



*Abide by the Rules
Support Clean Elections*

CLEAN LEGISLATIVE COUNCIL ELECTION AND ELECTION COMMITTEE SUBSECTOR ELECTIONS

CHECKLIST FOR CANDIDATES



- The Elections (Corrupt and Illegal Conduct) Ordinance (ECICO) (Cap. 554), which is enforced by the Independent Commission Against Corruption (ICAC), aims to uphold fair and clean elections and to prevent corrupt and illegal conduct at elections. The Legislative Council (LegCo) Election and the Election Committee (EC) Subsector Elections are regulated by the ECICO.
- The ECICO is applicable to Hong Kong and places outside Hong Kong. This checklist includes the major contents of the ECICO and serves as a reference to remind candidates and election helpers on what they should take note of in the process of running in an election.
- Candidates and election helpers should refer to the text of the ECICO and seek independent legal advice for individual situations in case of doubt. Candidates and election helpers are also required to observe other relevant legislation and the respective Guidelines on Election-related Activities in respect of the LegCo Election and EC Subsector Elections issued by the Electoral Affairs Commission (EAC).

(1) STANDING AS CANDIDATES

Bribery

- ✗ Do not engage in, or authorize another person either expressly or by implication to engage in, any of the following conduct:
 1. offer an advantage as an inducement or a reward for any person's standing or not standing as a candidate at the election;
 2. offer an advantage as an inducement 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 or a reward for any person's standing or not standing as a candidate at the election.
- ✗ Do not solicit or accept an advantage as an inducement 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.

Using or Threatening to Use Force or Duress

- ✗ Do not use or threaten to use force or duress to induce any person to stand or not to stand as a candidate at the election, or to induce any person having been nominated as a candidate at the election to withdraw his nomination.
- ✗ Do not authorize another person, either expressly or by implication, to engage in the above conduct.

Engaging in Deceptive Behaviour

- ✗ Do not induce any person by deception to stand or not to stand as a candidate at the election, or to induce any person having been nominated as a candidate at the election to withdraw his nomination.
- ✗ Do not authorize another person, either expressly or by implication, to engage in the above conduct.

Nomination Paper

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

The ICAC will accept no liability or responsibility for any loss caused to any person acting or refraining from action in any way as a result of any material contained in this checklist. Throughout this checklist, the "male" pronoun is used to cover references to both the male and female. No gender preference is intended.

(2) ELECTIONEERING

Statements about a Candidate

- ✘ Do not publish any false statement that a person is or is not a candidate.
- ✘ 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 election advertisement that includes the name or logo of a person or an organization; or the pictorial representation of any person in such a way as to imply that the candidate concerned has the support of the person or organization, unless:
 1. prior written consent from the supporting person or organization has been obtained; or
 2. the candidate or the person who publishes the election advertisement has neither requested or directed nor authorized 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 organization or by a resolution of the members of the organization passed at a general meeting before giving the written consent of support of the organization.

- ✘ Do not modify, or authorize another person to modify, the name, logo or pictorial representation and any other content of an election advertisement provided by a supporting person or organization unless prior written consent has been obtained from the supporter.

Remark: A document published during an election period (i.e. the period 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 a candidate in the capacity of the Chief Executive, a member of the Election Committee, 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 authorize another person either expressly or by implication to engage in, any of the following conduct:
 1. offer an advantage as an inducement or a reward for any person's voting or not voting for a particular candidate or particular candidates at an election;
 2. offer an advantage as an inducement or a reward for any person's not voting at an election.

Providing Refreshments or Entertainment

- ✘ Do not engage in, or authorize another person either expressly or by implication to engage in, any of the following conduct:
 1. provide or meet all or part of the cost of providing any food, drink or entertainment as an inducement or a reward for any person's voting or not voting for a particular candidate or particular candidates at an election;
 2. provide or meet all or part of the cost of providing any food, drink or entertainment as an inducement 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 authorize another person either expressly or by implication to engage in, any of the following conduct:
 1. use or threaten to use force or duress against any person to induce the person to vote at an election, or to vote for a particular candidate or particular candidates at an election;
 2. use or threaten to use force or duress against any person to induce the person not to vote at an election, or not to vote for a particular candidate or particular candidates at an election;
 3. use or threaten to use force or duress against any person because the person voted at an election, or voted for a particular candidate or particular candidates at an election;
 4. use or threaten to use force or duress against any person because the person refrained from voting at an election, or refrained from voting for a particular candidate or particular candidates at an election;
 5. prevent an elector from voting at an election by abduction.

Engaging in Deceptive Behaviour

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

Other Offences in relation to Voting

- ✘ 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 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 LegCo Election or the EC Subsector Elections.
- ✘ Do not incur election expenses in excess of the amount specified in the authorization if you are an election expense agent.
- ✘ Do not incur election expenses at or in connection with the election unless you are a candidate incurring election expenses solely for yourself or you are a candidate's authorized 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 either or both of the electricity charges and/or charges necessary for accessing the Internet).
- ✔ Do include all election expenses incurred by the candidate and his authorized election expense agent(s) in the election return, and submit invoices and receipts giving particulars of the expenditure issued by the goods or service providers for each expense of \$500 or more.

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 the 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, if the candidate does not know the name and address of the donor, of more than \$1,000 in value, the unused election donations and 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 the time of lodging the election return.

Election Returns

- ✔ Do lodge an election return with the Chief Electoral Officer (CEO) by the statutory deadline as required under section 37 of the ECICO.
- ✔ Do lodge the election return with:
 1. an invoice and a receipt giving particulars of the expenditure of each election expense (except for expenses under \$500);
 2. a copy of the receipt issued to every donor, specifying the name and address of the donor, and particulars of the election donation concerned (except for donations of \$1,000 in value or below);
 3. a copy of the receipt issued by a charitable institution or trust of a public character of the candidate's choice in respect of the following items given by the candidate: (i) election donations of more than \$1,000 in value and the candidate does not know the name and address of the donor, (ii) the unused election donations and (iii) 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 for the election, has publicly declared an intention to stand as a candidate at the election; even if he has withdrawn his nomination after having been nominated as a candidate at the election or his nomination has been ruled invalid; or the candidate is returned uncontested, is elected 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.

- ✘ Do not make any materially false or misleading statement in the election return or the revised copy of election return.

(5) ELECTION PETITION / ELECTION APPEAL

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

The following two new offences have been introduced under the Elections (Corrupt and Illegal Conduct) Ordinance:

1. Corrupt conduct to wilfully obstruct or prevent others from voting at the election or get another person to obstruct or prevent a third person from voting at the election.
2. Illegal conduct to incite another person not to vote or to cast invalid vote at the election by activity in public during the election period.

Any person who discovers or suspects any contravention of the ECICO is encouraged to make a report to the ICAC immediately.



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

