

2026 Election Committee Subsector Ordinary Elections

Frequently Asked Questions - Election Advertisements

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A. Definition of Election Advertisement

Q1. What is an election advertisement?

A1. An election advertisement means:

- (a) a publicly exhibited notice, leaflet, circular, bill, booklet, placard or poster;
- (b) a notice, leaflet, circular, bill, booklet, placard or poster delivered by hand or electronic transmission;
- (c) a public announcement made by radio or television or by video or cinematographic film; or
- (d) any other form of publication,
published for the purpose of promoting or prejudicing the election of a candidate or candidates at the election.

“Publish” means print, display, exhibit, distribute, post up, publicly announce or make publicly known by any other means, and includes continue to publish.

Q2. Will the work reports published by candidates who are serving council members or rural representatives be regarded as election advertisements?

A2. Under section 107(4) of the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541I), a document published by a candidate during an election period (i.e. from the first day of the nomination period until the day on which the polling ends) that gives details of the work done by the candidate in the capacity of the Chief Executive, a member of the Election Committee, a member of the Legislative Council, a member of a District Council, a member of the Heung Yee Kuk, the Chairman or Vice-Chairman or a member of the Executive Committee of a Rural Committee within the meaning of section 3(3)(a) of the Heung Yee Kuk Ordinance (Cap. 1097), or a Rural Representative, is also regarded as an election advertisement.

If the person publishes a document **before** he/she submits his/her nomination form or publicly declares his/her intention to stand as a candidate that gives details of his/her work done by him/her in such capacities without promoting or prejudicing the election of a candidate or candidates at the election, the document will not be regarded as an election advertisement. On such basis, the expenditure incurred in the publication of such a document would not be counted as election expenses.

Q3. A chairperson of an owners’ corporation is a candidate. If the owners’ corporation publishes notices containing the chairperson’s name such as ordinary notice or debit note during the election period, will these notices be regarded as election advertisements?

A3. An election advertisement means any publication published for the purpose of promoting or prejudicing the election of a candidate or candidates at the election. Any thing or material published by any organization, including political organization, professional or trade organization, owners' corporation, tenants' association, owners' committee, etc. which advertises its political platform or services **with reference to a candidate** (irrespective of whether the candidate concerned is its office-bearer or member of that organization) during or even before the election period by name or photograph or other information may be regarded as election advertisement put up by, or on behalf of, or on account of, the candidate. The expenses of the advertisement may be regarded as election expenses. Relevant organizations should suspend such advertising activities. However, if the material published by the organization concerned (as opposed to by the candidate himself/herself) advertises only a particular activity, which:

- (a) is organized from time to time either as part of the organization's normal functions, and/or according to the local tradition;
- (b) is not related to the election; and
- (c) does not explicitly or implicitly promote or prejudice the election of any candidate in the election,

then the appearance in the published material of the name and/or photograph of a candidate who is involved in organizing the activity will not be regarded as an election advertisement.

Q4. Will publicity materials published before a person is nominated as a candidate or publicly declares his/her intention to stand for the election be regarded as election advertisements?

A4. The definition of "publish" in relation to the election advertisements includes "continue to publish". If any person who intends to stand as a candidate at an election, after he/she has been nominated as a candidate or has publicly declared the intention to stand for the election, continues to display publicity materials previously published (e.g. election advertisements displayed on public light buses and taxis during the previous election), in particular publicity materials (e.g. posters or banners) bearing his/her name or photograph with the intent to promote his/her election in public places or common areas in buildings, such publicity materials may be regarded as election advertisements. For prudence's sake, the person concerned should remove the publicity materials previously published prior to his/her nomination as a candidate or the public declaration of his/her intention to stand for the election.

Q5. What should a candidate be aware of if he/she criticizes another candidate or other candidates in his/her own election advertisement?

