

保密聲明

DECLARATION OF SECRECY

《選舉程序（鄉郊代表選舉）規例》（第 541 章，附屬法例 L）第 81 條
Section 81 of the Electoral Procedure (Rural Representative Election) Regulation (Cap. 541 sub. leg. L)

鄉郊補選（*原居民代表／居民代表／街坊代表）

Rural By-election

(*Indigenous Inhabitant Representative/ Resident Representative/ Kaifong Representative)

鄉事委員會
Rural Committee

村／墟鎮
Village/ Market Town

補選日期：_____年_____月_____日

Date of By-election：_____

[備註：請用正楷填寫此聲明，及參閱夾附的《填寫保密聲明說明》。]

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

我_____

I

(姓名 Name)

居於_____

of

(住址 Residential Address)

謹以至誠鄭重聲明在上述補選中，我會維持投票的保密性，以及不會披露任何選民有否投票及其投票選擇或作出任何《選舉程序（鄉郊代表選舉）規例》（第 541 章，附屬法例 L）第 38、59 及 82 條中所禁止的行為。我已閱讀該等條文。

solemnly and sincerely declare that, at the above By-election, I will maintain the secrecy of the poll and will not disclose whether and how any elector has voted or do anything forbidden by sections 38, 59 and 82 of the Electoral Procedure (Rural Representative Election) Regulation (Cap. 541 sub. leg. L), which I have read.

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

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

_____ (簽署 Signature)

此項聲明是於_____

This declaration is made on

(日期 Date)

在香港_____

at

_____ 作出。

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

in Hong Kong.

在我面前作出，

Before me,

*監誓員／選舉管理委員會成員／選舉主任／太平紳士／持有執業證書的律師簽署

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

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

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

備註： * 請刪去不適用者

Note: * Please delete whichever is inapplicable

填寫保密聲明說明

Notes on Making a Declaration of Secrecy

1. 任何進入投票站、選票分流站或點票站的人士（包括候選人、選舉代理人、監察投票代理人、監察點票代理人、選舉主任、助理選舉主任、負責投票、選票分流或點票的工作人員、及任何獲授權人士）應以此指明格式作出保密聲明。於投票站、選票分流站或點票站執行任務之警務人員及民眾安全服務隊隊員，及在專用投票站執勤的懲教署人員或任何執法機關人員除外。此聲明之目的是要所有獲授權駐於投票站或在點票時在場的人士，確保維護及協助維護投票的保密性。除執勤的警務人員、懲教署人員、任何執法機關人員及民眾安全服務隊隊員外，任何人士除非能證明已作此保密聲明，否則不會獲准駐於投票站或在點票時在場。
A declaration of secrecy as in the specified form should be made by every person (including candidates, election agents, polling agents, counting agents, Returning Officers, Assistant Returning Officers, officers on polling, ballot paper sorting or counting duties and any other authorized persons) attending a polling station, a ballot paper sorting station or a counting station. Exception is only made for a police officer or a member of the Civil Aid Service on duty at a polling station, a ballot paper sorting station or a counting station, and an officer of the Correctional Services Department or an officer of any law enforcement agency on duty at a dedicated polling station. The purpose of this declaration is to ensure that all persons authorized to attend at a polling station or at a count must maintain and assist in maintaining the secrecy of the ballot. Unless proof is given that such declaration has been made, no person except a police officer, an officer of the Correctional Services Department, an officer of any law enforcement agency or a member of the Civil Aid Service on duty will be allowed to attend at a polling station or at a count.
2. 聲明可於監誓員、選舉管理委員會成員、選舉主任、太平紳士或持有執業證書的律師面前作出。
The declaration may be made before a Commissioner for Oaths, a member of the Electoral Affairs Commission, a Returning Officer, a Justice of the Peace or a solicitor with a practising certificate.
3. 在進入投票站、選票分流站或點票站時請攜同此聲明，並於有必要時出示以供檢查。
Please bring the declaration with you before entering a polling station, a ballot paper sorting station or a counting station and produce it for inspection whenever required.
4. 候選人在填寫此表格時如有任何問題，請在辦公時間內致電鄉郊代表選舉熱線 2152 1521。
If the candidate has any difficulty in completing this form, please contact the Rural Representative Election Hotline at 2152 1521 during office hours.
5. 以下列載《選舉程序（鄉郊代表選舉）規例》（第 541 章，附屬法例 L）第 38、59 及 82 條。填寫及作出聲明前請先細閱。
The following is a reproduction of sections 38, 59 and 82 of the Electoral Procedure (Rural Representative Election) Regulation (Cap. 541 sub. leg. L). Please read them carefully before completing and making the declaration.

