

常見問題－選舉廣告

A. 選舉廣告的定義

問題 1： 何謂選舉廣告？

問題 2： 身為現任議員、選舉委員會委員或鄉郊代表的候選人如發布工作報告，是否會被視為選舉廣告？

問題 3： 某業主立案法團主席是候選人，若在選舉期間法團所發出的通告有其姓名，例如一些日常的通告或交費通知書，會否被視為選舉廣告？

問題 4： 在某人被提名為候選人或公開宣布有意參選之前發布的宣傳物品，是否會被視為選舉廣告？

問題 5： 有某候選人在他／她的選舉廣告中批評另一名候選人或另一些候選人，這是否恰當？

問題 6： 如候選人利用互聯網平台，例如網站、社交媒體、通訊網絡等作競選宣傳，是否屬選舉廣告？若有網民在互聯網平台分享或轉載不同候選人的競選宣傳，有關候選人又有甚麼須留意？

問題 7： 候選人如在發布選舉廣告時沒有加上候選人編號，但稍後貼上候選人編號標貼，該候選人編號標貼會否被視為選舉廣告？

問題 8： 候選人已印製一張只有他／她姓名及圖像的橫額，並預留空白位置貼上不同的標語，每次貼上新標語的橫額會否被視為新發布的選舉廣告？

問題 9： 可重覆使用的選舉廣告物品（例如印上候選人資料的肩帶或易拉架），是否每次使用時都被視為新發布的選舉廣告？

B. 有關發布選舉廣告的規定

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問題 13： 若小冊子內容一樣，但所用的紙張顏色不同，應被視為兩個不同的選舉廣告或是同一個選舉廣告？

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- 問題 17：[如候選人發現早前已發布的選舉廣告上的資料有錯誤（如印刷詳情或候選人編號），候選人應該怎樣做？](#)
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C. [支持同意書](#)

- 問題 23：[就互聯網上的支持聲稱取得書面同意的現行安排是怎樣的？](#)
- 問題 24：[候選人利用其他候選人／人士的肖像／姓名等，製作其選舉宣傳品，以求促使他／她當選或阻礙另一名候選人或另一些候選人當選，這做法是否恰當？](#)
- 問題 25：[現任區議員、立法會議員、鄉議局議員或鄉事委員會會員等用其「區議員／立法會議員／鄉議局議員／鄉事委員會會員」身分支持某候選人，候選人須取得該區議會／立法會／鄉議局／鄉事委員會的書面支持同意嗎？該現任區議員／立法會議員／鄉議局議員／鄉事委員會會員是否須取得該區議會／立法會／鄉議局／鄉事委員會的批准？](#)
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D. 其他

問題 27：[選舉主任何時會為候選人編配指定展示選舉廣告的位置？](#)

問題 28：[可否在交通工具上展示選舉廣告？](#)

常見問題－選舉廣告

A. 選舉廣告的定義

問題 1: 何謂選舉廣告？

答案 1: 選舉廣告指為促使或阻礙一名或多於一名候選人在選舉中當選而發布的：

- (a) 公開展示的通知、單張、傳單、招貼、冊子、標語牌或海報；或
- (b) 由專人交付或以電子傳送的通知、單張、傳單、招貼、冊子、標語牌或海報；或
- (c) 以無線電或電視廣播，或以錄像片或電影形式作出的公告；或
- (d) 任何其他形式的發布。

「發布」指印刷、展示、分發、張貼、公布或以其他方式使公眾獲知，並包括繼續發布。

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問題 2: 身為現任議員、選舉委員會委員或鄉郊代表的候選人如發布工作報告，是否會被視為選舉廣告？

答案 2: 根據《選舉程序（鄉郊代表選舉）規例》（第 541L 章）第 91（4）條，候選人在選舉期間（即由提名期首日至投票結束當日）發布文件，而該文件載有該候選人以行政長官、選舉委員會委員、立法會議員、區議會議員、鄉議局議員、《鄉議局條例》（第 1097 章）第 3(3)(a) 條所指的鄉事委員會主席、副主席或執行委員會委員，或鄉郊代表身分所做工作的詳細資料，則該等文件亦屬選舉廣告。

若有關人士在遞交其提名表格或公開宣布有意參選前發布以該等身分所做工作的詳細資料的文件，而該文件並沒有促使或阻礙一名或多名候選人在選舉中當選，則該文件不會被視為選舉廣告。因此，發布此等文件而引致的開支將不會計算為選舉開支。

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問題 3: 某業主立案法團主席是候選人，若在選舉期間法團所發出的通告有其姓名，例如一些日常的通告或交費通知書，會否被視為選舉廣告？

答案 3: 選舉廣告指為促使或阻礙一名或多於一名候選人在選舉中當選的任何形式的發布。在選舉期間，甚至之前，任何組織，包括政治組織、專業團體或商會、業主立案法團、互助委員會、租戶協會、業主委員會等，透過發布任何物件或物料宣傳他們的政綱或服務，而當中提及候選人的姓名或展示其相片或其他資料（無論該候選人是否該組織的幹事或成員）均可能會被視為候選人或代表候選

人展出的選舉廣告。廣告的費用會被視為候選人或代表候選人招致的選舉開支。因此，為審慎起見，有關的組織應暫停這些宣傳活動。不過，如有關組織（而並非個別候選人自己）發布的物品只宣傳某一個別活動，而該活動：