A5. An election advertisement means any publication published for the purpose of promoting

or prejudicing the election of a candidate or candidates at the election. There are occasions when a candidate may publish an election advertisement for the purpose of prejudicing the election of a particular candidate or particular candidates at the election, for example, criticizing another candidate or other candidates in the election advertisement with a view to prejudicing his/her/their candidature at the election. On such occasions, the candidate publishing the election advertisement must include the expenditure incurred in his/her election expenses. A candidate must also be careful not to publish any materially false or misleading statement of fact about himself/herself or another candidate or other candidates under the Elections (Corrupt and Illegal Conduct) Ordinance (“ECICO”) (Cap. 554) for the purpose of promoting the election of himself/herself or prejudicing the election of another candidate or other candidates. Any such publication will amount to illegal conduct.

Anyone can report to the relevant law enforcement agencies (e.g. Independent Commission Against Corruption or Hong Kong Police Force) if he/she thinks any content of an election advertisement may involve false statements.

- Q6.** Is the election campaign published by a candidate through the Internet platforms (such as websites, social media, communication networks, etc.) regarded as election advertisement? What should the candidate be aware of if netizens share or forward different candidates’ election campaigns?
- A6.** In accordance with section 2 of the ECICO (Cap. 554), election advertisement means any form of publication published for the purpose of promoting or prejudicing the election of a candidate or candidates at the election. On such basis, any election campaign published through Internet platforms such as websites, social media, communication networks, etc. by a candidate will be regarded as an election advertisement.

If netizens (other than candidates or candidates’ election expense agents) merely share or forward different candidates’ election campaigns through Internet platforms for expression of views and do not intend to promote or prejudice the elections of any candidates, such sharing or forwarding will not normally be construed as publishing election advertisement. If expenses are involved in the publication of the election advertisement and the publisher is neither a candidate nor a candidate’s election expense agent, the publisher may engage in illegal conduct under section 23(1) of the ECICO (Cap. 554). However, in accordance with section 23(1A) of the ECICO (Cap. 554), a person (other than candidates or candidates’ election expense agents) is exempted from the relevant criminal liability under section 23(1) if the person publishes an election advertisement on the Internet, and the only election expenses incurred by the person are either or both of the following charges –

- (a) electricity charges;

(b) charges necessary for accessing the Internet.

If netizens publish an election advertisement with the knowledge and consent of the candidate, no matter whether the candidate has authorized netizens as his/her election expense agents or not, the candidate should treat the election advertisement as if the same were published by him/her, and should declare the expenses incurred for the publication of the election advertisement in the election return.

- Q7.** If a candidate publishes an election advertisement without a candidate number but subsequently affixes a candidate number sticker on it, will the candidate number sticker itself be regarded as an election advertisement?
- A7.** A sticker containing only the candidate number is not an election advertisement in itself. However, if the candidate adds the candidate number sticker to the election advertisement which has already been published, the candidate should provide to the Returning Officer the “Notification of Corrected Information in relation to Election Advertisements” (Form no.: REO/C/11/ECSS(SF)(2026)) together with 2 samples of the election advertisement with the candidate number sticker on it (“revised sample”). If the particulars of the published election advertisement have been uploaded to the Central Platform or the Candidate’s Platform, the candidate should upload the revised sample to the relevant platforms. All the corrected information must be uploaded to the Central Platform or the Candidate’s Platform, or provided to the Returning Officer, no later than 3 working days after the polling day. If the content of election advertisement(s) has been amended, the candidate should provide an Information Sheet afresh.
- Q8.** A candidate produced a banner with only his/her name and image on it, and left an area blank for sticking different slogans. Will the banner with each new slogan be regarded as a new election advertisement each time a new slogan is affixed on it?
- A8.** As the contents on the banner are different, the banner should be regarded as a new election advertisement each time a new slogan is stuck on it. The candidate must provide copies of the election advertisement and the required information/documents for public inspection, in accordance with the legislation and “Guidelines on Election-related Activities in respect of the Election Committee Subsector Elections” related to the regulations on the publication of election advertisement.
- Q9.** For an election advertisement that can be used repeatedly (e.g. a sash or roll up banner printed with candidate’s information), will it be regarded as a newly published election advertisement every time it is used?

