

**NOTICE OF APPOINTMENT OF
POLLING AGENT FOR A DEDICATED POLLING STATION SITUATED IN
A PRISON (OTHER THAN A MAXIMUM SECURITY PRISON) AND
APPLICATION FOR CONSENT TO THE PRESENCE OF ELECTION AGENT/
POLLING AGENT IN A DEDICATED POLLING STATION SITUATED IN A
PRISON (OTHER THAN A MAXIMUM SECURITY PRISON)**

Sections 26, 45 and 94 of the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541F)

2015 DISTRICT COUNCIL ORDINARY ELECTION

_____ District Council _____ Constituency
(Name of District Council) (Name of Constituency)

Date of Election: 22 November 2015

[Note: Before completing this notice/application, please read the "Notes on Completion of Notice of Appointment of Polling Agent for a Dedicated Polling Station situated in a Prison (other than a Maximum Security Prison) and Application for Consent to the Presence of Election Agent/Polling Agent in a Dedicated Polling Station Situated in a Prison (other than a Maximum Security Prison)" (Note(s)).]

PART I (To be completed by candidate or election agent)

Name of Candidate (in BLOCK LETTERS) : _____
(Surname) (Other name)

1. I, being the *above-named candidate/election agent of the above-named candidate, hereby apply for the consent of the Commissioner of Correctional Services to the presence of the person(s) listed on page 2 in the dedicated polling station(s) situated in a prison at the above election.
2. ^I confirm that the notice of appointment of the election agent named on page 2 has been delivered to the Returning Officer for the relevant constituency, and the appointment has not been revoked.
3. I understand this application (where applicable) also serves as a notice of appointment of the polling agent(s) listed on page 2 for the respective dedicated polling station(s) named thereon.
4. I understand the requirements stated in sections 26 and 45 of the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541F) regarding the presence of election agent/polling agent in a dedicated polling station situated in a prison (see Note 2).
5. I understand that *my election agent/my polling agent(s)/the candidate's polling agent(s) may do all the things on *my/the candidate's behalf that I/the candidate can lawfully do for any purpose connected with the conduct of the poll, including observing all proceedings inside the dedicated polling station(s) listed on page 2 and recording their observations. Nevertheless, they shall not do anything which is contrary to law or interfere with the conduct of the poll.
6. I also understand that on the polling day whenever the candidate is present within a dedicated polling station to observe the poll, his/her election agent or polling agent should not be present at the same time within that dedicated polling station. Moreover, the Presiding Officer may regulate the number of candidates, election agents and polling agents to be admitted to the dedicated polling station at any one time for the purpose of maintaining order in the dedicated polling station and ensuring that polling is conducted smoothly.
7. I also understand that the appointment of polling agents may be revoked by me by delivering to the Returning Officer for the relevant constituency a notice in the specified form and signed by me to that effect.
8. This application is made for the poll to be conducted on the date stated on this page and (where applicable) the postponed or adjourned poll.

Notes: * Please delete whichever is inapplicable.
^ If this application is made by the election agent, please delete this clause.

Particulars of the dedicated polling station(s) situated in a prison and the agent(s)-

#Name of Dedicated Polling Station Situated in a Prison	Type of Agent	Name in Chinese	Name in English (in BLOCK LETTERS) (Surname first)	Hong Kong Identity Card No.	Residential Address	Contact Telephone Number	(For Official Use Only) Application No.
	* Election agent/ Polling agent						
	* Election agent/ Polling agent						
	* Election agent/ Polling agent						
	* Election agent/ Polling agent						
	* Election agent/ Polling agent						
	* Election agent/ Polling agent						
	* Election agent/ Polling agent						
	* Election agent/ Polling agent						
	* Election agent/ Polling agent						

If the election agent or the same polling agent intends to be present in all the dedicated polling stations situated in a prison (other than a maximum security prison) with electors in custody of the relevant constituency, please put "All" in this column.

Signature of *Candidate/Election Agent: _____

Name of *Candidate/Election Agent (in BLOCK LETTERS): _____
(Surname) (Other name)

Fax Number: _____ Date: _____

PART II Confirmation and Consent (To be completed by election agent and/or polling agent(s) who intend(s) to be present in the above-named dedicated polling station(s) situated in a prison)