(a) 是屬於該組織的正常職能及／或是依循當地傳統習俗而經常舉行的；

(b) 與選舉並無關係；以及

(c) 並沒有以明示或暗示的方式促使或阻礙任何候選人在選舉中當選

則該組織發布的物料即使刊載參與籌辦該活動的候選人的姓名及／或照片，將不會被視為選舉廣告。

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問題 4: 在某人被提名為候選人或公開宣布有意參選之前發布的宣傳物品，是否會被視為選舉廣告？

答案 4: 由於「發布」選舉廣告的定義包括「繼續發布」，任何有意在選舉中參選的人士，如在該選舉中被提名為候選人或公開宣布有意參選後，繼續在有關鄉郊地區展示先前已發布的宣傳物品（例如在上一次選舉中在公共小巴和的士上展示的選舉廣告），尤其是在公眾地方或樓宇內的公用地方所展示載有其姓名或照片的宣傳物品（例如海報或橫額），意圖促使該候選人當選，該些宣傳物品可被視作選舉廣告。為審慎起見，有關人士應在被提名為候選人或公開宣布有意參選之前拆除先前已發布的宣傳物品。

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問題 5: 有某候選人在他／她的選舉廣告中批評另一名候選人或另一些候選人，這是否恰當？

答案 5: 選舉廣告指為促使或阻礙一名或多於一名候選人在選舉中當選的任何發布。有時候，候選人或會發表阻礙某候選人或某些候選人當選的選舉廣告，例如在選舉廣告中批評另一名候選人或另一些候選人，意圖阻礙他／她／他們當選。在這情況下，發表選舉廣告的候選人必須把招致的支出計入其選舉開支。候選人亦須留意不得發布任何關於其本人、另一名候選人或另一些候選人且屬《選舉（舞弊及非法行為）條例》（第 554 章）第 26 條下的虛假達關鍵程度或具誤導性達關鍵程度的事實陳述，藉以促使或阻礙其本人、另一名候選人或另一些候選人當選。任何發布該等陳述屬非法行為。

如任何人認為選舉廣告內容可能涉及虛假陳述，他／她可向有關的執法機構（如廉政公署或香港警務處）舉報。

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問題 6: 如候選人利用互聯網平台，例如網站、社交媒體、通訊網絡等作競選宣傳，是否屬選舉廣告？若有網民在互聯網平台分享或轉載不同候選人的競選宣傳，有關候選人又有甚麼須留意？

答案 6: 根據《選舉（舞弊及非法行為）條例》（第 554 章）第 2 條，選舉廣告是指為促使或阻礙一名或多於一名候選人在選舉中當選的任何形式的發布。因此，候選人透過互聯網平台例如網站、社交媒體、通訊網絡等發放任何競選宣傳，均屬選舉廣告。

若網民（非候選人亦非候選人的選舉開支代理人）只是為了發表意見而在互聯網平台分享或轉發不同候選人的競選宣傳，並沒有意圖促使或阻礙任何候選人當選，則上述分享或轉發通常不會被理解為發布選舉廣告。假如發布選舉廣告涉及開支，而發布者非候選人亦非候選人的選舉開支代理人，該發布者便可能觸犯《選舉（舞弊及非法行為）條例》（第 554 章）第 23(1)條的非法行為。然而，根據《選舉（舞弊及非法行為）條例》（第 554 章）第 23(1A)條，若有人（候選人及候選人的選舉開支代理人除外）在互聯網發布選舉廣告，而該人就此招致的選舉開支，只屬下述兩項或其中一項費用：

- (i) 電費；
- (ii) 連接互聯網所需的費用；

則該人獲豁免《選舉（舞弊及非法行為）條例》（第 554 章）第 23(1)條的相關刑事法律責任。

如果候選人知情和同意該網民發布選舉廣告，不論候選人有沒有授權該網民為其選舉開支代理人，候選人皆須將該選舉廣告視作以自己的名義發布，並將有關選舉開支申報在選舉申報書中。

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問題 7: 候選人如在發布選舉廣告時沒有加上候選人編號，但稍後貼上候選人編號標貼，該候選人編號標貼會否被視為選舉廣告？

答案 7: 只載有候選人編號的標貼本身不會被視為選舉廣告。但是，如候選人在已發布的選舉廣告加上候選人編號標貼，候選人須提交「修正選舉廣告資料摘要通知書」（表格編號: HAD/C11）連同貼上候選人編號標貼的選舉廣告樣本。須注意的是，如對選舉廣告內容作出其他修改，則會被視為發布一個新的選舉廣告。候選人須根據規定在發布後（即修改後）的一個工作天內提交選舉廣告文本及所需資料／文件。

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問題 8: 候選人已印製一張只有他／她姓名及圖像的橫額，並預留空白位置貼上不同的標語，每次貼上新標語的橫額會否被視為新發布的選舉廣告？

答案 8: 由於橫額所顯示的內容不同，每次貼上新標語的橫額應被視為一個新的選舉廣告。候選人並須根據發布選舉廣告的規定提交選舉廣告文本及所需資料／文件。

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問題 9: 重覆使用的選舉廣告物品（例如印上候選人資料的肩帶或易拉架），是否每次使用時都被視為新發布的選舉廣告？

