the Secretary for Home Affairs. A copy of the administrative guidelines and licensing conditions for the issue of such permits with application form is at **Appendix H** for general information.