A9. “Publish” means print, display, exhibit, distribute, post up, publicly announce or make publicly known by any other means, and includes continue to publish. For election advertisement that can be used repeatedly (e.g. a sash or roll up banner printed with candidate’s information), when a candidate uses it for electioneering activities at an election for the first time, the candidate will be regarded as publishing the election advertisement and must provide copies of the election advertisement and the required information/documents in accordance with the regulations. Using the same election advertisement in the same manner afterwards will be regarded as continue to publish, and there is no need to provide copies of the election advertisement and required information/documents again.

B. Requirements relating to Publication of Election Advertisement

Q10. What are the requirements relating to publication of an election advertisement?

A10. A candidate who wishes to display his/her election advertisement on government or private land/property must obtain **prior written permission* or authorization** as required. Furthermore, the candidate must make available a copy of each of his/her election advertisements and the relevant information/documents in relation to the election advertisement including publication information, permission or Consent of Support for public inspection within 3 working days after publication of the election advertisement by the following means (for details please refer to Part VI of Chapter 8 of the “Guidelines on Election-related Activities in respect of the Election Committee Subsector Elections”) -

- (a) uploading an electronic copy of each of the election advertisements and the relevant information/documents onto an open platform maintained by the Chief Electoral Officer (“CEO”) (“Central Platform”). A candidate is required to apply to the CEO in a specified form for the creation of an account to access the Central Platform before posting the election advertisement particulars onto the platform for public inspection;
- (b) uploading an electronic copy of each of the election advertisements and the relevant information/documents onto an open platform maintained by the candidate or a person authorized by the candidate (“Candidate’s Platform”). Candidates must provide the electronic address of the platform to the CEO at least 3 working days before publication of the first election advertisement;
- (c) if it is technically impracticable to comply with (a) or (b) above for election advertisement published through an open platform on the Internet (such as when messages are sent through social media or communication websites on the Internet like Instagram, Facebook, blogs, etc. and the exchanges are of an interactive and instant nature), uploading a hyperlink of the election advertisement published through the open platform (the hyperlink to the specific election advertisement

published should be provided, rather than the hyperlink to the entire website platform or page of the social media) and the information/documents relevant to the election advertisement and upload them onto the Central Platform or the Candidate's Platform;

- (d) providing to the Returning Officer 2 hard copies of each of the election advertisement (or 2 full colour photographs/printouts/photocopies of each election advertisement which cannot be practically or conveniently produced in specie) and 1 hard copy of each of the relevant permission and/or consent in respect of that election advertisement (if applicable); or
- (e) providing to the Returning Officer 2 copies of CD-ROM or DVD-ROM containing the election advertisement and 1 hard copy of each of the relevant permission and/or consent in respect of that election advertisement (if applicable).

* Please see Q20 for the definition of “permission”.

Q11. What kind of specified information must be included in an election advertisement?

A11. A candidate must state clearly on his/her election advertisements the name of the subsector in which the candidate concerned is contesting. In addition, all printed election advertisements, with the exception of those published in registered local newspapers, should contain the printing details, i.e. the Chinese or English name and address of the printer, the date of printing and the number of copies printed. Where an election advertisement is placed in the print media and takes the form of a news report or any other form which does not clearly show that it is an election advertisement, the word “**Election Advertisement**” or “**選舉廣告**” must be stated in the advertisement, to avoid misunderstanding by the readers that it is not an election advertisement.

Q12. How can a candidate make available copies of election advertisement and relevant information/documents for public inspection if the candidate uses the Internet platform (such as website or social media platform) to produce an election website or blog for election campaign?