答案 9: 「發布」指印刷、展示、分發、張貼、公布或以其他方式使公眾獲知，並包括繼續發布。就可重覆使用的選舉廣告物品（例如印上候選人資料的肩帶或易拉架），候選人在一項選舉中第一次使用該選舉廣告物品作競選活動時會被視為發布該選舉廣告，須根據規定提交選舉廣告文本及所需資料／文件，而其後繼續使用該選舉廣告物品會被視為繼續發布，無須再次提交選舉廣告文本及資料／文件。

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B. 有關發布選舉廣告的規定

問題 10: 發布選舉廣告有甚麼規定？

答案 10: 候選人在政府或私人土地／物業展示他／她的選舉廣告，必須獲得所需的**事先書面准許或授權**。此外，候選人在發布選舉廣告後的一個工作天內，須按以下規定的方式提供他／她每個選舉廣告的文本及與選舉廣告有關的資料／文件，包括發布資料、准許*或支持同意書，供公眾查閱（詳情可參閱《鄉郊代表選舉活動指引》（第七章第七部分））：

(a) 把他／她每個選舉廣告的一份電子文本及有關的資料／文件上載至民政事務署署長或獲其授權的人士所維持的公開平台（「中央平台」）；

(b) 把他／她每個選舉廣告的一份電子文本及有關的資料／文件上載至候選人或獲其授權的人士所維持的公開平台（「候選人平台」），並在發布首個選舉廣告的最少三個工作天前，向選舉主任提供該平台的電子地址；

(c) 如選舉廣告是透過公開平台在互聯網上發布，而遵從上文(a)或(b)在技術上不可行時（例如訊息經互聯網上的社交媒體或通訊網站，例如 Twitter、Instagram、Facebook、網誌等，以互動和即時的模式傳送），上載透過該公開平台發布的選舉廣告的超連結（應提供該選舉廣告的超連結，而非整個競選網站或社交媒體專頁的超連結）及與選舉廣告有關的資料／文件至候選人平台或中央平台；

- (d) 向選舉主任提供每個選舉廣告的印本式文本兩份（或就每個實際上不能或不便以同樣方式出示的選舉廣告，提交一式兩張全彩色相片／打印本／影印本），以及提供與該選舉廣告有關的每份資料／文件的印本式文本一份；或
- (e) 向選舉主任提供兩份相同的唯讀光碟（CD-ROM）或唯讀型數碼多功能光碟（DVD-ROM），每份載有同樣的選舉廣告，以及提供與該選舉廣告有關的每份資料／文件的印本式文本一份。

* 「准許」的定義可見於問題 18。

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問題 11: 選舉廣告上要包括甚麼指定資料？

答案 11: 為免選民混淆，候選人須在其選舉廣告內列明有關候選人所競逐的鄉郊地區名稱。此外，除刊登在註冊本地報刊上的選舉廣告外，所有印刷選舉廣告均須附有印刷詳情，即印刷人的中文或英文的姓名或名稱和地址、印製日期和印製數量。選舉廣告如通過印刷傳媒以新聞報道形式或任何其他未能清楚表明為選舉廣告的形式發表，則必須附有「**Election Advertisement**」或「**選舉廣告**」字樣，以免讀者誤以為這並非選舉廣告。

[回頁頂](#)

問題 12: 如候選人利用互聯網平台（例如網站或社交媒體平台）製作選舉網站或網誌作競選宣傳，應如何提供選舉廣告的文本及相關的資料／文件供公眾查閱？

答案 12: 如候選人利用互聯網平台（例如網站或社交媒體平台）製作一個選舉網站或網誌用作競選宣傳，每一次發表目的為促使該候選人當選或阻礙另一名候選人或另一些候選人當選的訊息（包括文字、圖片及影片等），均屬發布一個新的選舉廣告，並須遵守發布選舉廣告的規定。候選人可以在發布選舉廣告後的一個工作天內，把直接導向至該選舉廣告的超連結（而非整個選舉網站或網誌的超連結），以及與該選舉廣告有關的資料／文件，上載至候選人平台或中央平台。上載直接導向至該選舉廣告的超連結，目的是便利公眾查閱及民政事務總署和選舉主任查核。若此做法技術上不屬切實可行，候選人可上載整個選舉網站或網誌的超連結。候選人應定期檢查所有上載的超連結，並確保公眾人士可在公眾查閱期間查閱透過該選舉網站或網誌發布的選舉廣告。

[回頁頂](#)

問題 13: 若小冊子內容一樣，但所用的紙張顏色不同，應被視為兩個不同的選舉廣告或是同一個選舉廣告？

答案 13: 《選舉程序（鄉郊代表選舉）規例》（第 541L 章）第 92 條列明有關發布選舉

廣告的規定。根據規定，候選人必須在發布選舉廣告後的一個工作天內，提供其每個選舉廣告的文本及與選舉廣告有關的資料／文件給公眾查閱。為清晰起見，候選人應提供每個不同顏色／樣式的選舉廣告文本給公眾查閱。

[回頁頂](#)

問題 14: 如候選人製作一份電子海報並於不同社交媒體（例如：Facebook、Instagram、Twitter 等）發布，應被視為不同的選舉廣告或是同一個選舉廣告，提交供公眾查閱？

