

Support Clean Elections

Dos and Don'ts Checklist for Candidates

- The Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) (ECICO), enforced by the Independent Commission Against Corruption (ICAC), aims to ensure public elections in Hong Kong are conducted fairly, openly and honestly, and are free from corrupt and illegal conduct.
- The ECICO is applicable to conducts engaged in Hong Kong and places outside Hong Kong before, during and after the election period. This checklist sets out the major provisions of the ECICO and provides candidates and their election helpers with useful information in the process of running in an election.
- Candidates and election helpers should refer to the legislation and seek legal advice for specific situations. Candidates and election helpers are also required to observe other relevant legislation and the Guidelines on Election-related Activities issued by the Electoral Affairs Commission (EAC) for the respective election.

(1) STANDING AS CANDIDATES

Bribery

- ✗ Do not engage in, or authorise another person either expressly or by implication to engage in, any of the following conduct:
 1. offering an advantage as an inducement to or a reward for any person's standing or not standing as a candidate at the election;
 2. offering an advantage as an inducement to or a reward for any person having been nominated as a candidate at the election to withdraw his nomination or not to use his best endeavours to promote his election.
- ✗ Do not solicit or accept an advantage as an inducement to or a reward for
 1. any person's standing or not standing as a candidate at the election;
 2. any person having been nominated as a candidate at the election to withdraw his nomination; or
 3. any person not to use his best endeavours to promote his election.

Using or Threatening to Use Force or Duress

- ✗ Do not engage in, or authorise another person either expressly or by implication to engage in, any of the following conduct:
 1. using or threatening to use force or duress to induce any person to stand or not to stand as a candidate at the election;
 2. using or threatening to use force or duress to induce any person having been nominated as a candidate at the election to withdraw his nomination.

Engaging in Deceptive Behaviour

- ✗ Do not engage in, or authorise another person either expressly or by implication to engage in, any of the following conduct:
 1. inducing any person, by deception, to stand or not to stand as a candidate at the election;
 2. inducing any person, by deception, having been nominated as a candidate at the election to withdraw his nomination.

Nomination Paper

- ✗ Do not deface or destroy a completed or partly completed nomination paper to prevent or obstruct any person from standing for an election.

(2) ELECTIONEERING

Statements about a Candidate

- ✗ Do not publish a statement, knowing it to be false, that a person is or is no longer a candidate at the election.
- ✗ Do not publish any materially false or misleading statement of fact, including (but not limited to) a statement concerning the character, qualifications or previous conduct of a candidate or candidates for the purpose of promoting or prejudicing the election of the candidate(s).

Election Advertisements

- ✗ Do not publish an election advertisement that includes the name or logo of a person or an organisation; or the pictorial representation of any person in such a way as to imply, or to be likely to cause electors to believe, that the candidate concerned has the support of the person or organisation, unless:
 1. prior written consent from the supporting person or organisation has been obtained; or
 2. the candidate or the person who publishes the election advertisement has neither requested or directed nor authorised any other person to request or direct the inclusion of such name, logo or pictorial representation in the advertisement (e.g. the contents of the election advertisement have been provided by the supporters themselves out of their own volition).

Remark: A person must obtain approval from the governing body of the organisation or by a resolution of the members of the organisation passed at a general meeting before giving a consent in writing to the inclusion in an election advertisement of the name or logo of or associated with the organisation.

- ✗ Do not modify, or authorise another person to modify, the name, logo or pictorial representation or any other content of an election advertisement provided by a supporting person or organisation unless prior written consent has been obtained from the supporting person or organisation.
- ✓ Do comply with the requirements applicable to election advertisements under the relevant EAC Regulation and the Guidelines on Election-related Activities issued by the EAC for the respective election.

Remark: A document published by a candidate during an election period (i.e. the period which begins on the first day of the nomination period and ends on the polling day for the election) 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, or a Rural Representative, is also an election advertisement.

(3) VOTING

Bribery

- ✗ Do not without reasonable excuse engage in, or authorise another person either expressly or by implication to engage in, any of the following conduct:
 1. offering an advantage as an inducement to or a reward for any person's voting or not voting for a particular candidate or particular candidates at an election;
 2. offering an advantage as an inducement to or a reward for any person's not voting at an election.

Providing Refreshments or Entertainment

- ✗ Do not engage in, or authorise another person either expressly or by implication to engage in, any of the following conduct:
 1. providing or meeting all or part of the cost of providing any food, drink or entertainment as an inducement to or a reward for any person's voting or not voting for a particular candidate or particular candidates at an election;
 2. providing or meeting all or part of the cost of providing any food, drink or entertainment as an inducement to or a reward for any person's not voting at an election.

