

**APPLICATION FOR CONSENT TO THE PRESENCE OF
ELECTION AGENT/POLLING AGENT IN A
DEDICATED POLLING STATION SITUATED IN A PRISON**

Sections 23, 42 and 96 of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council)
Regulation (Cap. 541 sub. leg. D)

2010 LEGISLATIVE COUNCIL BY-ELECTION

(Name of the Geographical Constituency)

Date of By-election: 16 May 2010

For Official Use Only

Submission Date : _____

[Note: Before completing this form, please read carefully the accompanying "Notes on Completion of Application for Consent to the Presence of Election Agent/Polling Agent in a Dedicated Polling Station Situated in a Prison".]

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 by-election.
2. ^I confirm that the notice of appointment of the election agent named on page 2 has been delivered to the relevant Returning Officer, and the appointment has not been revoked.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.
4. I understand the requirements stated in sections 23 and 42 of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D) 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 may interfere with the conduct of the poll.
6. I also understand that on the polling day whenever the candidate is present within a polling station, his election agent or polling agent should not be present at the same time within that polling station. Moreover, the Presiding Officer may regulate the number of candidates, election agents and polling agents to be admitted to the polling station at any one time for the purpose of maintaining order in the 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 purpose of 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) and the agent(s)-

Name of Dedicated Polling Station #	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 application.
2. *I/Each of us, being the election agent/polling agent stated on page 2 of Part I of this application form, hereby confirm(s) that *my/our particulars as contained in this application form are true and correct. *I/Each of us understand(s) that if there is any discrepancy between the particulars entered in this form 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 polling station(s) on the polling day.
4. *I/Each of us understand(s) that inside the polling station, *I/we must not —
 - (a) speak to or communicate with or interfere with or attempt to influence any elector;
 - (b) attempt to obtain information, or disclose any knowledge acquired in respect of 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 card.
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 identity card number or a name in the register of electors, or otherwise, whether a person has or has not applied for a ballot paper or voted at the 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 polling station as to the candidate for whom an elector in that 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 polling station.

**Notes on Completion of Application for Consent to the Presence of Election Agent/Polling Agent in a
Dedicated Polling Station Situated in a Prison**

- (1) Each candidate can only apply for either his election agent or one of his 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.
- (2) 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) (Legislative Council) Regulation (Cap. 541 sub. leg. D) which are reproduced below for reference -

A candidate may appoint election agent (section 23 of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D))

- (18) An election agent may not-
 - (a) do anything a candidate is required to do under section 10 or 11; (L.N. 84 of 2004)
 - (b) withdraw a candidate's candidature; (L.N. 130 of 2009)
 - (c) authorize any person for the purposes of section 25; (L.N. 130 of 2009)
 - (d) subject to paragraph (e), be present in a dedicated polling station situated in a prison unless, on an application in the specified form lodged with the Chief Electoral Officer at least one week before polling day, the Commissioner of Correctional Services consents to his or her presence; or (L.N. 130 of 2009)
 - (e) be present in a dedicated polling station situated in a maximum security prison. (L.N. 130 of 2009)
- (19) The Commissioner of Correctional Services must not give consent to an election agent under subsection (18)(d) in respect of a polling station if a polling agent has been appointed under section 42 by the same candidate or list of candidates for that polling station. (L.N. 130 of 2009)
- (20) Despite subsection (18)(d), the Commissioner of Correctional Services may, on an application lodged 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 or authorized representative 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 lodged without undue delay after the admission or transfer. (L.N. 130 of 2009)
- (21) If the Commissioner of Correctional Services refuses to give consent under subsection (18)(d), the Commissioner must notify the candidate, any candidate on the list of candidates or the election agent as soon as practicable. (L.N. 130 of 2009)

Candidates may appoint polling agents (section 42 of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D))

- (8A) Despite subsections (1), (3), (4), (5) and (8)—
 - (a) subject to paragraphs (b) and (c), only one polling agent may be appointed by a candidate or a list of candidates for a dedicated polling station situated in a prison;
 - (b) no polling agent may be appointed by a candidate or a list of candidates for a dedicated polling station situated in a prison if the Commissioner of Correctional Services has consented under section 23(18)(d) to the presence of the election agent of that candidate or list of candidates in that polling station;
 - (c) no polling agent may be appointed for a dedicated polling station situated in a maximum security prison; and
 - (d) without affecting subsection (10), the appointment of a polling agent for a dedicated polling station situated in a prison is not effective unless, on an application in the specified form lodged with the Chief Electoral Officer at least one week before polling day, the Commissioner of Correctional Services consents to the appointment. (L.N. 130 of 2009)
- (8B) Despite subsection (8A)(d), the Commissioner of Correctional Services may, on an application lodged 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 or authorized representative 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 application is lodged without undue delay after the admission or transfer. (L.N. 130 of 2009)
- (8C) If the Commissioner of Correctional Services refuses to give consent under subsection (8A)(d), the Commissioner must notify the candidate, any candidate on the list of candidates or the election agent of the candidate or list of candidates as soon as practicable. (L.N. 130 of 2009)
- (3) 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 election agent should not appoint as his 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.
- (4) (a) A candidate and his election agent or polling agent shall not be present at the same time in the polling station.
- (b) The admission into the polling station of a candidate, his 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 the full capacity of the area inside the polling station designated for such persons has been reached, the Presiding Officer will refuse further admission.
- (c) Admission to the designated area of the polling station will 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.
- (d) A person will only be allowed to stay in the designated area for ONE HOUR, thereafter he 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 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 entry to the designated area when a vacant seat arises. When it is his turn, his number will be called outside the entrance to the polling station, but if he is not present, then his place will be given to the one holding the next number. Such an absentee will have to obtain another number chit and join the queue afresh on his return.
- (5) Part I of the application should be completed and signed by the candidate or the election agent. Part II should be completed and signed by his election agent and/or each of the polling agents.
- (6) 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 application form.
- (7) The application shall be delivered to the Chief Electoral Officer by hand or by post (address: 3rd Floor, 98 Caroline Hill Road, Causeway Bay, Hong Kong) or by facsimile transmission (fax no. 2803 5665) at least 7 days before the polling day (i.e. on or before 10 May 2010).
- (8) Please note the following with regard to the personal data supplied in connection with this form –
- (a) **Purpose of Collection**
The personal data and other related information supplied in connection with this form will be used by the Registration and Electoral Office, the Returning Officer and the Commissioner of Correctional Services for election-related purposes.
 - (b) **Transfer of Information**
The information provided in this form may be provided to other authorized departments/agencies 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 supplied in accordance with the provisions of the Personal Data (Privacy) Ordinance (Cap. 486).
 - (d) **Enquiry**
Enquiries concerning the personal data collected by means of this form (including the making of requests for access and corrections) should be addressed to the Chief Electoral Officer at 10th Floor, Harbour Centre, 25 Harbour Road, Wan Chai, Hong Kong.