A12. If a candidate uses the Internet platform (such as website or social media platform) to produce an election website or blog for election campaign, each message published for the purpose of promoting the candidate's election or prejudicing another candidate's or other candidates' election (including texts, photographs and videos, etc.) will be regarded as publishing a new election advertisement, and the candidate must comply with the requirements for publication of an election advertisement. The candidate can upload the hyperlink to the specific election advertisement published (but not the hyperlink to the entire election website or blog), and the information/documents relevant to the election

advertisement, onto the Central Platform or the Candidate's Platform within 3 working days after publication of the election advertisement. The purpose of uploading the hyperlink to the specific election advertisement is to facilitate public inspection and checking by the Registration and Electoral Office and the Returning Officer. If it is technically impracticable to do so, the candidate can upload the hyperlink of the election website or blog. Candidates should check all the uploaded hyperlinks regularly to ensure the election advertisements published via the election website or blog can be accessed by the public during the public inspection period. The public inspection period ends on the 30th day before the first anniversary of the date of the deadline for lodging the election return (around one year after the election).

Q13. A candidate created a dedicated election website, can he/she upload the hyperlink of the website once instead of uploading every election advertisement in his/her election website to the Central Platform or the Candidate's Platform separately? How can the related item be declared in the election return?

A13. In accordance with Chapter 8 of the "Guidelines on Election-related Activities in respect of the Election Committee Subsector Elections", if it is technically impracticable to upload an electronic copy of each of his/ her election advertisements published through an open platform on the Internet onto the Central Platform or the Candidate's Platform (such as when messages are sent through social networking or communication websites on the Internet like Instagram, Facebook, blogs, etc. and exchanges are of an interactive and spontaneous nature, and uploading of screen capture is impracticable), candidates may upload a hyperlink of such open platform and the information/documents relevant to the election advertisements onto the Central Platform or the Candidate's Platform. In this case, if the hyperlink of the relevant election advertisement can be uploaded onto the Central Platform or the Candidate's Platform, the candidate is not required to upload each and every comment of the relevant election advertisement separately.

Candidates should note that in the above scenario, only if all the contents in the dedicated election website are election advertisements and it is **technically impracticable** to upload every election advertisement onto the Central Platform or the Candidate's Platform separately, candidates may provide a hyperlink of that website instead of uploading each election advertisement separately, otherwise it may cause confusion or lead to potential complaints. Besides, candidates should also make available all published election advertisements in the dedicated election website for public inspection (e.g. not to remove any published election advertisements).

When completing the Election Return, candidates are also required to provide all the relevant information of the election advertisements. If candidates declare the dedicated

election website as an election expense item in Section D8 of the election return, candidates need to declare each relevant election expense item of the website (for example, the expenses of the production of the dedicated election website and itemized expenses related to each election advertisement published on the website). Candidates can list the details of all the election expense items (including date of production, quantity produced, amount and relevant invoices and receipts) by type of advertisement (such as electronic posters, videos, music, songs and films) or type of medium (such as social media platforms, blogs and instant messaging apps) on a separate sheet (e.g. in a spreadsheet format), and submit it as an attachment together with the election return.

Q14. If some pamphlets contain the same content but are printed on papers in two different colours, should they be regarded as two different election advertisements or the same election advertisement to provide for public inspection?

A14. Section 108 of the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541I) sets out the requirements on the publication of election advertisements. According to the regulation, a candidate must make available a copy of each of his/her election advertisements, and the relevant information/documents in relation to the election advertisements for public inspection within 3 working days after publication of the election advertisement. For the sake of clarity, even if the same contents were printed in different colours/formats, candidates should provide copies of each election advertisement of different colours/formats for public inspection. If an election advertisement is reprinted on papers of different colour, the candidate should provide them to the Returning Officer or upload to the Central Platform or the Candidate's Platform as new election advertisements for public inspection.

Q15. If a candidate produces an electronic poster and publishes through different social media platforms (e.g. Facebook, Instagram, etc.), should they be regarded as different election advertisements or the same election advertisement to provide for public inspection?

