

有關候選人以電郵方式呈交選舉廣告供上載至中央平台的條款及細則的承諾書

**Undertaking in respect of the Terms and Conditions in
Submitting Election Advertisements by E-mail
for Posting onto the Central Platform for Candidates**

村代表補選 (*原居民代表/居民代表)

Village Representative By-election (*Indigenous Inhabitant Representative / Resident Representative)

鄉事委員會

村

Rural Committee

Village

補選日期：_____年_____月_____日

Date of By-election: _____

[備注：在填寫此申請表前，請參閱《填寫供上載選舉廣告的詳情至中央平台的專用電子郵件戶口申請表說明》。]
[Note: Please read the “Notes on Completion of Application for Creating a Designated E-mail Account for Posting Election Advertisement Particulars onto the Central Platform” before completing this application.]

致：民政事務總署署長

To Director of Home Affairs,

候選人姓名 (正楷)：_____

Name of Candidate (in BLOCK LETTERS):

(姓 Surname)

(名 Other name)

我是上述村代表補選的候選人，為透過民政事務總署署長(“署長”)提供予本人的專用電子郵件戶口，用電郵方式把選舉廣告及有關資料呈交至選舉主任的專用電子郵件戶口，以供上載至中央平台或其連結的任何網頁，現承諾遵守以下條款及細則。

For submitting election advertisements (“EAs”) and relevant information through e-mail from my designated e-mail account provided by the Director of Home Affairs (“DHA”) to the RO’s designated e-mail account for uploading onto the Central Platform or any of the webpages linked to it, I being the above-listed candidate of the Village By-election hereby undertake to abide by the terms and conditions as set out below.

一般條款

General

1. 我不會從事任何干擾或中斷選舉主任專用電子郵件戶口的行為。我只在法律允許的情況下使用由署長提供的專用電子郵件戶口作遞交選舉廣告詳情用途，否則，民政事務總署(“民政署”)可能會暫停或終止向我提供服務。

I shall not engage in any activity that interferes with or disrupts the Returning Officer (RO)’s designated e-mail account. I shall use the designated e-mail account

provided by DHA to submit EAs and relevant information as permitted by law. Otherwise, Home Affairs Department (“HAD”) may suspend or stop providing service to me.

2. 我須就任何有關違反使用以電郵方式，透過署長提供予本人的專用電子郵件戶口，把選舉廣告及有關資料呈交至選舉主任的專用電子郵件戶口，以供上載至中央平台條款及細則（不論是由我或我的選舉代理人或其他人造成）引起的任何後果（包括任何對民政署造成的損失或損害）負上全責（而民政署無須向我或任何第三者負責）。

I am solely responsible for (and that HAD has no responsibility to me or to any third party regarding) any breach of my obligations (whether or not the breach is caused by me personally, by my election agent or by another party) in submitting EAs and relevant information through e-mail from my designated e-mail account provided by the DHA to the RO’s designated e-mail account for uploading onto the Central Platform and for the consequences (including any loss or damage which HAD may suffer) of any such breach.

密碼及戶口安全

Password and Account Security

3. 我須負全責將民政事務總署向我提供的專用電子郵件戶口及相關密碼保密。

I am solely responsible for maintaining the confidentiality of password associated with the designated e-mail account assigned to me by the HAD.

4. 我若發現任何人士未經授權使用我的密碼或戶口，我將即時致電 2152 1521 或電郵至 vre@had.gov.hk 通知民政事務總署。

If I become aware of any unauthorized use of the password or the account, I shall notify HAD immediately at 2152 1521 or send e-mail to “vre@had.gov.hk”.

私隱告示

Privacy Notice

5. 在透過署長提供予本人的專用電子郵件戶口，把選舉廣告及有關資料呈交至選舉主任的專用電子郵件戶口，以供上載至中央平台時，我會遵守所有現行有關個人資料私隱的法例規定。與選舉廣告有關的文件，尤其是准許／授權及／或

支持同意書，我會在發送資料至選舉主任專用電子郵件戶口前覆蓋提供上述准許／授權及／或支持同意書人士的身分證明文件號碼（如載有的話）。

I shall observe all prevailing legal requirements on personal data privacy when submitting EAs and relevant information through e-mail from my designated e-mail account provided by the DHA to the RO's designated e-mail account for uploading onto the Central Platform. In particular, for the documents containing/conveying the required permission/authorization and/or consent of support pertaining to an EA, I shall obliterate the identity document number(s), if any therein, of the person(s) providing such permission/authorization and/or consent of support before sending to the RO's designated e-mail account.

