

Consent of Support

2019 YAU TSIM MONG DISTRICT COUNCIL TAI NAN CONSTITUENCY BY-ELECTION

Tai Nan

(Name of Constituency)

Date of By-Election: 24 March 2019

(Please read the notes before completing this consent.)

Name of Candidate (in BLOCK LETTERS) : _____

For individual(s) giving consent in personal capacity (see Notes 2 & 7)

1. *(i) *I/Each of us hereby give(s) consent in *my/our personal capacity to the above-named candidate to use in the manner described in section 27 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) in election advertisements the name(s) or logo(s) of or associated with *me/us; or the name(s) or logo(s) as shown in the Appendix that is/are substantially similar to the name(s) or logo(s) of or associated with *me/us; or *my/our pictorial representation(s), as an indication of *my/our support to the above-named candidate; or
- *(ii) *I/Each of us hereby confirm(s) in *my/our personal capacity that the content of the election advertisement as shown in the Appendix is provided by *me/us, and *I/each of us give(s) consent in *my/our personal capacity to the above-named candidate to use the name(s), logo(s), pictorial representation(s) of or associated with *me/us included in the said content of election advertisement, as an indication of *my/our support to the above-named candidate; and
- *(iii) *I/Each of us further give(s) consent in *my/our personal capacity to the above-named candidate to modify the name(s), logo(s), pictorial representation(s) of or associated with *me/us or the content of election advertisement referred to in paragraph 1(ii) above (details of modification as shown in the Appendix) for use in his/her other election advertisements.

For an individual giving consent in official capacity (see Notes 3, 4, 5 & 7)

2. *(i) I hereby give consent in my official capacity as " _____ " to the above-named candidate to use, in the manner described in section 27 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) in election advertisements the name, office title or logo of or associated with me; or the name, office title or logo as shown in the Appendix that is substantially similar to the name, office title or logo of or associated with me; or my pictorial representation, as an indication of my support to the above-named candidate; or
- *(ii) I hereby confirm in my official capacity as " _____ " that the content of the election advertisement (including reference to my office title) as shown in the Appendix is provided by me, and I give consent in the above official capacity to the above-named candidate to use the name, office title, logo, pictorial representation of or associated with me included in the said content of election advertisement, as an indication of my support to the above-named candidate; and
- *(iii) I further give consent in the above official capacity to the above-named candidate to modify the name, office title, logo, pictorial representation of or associated with me or the content of election advertisement referred to in paragraph 2(ii) above (details of modification as shown in the Appendix) for use in his/her other election advertisements.

3. I have obtained the prior written approval of _____
[Name of Organisation] in accordance with the organisation's internal rules and procedures/established convention (e.g. approved by the governing body of the organisation or by a resolution of that organisation passed at a general meeting, for using the name of the organisation together with his/her office title(s) by the candidate) (please specify _____)
on _____[Date] at _____[Time] for giving of the above consent.

For an organisation giving consent in organisational capacity (see Notes 4, 5 & 7)

4. *(i) I have been duly authorised by _____
[Name of Organisation] to give consent on its behalf to the above-named candidate to use in the manner described in section 27 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) in election advertisements the name or logo of or associated with the organisation; or the name or logo as shown in the Appendix that is substantially similar to the name or logo of or associated with the organisation, as an indication of its support to the above-named candidate; or
- *(ii) I have been duly authorised by _____
[Name of Organisation] to confirm on its behalf that the content of the election advertisement as shown in the Appendix is provided by the organisation, and I am duly authorised by the organisation to give consent on its behalf to the above-named candidate to use the name or logo of or associated with the organisation included in the said content of election advertisement, as an indication of its support to the above-named candidate; and
- *(iii) I am also duly authorised by the organisation to give further consent on its behalf to the above-named candidate to modify the name or logo of or associated with the organisation or the content of election advertisement referred to in paragraph 4(ii) above (details of modification as shown in the Appendix) for use in his/her other election advertisements.
5. The above-named organisation has given the above consent *by the written approval dated _____of the governing body of the organisation/by a resolution of the members of the organisation passed at its general meeting held on _____[Date] at _____ [Time].

For completion in all cases

6. *I have/Each of us has/The organisation has been given to understand from the above-named candidate that he/she is eligible for nomination as a candidate and he/she is not disqualified from being nominated as a candidate or elected as a member by reasons of section 21 of the District Councils Ordinance (Cap. 547).