- *1. (Applicable to polling agent(s) only) *I/Each of us hereby accept(s) the appointment as a polling agent as stated in Part I of this notice/application.
2. *I/Each of us, being the election agent/polling agent stated on page 2 of Part I of this notice/application, hereby confirm(s) that *my/our particulars as contained in this notice/application are true and correct. *I/Each of us understand(s) that if there is any discrepancy between the particulars entered in this notice/application and on *my/our Hong Kong Identity Card(s), the Commissioner of Correctional Services may refuse *my/our entry to the dedicated polling station(s) concerned. *I/Each of us understand(s) and consent(s) that *my/our personal data will be provided to the Commissioner of Correctional Services for the processing of the application for *my/our presence in the above-named dedicated polling station(s) situated in a prison.
3. *I/Each of us understand(s) that *I/we must make a Declaration of Secrecy in advance and produce such Declaration of Secrecy and *my/our Hong Kong Identity Card(s) when reporting to the Presiding Officer(s) of the above dedicated polling station(s) on the polling day.
4. *I/Each of us understand(s) that inside the dedicated polling station, *I/we must not —
 - (a) engage in the canvassing of votes, or speak to or communicate with or interfere with or attempt to influence any elector;
 - (b) attempt to obtain or disclose any information concerning the vote of any elector;
 - (c) film, take photographs or make any audio or video recording;
 - (d) exhibit or leave or distribute any campaign material;
 - (e) display or wear any badge, emblem, clothing or head-dress which may promote or prejudice the election of a candidate or candidates at the election;
 - (f) display or wear any badge, emblem, clothing or head-dress which makes direct reference to a body any member of which is standing as a candidate in the election or a prescribed body the registered name or registered emblem of which has been printed on any ballot paper for the election;
 - (g) use a mobile telephone, paging machine or any other device for electronic communication; or
 - (h) seek to check or check any elector's identity document.
5. *I/Each of us further understand(s) that *I/we must not —
 - (a) divulge to any other person by communicating information such as the identity document number or name in the register of electors, or otherwise, as to whether a person has or has not applied for a ballot paper or voted at the dedicated polling station;
 - (b) divulge to any other person the identity of an elector in custody;
 - (c) communicate to any person any information obtained in the dedicated polling station as to the candidate for whom an elector in that dedicated polling station is about to vote or has voted; or
 - (d) interfere with or attempt to interfere with any ballot boxes, unissued ballot papers, unused ballot papers, spoiled ballot papers, tendered ballot papers, marked ballot papers or any copy of the register of electors used by the polling staff at the dedicated polling station.

Notes on Completion of Notice of Appointment of Polling Agent for a Dedicated Polling Station situated in a Prison (other than a Maximum Security Prison) and Application for Consent to the Presence of Election Agent/Polling Agent in a Dedicated Polling Station Situated in a Prison (other than a Maximum Security Prison)

1. The agent is to be regarded as being appointed for the poll to be conducted on the scheduled date and (where applicable) the postponed or adjourned poll, unless the candidate expressly indicates otherwise in the specified form.
2. Each candidate can only apply for either his/her election agent or one of his/her polling agents to be present in a dedicated polling station situated in a prison. An election agent or a polling agent may not be present in a dedicated polling station situated in a maximum security prison.
3. The requirements for applying for the presence of election agent and polling agent in a dedicated polling station situated in a prison are stated in sections 26 and 45 of the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541F), an extracted part of which are reproduced below for reference -

A candidate may appoint election agent (section 26 of the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541F))

- (15) An election agent may not-
 - (a) do anything a candidate is required to do under section 12;
 - (b) withdraw a candidate's candidature;
 - (c) authorize any person for the purposes of section 28;
 - (d) subject to paragraph (e), be present in a dedicated polling station situated in a prison unless, on an application in the specified form delivered by hand, by post, by electronic mail or by facsimile transmission to the Chief Electoral Officer at least one week before polling day, the Commissioner of Correctional Services consents to his or her presence; or
 - (e) be present in a dedicated polling station situated in a maximum security prison.
- (16) The Commissioner of Correctional Services must not give consent to an election agent under subsection (15)(d) in respect of a polling station if a polling agent has been appointed under section 45 by the same candidate for that polling station.
- (17) Despite subsection (15)(d), the Commissioner of Correctional Services may, on an application made under that subsection during the week before polling day, give consent under that subsection if the Commissioner is satisfied that—
 - (a) an elector in custody who is entitled to vote for the relevant constituency at a dedicated polling station situated in a prison is admitted or transferred to the prison during that week; and
 - (b) the application is made without undue delay after the admission or transfer.
- (18) If the Commissioner of Correctional Services refuses to give consent under subsection (15)(d), the Commissioner must notify the candidate or the election agent as soon as practicable.