答案 14: 如候選人將該電子海報同日於不同的社交平台發布，他／她可視之為同一個選舉廣告。候選人可向選舉主任遞交「選舉廣告資料摘要」（表格編號：HAD/C10），在「發布的方式」一欄列出有關社交平台名稱及發布日期和繳存該選舉廣告一式兩份全彩色相片／打印本／影印本，供公眾查閱。他／她亦可在中央平台或候選人平台遞交選舉廣告詳情，在「發布的方式」一欄列出有關社交平台名稱和上載該選舉廣告的檔案，供公眾查閱。但如候選人將電子海報在不同日期於不同的社交平台發布，他／她應視之為不同的選舉廣告，及向選舉主任遞交「選舉廣告資料摘要」或在中央平台或候選人平台分別遞交選舉廣告詳情，上載該選舉廣告的檔案，供公眾查閱。

[回頁頂](#)

問題 15: 如衣服及汽球上印有競選的字句，是否須要印上印刷詳情？

答案 15: 除刊登在註冊本地報刊上的選舉廣告外，所有**印刷選舉廣告**均應附有印刷詳情，即印刷人的中文或英文的姓名或名稱和地址、印刷日期和印刷數量。這項規定適用於所有以任何形式（例如印刷機器、複印機或影印機）製作或複製的印刷物品，例如海報、小冊子、傳單、橫額、小旗、標語牌等。非印刷物品的選舉廣告（例如印有競選的字句的衣服或汽球），不受上述規定所限，候選人只須根據發布選舉廣告的規定提供該選舉廣告的文本及發布資料／文件。

[回頁頂](#)

問題 16: 如候選人於家中自行印刷選舉廣告，但並不希望在選舉廣告印出其住所的地址，他／她可否只印出部分地址（例如鄉村和街道名稱）以作為與選舉廣告有關的印刷詳情？

答案 16: 除刊登在註冊本地報刊上的選舉廣告外，所有**印刷選舉廣告**均應附有印刷詳情，即印刷人的中文或英文的姓名或名稱和地址、印刷日期和印刷數量。這項規定適用於所有以任何形式（例如印刷機器、複印機或影印機）製作或複製的所有印刷物品。候選人必須在印刷選舉廣告上披露有關印刷人的完整地址，例如印刷人的辦事處或業務地址、通訊地址、住址或郵政信箱號碼（但不包括電郵地址），並不可只印出部分地址。上述要求亦適用於候選人自行在家中印刷

的選舉廣告。

[回頁頂](#)

問題 17: 如候選人發現早前已發布的選舉廣告上的資料有錯誤（如印刷詳情或候選人編號），候選人應該怎樣做？

答案 17: 候選人須即時停止發布印上錯誤資料的選舉廣告及收回已發布的有關選舉廣告，例如張貼在指定展示位置或私人土地／物業上的宣傳海報。候選人亦須以書面形式詳細說明有關選舉廣告的錯誤資料及跟進的工作，然後將該書面說明向有關選舉主任存檔。該書面說明會供公眾查閱。

[回頁頂](#)

問題 18: 「准許」是指甚麼？

答案 18: 「准許」是指私人土地／物業的擁有人或佔用人或政府土地的主管當局根據《公眾衛生及市政條例》（第 132 章）第 104A(1)條，就候選人在該土地／物業展示或張貼招貼或海報而給予的書面准許。候選人在發布選舉廣告後的一個工作天內，須以選舉管理委員會指明的方式，提交每份他／她的選舉廣告的文本及與選舉廣告有關的資料／文件，供公眾查閱。就選舉主任分配指定展示位置予候選人展示選舉廣告而言，候選人獲得選舉主任提供的書面准許後，他／她無須再遞交該書面准許文本供公眾查閱。

[回頁頂](#)

問題 19: 在「發布的方式」一項中，是否要列明分派選舉廣告的地點？是否要把全部的分派地點列出來？

答案 19: 候選人不用在「發布的方式」中列明分派的地點。他／她只要提供發布方式，例如街頭派發、郵寄等。

[回頁頂](#)

問題 20: 如候選人發現早前向選舉主任繳存的「選舉廣告資料摘要」的資料有錯誤（如廣告的數量、尺寸等），他／她應如何修正有關資料？

答案 20: 根據《鄉郊代表選舉活動指引》，所有修正的資料必須最遲於選舉日後兩個工作天內用指明表格「修正選舉廣告資料摘要通知書」（表格編號: HAD/C11）向有關選舉主任繳存，或上載至中央平台或候選人平台。

[回頁頂](#)

問題 21: 候選人因疏忽遺漏印刷詳情，他／她應如何補救？

答案 21: 候選人如因疏忽而在其印刷選舉廣告遺漏印刷詳情，發布選舉廣告的人或獲其授權的人可以在發布有關選舉廣告後的七日內，作出法定聲明，述明所遺漏的資料，並向有關選舉主任繳存該份聲明。

[回頁頂](#)

問題 22: 在同一鄉郊地區競逐的數名候選人發布了一份聯合選舉廣告。他們可否以同一份「選舉廣告資料摘要」申報聯合選舉廣告詳情？如他們委任同一人為選舉代理人，該名選舉代理人可否以同一份「選舉廣告資料摘要」或在同一個中央平台戶口替所有候選人申報聯合選舉廣告詳情？

