

保密聲明

DECLARATION OF SECRECY

《選舉管理委員會（選舉程序）（選舉委員會）規例》（第 541I 章）第 92 條
Section 92 of the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap 541I)

[附註：請用正楷填寫此聲明，及參閱《填寫保密聲明說明》。]

[Note: Please use BLOCK LETTERS to complete this declaration and read the “Notes on Making a Declaration of Secrecy”.]

2016 年選舉委員會界別分組一般選舉 2016 ELECTION COMMITTEE SUBSECTOR ORDINARY ELECTIONS

選舉日期：2016 年 12 月 11 日
Date of Election: 11 December 2016

我 _____
I _____ (姓名 Name)

居於 _____
of _____ (住址 Residential Address)

謹以至誠鄭重聲明在上述選舉中，我會維持投票的保密性，以及不會披露任何投票人／獲授權代表是否或如何投票或作出任何《選舉管理委員會（選舉程序）（選舉委員會）規例》（第 541I 章）第 45(1)及 93 條中所禁止的行為。我已閱讀該等條文。

solemnly and sincerely declare that, at the above elections, I will maintain the secrecy of the poll and will not disclose whether or how any voter/authorised representative has voted or do anything forbidden by sections 45(1) and 93 of the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap 541I), which I have read.

我謹憑藉《宣誓及聲明條例》（第 11 章）衷誠作出此項鄭重聲明，並確信其為真確無訛。

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Ordinance (Cap 11).

(簽署 Signature)

此項聲明是於 _____ 在香港 _____
Declared on _____ (日期 Date) at _____

(作出聲明的地點 Place where the declaration is made)

作出。
in Hong Kong.

在我面前作出，
Before me,

*監誓員／選舉管理委員會成員／選舉主任／總選舉事務主任／首席選舉事務主任／副總選舉事務主任／太平紳士／持有執業證書的律師簽署

Signature of *Commissioner for Oaths/member of the Electoral Affairs Commission/Returning Officer/Chief Electoral Officer/Principal Electoral Officer/Deputy Chief Electoral Officer/Justice of the Peace/solicitor with a practising certificate

*監誓員／選舉管理委員會成員／選舉主任／總選舉事務主任／首席選舉事務主任／副總選舉事務主任／太平紳士／持有執業證書的律師姓名（正楷）

Name in BLOCK LETTERS of *Commissioner for Oaths/member of the Electoral Affairs Commission/Returning Officer/Chief Electoral Officer/Principal Electoral Officer/Deputy Chief Electoral Officer/Justice of the Peace/solicitor with a practising certificate

* 請刪去不適用者

* Please delete whichever is inapplicable

填寫保密聲明說明

Notes on Making a Declaration of Secrecy

1. 任何進入投票站或點票站的人士（包括候選人、選舉代理人、監察投票代理人、監察點票代理人、選舉主任、助理選舉主任、負責投票或點票的工作人員及任何獲授權人士）應以此指明表格作出保密聲明。於投票或點票站執勤之警務人員及民眾安全服務隊隊員，及在專用投票站執勤的懲教署人員或任何執法機關人員除外。此聲明之目的是要所有獲授權駐於投票站或在點票時在場的人士，確保維護及協助維護投票的保密性。除執勤的警務人員、懲教署人員、任何執法機關人員及民眾安全服務隊隊員外，任何人士除非能證明已作此保密聲明，否則不會獲准駐於投票站或在點票時在場。

A declaration of secrecy as in the specified form should be made by every person (including candidates, election agents, polling agents, counting agents, Returning Officers, Assistant Returning Officers, officers on polling or counting duties and any other authorised persons) attending a polling station or a counting station. Exception is only made for a police officer or a member of the Civil Aid Service on duty at a polling or counting station, and an officer of the Correctional Services Department or an officer of any law enforcement agency on duty at a dedicated polling station. The purpose of this declaration is to ensure that all persons authorised to attend at a polling station or at a count must maintain and assist in maintaining the secrecy of the ballot. Unless proof is given that such declaration has been made, no person except a police officer, an officer of the Correctional Services Department, an officer of any law enforcement agency or a member of the Civil Aid Service on duty will be allowed to attend at a polling station or a count.
2. 聲明可於監誓員、選舉管理委員會成員、選舉主任、總選舉事務主任、首席選舉事務主任或副總選舉事務主任、太平紳士或持有執業證書的律師面前作出。

The declaration may be made before a Commissioner for Oaths, a member of the Electoral Affairs Commission, a Returning Officer, the Chief Electoral Officer, the Principal Electoral Officer or a Deputy Chief Electoral Officer, a Justice of the Peace or a solicitor with a practising certificate.
3. 在進入投票站或點票站時請攜同此聲明，並於有必要時出示以供檢查。
Please bring this declaration with you when entering a polling station or a counting station and produce it for inspection whenever required.
4. 如你在填寫此聲明時如有任何問題，請在辦公時間內致電選舉事務處的查詢熱線 2891 1001。
If you have any question in completing this declaration, please contact the Enquiry Hotline of the Registration and Electoral Office at 2891 1001 during office hours.
5. 以下列載《選舉管理委員會（選舉程序）（選舉委員會）規例》（第 541I 章）第 45 及 93 條。填寫及作出聲明前請先細閱。
The following is a reproduction of sections 45 and 93 of the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap 541I). Please read them carefully before completing and making the declaration.