選舉廣告詳情的內容¹

Contents of EA Particulars¹

6. 我必須為透過署長提供予本人的專用電子郵件戶口，呈交至選舉主任專用電子郵件戶口，以供上載至中央平台，包括任何超連結及網頁地址的選舉廣告及有關資料，負上全責（署長對我及任何第三者概不就我上載到中央平台的選舉廣告詳情的內容負責）。如我上載至中央平台的選舉廣告詳情的內容屬非法、或與我所發布的選舉廣告無關，或受電腦病毒感染，或招致任何人提出關於侵犯任何人的版權或知識產權的申索或指控時，民政事務總署署長保留權利酌情移除有關內容。

I shall solely be responsible for (and that the DHA has no responsibility to me or any third party regarding) the contents of the EA particulars submitted through e-mail from my designated e-mail account provided by the DHA to the RO's designated e-mail account for uploading onto the Central Platform, including any hyperlinks and website addresses. The DHA reserves the right to remove at her absolute discretion any of the EA particulars posted on the Central Platform containing such content which is unlawful or not related to any EAs published by me or which has been contaminated with computer virus after the submission, or in case the EA particulars are subject to any claims or allegations, made by or coming from any person, of infringement of copyright or intellectual property rights of any person.

¹ 選舉廣告詳情的內容，請參閱由選舉管理委員會發布的《村代表選舉活動指引》的附錄三。

Contents of EA particulars can be found in Appendix C of the Guidelines on Election-related Activities in respect of the Village Representative Elections published by the Electoral Affairs Commission.

版權告示

Copyright Notice

7. 若透過署長提供予本人的專用電子郵件戶口，呈交至選舉主任的專用電子郵件戶口，以供上載至中央平台內的選舉廣告內容涉及由第三者擁有的版權，包括超連結及網頁地址，我必須確保在複製、改編、分發或以其他方式使用任何此等內容或上載至中央平台前，已取得版權擁有者的授權或准許。

Where third party's copyrights are involved in the contents of EA particulars, including hyperlinks and website addresses, submitted through e-mail from my designated e-mail account provided by the DHA to the RO's designated e-mail account for uploading onto the Central Platform, I shall ensure that authorization or permission to reproduce, adapt, distribute or otherwise use any such content is obtained from the copyright owners concerned before use or uploading the same on the Central Platform.

8. 作為透過署長提供予本人的專用電子郵件戶口，把選舉廣告及有關資料呈交至選舉主任的專用電子郵件戶口，以供上載至中央平台的候選人，我在此向選舉管理委員會（“選管會”）、民政事務總署及民政事務總署署長陳述和保證，我有所需的權利、授權和許可將選舉廣告詳情上載至中央平台，而該等選舉廣告詳情不含亦將不會包含任何侵犯知識產權的材料。

Being the candidate who submits EAs and relevant information through e-mail from my designated e-mail account provided by the DHA to the RO's designated e-mail account for uploading onto the Central Platform, I hereby represent and warrant to the Electoral Affairs Commission (“EAC”), the HAD and the DHA that I have all necessary right, authority and licence to upload and post the EA particulars onto the Central Platform and that the contents of such EA particulars do not and will not contain any intellectual property right infringement material.

彌償

Indemnity

9. 作為透過民政事務總署署長提供予本人的專用電子郵件戶口，把選舉廣告及有關資料呈交至選舉主任的專用電子郵件戶口，以供上載至中央平台的候選人，我同意及承諾就上載至中央平台選舉廣告詳情的設計、內容、使用或擁有對任何人士的任何權利，包括知識產權、私隱權利及聲譽造成侵害的任何指稱及／

或申索所引致或涉及的一切法律行動、費用、申索、要求、損害、開支（包括但不限於律師、代理人及專家證人的費用及代墊付費用）及任何可能為任何訴訟的和解而協議支付的判給和訟費和任何性質的法律責任，向選管會、民政事務總署、民政事務總署署長及香港特別行政區政府作出全部和有效的彌償。

Being the candidate who submits EAs and relevant information through e-mail from the designated e-mail account provided by the DHA to the RO's designated e-mail account for uploading onto the Central Platform, I hereby agree and undertake to indemnify the EAC, HAD, the DHA and the Government of the Hong Kong Special Administration Region and keep them fully and effectively indemnified against all actions, costs, claims, demands, damages, expenses (including without limitation the fees and disbursements of lawyers agents and expert witnesses) and any awards and costs which may be agreed to be paid in settlement of any proceedings and liabilities of whatsoever nature arising out of or in connection with any allegation and/or claim that the design, contents, use or possession of the EA particulars uploaded and posted onto the Central Platform infringe(s) any rights, including intellectual property rights, privacy rights or reputation rights, of any party.

此承諾書由

EXECUTED AS A DEED by _____)

(候選人或選舉代理人簽署)
(Signature of candidate or election agent)

L.S.

(候選人或選舉代理人的姓名)
(Name of the candidate or election agent)

於 2013 年 ____ 月 ____ 日在香港以契約形式簽立
on this _____ day of _____ 2013 in Hong Kong _____)

註：在遞交「供上載選舉廣告詳情至中央平台的專用電子郵件戶口申請表」(HAD/C10a/By-E)後，亦請將此填妥的承諾書的正本，以專人送遞或郵遞呈交至選舉主任，以轉交至民政事務總署署長。

Note: The original copy of this undertaking must be submitted to the Director of Home Affairs immediately after the submission of "Application for Creating a Designated E-mail Account for Posting Election Advertisement Particulars onto the Central Platform" (HAD/C10a/By-E). Please submit by hand or by post to the Returning Officer for onward transmission to the DHA.