答案 22: 鄉郊代表選舉以個人為單位競逐，每名候選人均須各自為其行為負責。就發表聯合選舉廣告而言，每名發表聯合選舉廣告的候選人均須按照相關規例的要求，分別向有關的選舉主任繳存聯合選舉廣告的詳情及樣本，或將相關聯合選舉廣告的詳情上載至中央平台或候選人平台，供公眾查閱。

每份「選舉廣告資料摘要」（表格編號: HAD/C10）及每個中央平台戶口只供一名候選人使用。即使多名發布聯合選舉廣告的候選人委任同一人為選舉代理人他／她亦須為每名發布聯合選舉廣告的候選人，分別向有關的選舉主任繳存一份「選舉廣告資料摘要」（表格編號: HAD/C10）及聯合選舉廣告樣本，或以各候選人專屬的中央平台戶口分別上載聯合選舉廣告相關的資料至中央平台。

[回頁頂](#)

C. 支持同意書

問題 23: 就互聯網上的支持聲稱取得書面同意的現行安排是怎樣的？

答案 23: 根據《選舉（舞弊及非法行為）條例》（第554章）第27條，若候選人發布或授權發布收納了某人或某組織的姓名、名稱、標識或圖像的選舉廣告，而發布的方式意味着或相當可能導致選民相信該候選人獲該人或該組織的支持，該候選人須事前取得有關書面同意。如未事先取得所需的書面同意，該候選人的選舉廣告即使載有一項陳述，表示並無暗示已獲得有關人士或組織的支持，仍屬違法。但若有關候選人既沒有要求或指示將該姓名、名稱、標識或圖像納入其選舉廣告中，亦沒有授權任何人如此要求或指示，則無須事前取得書面同意。

在互聯網的社交媒體和通訊網站上，支持者為表示對某候選人的政策或活動的支持，往往會在候選人的網頁加上「讚好」的標誌，或張貼一些支持的言論。若網民出於主動在候選人於上述平台發布的選舉廣告內，作出回應或表示「讚好」以表達對候選人的支持，則有關候選人無須事先取得支持者的書面同意。然而，候選人不得就上述網民的姓名、名稱、標識或圖像或任何由他們提供的

內容作出修改，除非事先取得他們就有關修改的書面同意，否則該候選人便屬違法。

[回頁頂](#)

問題 24: 候選人利用其他候選人／人士的肖像／姓名等，製作其選舉宣傳品，以求促使他／她當選或阻礙另一名候選人或另一些候選人當選，這做法是否恰當？

答案 24: 根據法例，候選人在任何選舉廣告中使用某人或某組織的姓名、名稱或標識，或某人的圖像，以表示獲得該人或該組織的支持之前，必須先獲該人或該組織的書面同意。

[回頁頂](#)

問題 25: 現任區議員、立法會議員、鄉議局議員或鄉事委員會會員等用其「區議員／立法會議員／鄉議局議員／鄉事委員會會員」身支持某候選人，候選人須取得該區議會／立法會／鄉議局／鄉事委員會的書面支持同意嗎？該現任區議員／立法會議員／鄉議局議員／鄉事委員會會員是否須取得該區議會／立法會／鄉議局／鄉事委員會的批准？

答案 25: 選舉廣告中提及個人支持者的職銜及有關組織名稱，會否被視為表示候選人獲得有關組織的支持，需按每宗個案的情況而定。所需考慮的問題是，一個合理的人在見過該選舉廣告（包括上文下理）後，會否認為有關組織支持該候選人。無論如何，候選人應小心處理，避免令人誤會他／她獲得整個組織的支持。此外，根據選舉管理委員會發出的《鄉郊代表選舉活動指引》，候選人應確保支持者已根據所屬組織的內部守則及程序或任何既定常規，獲得組織的事先書面批准，例如經該組織的管理階層批准或經全體大會通過的決議批准，才可一併使用支持者的職銜及組織名稱。如有疑問，候選人的支持者應諮詢所屬組織有關使用有提及其職銜及有關組織名稱的內部守則及規定。

[回頁頂](#)

問題 26: 如有候選人在其選舉廣告中使用過往出席活動的照片，而其中包括其他人士，例如與政府官員的合照等，是否須事先取得書面同意？

答案 26: 所需考慮的問題是，一個合理的人在見過該選舉廣告（包括上文下理）後，會否認為有關人士支持該候選人。為避免誤會，舉例來說，如選舉廣告內印有顯示候選人與其他人士參加某項活動的照片，可於照片下方加上標題，說明有關活動的具體性質，以致不會暗示或可能令選民相信候選人獲得照片中的人士的支持。如果照片可能導致選民相信候選人得到照片中的人士的支持，在此情況下，則候選人須事先取得該等人士給予支持的書面同意。

另一方面，無論候選人是否須按《選舉（舞弊及非法行為）條例》（第 554 章）第 27 條取得照片中的人士的支持同意書，候選人仍須注意發布載有該照片的選舉廣告是否符合《個人資料（私隱）條例》（第 486 章）的規定。根據個人資料私隱專員公署的意見，任何其身分能被識辨的人士的影像，會構成其個人資料。使用該影像作原本收集資料以外的目的，或使用該影像作不是與原本收集資料目的直接有關的目的，而未獲該人士同意，會侵犯其個人資料。因此，候選人使用上述影像時，亦應遵守相關的保障資料原則，詳情可參閱《鄉郊代表選舉活動指引》有關第十七章「擅用他人名義行為」。

