

**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 23, 42 and 93 of the Electoral Affairs Commission (Electoral Procedure)  
(Election Committee) Regulation (Cap 541I)

**2016 ELECTION COMMITTEE SUBSECTOR ORDINARY ELECTIONS**

\_\_\_\_\_  
(Name of \*Subsector/Sub-subsector)

Date of Election: 11 December 2016

For Official Use Only

Submission Date : \_\_\_\_\_

*[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 the candidate or the 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of the election agent named on page 2 has been delivered to the Returning Officer, and the appointment has not been revoked.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 23 and 42 of the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap 541I) regarding the presence of election agent/polling agent in a dedicated polling station situated in a prison (see Note 3).
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 in a dedicated polling station to observe the poll, his/her election agent or polling agent cannot be present at the same time in 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 Chief Electoral Officer 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.

\* 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.	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						

\* Please delete whichever is inapplicable.

§ 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 voters/authorised representatives in custody of the relevant subsector/sub-subsector, please put “All” in this column.

Signature of \*Candidate/Election Agent: \_\_\_\_\_

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

Hong Kong Identity Card Number: \_\_\_\_\_

Date: \_\_\_\_\_

\* Please delete whichever is inapplicable.

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**PART II ELECTION AGENT'S/POLLING AGENT'S ACCEPTANCE AND UNDERSTANDING** (To be completed by the 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 voter/authorised representative;
  - (b) attempt to obtain or disclose any information concerning the vote of any voter/authorised representative;
  - (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 political body in Hong Kong or a body any member of which is standing as a candidate at the election;
  - (g) use a mobile telephone, paging machine or any other device for electronic communication; or
  - (h) seek to check or check any voter's/authorised representative'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 as to the name or identity document number of a voter/an authorised representative in the register of voters, or otherwise, 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 a voter/an authorised representative in custody;
  - (c) communicate to any person any information obtained in the dedicated polling station as to the candidate for whom a voter/an authorised representative 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 voters used by the polling staff at the dedicated polling station.
6. \*I/Each of us also understand(s) that if \*I/we within or at the dedicated polling station or in the no canvassing zone/no staying zone behave in an disorderly manner or fail to comply with any lawful order given by the Returning Officer or the Presiding Officer, \*I/we shall commit an offence punishable with a fine of \$5,000 and imprisonment for 3 months and may be ordered by such officer to leave the area immediately. \*My/our failure to leave such area may result in \*my/our being removed by any person authorised in writing by the Returning Officer or the Presiding Officer, an officer of the Correctional Services Department, or an officer of any law enforcement agency. If \*I/we are so removed, \*I/we may not re-enter the relevant area on the polling day except with the permission of the Returning Officer or the Presiding Officer.
7. \*I/Each of us agree(s) to fully comply with the lawful order of officers of the Correctional Services Department of the prison in which the dedicated polling station is situated.

Name of election agent/polling agent(s) (in BLOCK LETTERS) ( Surname first )	Signature	Date

\* Please delete whichever is inapplicable.

**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 23 and 42 of the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap 541I), an extract of which is reproduced below for reference -

***A candidate may appoint election agent (section 23 of the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap 541I))***

- (15) An election agent may not-
- (a) do anything a candidate is required to do under section 8;
  - (b) withdraw the candidate's candidature;
  - (c) authorize any person for the purposes of section 25;
  - (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 42 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) a voter in custody or an authorised representative in custody who is entitled to vote for the relevant subsector 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 42 of the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap 541I))***

- (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 23(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 in accordance with subsection (5); 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) a voter in custody or an authorised representative in custody who is entitled to vote for the relevant subsector at a dedicated polling station situated in a prison is admitted or transferred to the prison during that week; and
  - (b) the notice of application 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.
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 any Chief Returning Officer, 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 as his/her polling agent.
  5.
    - (a) For each candidate, only **one** among the candidate, his/her election agent or his/her polling agent may be present in a polling station to observe the poll at any one time.
    - (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.
    - (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 sheet 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 chit. 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 the 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 4 December 2016).
  9. If the candidate has any question in completing this notice/application, please call 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 relevant Returning Officer, the Presiding Officer of the relevant polling stations and other related government departments for election-related purposes.

(b) **Transfer of Information**

The personal data and other related information supplied in connection with 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**

Please note that candidates/election agents must 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 this 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 2016