* Please delete whichever is inapplicable.

TO BE COMPLETED BY THE CANDIDATE/ELECTION AGENT –

Name (in BLOCK LETTERS) : _____

Signature : _____ Date : _____

TO BE COMPLETED BY INDIVIDUAL(S) GIVING CONSENT IN PERSONAL CAPACITY –

Name (in BLOCK LETTERS)	Signature	Date

TO BE COMPLETED BY INDIVIDUAL GIVING CONSENT IN OFFICIAL CAPACITY/ ORGANISATION GIVING CONSENT –

Name (in BLOCK LETTERS) : _____

Signature : _____ Organisation Chop : _____

Official Capacity : _____ Date : _____

TO BE COMPLETED BY A WITNESS (see Note 6) –

I declare that this form was signed in my presence by the candidate/election agent and individual(s)/organisation representative giving consent.

Name (in BLOCK LETTERS) : _____

Signature : _____ Date : _____

Notes

1. In accordance with Chapter 7 of the “Guidelines on Election-related Activities in respect of the District Council Election” and section 106 of the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541F), the candidate should, **within 1 working day** after publication of an election advertisement, post an electronic copy of the relevant information/document, including permission or consent, onto the Central Platform or Candidate’s Platform or deposit a hard copy with the Returning Officer for public inspection.
2. According to Chapter 17 of the “Guidelines on Election-related Activities in respect of the District Council Election”, if a written consent is given by a person in his/her personal capacity, no reference should be made to any office title which he/she may have in the candidate's election advertisements.
3. In the case where an office-bearer of an organisation wishes to use his/her office title to support a candidate, he/she must complete item 2 or items 2 and 3 of this consent as appropriate, depending on the following situations –
 - (a) **A supporter with the reference to his/her office title (bearing no reference to the name of the organisation concerned)**

In this case, the consent should indicate whether the supporter consents to the use of his/her office title(s) and the description of such title(s). Where such office title(s) is/are to be referred to in an election advertisement, the supporter and the candidate should take particular care to ensure that the information should not be used in such a way to misrepresent the support of the organisation concerned.
 - (b) **A supporter with the reference to his/her office title and the name of the organisation concerned**

In this case, the candidate should ensure that the supporter has obtained the prior written approval of the organisation, in accordance with the organisation’s internal rules and procedures or any established convention (e.g. approved by the governing body of the organisation or by a resolution of that organisation passed at a general meeting), for using the name of the organisation together with his/her office title(s) by the candidate. The candidate should be careful not to give the impression that it represents the support of the whole organisation.
4. According to section 27(5) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554), a written consent by an organisation must be approved by the governing body of the organisation or by a resolution of the members of the organisation passed at a general meeting.
5. In the case where a Mutual Aid Committee (“MAC”) wishes to support a candidate in the name of the MAC, the consent must be approved in a general meeting convened in accordance with the Model Rules for the MAC, and signed by the incumbent Chairman of the MAC.
6. A witness can be any person aged 18 years or over and in possession of an identity document. According to section 2 of the District Councils Ordinance (Cap. 547), "identity document" means –
 - (a) an identity card issued to a person under the Registration of Persons Ordinance (Cap. 177); or
 - (b) a document issued to a person under regulations in force under that Ordinance certifying that the person is exempt from being required to register under that Ordinance; or
 - (c) any other document issued to a person that is acceptable to the Electoral Registration Officer as proof of the person's identity.
7. Individual or organisation giving consent may attach an Appendix showing the details of the consent or content of the election advertisement or the details of modification.
8. If there is any question in completing this consent, please call the Enquiry Hotline of the Registration and Electoral Office at 2891 1001 during office hours.
9. Please note the following with regard to the personal data supplied in connection with this consent –
 - (a) **Purpose of Collection**

The personal data and other related information supplied in connection with this consent will be used by the Electoral Affairs Commission, the Registration and Electoral Office, the relevant Returning Officer and other related government departments for election-related purposes.
 - (b) **Transfer of Information**

The Consent of Support will be made available for public inspection until the end of the period for which copies of election returns are available for inspection pursuant to section 41 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554). The personal data and other related information supplied in connection with this consent may also 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 which he/she supplied in accordance with the provisions of the Personal Data (Privacy) Ordinance (Cap. 486).
- (d) **Personal Data Protection Principles**
Candidates and 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 this consent, 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 consent (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 2017