45. 何種行為構成在投票站所犯的罪行

- (1) 除第(6)款另有規定外，任何人於投票日在投票站內違反選舉主任、助理選舉主任、投票站主任或任何投票站人員的指示而—
 - (a) 與任何投票人或獲授權代表通信息；或
 - (b) 使用流動電話、傳呼機或任何其他器材進行電子通訊，即屬犯罪。
- (2) 任何人未經—
 - (a) 以下的人明示准許—
 - (i) 投票站主任；或
 - (ii) 任何選管會成員；或
 - (b) 有關投票站用作供進行投票的界別分組的選舉主任以書面作出明示准許，而於投票日在有關投票站內拍影片、拍照、錄音或錄影，即屬犯罪。
- (3) 任何人於投票日在投票站內從事拉票活動或展示選舉廣告，即屬犯罪。
- (4) 任何人於投票日—
 - (a) 在禁止拉票區、禁止逗留區、投票站或投票站範圍內—
 - (i) 沒有遵從選舉主任或投票站主任作出的合法命令；或
 - (ii) 行為不檢；或
 - (b) 違反第 40(14)或 41(4)條，即屬犯罪。
- (5) 任何人無合理辯解而於投票日在投票站內展示、穿着或戴上一—
 - (a) 可能促使或阻礙一名或多於一名候選人在界別分組選舉中當選的徽章、標誌、衣物或頭飾；或

- (b) 與任何在香港的政治性團體或有成員在界別分組選舉中參選的團體有直接關聯的徽章、標誌、衣物或頭飾，即屬犯罪。
- (6) 第(1)款不適用於—
 - (a) 選舉主任；
 - (aa) 助理選舉主任；
 - (b) 選管會成員；
 - (c) 總選舉事務主任；
 - (d) 獲選管會成員以書面授權如此通信息的人；
 - (e) 投票站主任；
 - (f) 投票站人員；
 - (g) 獲選舉主任以書面授權出任聯絡人員的人；
 - (h) 在投票站執勤的警務人員；
 - (i) 在投票站執勤的民眾安全服務隊隊員；
 - (j) 在專用投票站執勤的懲教署人員；或
 - (k) 在專用投票站執勤的任何執法機關人員。
- (7) 任何人犯第(1)、(3)、(4)或(5)款所訂的罪行，可處第2級罰款及監禁3個月。
- (8) 任何人犯第(2)款所訂的罪行，可處第2級罰款及監禁6個月。

45. What constitutes offence at polling station

- (1) Subject to subsection (6), if on polling day, within a polling station, a person –
 - (a) communicates with a voter or an authorized representative; or
 - (b) uses a mobile telephone, paging machine or any other device for electronic communication, contrary to a direction of the Returning Officer, Assistant Returning Officer, Presiding Officer or any polling officer not to do so, that person commits an offence.
- (2) A person who, on polling day, films or takes photographs or makes any audio or video recording within a polling station without –
 - (a) the express permission of –
 - (i) the Presiding Officer; or
 - (ii) any member of the Commission; or
 - (b) the express permission, in writing, of the Returning Officer for the subsector or subsectors for which the polling station is used for polling, commits an offence.
- (3) A person who, on polling day, engages in canvassing for votes or displays an election advertisement within a polling station, commits an offence.
- (4) A person who, on polling day–
 - (a) in a no canvassing zone or a no staying zone or within or at a polling station–
 - (i) fails to comply with a lawful order given by the Returning Officer or the Presiding Officer; or
 - (ii) behaves in a disorderly manner; or
 - (b) contravenes section 40(14) or 41(4), commits an offence.
- (5) A person who, without reasonable excuse, displays or wears, on polling day and within a polling station, any badge, emblem, clothing or head-dress which –
 - (a) may promote or prejudice the election of a candidate or candidates at the subsector election; or
 - (b) makes direct reference to a political body in Hong Kong or to a body any member of which is standing as a candidate at the subsector election, commits an offence.
- (6) Subsection (1) does not apply to –
 - (a) a Returning Officer;
 - (aa) an Assistant Returning Officer;
 - (b) a member of the Commission;
 - (c) the Chief Electoral Officer;
 - (d) a person authorized in writing by a member of the Commission to so communicate;
 - (e) a Presiding Officer;
 - (f) a polling officer;
 - (g) a person authorized in writing by the Returning Officer to act as a liaison officer;
 - (h) a police officer on duty at a polling station;
 - (i) a member of the Civil Aid Service on duty at the polling station;
 - (j) an officer of the Correctional Services Department on duty at a dedicated polling station; or
 - (k) an officer of any law enforcement agency on duty at a dedicated polling station.
- (7) A person who commits an offence under subsection (1), (3), (4) or (5) is liable to a fine at level 2 and to imprisonment for 3 months.
- (8) A person who commits an offence under subsection (2) is liable to a fine at level 2 and to imprisonment for 6 months.