[回頁頂](#)

D. 其他

問題 27: 選舉主任何時會為候選人編配指定展示選舉廣告的位置？

答案 27: 在提名期結束後，當知悉每個鄉郊地區獲有效提名的候選人數目後，選舉主任會在舉行抽籤程序決定候選人姓名在選票上的排列次序當日，根據候選人之間的協議或以抽籤方式，把指定展示位置編配予各鄉郊地區獲有效提名並需競逐的候選人。

[回頁頂](#)

問題 28: 可否在交通工具上展示選舉廣告？

答案 28: 在公共小巴和的士展示選舉廣告，其車主／營辦商應先取得運輸署的書面批准，並須確保所展示的選舉廣告符合運輸署在批准書所載的條件，尤其是下列條件：

- (a) (i) 不得在的士所有車窗上展示選舉廣告；
- (ii) 在公共小巴上，不得在以下位置展示選舉廣告：
 - (1) 所有車窗，除以下車窗的內側位置：
 - 首行單人座位左邊的車窗；和
 - 第二行雙人座位右邊的車窗。張貼於上述每扇車窗的選舉廣告總面積不可超過 210 毫米乘 297 毫米（相當於 A4 尺寸）
 - (2) 車窗與外部頂板之間的範圍；以及
 - (3) 外部頂板（貼紙形式的選舉廣告除外）；
- (b) 選舉廣告不得使用發光的／反光的物料；以及
- (c) 選舉廣告不得遮擋任何由運輸署署長或根據《道路交通條例》（第 374 章）及附屬規例訂明在車身展示的法定照明設備／標貼／標記。

按照運輸署適用於公共小巴和的士的服務表現承諾，該署在處理公共小巴及的士車身展示選舉廣告的申請，一般需時不多於七個工作天。

運輸署已經向所有專營巴士公司發出在符合其規定的條件下，在巴士車身及車窗上展示廣告的一般性許可。巴士公司在處理所有類別的廣告時，應遵守運輸署許可信上列出的條件。在這種情況下，現時沒有特定的指引規管在巴士上展示選舉廣告。獲運輸署批准在巴士車身及車窗上展示廣告的非專營巴士，必須符合運輸署規定的條件。非專營巴士營辦商在處理所有類別的廣告時，應遵守運輸署許可信上列出的條件。至於其他公共交通工具，有關營辦商有其規範展示廣告的內部規定。故此，候選人應向營辦商查詢展示廣告的相關程序及遵守相關的規定。

候選人不得在投票日在禁止拉票區展示選舉廣告或進行競選活動。若候選人曾安排在公共服務車輛（例如公共小巴、的士等）的車窗或車身上展示選舉廣告，而該等車輛會於投票日在禁止拉票區內行駛或停放，候選人應安排在投票日前將該等選舉廣告移除，以免觸犯在禁止拉票區內進行拉票活動的禁制。

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Frequently Asked Questions - Election Advertisements

A. Definition of Election Advertisements

Q1: What is an election advertisement?

A1: An election advertisement means:

- (a) a publicly exhibited notice, leaflet, circular, bill, booklet, placard or poster; or
- (b) a notice, leaflet, circular, bill, booklet, placard or poster delivered by hand or electronic transmission; or
- (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, exhibit, distribute, post up, publicly announce or make publicly known by any other means, and includes continue to publish.

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

A2: Under section 91(4) of the Electoral Procedure (Rural Representative Election) Regulation (Cap. 541L), 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 relevant 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 the 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.

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Q3: A chairperson of an owner’s corporation is a candidate. If the owner’s 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 form of 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, mutual aid committee, tenants’ association, owners’ committee, etc. which advertises their political platforms 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 advertisement may be regarded as election expenses incurred by or on behalf of the candidate. It is therefore a prudent step for the relevant organizations to 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 by the organization will not be regarded as an election advertisement.

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

A4: The definition of “publish” the election advertisements includes “continue to publish”. If any person who intends to stand as a candidate at an election continues to display publicity materials previously published (e.g. election advertisements displayed on public light buses and taxis during the previous election) in the rural area concerned, 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, after he/she has been nominated as a candidate or has publicly declared the intention to stand at the election, 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 at the election.

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Q5: Is it appropriate for a candidate to criticise 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 that a candidate may publish election advertisement for the purpose of prejudicing the election of a particular candidate or particular candidates at the election, for example, criticising 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 beware of not publishing any materially false or misleading statement of fact about himself/herself or another candidate or other candidates under section 26 of the Elections (Corrupt and Illegal Conduct) Ordinance (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 an 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 contents of an election advertisement may involve false statements.

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Q6: Is the election campaign published by a candidate through Internet platforms, such as websites, social media, communication networks, etc. regarded as election advertisement? What should the relevant candidate take heed of if netizens share or forward different candidates' election campaign through Internet platforms?

A6: In accordance with section 2 of the Elections (Corrupt and Illegal Conduct) Ordinance ("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 campaigns published through Internet platforms, such as websites, social media, communication networks, etc. by a candidate will be regarded as 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. However, in accordance with section 23(1A) of the ECICO, a person (other than candidates or candidates' election expense agents) is exempted from the relevant criminal liability under section 23(1) of the ECICO 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 –

- (i) electricity charges;
- (ii) charges necessary for accessing the Internet.

