

**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. 541 sub. leg. F)

**2013 YAU TSIM MONG DISTRICT COUNCIL BY-ELECTION
King's Park Constituency**

Date of By-election: 27 October 2013

[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)".]

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of the election agent named on page 2 has been delivered to the Returning Officer, and the appointment has not been revoked.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 26 and 45 of the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541 sub. leg. F) 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 within a dedicated polling station, his 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 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) 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						

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 clearly understand(s) that if there is any discrepancy between the particulars entered in this application 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 clearly 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 clearly 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 clearly understand(s) that inside the dedicated 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, 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 clearly understand(s) that *I/we must not —
- (a) divulge to any other person by communicating information as to the identity document 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 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, spoilt 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.
6. *I/Each of us also clearly understand(s) that if *I/we misconduct *myself/ourselves at or in the vicinity of the dedicated polling station or within the no canvassing zone/no staying zone or fail to obey any lawful order of

the Returning Officer or the Presiding Officer, *I/we shall commit an offence punishable with a fine and imprisonment 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 so authorized 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 obey 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

**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. In this notice/application and these notes, “he” means “he” or “she” as far as the context permits.
2. 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.
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. 541 sub. leg. F), 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. 541 sub. leg. F))

(15) An election agent may not-

- (a) do anything a candidate is required to do under section 12;
 - (b) withdraw a candidate's candidature; (L.N. 131 of 2009)
 - (c) authorize any person for the purposes of section 28; (L.N. 131 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. 131 of 2009)
 - (e) be present in a dedicated polling station situated in a maximum security prison. (L.N. 131 of 2009)
- (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. (L.N. 131 of 2009)
- (17) Despite subsection (15)(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 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. 131 of 2009)
- (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. (L.N. 131 of 2009)

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

(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) without affecting subsection (7), 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. 131 of 2009)
- (5B) Despite subsection (5A)(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 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. 131 of 2009)
- (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. (L.N. 131 of 2009)
- 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 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.
- 5.
 - (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.
- 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 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 shall be delivered to the Chief Electoral Officer by hand, or sent by post (address: 10th Floor, Guardian House, 32 Oi Kwan Road, Wan Chai, Hong Kong) or facsimile transmission (fax no. 2891 1670) at least 1 week before the polling day (i.e. on or before 20 October 2013¹).
- 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 Registration and Electoral Office, the Returning Officer, the Presiding Officer and the Commissioner of Correctional Services for election-related purposes.
 - (b) **Transfer of Information**
The information provided in this notice/application 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).

¹ The deadline of submission (20 October 2013) is a Sunday. The date is extended to 21 October 2013 (Monday) in accordance with section 71(1)(c) of the Interpretation and General Clauses Ordinance (Cap. 1).

(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 unauthorized or accidental access and processing.

(d) **Enquiry**

Enquiries concerning the personal data collected by means of this notice/application (including request 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
August 2013