93. **關於保密條文的執行**

- (1) 任何人藉傳達關於投票人登記冊上的姓名或名稱或身分證明文件號碼的資料，或藉其他方式，向他人透露某人是否已申領選票或已投票，即屬犯罪。
- (1A) 任何人向他人透露某受羈押投票人的身分，即屬犯罪。
- (2) 第(1)及(1A)款不適用於為任何獲法律授權的目的而作出的事情，亦不適用於在任何正在調查本條例、根據本條例訂立的任何規例、《選舉（舞弊及非法行為）條例》（第 554 章）、《防止賄賂條例》（第 201 章）第 3、4 及 8 條或《廉政專員公署條例》（第 204 章）第 13B 條所訂罪行的警務人員或廉政公署人員要求下如此作出的事情。
- (3) 任何人將在點票時取得的關於某一候選人在某一選票上得票的資料向他人傳達，即屬犯罪。
- (4) 任何人在某投票人在選票上記錄投票時干擾該投票人，即屬犯罪。
- (5) 任何人干擾或企圖干擾任何投票箱、未發出的選票、重複的選票、未用的選票、損壞的選票、經填劃的選票或經根據第 53(5)條劃線的界別分組正式投票人登記冊的文本，即屬犯罪。
- (6) 任何人干擾或企圖干擾任何已開的投票箱、選票結算表、選票結算核實書、選票結算覆核書或本規例提述的任何其他有關的界別分組選舉物料，即屬犯罪。
- (7) 任何人以任何方法或企圖以任何方法 -
 - (a) 在投票站內或在禁止逗留區內；或
 - (b) 未經投票站主任或選管會明示准許而在禁止拉票區內，取得關於有關投票站內任何投票人將會投票予哪個候選人或已投票予哪個候選人的資料，即屬犯罪。
- (8) 任何人在任何時間向他人傳達在投票站內取得的關於任何投票人將會投票予哪個候選人或已投票予哪個候選人的資料，即屬犯罪。
- (9) 任何人直接或間接誘使任何投票人在填劃選票後展示其選票，以致他人得知該投票人投票予或並非投票予某候選人的，即屬犯罪。
- (10) 任何人犯本條所訂的罪行，可處第 2 級罰款及監禁 6 個月。
- (11) 在本條中，“投票人” (voter) 包括獲授權代表。

93. **Enforcement of provisions as to secrecy**

- (1) A person who divulges to any other person, by communicating information as to the name or identity document number in a register of voters, or otherwise, whether a person has or has not applied for a ballot paper or voted, commits an offence.
- (1A) A person who divulges to any other person the identity of a voter in custody commits an offence.
- (2) Subsections (1) and (1A) do not apply to anything done for a purpose authorized by law or when required to do so by a police officer or an officer of the Independent Commission Against Corruption investigating an offence under the Ordinance, any regulation made under the Ordinance, the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554), sections 3, 4 and 8 of the Prevention of Bribery Ordinance (Cap. 201) or section 13B of the Independent Commission Against Corruption Ordinance (Cap. 204).
- (3) A person who communicates to any other person any information obtained at a counting of votes as to the candidate for whom a vote has been given on any particular ballot paper, commits an offence.
- (4) A person who interferes with a voter when the voter is recording the vote, commits an offence.
- (5) A person who interferes with or attempts to interfere with any ballot boxes, un-issued ballot papers, tendered ballot papers, unused ballot papers, spoilt ballot papers, marked ballot papers or a copy of the subsector final register marked under section 53(5), commits an offence.
- (6) A person who interferes with or attempts to interfere with any opened ballot boxes, ballot paper accounts, verifications or re-verifications of such accounts or any other relevant subsector election materials referred to in this Regulation, commits an offence.
- (7) A person who obtains or attempts to obtain in any manner -
 - (a) within a polling station or a no staying zone; or
 - (b) within a no canvassing zone, without the express permission of the Presiding Officer or the Commission, information as to the candidate for whom a voter in the polling station is about to vote or has voted, commits an offence.
- (8) A person who communicates at any time to any person any information obtained in a polling station as to the candidate for whom a voter is about to vote or has voted, commits an offence.
- (9) A person who directly or indirectly induces a voter to display the voter's ballot paper after the voter has marked it so as to make known to any person a candidate for or against whom the voter has voted, commits an offence.
- (10) A person who commits an offence under this section is liable to a fine at level 2 and to imprisonment for 6 months.
- (11) In this section, “voter” (投票人) includes an authorized representative.