38. 投票站的秩序

- (1) 選舉主任及投票站主任須維持有關投票站的秩序。
- (2) 任何人不得在就某投票站指定的投票時間內，在該投票站違反選舉主任或投票站主任的不得如此行事的指示而—
 - (a) 與任何選民通信息；或
 - (b) 使用流動電話、傳呼機或任何其他通訊器材與任何其他人通信息。
- (3) 第(2)款不適用於—
 - (a) 選管會成員；
 - (b) 民政事務總署署長；
 - (c) 選舉主任；
 - (d) 助理選舉主任；
 - (e) 總選舉事務主任；
 - (f) 就該投票站委任的投票站主任；
 - (g) 就該投票站委任的投票站人員；
 - (h) 在該投票站當值的公職人員；
 - (i) 在該投票站當值的民眾安全服務隊隊員；或
 - (j) 獲選舉主任或選管會成員以書面授權作出第(2)款所禁止的作為的人。
- (4) 任何人不得在投票日於任何投票站內—

- (a) 拍影片；
 - (b) 拍照；或
 - (c) 錄音或錄影，
- 但如獲選管會成員、選舉主任或投票站主任明示准許，則屬例外。
- (5) 任何人—
- (a) 不得在投票日於任何投票站內從事拉票活動；或
 - (b) 如無合理辯解，不得在投票日於任何投票站內展示關於以下任何一項的宣傳物料—
 - (i) 任何候選人或其候選人編號；
 - (ii) 任何政治性團體或有成員在有關選舉中以候選人身分參選的團體；
 - (iii) 鄉郊代表選舉。
- (6) 就第(5)款而言，建議不投票予任何候選人，即視為拉票。
- (7) 任何人不得在投票日於任何投票站或其鄰近範圍—
- (a) 不遵從選舉主任或投票站主任發出的合法指示；
 - (b) 干擾投票；
 - (c) 在並非執行職責的情況下對任何人造成騷擾或不便；或
 - (d) 在其他方面行為不當。
- (8) 任何人如違反第(5)或(7)款，選舉主任或投票站主任可—
- (a) 要求該人出示其身分證明文件以供查閱；及
 - (b) 命令該人立即離開該投票站或其鄰近範圍(視屬何情況而定)。
- (9) 任何人在根據第(8)款被要求出示其身分證明文件時，不得不出示其身分證明文件。
- (9A) 如任何獲分配在專用投票站投票的選民，沒有按照第47(1)條在沒有無故拖延的情況下投票，則選舉主任或投票站主任可命令他立即離開該投票站。
- (10) 任何人如在根據第(8)或(9A)款被命令離開時沒有離開，則以下的人可將該人逐離—
- (a) (如有關投票站並非專用投票站)警務人員或獲投票站主任或命令該人離開的選舉主任(視何者屬適當而定)以書面授權的人；或
 - (b) (如有關投票站是專用投票站)—
 - (i) 獲投票站主任或命令該人離開的選舉主任(視何者屬適當而定)以書面授權的人；
 - (ii) 懲教署人員；或
 - (iii) 任何執法機關人員。
- (11) 根據第(10)款被逐離的人除非獲投票站主任或命令該人離開的選舉主任明示准許，否則不得在投票日再次進入該投票站或其鄰近範圍。
- (12) 第(8)及(10)款所賦予的權力，不得行使以阻止任何選民投票。

38. Order at polling station

- (1) The Returning Officer and the Presiding Officer shall keep order at the polling station concerned.
- (2) No person shall-
- (a) communicate with any elector; or
 - (b) use a mobile telephone, paging machine or any other communication device to communicate with any other person,
- in a polling station during the polling hours appointed for it contrary to a direction of the Returning Officer or the Presiding Officer not to do so.
- (3) Subsection (2) does not apply to-
- (a) a member of the Electoral Affairs Commission(“the Commission”);
 - (b) the Director of Home Affairs;
 - (c) a Returning Officer;
 - (d) an Assistant Returning Officer;
 - (e) the Chief Electoral Officer;
 - (f) a Presiding Officer appointed for the polling station;
 - (g) a polling officer appointed for the polling station;
 - (h) a public officer on duty at the polling station;
 - (i) a member of the Civil Aid Service on duty at the polling station; or
 - (j) a person authorized by the Returning Officer or a member of the Commission in writing to do an act prohibited by subsection (2).
- (4) No person shall-
- (a) film;
 - (b) take a photograph; or
 - (c) make any audio or video recording,
- in a polling station on the polling day without the express permission of a member of the Commission, the Returning Officer or the Presiding Officer.
- (5) No person shall-
- (a) engage in canvassing for votes; or
 - (b) without reasonable excuse, display any propaganda material relating to-