A15. If a candidate publishes the electronic poster through different social media platforms on the **same date**, this can be regarded as publication of one election advertisement. The candidate should provide the "Information Sheet in relation to Election Advertisements" (Form no.: REO/C/10/ECSS(SF)(2026)), listing out the names of all the social media platforms concerned in the column "Manner of publication" and the date of publication, and provide 2 full colour photographs/printouts/photocopies of the election advertisement concerned to the Returning Officer, for public inspection. Candidates can also upload the election advertisement particulars via the Central Platform or the Candidate's Platform, listing out all the names of the social media platforms concerned similarly and upload the file of the election advertisement concerned, for public inspection. However, if the

candidate publishes the electronic poster through different social media platforms on **different dates**, it cannot be regarded as one single election advertisement. Candidates must provide copies of each election advertisement and the relevant information/documents in accordance with the legislative requirements and the requirements in Chapter 8 of the “Guidelines on Election-related Activities in respect of the Election Committee Subsector Elections” for public inspection.

Q16. A candidate uses WhatsApp and email to disseminate election advertisements to different voters (e.g. messages and emails promoting his/her election). If the contents of the election advertisements are the same, with the only difference being the header with the names of different voters, should he/she need to upload each and every copy of the election advertisements onto the Central Platform or the Candidate’s Platform or provide them to the Returning Officer?

A16. If the contents of the election advertisements and the manner of publication/publication media are the same, the candidate only needs to upload 1 copy of the election advertisement sample onto the Central Platform or the Candidate’s Platform or provide 2 hard copies of the sample to the Returning Officer, and provide the quantity published, manner of publication/publication media and other information of the election advertisements clearly on the Central Platform or the Candidate’s Platform, or to the Returning Officer. There is no need to provide each and every copy of the election advertisement.

Q17. Should the clothes and balloons with electioneering messages bear printing details?

A17. All **printed election advertisements**, with the exception of those printed in a registered local newspaper, should bear printing details, i.e. the Chinese or English name and address of the printer, the date of printing and the number of copies printed. The above requirement applies to all printed materials produced or reproduced by any method (e.g. printing machines, duplicators or photocopiers), such as posters, pamphlets, handbills, banners, pennants, placards, etc. The requirement is not applicable to other election advertisements which are not printed materials (e.g. clothes or balloons with electioneering messages). Candidates only need to provide copies of the election advertisement and publication information/documents in accordance with requirements relating to publication of election advertisement.

Q18. If a candidate prints the election advertisement at home by himself/herself, but does not wish to print his/her residential address on the election advertisement, can he/she only print part of the address, for example the names of estate and road, as printing details in relation to the election advertisement?

A18. All **printed election advertisements**, with the exception of those printed in registered local newspapers, should bear the printing details, i.e. the Chinese or English name and address of the printer, the date of printing and the number of copies printed. It applies to all printed materials produced or reproduced by any method (e.g. printing machine, duplicator or photocopier). Candidates must disclose on the printed election advertisement the relevant printer's **address in full**, for example, the printer's office or business address, correspondence address, residential address, or post office box number (but not email address), and cannot print only part of the address. The aforesaid requirement is hence applicable to election advertisements printed at home by the candidate himself/herself.

Q19. If a candidate discovers an error in the information printed on a published election advertisement (e.g. printing details or candidate number), what should he/she do?

A19. The candidate must immediately stop publishing the election advertisement containing the incorrect information, and withdraw any election advertisement concerned which has been published, such as publicity posters posted at the designated spots or private land/property. The candidate must also submit to the Returning Officer a detailed written explanation for record about the incorrect information in the election advertisement concerned and the follow-up action taken. The written explanation will be made available for public inspection.

Q20. What does "Permission" in relation to election advertisements refer to?

A20. "Permission" means the written permission of the owner or the occupier of any private land/property or the authority of any government land given pursuant to section 104A(1) of the Public Health and Municipal Services Ordinance (Cap. 132) for a candidate to display or affix a bill or poster on such land/property. A candidate must make available a copy of each of his/her election advertisements, and the information/documents relevant to the election advertisement including any permission (if applicable) for public inspection within 3 working days after publication of the election advertisement according to the means specified by the Electoral Affairs Commission (See **Q10**). For the display of election advertisement at the designated spots allocated by the Returning Officer to the candidate, once the candidate has obtained the written permission provided by the Returning Officer, he/she does not need to provide a copy of that written permission again for public inspection.