Using or Threatening to Use Force or Duress

- ✘ Do not engage in, or authorise another person either expressly or by implication to engage in, any of the following conduct:
 1. using or threatening to use force or duress against any person to induce the person to vote or not to vote at an election, or to vote or not to vote for a particular candidate or particular candidates at an election;
 2. using or threatening to use force or duress against any person because the person voted or refrained from voting at an election, or voted or refrained from voting for a particular candidate or particular candidates at an election;
 3. preventing an elector from voting at an election by abduction.

Engaging in Deceptive Behaviour

- ✘ Do not engage in, or authorise another person either expressly or by implication to engage in, any of the following conduct:
 1. inducing any person by deception to vote or not to vote for a particular candidate or particular candidates at an election;
 2. inducing any person by deception not to vote at an election.

Other Offences in relation to Voting

- ✘ Do not wilfully obstruct or prevent any person from voting at the election or get another person to obstruct or prevent a third person from voting at the election.
- ✘ Do not incite another person not to vote or to cast invalid vote at the election by carrying out any activity in public during the election period.
- ✘ Do not invite or induce any person to vote at an election knowing that the person is not entitled to do so.
- ✘ Do not invite or induce any person to vote at an election knowing that the person has given materially false or misleading information to an electoral officer.
- ✘ Do not destroy, deface, take or otherwise interfere with a ballot paper in use or that has been used at an election, without lawful authority.
- ✘ Do not destroy, remove, open or otherwise interfere with a ballot box in use at an election, without lawful authority.

(4) ELECTION EXPENSES AND ELECTION DONATIONS

Election Expenses

- ✘ Do not incur election expenses more than the prescribed maximum amount for the respective election.
- ✘ Do not incur election expenses in excess of the amount specified in the authorisation if you are an election expense agent.
- ✘ Do not incur election expenses at or in connection with an election unless you are a candidate incurring election expenses solely for yourself or you are a candidate's authorised election expense agent (except that person publishes an election advertisement on the Internet; and the only election expenses incurred by that person for the purpose of publishing the advertisement are the electricity charges and/or charges necessary for accessing the Internet).

Election Donations

- ✘ Do not use election donations for a purpose:
 1. other than that of meeting a candidate's election expenses; or
 2. other than that of promoting a candidate's election or prejudicing the election of another candidate or other candidates.

- ✓ Do issue to the donor a receipt for any election donation of more than \$1,000 in value, specifying the name and address of the donor and particulars of the election donation.
- ✓ Do give election donations of more than \$1,000 in value without issuance of receipts as required (including anonymous donations), unused election donations and election donations that exceed the prescribed maximum amount of election expenses to a charitable institution or trust of a public character chosen by the candidate before lodging the election return.

Election Returns

- ✓ Do lodge an election return with the Chief Electoral Officer (CEO) clearly setting out all election expenses incurred by a candidate and his authorised election expense agent(s); and all election donations received by or on behalf of the candidate by the statutory deadline as required under section 37 of the ECICO.
- ✓ Do lodge the election return with:
 1. in the case of each election expense of \$500 or more, an invoice and a receipt giving particulars of the expenditure issued by the goods or service provider;
 2. in the case of each election donation of more than \$1,000 in value, a copy of the receipt issued to the donor specifying the name and address of the donor and the particulars of the donation;
 3. a copy of the receipt given by a charitable institution or trust of a public character to which the candidate has chosen to give his election donations (including anonymous election donations of more than \$1,000 in value, unused election donations and election donations that exceed the prescribed maximum amount of election expenses);
 4. (if applicable) a written explanation setting out the reason why an election donation was not disposed of in accordance with (3) above; and
 5. a declaration verifying the contents of the election return.
- ✓ Do lodge the election return with the CEO within the period as required by the law if a person, at any time before the close of nominations of the election, has publicly declared an intention to stand as a candidate at the election; even if, he does not submit the nomination form in the end; or after being nominated as a candidate at the election, he has withdrawn his nomination or his nomination has been ruled invalid; or he is returned uncontested, or not elected, or has not incurred any election expense.

Remark: A “candidate” is defined not only as a person who stands nominated as a candidate, but also a person who, at any time before the close of nominations for an election, has publicly declared an intention to stand as a candidate at the election.

- ✗ Do not make any statement that the candidate knows or ought to know is materially false or misleading in the election return or the revised copy of the election return lodged under section 37A of the ECICO.

(5) ELECTION PETITION / ELECTION APPEAL

- ✗ Do not withdraw an election petition / election appeal for an advantage.
- ✗ Do not offer an advantage as an inducement to or a reward for any person’s withdrawal of an election petition / election appeal.
- ✗ Do not solicit or accept an advantage as an inducement to or a reward for any person’s withdrawal of an election petition / election appeal.

Do report to the ICAC immediately when you come across or suspect any contravention of the ECICO.

24-hour Report Corruption Hotline: 25 266 366
 Clean Election Website: www.icac.org.hk/elections
 Clean Election Enquiry Hotline: 2920 7878