- (i) any candidate or his candidate number;
 - (ii) a body any member of which is standing as a candidate in the election concerned or a political body; or
 - (iii) the election of Rural Representatives,
- in a polling station on the polling day.
- (6) For the purposes of subsection (5), suggesting not to vote for any candidate shall be regarded as canvassing for votes.
- (7) No person shall, in a polling station or its vicinity-
- (a) fail to comply with a lawful direction given by the Returning Officer or the Presiding Officer;
 - (b) disrupt the poll;
 - (c) disturb or cause inconvenience to any person except in the execution of his duty; or
 - (d) otherwise misconduct himself,
- on the polling day.
- (8) If a person contravenes subsection (5) or (7), the Returning Officer or the Presiding Officer may-
- (a) require the person to produce his identity document for inspection; and
 - (b) order the person to leave the polling station or its vicinity, as the case may be, immediately.
- (9) No person shall fail to produce his identity document when required to do so under subsection (8).
- (9A) If an elector who is allocated to vote at a dedicated polling station fails to cast his vote without undue delay in accordance with section 47(1), the Returning Officer or the Presiding Officer may order him to leave the polling station immediately.
- (10) If a person fails to leave when ordered to do so under subsection (8) or (9A), the person may be removed –
- (a) if the polling station is not a dedicated polling station, by a police officer or by a person authorized in writing by the Returning Officer who ordered the person to leave or the Presiding Officer, as may be appropriate; or
 - (b) if the polling station is a dedicated polling station, by –
 - (i) a person authorized in writing by the Returning Officer who ordered the person to leave or the Presiding Officer, as may be appropriate;
 - (ii) an officer of the Correctional Services Department; or
 - (iii) an officer of any law enforcement agency.
- (11) No person who is removed under subsection (10) shall enter the polling station or its vicinity again on the polling day without the express permission of the Returning Officer who ordered him to leave or the Presiding Officer.
- (12) The powers conferred by subsections (8) and (10) shall not be so exercised as to prevent an elector from voting.

59. 點票站的秩序

- (1) 選舉主任須維持有關點票站的秩序。
- (2) 任何人不得在點票區內—
 - (a) 拍影片；
 - (b) 拍照；或
 - (c) 錄音或錄影，
 但如獲選管會成員、民政事務總署署長或選舉主任明示准許，則屬例外。
- (3) 任何人不得在點票站或其鄰近範圍—
 - (a) 不遵從選舉主任發出的合法指示；
 - (b) 在無合法權限或未經選舉主任的明示准許的情況下，為任何目的而使用擴音系統或擴音設備；
 - (c) 在無合理辯解的情況下展示關於以下任何一項的宣傳物料—
 - (i) 任何候選人或其候選人編號；
 - (ii) 任何政治性團體或有成員在有關選舉中以候選人身分參選的團體；
 - (iii) 鄉郊代表選舉；
 - (d) 干擾點票；
 - (e) 在並非執行職責的情況下對任何人造成騷擾或不便；或
 - (f) 在其他方面行為不當。
- (4) 如—
 - (a) 任何人違反第(2)或(3)款；或
 - (b) 選舉主任在顧及某名有權或獲授權為某目的而在點票站停留的人的行為後，合理地認為該人是為該目的以外的另一目的而在點票站停留，
 選舉主任可—
 - (c) 要求該人出示其身分證明文件以供查閱；及
 - (d) 命令該人立即離開該點票站或其鄰近範圍(視屬何情況而定)。
- (5) 任何人不得在根據第(4)款被要求出示其身分證明文件時，不出示其身分證明文件。

(6) 任何人如在根據第(4)款被命令離開時沒有離開，警務人員或獲命令該人離開的選舉主任以書面授權的人可將該人逐離。

(7) 根據第(6)款被逐離的人除非獲命令他離開的選舉主任明示准許，否則不得在該點票站的點票完畢前再次進入該點票站或其鄰近範圍。

59. Order at counting station

(1) The Returning Officer shall keep order at the counting station concerned.

(2) No person shall-

- (a) film;
- (b) take a photograph; or
- (c) make any audio or video recording,

in a counting zone without the express permission of a member of the Commission, the Director of Home Affairs or the Returning Officer.