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

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Q7: If a candidate publishes an election advertisement without 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 on the election advertisement which has already been published, the candidate should submit the “Notification of Corrected Information in relation to Election Advertisements” (Form no.: HAD/C11) together with samples of the election advertisement with the candidate number sticker on it. It should be noted that if other amendment is made to the content of the election advertisement, it will be regarded as publication of a new election advertisement. Candidate must comply with the requirements to submit copies of the election advertisement and the required information/documents within one working day after publication (i.e. after the amendment).

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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 be regarded as a new election advertisement each time a new slogan is stuck 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. Candidate must submit copies of the election advertisement and the required information/documents in accordance with the regulations on the publication of election advertisement.

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Q9: For 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, 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 submit copies of the election advertisement and the required information/documents in accordance with the regulations. Using the same election advertisement afterwards will be regarded as continuing to publish, and there is no need to submit copies of the election advertisement and required information/documents again.

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B. Requirements related to Publication of Election Advertisement

Q10: What are the requirements relating to publication of 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 one working day after publication of the election advertisement by the following means (for details please refer to Part VII of Chapter 7 of the Guidelines on Election-related Activities in respect of the Rural Representative Election) -

- (a) uploading an electronic copy each of all his/her election advertisements and the relevant information/documents onto an open platform maintained by the Director of Home Affairs (“Director”) or a person authorized by the Director (“Central Platform”);
- (b) uploading an electronic copy each of all his/her 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”) and provide the electronic address of the platform to the Returning Officer (“RO”) at least three 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 networking or communication websites on the Internet like Twitter, Instagram, Facebook, blogs, etc. and the exchanges are of an interactive and spontaneous nature), uploading a hyperlink of the election advertisement that is published through an open platform (the hyperlink to the specific election advertisement published should be provided, rather than the hyperlink to the entire election website or page of the social media) and the information/documents relevant to the election advertisement onto the Candidate’s Platform or the Central Platform;
- (d) providing two hard copies of each of the election advertisements (or two identical full colour photographs/printouts/photocopies of each election advertisement which cannot be practically or conveniently produced in specie) and one hard copy of each of the information/documents relevant to the election advertisement to the RO; or
- (e) providing two identical copies of a CD-ROM or DVD-ROM each containing the same

election advertisement and one hard copy of each of the information/documents relevant to the election advertisement to the RO.

* As to the meaning of “permission”, see Q18.

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Q11: What kind of specified information should be included in an election advertisement?

A11: To avoid possible confusion to electors, a candidate must state clearly the name of the rural area for which the candidate concerned is contesting on his/her election advertisements. In addition, all printed election advertisements, with the exception of those printed in registered local newspaper, 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.

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Q12: How to make available copies of election advertisement and relevant information/documents for public inspection if a 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 text, photographs and video, etc.) will be regarded as publishing a new election advertisement, and the candidate must comply with the requirements for publication of 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 Candidate’s Platform or Central Platform within one working day 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 Home Affairs Department 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.

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Q13: If some pamphlets contain the same content but are printed on papers in different colours, should they be regarded as two different election advertisements or the same election advertisement?

A13: Section 92 of the Electoral Procedure (Rural Representative Election) Regulation (Cap. 541L) sets out the related regulation on the publication of election advertisement. According to the regulation, candidates must make available a copy of each of his/her election advertisement, and the relevant information/documents in relation to the election advertisement for public inspection within one working day after publication of the election advertisement. For the sake of clarity, candidates should provide copies of each election advertisement in different colours/format for public inspection.

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Q14: If a candidate produces an electronic poster and publishes through different social media platforms (e.g. Facebook, Instagram, Twitter, etc.), should they be regarded as different election advertisements or one election advertisement for public inspection?

A14: If a candidate published the electronic poster through different social platforms on the **same date**, he/she can regard it as one same election advertisement. The candidate can submit the “Information Sheet in relation to Election Advertisements” (Form no.: HAD/C10), setting out the names of the social platforms concerned in the column “Manner of publication” and the date of publication, and deposit two identical full colour photographs/printouts/photocopies of the election advertisement concerned with the Returning Officer, for public inspection. He/she can also submit the election advertisement particulars via Central Platform or Candidate’s Platform, setting out the names of the social platforms concerned in the row “Manner of publication” and upload the file of the election advertisement concerned, for public inspection. However, if the candidate published the electronic poster on **different dates** through different social platforms, he/she should regard them as different election advertisements and submit the “Information Sheet in relation to Election Advertisements” to the Returning Officer, or submit the election advertisement particulars via Central Platform or Candidate’s Platform separately by uploading the files of the election advertisements concerned, for public inspection.

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Q15: Should the clothes and balloons with electioneering message bear printing details?

A15: 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 requirement applies to all printed materials produced or reproduced by any method (e.g. printing machines, duplicators or photocopiers), such as poster, pamphlet, handbill, banner, pennant, placard etc. The requirement is not applicable to other election advertisements which are not printed materials (e.g. clothes or balloons with electioneering message). Candidates only need to provide copies of election advertisement and publication information/documents in accordance with requirements relating to publication of election advertisement.

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Q16: If a candidate self-prints the election advertisement at home, 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 rural area and road) and publish these as the printing details in relation to the election advertisement?

A16: All **printed election advertisements**, with the exception of those printed in registered local newspaper, should contain 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 also applicable to election advertisements printed at home by the candidate himself / herself.