Q21. Should the distribution locations of election advertisements be stated clearly under the item "Manner of publication"? Should all the distribution locations be listed?

A21. The candidate does not need to list all the distribution locations under the “Manner of publication”. He/She is only required to provide the manner of publication such as distribution in the streets, by mail, etc.

Q22. If a candidate discovers an error in the particulars (e.g. quantity of advertisement, size, etc.) stated in the “Information Sheet in relation to Election Advertisements” provided to the Returning Officer, how can he/she correct the relevant particulars?

A22. According to the “Guidelines on Election-related Activities in respect of the Election Committee Subsector Elections”, all corrective information must be provided to the Returning Officer in the specified form “Notification of Corrected Information in relation to Election Advertisements” (Form no.: REO/C/11/ECSS(SF)(2026)), or uploaded onto the Central Platform or the Candidate’s Platform, no later than 3 working days after the polling day.

Q23. How should a candidate make rectification if he/she has inadvertently omitted the printing details in the election advertisement(s)?

A23. If a candidate has inadvertently omitted the printing details from his/her printed election advertisement(s), the publisher of the election advertisement(s) or a person authorized by the publisher may make a statutory declaration setting out the omitted details, and provide such declaration to the Returning Officer not later than 7 days after the publication of the election advertisement(s) concerned.

Q24. If several candidates, who are contesting in the same or different subsector, publish a joint election advertisement, can the particulars of this joint election advertisement be declared in one single “Information Sheet in relation to Election Advertisements”? If they appoint a common election agent, can the election agent declare particulars of this joint election advertisement on behalf of them in one single “Information Sheet in relation to Election Advertisements” or via one single account of the Central Platform?

A24. The Election Committee Subsector Elections are contested on individual basis, each candidate should be responsible for his/her own actions. As far as the publication of joint election advertisement is concerned, to comply with the legislative requirement and “Guidelines on Election-related Activities in respect of the Election Committee Subsector Elections”, each candidate publishing the joint election advertisement must separately provide to the relevant Returning Officer the particulars and samples of the joint election advertisement, or upload the election advertisement particulars via his/her own dedicated account on the Central Platform or the Candidate’s Platform for the purpose of public inspection.

Each “Information Sheet in relation to Election Advertisements” (Form no.: REO/C/10/ECSS(SF)(2026)) and each Central Platform account is for use by one candidate only. Even if the candidates involved in a joint election advertisement appoint a common election agent, the common election agent must provide to the relevant Returning Officer “Information Sheet in relation to Election Advertisements” (Form no.: REO/C/10/ECSS(SF)(2026)) together with the samples of the election advertisement for each candidate, or upload the relevant information onto the Central Platform through each candidate’s dedicated Central Platform account respectively.

C. Consent of Support

Q25. When is the deadline for providing the “Consent of Support”?

A25. In accordance with section 108 of the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541I) and Chapter 8 of the “Guidelines on Election-related Activities in respect of the Election Committee Subsector Elections”, the candidate must upload an electronic copy of the relevant information/document of the election advertisement, including permission or the Consent of Support, onto the Central Platform or the Candidate’s Platform, or provide a hard copy to the Returning Officer for public inspection **within 3 working days (i.e. any day other than a general holiday and Saturday)** after publication of the election advertisement.

It is important to note that, in accordance with section 27 of the ECICO (Cap. 554), if a candidate publishes, or authorizes the publication of, an election advertisement that includes the name, logo or pictorial representation of a person or an organization in such a way as to imply or to be likely to cause voters to believe that the candidate has the support of the person or organization concerned, the candidate must obtain the relevant **prior** written consent of the person or organization concerned. Oral consent or retrospective written consent obtained after the publication of the election advertisement does not comply with the legal requirements. If the required prior written consent has not been obtained, it is still an offence even if the candidate’s election advertisement contains a statement to the effect that it does not imply that support from the person or organization concerned has been obtained.