(3) No person shall, in a counting station or its vicinity-

- (a) fail to comply with a lawful direction given by the Returning Officer;
- (b) use a sound amplifying system or device for any purpose without lawful authority or the express permission of the Returning Officer;
- (c) without reasonable excuse, display any propaganda material relating to-
 - (i) any candidate or his candidate number;
 - (ii) a body any member of which is standing as a candidate in the election concerned or a political body; or
 - (iii) the election of Rural Representatives;
- (d) disrupt the counting of the votes;
- (e) disturb or cause inconvenience to any person except in the execution of his duty; or
- (f) otherwise misconduct himself.

(4) If-

- (a) a person contravenes subsection (2) or (3); or
- (b) the Returning Officer reasonably considers that, having regard to the conduct of a person, the person's presence at the counting station is for a purpose other than that for which the person is entitled or authorized to be so present,

the Returning Officer may-

- (c) require the person to produce his identity document for inspection; and
- (d) order the person to leave the counting station or its vicinity, as the case may be, immediately.

(5) No person shall fail to produce his identity document when required to do so under subsection (4).

(6) If a person fails to leave when ordered to do so under subsection (4), he may be removed by a police officer or by a person authorized in writing by the Returning Officer who ordered him to leave.

(7) No person who is removed under subsection (6) shall enter the counting station or its vicinity again, before the counting of the votes at the counting station is finished, without the express permission of the Returning Officer who ordered him to leave.

82. 保密

(1) 任何人不得—

- (a) (除第(2)款另有規定外)向他人透露某選民是否已申領選票或已投票；
- (aa) (除第(2)款另有規定外)向他人透露某受羈押選民的身分；
- (b) 將點票時取得的關於某一候選人在某一選票上得票的任何資料向另一人傳達；
- (c) 在某選民填劃選票時干擾他；
- (d) 干擾或企圖干擾任何投票箱、選票(包括依據第 62 條不予點算的選票)、正式選民登記冊的文本、核實報表或根據第 63(6)條擬備的報表；
- (e) 在未經選舉主任或投票站主任准許的情況下，以任何方式或企圖以任何方式在投票站、禁止拉票區或禁止逗留區內取得關於任何選民將會投票予哪名候選人或已投票予哪名候選人的資料；
- (f) 向另一人傳達在投票站內取得的關於任何選民將會投票予哪名候選人或已投票予哪名候選人的任何資料；或
- (g) 直接或間接誘使任何選民展示他填劃的選票，以致任何人知悉關於他已投票予哪名候選人的任何資料。

(2) 第(1)(a) 或(aa)款不適用於—

- (a) 任何獲法律授權的作為；或
- (b) 在任何正在調查下述法例所訂罪行的警務人員或廉政公署人員指示下作出的事情—
 - (i) 《防止賄賂條例》(第 201 章)第 3、4 及 8 條；
 - (ii) 《廉政公署條例》(第 204 章)第 13B 條；
 - (iii) 《選舉管理委員會條例》(第 541 章)；或
 - (iv) 《選舉(舞弊及非法行為)條例》(第 554 章)。

82. Secrecy

(1) No person shall-

- (a) subject to subsection (2), divulge to any person whether an elector has or has not applied for a ballot paper or voted;
- (aa) subject to subsection (2), divulge to any other person the identity of an elector in custody;
- (b) communicate to another person any information obtained at the counting of the votes as to the candidate for whom a vote has been given on any particular ballot paper;
- (c) interfere with an elector when he is marking the ballot paper;
- (d) interfere with or attempt to interfere with a ballot box, a ballot paper (including a ballot paper that has not been counted pursuant to section 62), a copy of the final register, a statement prepared under section 63(6) or a verification statement;
- (e) without the permission of the Returning Officer or the Presiding Officer, obtain or attempt to obtain in any manner within a polling station, a no canvassing zone or a no staying zone information as to the candidate for whom an elector is about to vote or has voted;
- (f) communicate to another person any information obtained within a polling station as to the candidate for whom an elector is about to vote or has voted; or
- (g) directly or indirectly induce an elector to display a ballot paper marked by the elector so as to make known to any person any information as to the candidate for whom the elector has voted.

(2) Subsection (1)(a) or (aa) does not apply to-

- (a) any act authorized by law; or
- (b) anything done at the direction of a police officer or an officer of the Independent Commission Against Corruption investigating an offence under-
 - (i) sections 3, 4 and 8 of the Prevention of Bribery Ordinance (Cap 201);
 - (ii) section 13B of the Independent Commission Against Corruption Ordinance (Cap 204);
 - (iii) the Electoral Affairs Commission Ordinance (Cap 541); or
 - (iv) the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554).

民政事務總署
2015年10月
Home Affairs Department
October 2015