Candidates may appoint polling agents (section 45 of the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541F))

- (5A) Despite subsections (1), (3) and (5)—
 - (a) subject to paragraphs (b) and (c), only one polling agent may be appointed by a candidate for a dedicated polling station situated in a prison;
 - (b) no polling agent may be appointed by a candidate for a dedicated polling station situated in a prison if the Commissioner of Correctional Services has consented under section 26(15)(d) to the presence of the election agent of that candidate in that polling station;
 - (c) no polling agent may be appointed for a dedicated polling station situated in a maximum security prison; and
 - (d) the appointment of a polling agent for a dedicated polling station situated in a prison is not effective unless—
 - (i) a notice of appointment is given to the Chief Electoral Officer at least 7 days before polling day, and
 - (ii) the Commissioner of Correctional Services consents to the appointment.

- (5B) Despite subsection (5A)(d), even though a notice of appointment is given during the week before polling day, the Commissioner of Correctional Services may still give consent under that subsection if the Commissioner is satisfied that—
- (a) an elector in custody who is entitled to vote for the relevant constituency at the polling station concerned is admitted or transferred to the prison concerned during that week; and
 - (b) the notice of appointment is given without undue delay after the admission or transfer.
- (5C) If the Commissioner of Correctional Services refuses to give consent under subsection (5A)(d), the Commissioner must notify the candidate or the election agent of the candidate as soon as practicable.
- (5D) A notice of appointment given under subsection (5) or (5A)(d) must be delivered by hand, by post, by electronic mail or by facsimile transmission.
4. Any person who is a holder of a Hong Kong Identity Card and has attained the age of 18 years may be appointed as a polling agent. A person can be appointed as a polling agent for more than one polling station. A candidate or his/her election agent should not appoint as his/her polling agent any Returning Officer, Assistant Returning Officer, or any person (usually a Government officer) already appointed by the Chief Electoral Officer to assist at the poll or the count.
 5.
 - (a) For each candidate, only one among the candidate, his/her election agent or his/her polling agent will be admitted to a polling station to observe the poll at any one time. Therefore, when a candidate or his/her election agent is present within a polling station, a polling agent of that candidate shall not be present at the same time in the polling station.
 - (b) The admission into the polling station of a candidate, his/her election agent or polling agent is subject to the overriding power of the Presiding Officer to regulate the number of persons admitted to the polling station. If full capacity of the area inside the polling station designated for such persons has been reached, the Presiding Officer may refuse further admission at that point of time.
 - (c) Admission to the designated area of the polling station to observe the poll will normally be on a first-come-first-served basis. If the number of persons seeking admission at the same time exceeds the capacity, then lots will be drawn to determine the priority of entry.
 - (d) A person will only be allowed to stay in the designated area for **ONE HOUR**, thereafter he/she must leave unless the designated area is not fully occupied and no other person is waiting to be admitted. Every person admitted to the polling station is required to sign in and enter the time of admission on the log book kept by the polling staff.
 - (e) When the designated area is full, each person waiting to be admitted will be issued a number chit in sequence to record the order of his/her entry to the designated area when a vacant seat arises. When it is his/her turn, his/her number will be called outside the entrance to the polling station, but if he/she is not present, then admission will be granted to the one holding the next number. Such an absentee will have to obtain another number chit and join the queue afresh on his/her return.
 6. Part I of the notice/application should be completed and signed by the candidate or the election agent. Part II should be completed and signed by his/her election agent and/or each of the polling agents.
 7. If there is insufficient space on page 2 or page 4, please make copy of the page to give the relevant details and attach to the notice/application.
 8. The notice/application must be delivered to the Chief Electoral Officer by hand, by post, by electronic mail or by facsimile transmission at least 7 days before the polling day (i.e. on or before 15 November 2015).
 9. If the candidate has any difficulty in completing this notice/application, please contact the Enquiry Hotline of the Registration and Electoral Office at 2891 1001 during office hours.
 10. Please note the following with regard to the personal data supplied in connection with this notice/application –
 - (a) **Purpose of Collection**
The personal data and other related information supplied in connection with this notice/application will be used by the Electoral Affairs Commission, the Registration and Electoral Office, the Returning Officer for the relevant constituency, the Presiding Officers for the relevant polling stations and government departments concerned for election-related purposes.

(b) **Transfer of Information**

The information provided in this notice/application may be provided to other authorised departments or persons including but not limited to the law courts for election-related purposes.

(c) **Access to Personal Data**

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

(d) **Personal Data Protection Principle**

Candidates/election agents are reminded to observe the Data Protection Principles in Schedule 1 to the Personal Data (Privacy) Ordinance (Cap. 486) in collecting personal data of a third person in completing the relevant notice/application, in particular Principle 4 concerning the requirement to take all practicable steps to ensure that personal data are protected against unauthorised or accidental access and processing.

(e) **Enquiry**

Enquiries concerning the personal data collected by means of this notice/application (including requests 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.

Electoral Affairs Commission
September 2015