Q26. What are the existing arrangements for obtaining a written Consent of Support in relation to the “support” to a candidate on the Internet?

A26. In accordance with section 27 of the ECICO (Cap. 554), if a candidate publishes, or authorizes the publication of, an election advertisement that includes the name, logo or pictorial representation of a person or an organization in such a way as to imply or to be

likely to cause voters to believe that the candidate has the support of the person or organization concerned, the candidate must obtain the relevant prior written consent of the person or organization concerned. Oral consent or retrospective written consent obtained after the publication of the election advertisement does not comply with the legal requirements. If the required prior written consent has not been obtained, it is still an offence even if the candidate's election advertisement contains a statement to the effect that it does not imply that support from the person or organization concerned has been obtained. But if the candidate concerned has neither requested or directed nor authorized any person to request or direct the inclusion of the aforesaid name, logo or pictorial representation in his/her election advertisement, then no prior written consent will be required.

On social media and communication websites on the Internet, it is not uncommon that people indicate support for a candidate in relation to his/her policies or activities by inserting a "Like" sign or posting supportive comments on the candidate's webpage. If netizens show support for the candidate out of their own volition by giving responses or indicating "Like" to the election advertisement published by the candidate through the said platform, the candidate is not required to seek the supporters' prior written consent. However, the candidate must not modify the name, logo or pictorial representation of, or any content given by the above netizens, unless prior written consent for the modification has been obtained from them. Otherwise, the candidate will contravene the law.

Q27. Is it appropriate for a candidate to use another person's/another candidate's image/name, etc. in the candidate's election promotional materials to promote his/her election or prejudice the election of another candidate or other candidates?

A27. According to the law, a candidate must obtain **prior written consent** from a person or an organization **before** using the name or logo of that person or organization, or a pictorial representation of that person in any of his/her election advertisement **as an indication of having the support from that person or organization**. Oral consent or retrospective written consent obtained after the publication of the election advertisement does not comply with the legal requirements.

Q28. A serving District Council (DC) or Legislative Council (LegCo) member supports a candidate in his/her capacity of "DC/LegCo member". Is the candidate required to obtain a written Consent of Support from the DC concerned/LegCo? Is the serving DC/LegCo member required to obtain approval from the DC concerned/LegCo?

A28. Whether the reference to the office title and the name of organization of an individual supporter in the election advertisement will be considered as an indication that the candidate has the support of the organization concerned will depend on the circumstances

of each case. The question to be considered is whether any reasonable person who has seen the election advertisement (including reading the context as a whole) would have the perception that the organization concerned supports the candidate. In any case, the candidate should be careful not to give the impression that he/she has gained the support of the whole organization. In addition, in accordance with the “Guidelines on Election-related Activities in respect of the Election Committee Subsector Elections” issued by the Electoral Affairs Commission, candidates should ensure that the supporter has obtained the prior written approval of the organization, in accordance with the organization’s internal rules and procedures or any established convention, for instance, approval given by the governing body of the organization or by a resolution of that organization passed at a general meeting, for using the name of the organization together with the supporter’s office title by the candidate in an election advertisement. If in doubt, the supporter of the candidate should consult the relevant organization on the internal rules and procedures on the use of his/her office title and the name of the organization.

Q29. Is it necessary for a candidate to obtain prior written consent if he/she uses an old photograph of him/her attending an event with other persons in his/her election advertisement, such as pictures taken together with government officials?

A29. The question to be considered is whether any reasonable person who has seen the election advertisement (including reading the context as a whole) would have the perception that the person concerned supports the candidate. To avoid misunderstanding, for instance, if an election advertisement carries a photograph of the candidate attending an activity with other attendees, a caption specifying the particular nature of the event could be added underneath the photograph in such a way that will not imply, or likely to cause voters to believe, that the candidate has the support of those persons appearing in the photograph. If in the circumstances the photograph is likely to cause voters to believe that the candidate has the support of those persons appearing in the photograph, their prior written Consent of Support must be obtained by the candidate.

