



• 2017 Chief Executive Election

Reminder to Electors / Supporters

The Elections (Corrupt and Illegal Conduct) Ordinance (Cap.554) (ECICO) enforced by the Independent Commission Against Corruption regulates different public elections in Hong Kong, including the Chief Executive (CE) Election to be held in 2017.

All Election Committee (EC) members must abide by the laws and regulations. As electors or candidates' supporters, they should also understand the requirements of relevant legislation.

Points-to-note for Electors

- ❌ Do not solicit or accept any advantage (including money, gift, etc.), food, drink or entertainment from any person for not voting at an election, or voting or not voting for a particular candidate.
- ❌ Do not use or threaten to use force or duress against any person for influencing other persons' voting decisions.
- ❌ Do not induce any person by deception not to vote at an election, or vote or not to vote for a particular candidate.

Commonly Asked Questions

- **Can an EC member accept free dinner arranged by a candidate's election helpers with a view to showing his support to the candidate?**
 - If the EC member accepts the free dinner as an inducement for voting for the candidate concerned, he will commit an offence. Any person who offers free dinner for inducing electors to vote for the candidate concerned will also commit the offence.
- **Can an EC member persuade other EC members of the same association to support the candidate he prefers?**
 - Any person can persuade others to support the candidate he prefers as long as no offering of advantage, food or drink, entertainment; or no force, duress or deceptive behaviour is involved in influencing other persons' voting decisions. Otherwise, he will commit an offence.

Abide by the Rules

Support Clean Elections

Points-to-note for Supporters

Electioneering for Candidate

- Do not publish any false or misleading statement of fact concerning the character, qualifications or previous conduct of a candidate for the purpose of promoting or prejudicing the election of the candidate.
- Before you have been authorized by a candidate in writing as his election expense agent, do not incur any election expenses for the candidate (e.g. incur election expenses by publishing election advertisements to prejudice rival candidates).
- Unless you have obtained approval from the governing body of an organization or through a resolution of the members of the organization at a general meeting, do not provide written consent for a candidate to use the name or logo of the organization in his election advertisement to imply the support of the organization to the candidate.

Inviting Candidate to Attend Functions

- Before you have been authorized by a candidate in writing as his election expense agent, do not incur any election expenses by arranging publicity functions for the candidate (e.g. rent a venue to organize a talk for the candidate to promote his election platform).
- Do not promote the election of or canvass votes for a candidate on any non-election-related occasions, so as to avoid incurring election expenses without written authorization.
- Do extend invitations to all candidates prior to organizing any election forums so as to provide each of them an equal opportunity to promote their elections or election platforms.

Giving Election Donations to Candidate

- For each election donation of more than \$1,000 in value, the donor should provide his name and address to the candidate for issuing a receipt so as to facilitate the candidate's compliance with the legal requirement. Otherwise, any anonymous election donation of more than \$1,000 in value must not be used for electioneering and the candidate must give it to a charitable institution or trust of a public character.

Abide by the Rules

Support Clean Elections

Commonly Asked Questions

Electioneering for Candidate

- **Can the chairman of an association indicate support to the election of a particular candidate on behalf of the association?**
 - The chairman should note that the support of the association should be a decision of the whole association but not his own. If the association agrees to the use of its name or logo in the election advertisement of a particular candidate to imply its support to the candidate concerned, the chairman must obtain an approval from the governing body of the association or through a resolution of the members of the association at a general meeting before giving written consent to the candidate concerned for using the association's name or logo in the candidate's election advertisement.

- **If an association announces its support to the election of a particular candidate in its newsletter and lists out the candidate's election platform with a view to recommending him to the EC members, what does the association need to take heed of?**
 - As the information published by the association in its newsletter will serve the purpose of promoting the election of the candidate concerned, the relevant information will be regarded as the candidate's election advertisement. The cost incurred for publishing the election advertisement (e.g. the fees required for publishing the information in the newsletter) should be regarded as election expenses. The person-in-charge of the association must obtain the candidate's prior written authorization before incurring election expenses for the latter.

