

The Elections (Corrupt and Illegal Conduct) Ordinance (Cap.554) (“the Ordinance”), enforced by the ICAC, aims to uphold clean and fair elections.

According to the Ordinance

- 1** A candidate has to lodge with the Chief Electoral Officer (CEO) an election return setting out the election expenses and all election donations received at the election by the statutory deadline as required.
- 2** A candidate has to lodge the election return with:
 - (a) an invoice and a receipt for each election expense of \$500 or above;
 - (b) 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);
 - (c) 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 election donations given by the candidate (including anonymous election donations of more than \$1,000 in value, unused election donations and donations that exceed the prescribed maximum amount of election expenses);
 - (d) (if applicable) a written explanation setting out the reason why an election donation was not disposed of in accordance with (c) above; and
 - (e) a declaration verifying the contents of the election return.
- 3** A “candidate” means not only a person who stands nominated as a candidate at an election, but also means 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. A candidate has to lodge with the CEO an election return within the period as required by the Ordinance even if he has withdrawn his nomination after being nominated as a candidate at the election or his nomination has been ruled invalid. The same applies to any candidate who is returned uncontested, not elected or has not incurred any election expense.
- 4** A candidate must not make any materially false or misleading statement in the election return or copy of the revised election return.



Clean Election Website www.icac.org.hk/elections

24-hour Report Corruption Hotline **25 266 366**

Clean Election Enquiry Hotline **2920 7878**



ICAC

*Abide by the Rules
Support Clean Elections*

ELECTION COMMITTEE SUBSECTOR ELECTIONS

LEGISLATIVE COUNCIL ELECTION

Reminder to Candidates on Election Return



Questions and Answers

Q 1

If a candidate accepts the assistance from his friend in his electioneering campaign during the latter's day off, should the candidate include his friend's service in his election expenses? If the candidate uses materials provided by friends or other organizations for use in his electioneering activities, should the values of these materials be counted as election expenses?

A 1

- If the friend renders his assistance in the electioneering campaign of the candidate in his own time, voluntarily, personally and free of charge, the service is regarded as "voluntary service". Therefore, the candidate is not required to include such service costs in his election expenses. However, the candidate has to include other relevant costs incurred incidental to the voluntary service provided by his friend in his election expenses and set out such costs in his election return.
- If the materials provided by the candidate's friends or other organizations are given for the purpose of promoting the election of that candidate or prejudicing the election of other candidates, they are regarded as election donations. The same should be clearly set out by the candidate in the election return. If the value of an election donation is more than \$1,000, a candidate is required to issue a receipt to the donor specifying the name and address of the donor, and particulars of the donation. Copies of the relevant receipts must also be submitted with the election return. As the aforesaid candidate has used the said materials for his electioneering, he is also required to include the values of the materials in his election expenses and set out clearly such expenses in his election return.
- If a candidate or other person uses election donations for a purpose other than meeting, or contributing towards meeting, the candidate's election expenses; or a purpose other than promoting the election of the candidate or prejudicing the election of other candidates, engages in corrupt conduct at an election. Hence, if the above election donations have not been used for election purpose, the candidate must ensure that the relevant election donations are given to a charitable institution or trust of a public character chosen by him before the submission of his election return. He is also required to submit a copy of the receipt issued by the recipient organization together with his election return.

Q 2

Several candidates rent an office for shared use of electioneering. How should they calculate the election expenses? What should the candidates do if they have not received the electricity bill before the statutory deadline for lodging the election returns?

A 2

- The above candidates should apportion the office rental and other related expenses including the cost for purchasing stationery for electioneering, electricity expense, Internet service fees, etc. on a pro rata basis and clearly set out the expenses in the election return of individual candidate. If the election expense of each item after apportionment is \$500 or above, the election return must be accompanied by relevant invoice and receipt issued by the goods or service provider (e.g. property owner, suppliers, etc.), stating clearly how the election expense of each item is apportioned. The invoices and receipts should also show the particulars of the expenditure (e.g. date of rental, name of the goods or service provider, details of goods or services, payment amount as well as the company chop/signature of the goods or service provider and the date of payment so as to certify that the said payment has been received in full by the goods or service provider). Since the original invoices and receipts would have been submitted by one of the candidates, the other candidates should provide the copies of the relevant invoices and receipts, and confirm in the form of declaration that those copies are true and correct, and state the name of the candidate who has submitted the original documents so as to facilitate checking by relevant departments. The candidates who submit the copies should use their best endeavours to ensure that the candidate submitting the original documents will submit his election return and the relevant documents on time.
- It is important to note that the relevant invoices and receipts should be issued by the goods or service provider. Invoices and receipts issued by the candidate himself, the personal office of the candidate or any person purchasing the expense item on behalf of the candidate, and the receipt for topping up the value of the electronic stored value card (e.g. Octopus Card) do not meet the statutory requirements.
- If the candidates have neither received nor paid the electricity bill before the deadline of lodging election returns as specified by the law, they should state the expected amount of electricity expense, scheduled date of payment of the outstanding claim in the election returns and undertake to settle the relevant claim according to the scheduled date. They should also submit the relevant invoice and receipt for an election expense of \$500 or above to the Registration and Electoral Office within 30 days from the payment date. Since the original invoice and receipt will be submitted by one of the candidates, the other candidates should provide copies of the relevant invoice and receipt.

Q 3

If a candidate asks the secretary of his company to assist in his electioneering matters during office hours, is it necessary for the candidate to include the relevant costs in connection with such service in his election expenses? What if the candidate's secretary provides the above assistance voluntarily during his day off? The candidate also hires more than 10 helpers to canvass votes for him during the election period. How should he calculate the election expenses?

A 3

- If the service rendered by the candidate's secretary during office hours is for the purpose of promoting the election of the candidate, any costs so incurred should be counted towards his election expenses. The candidate should estimate the working time spent by his secretary in assisting the candidate's electioneering matters and calculate the salary of his secretary, being an election assistant, on a pro rata basis as an election expense, and clearly set it out in his election return.
- If the apportioned salary of his secretary in assisting the candidate's electioneering matters is \$500 or above, the candidate has to make sure that his election return is accompanied by an invoice and a receipt giving particulars of the expenditure (e.g. name and salary of the secretary, and signature of the secretary to certify receipt of the relevant payment).
- If the secretary handles the electioneering matters for the candidate in his own time, voluntarily, personally and free of charge, the service he rendered is regarded as "voluntary service", which is not regarded as an election expense and an election donation. Therefore, the candidate is not required to include such service cost as his election expense or to set it out in his election return.
- The candidate has to include other relevant costs incurred incidental to the electioneering service so arranged by the secretary mentioned above, such as costs of buying publicity materials, postage of mailing election advertisements, etc. in his election expenses and clearly set out such costs, which do not fall within the definition of "voluntary service", in his election return. The candidate must ensure that the election return is accompanied by an invoice and a receipt of each election expense of \$500 or more. They should be issued by the goods or service provider (e.g. supplier of publicity materials, supplier of postage service, etc.) giving particulars of the expense (e.g. date of purchase, name of goods or service provider, details of goods or services, payment amount as well as the company chop/signature of the goods or service provider and the date of payment so as to certify that the said payment has been received in full by the goods or service provider).
- The expenses involved in hiring the helpers to canvass votes should be clearly set out in the election return of the candidate concerned. If the salary given to each helper is \$500 or above, the candidate must provide invoices and receipts showing the names of the helpers, dates and time of the services, amounts of salaries, etc. with the signature of each helper to confirm the receipt of the relevant payment in full.