On the other hand, regardless of whether the candidate must obtain the Consent of Support from the persons in the photo in accordance with section 27 of the ECICO (Cap. 554), the candidate must be aware of whether the publication of the election advertisement containing the photograph has complied with the requirements of the Personal Data (Privacy) Ordinance (Cap. 486). As advised by the Office of the Privacy Commissioner for Personal Data, an image of an identified person will constitute his/her personal data and its use for a purpose other than the original purpose of collection or a directly related purpose, without the consent of the person concerned, will amount to an unauthorized disclosure of his/her personal data. Therefore, when using the aforesaid image, candidates should also observe the relevant data protection principles. For details, please

refer to Appendix 8 to the “Guidelines on Election-related Activities in respect of the Election Committee Subsector Elections”.

D. Others

Q30. When will the Returning Officer allocate the designated spots for displaying election advertisements to the candidates?

A30. After the end of the nomination period and after the number of candidates is known, the Returning Officer will allocate the designated spots to candidates of the contesting subsector either by the mutual consent of the candidates or by the drawing of lots on the day of the Lots Drawing Session. Candidates must provide a form registering their interest in displaying election advertisements in designated spots to the Returning Officer before close of the nomination period, else they will not be allocated any designated spots.

Q31. Can election advertisements be displayed on public transport?

A31. For the display of election advertisements on public light buses and taxis, their owners/operators shall obtain prior written approval from the Transport Department (“TD”) and ensure that the display of election advertisement is in compliance with the conditions as stipulated by the TD in an approval letter, in particular the following conditions:

- (a) (i) for taxi, no election advertisement may be displayed on any windows;
- (ii) for public light bus, no election advertisement may be displayed on any of the following:
 - (1) on all windows except on the interior surface of:
 - the window on the left of the first row of single-seat; and
 - the window on the right of the second row of double-seat.Election advertisements to be displayed on each of the above-mentioned windows shall not exceed a total size measuring 210 mm by 297 mm (equivalent to A4 size);
 - (2) at areas between the windows and the exterior roof panel; and
 - (3) on the exterior roof panel (except sticker-type election advertisement);
- (b) no luminous or reflecting material may be used for election advertisement; and
- (c) no election advertisement may obstruct any statutory lighting/label/markings required to be shown on the vehicle body as specified by the Commissioner for Transport or stipulated in the Road Traffic Ordinance (Cap. 374) and its subsidiary legislation.

According to the TD’s performance pledge which is applicable to public light buses and taxis, it normally takes no more than 7 working days for the department to process an

application for the display of an election advertisement on a public light bus or taxi.

The TD has issued general approval to all franchised bus companies for advertising on the bodies and windows of buses subject to conditions imposed by the TD. The bus companies should comply with the conditions set out in the TD approval letters when they handle all kinds of advertisement. In this connection, there are currently no special guidelines on the display of election advertisements on buses. For those non-franchised buses with approval from TD for advertising on the bodies and windows of buses, they are subject to the conditions imposed by the TD. The non-franchised bus operators should comply with the conditions set out in the TD approval letters when they handle all kinds of advertisements. For the other modes of public transport, the operators concerned have their internal rules to govern the display of advertisements. In this regard, candidates should check with the operators for the relevant procedures and comply with the conditions imposed.

Candidates are not allowed to display election advertisements or conduct electioneering activities within the no canvassing zone (“NCZ”) on the polling day. If a candidate has arranged for the display of election advertisements on the windows or bodywork of any public service vehicles (e.g. public light buses, taxis, etc.), and those vehicles will pass through or be parked within the NCZ on the polling day, the candidate should ensure removal of those election advertisements before the polling day to avoid contravention of the prohibition of canvassing activities in the NCZ.