- **Can a candidate's supporter upload a video on his own facebook page to prejudice other candidates and urge EC members not to vote for those candidates?**
 - The supporter must ensure that the statements about the other candidates in the video are true. He must not publish any materially false or misleading statements of fact about the candidates for the purpose of promoting the election of the candidate he supports or prejudicing other candidates' election.
 - Furthermore, since the purpose of uploading the video is to promote the election of the candidate he supports and prejudice the election of other candidates, the relevant costs incurred (e.g. production cost of the video, internet service fees, etc.) should be counted as the election expenses of the candidate he supports. It would be an offence if the supporter incurs election expenses for the above candidate without the latter's prior written authorization.

Abide by the Rules

Support Clean Elections

Inviting Candidate to Attend Functions

- **What does the person-in-charge of an association need to take heed of if he plans to invite the candidate he supports to attend a regular seminar organized by the association?**
 - If the person-in-charge plans to invite the candidate to attend the seminar to promote his election platform and enlist support, the seminar will be regarded as an election meeting held to promote his candidature and all the expenses incurred for the seminar will have to be included in the candidate's election expenses. The person-in-charge will commit an offence if he incurs election expenses without having been authorized by the candidate as the latter's election expense agent.
 - The association should take into account the public perception when inviting individual candidate to attend functions. Even though the candidate may not make use of the occasion to canvass votes, he will inevitably gain extra publicity as a candidate to attend public functions during the election period. In order not to incur election expenses for any candidates without authorization, the association should consider inviting all candidates to the relevant function.

- **Can a supporter indicate his support to a particular candidate privately during the seminar?**
 - There is no restriction under the law for a supporter to indicate support to a candidate privately as long as no election expenses are incurred during the process.

- **What if some supporters make use of a non-election-related seminar to publicly announce their support to a particular candidate on the stage?**
 - The person-in-charge should stop the above supporters immediately. Otherwise, the seminar may be regarded as an election meeting held to promote the candidate and the person-in-charge may have incurred election expenses for the candidate concerned inadvertently.

Abide by the Rules Support Clean Elections

Giving Election Donations to Candidate

➤ Can a supporter make an election donation in the form of goods or services to a candidate? What does he need to take heed of?

- Any donations, whether in the form of goods or services, made to a candidate for electioneering are regarded as election donations. Whether the goods or services given to the candidate are free of charge or at discounted rates, as long as the value of each item exceeds \$1,000, the donor should provide his name and address to the candidate so that the candidate can issue a receipt containing the above information and particulars of the donation to the donor in accordance with the law. Otherwise, the candidate must give any anonymous election donations of more than \$1,000 in value to a charitable institution or trust of a public character and must not use them for his election.

➤ Can a supporter assist a candidate in electioneering during his day off?

- If the supporter renders his service for assisting the candidate in electioneering free of charge, voluntarily, personally and in his own time, the service is regarded as “voluntary service” under the ECICO. Therefore, the candidate is not required to include such service cost in his election expense.
- However, the election expenses incurred incidental to the “voluntary service” so rendered, such as costs of buying publicity materials, mailing of election advertisements, etc., do not fall within the definition of “voluntary service”. Therefore, the supporter must inform the candidate and obtain his authorization before incurring the relevant election expenses. The supporter must keep the invoice and receipt of each election expense item of \$100 or more so that the candidate can submit them with his election return.

The male pronoun is used to cover references to both the male and female. No gender preference is intended.

The above information serves only as a general reference. In case of doubt on particular situations, please refer to the text of the legislation and seek legal advice. For more information, please browse the websites listed below:

- **Clean Election Information Booklet:** <http://www.icac.org.hk/icac/elect/2017cee/en/p3.html>
- **Clean CE Election Website:** <http://www.icac.org.hk/icac/elect/2017cee/en/p1.html>
- **ECICO (Cap.554):** http://www.icac.org.hk/filemanager/en/Content_1026/blis.html?Ord=ecico&Lang=e



Clean Election Enquiry Hotline : 2920 7878

24-hour Report Corruption Hotline : 25 266 366