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Q17: If a candidate discovers an error in the information on the printed election advertisement (e.g. printing details, candidate number), what should the candidate do?

A17: 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 the publicity posters posted at the designated spots or private land/property. The candidate must also explain in details the incorrect information in the election advertisement concerned and the follow-up action in writing, and deposit such written explanation with the relevant Returning Officer for record. The written explanation will be made available for public inspection.

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Q18: What does "Permission" refer to?

A18: "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 for public inspection within one working day after publication of the election advertisement according to the means specified by the Electoral Affairs Commission. For 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.

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Q19: Should the distribution locations of election advertisements be stated clearly under the item “Manner of publication”? Should all the distribution locations be listed?

A19: 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 street distribution, by mail, etc.

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Q20: 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” deposited with the Returning Officer, how can he/she correct the relevant particulars?

A20: According to the Guidelines on Election-related Activities in respect of the Rural Representative Election, all corrective information must be deposited with the relevant Returning Officer in a specified form “Notification of Corrected Information in relation to Election Advertisements” (Form No.: HAD/C11), or uploaded onto the Central Platform or Candidate’s Platform, within two working days after the polling day, the latest.

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Q21: How should a candidate make rectification if he/she has inadvertently omitted the printing details?

A21: 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 can make a statutory declaration giving the omitted details, and deposit such declaration with the relevant Returning Officer not later than seven days after the publication of the election advertisement(s) concerned.

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Q22: If several candidates who are contesting in the same rural area 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 Central Platform?

A22: The Rural Representative Election is contested on individual basis, and every candidate must take responsibility for his/her own actions. As far as the publication of joint election advertisement is concerned, to comply with the legislative requirement, each candidate publishing the joint election advertisement must separately deposit with the relevant Returning Officer the particulars and samples of the joint election advertisement, or upload

the joint election advertisement particulars via Central Platform or Candidate's Platform for the purpose of public inspection.

Each "Information Sheet in relation to Election Advertisements" (Form No.: HAD/C10) and each Central Platform account is for use by one candidate only. Even if the candidates involved in a joint election advertisement may appoint a common election agent, he/she must deposit with the relevant Returning Officer an "Information Sheet in relation to Election Advertisements" (Form No.: HAD/C10) together with the samples of the joint election advertisement respectively for each candidate involved in a joint election advertisement, or upload the relevant information related to the joint election advertisement onto Central Platform through each candidate's dedicated Central Platform account respectively.

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C. Consent of Support

Q23: What are the existing arrangements for obtaining written consent of support on the Internet?

A23: In accordance with section 27 of the Elections (Corrupt and Illegal Conduct) Ordinance (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 electors to believe that the candidate has the support of the person or organization concerned, the candidate should obtain the relevant prior written consent. 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 on the modification has been obtained from them. Otherwise, the candidate will contravene the law.

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Q24: Is it appropriate for a candidate to use another candidate's/person's image/name etc. in his/her election promotional materials to promote his/her election or prejudice the election of another candidate or other candidates?

A24: According to the law, 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.**

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Q25: A serving District Council (“DC”), Legislative Council (“LegCo”), Heung Yee Kuk (“HYK”), or Rural Committee (“RC”) member supports a candidate in his/her capacity of “DC/LegCo/HYK/RC member”. Is the candidate required to obtain written consent of support from the DC/LegCo/HYK/RC? Is the serving DC/LegCo/HYK/RC member required to obtain approval from the DC/LegCo/HYK/RC?

A25: Whether the reference of office title and the name of organization concerned 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, 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 Rural Representative Election 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. If in doubt, the supporter of the candidate should consult the organization to which he/she belongs on the internal rules and regulations on the use of his/her office title and the name of the organization.

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Q26: 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?

A26: 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 electors 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 electors to believe that the candidate has the support of those persons appearing in the photograph, their prior written consent of support should be obtained by the candidate.

On the other hand, regardless of whether the candidate must obtain the consent of support from the person in the photo in accordance with section 27 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554), candidate must be aware of whether the publication of 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 for a purpose that is not directly related to the original purpose of data collection, without the consent of the person concerned, will be an infringement of his/her personal data. Therefore, candidates when using the aforesaid image should also observe the relevant data protection principles. For details, please refer to Chapter 17 “Namedropping” of the Guidelines on Election-related Activities in respect of the Rural Representative Election.

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D. Others

Q27: When will the Returning Officer allocate the designated spots for displaying election advertisements to the candidates?

A27: After the end of the nomination period and after the number of validly nominated candidates in each rural area is known, the Returning Officer will allocate the designated spots to the validly nominated and contested candidates in the rural area concerned either by the mutual consent of the candidates or by the drawing of lots on the day of the Lots Drawing Session for determining the order in which the names of candidates appear on a ballot paper.

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Q28: Can election advertisement be displayed on public transport?

A28: For the display of election advertisement 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 all windows;
- (ii) for public light bus, no election advertisement may be displayed:
 - (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 advertisement to be displayed on each of the abovesaid 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/marking 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 seven 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 body and window 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 advertisement 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 advertisement. In this regard, candidates should check with the operators for the relevant procedures of displaying advertisements 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 remove those election advertisements before the polling day, in order to avoid contravention of the prohibition of canvassing activities in the NCZ.

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