

# Chief Executive Election

## Reminder to Electors / Supporters

The Elections (Corrupt and Illegal Conduct) Ordinance (Cap.554) (ECICO) enforced by the Independent Commission Against Corruption (ICAC) regulates different public elections in Hong Kong, including the Chief Executive (CE) Election, and applies to all conduct concerning an election, whether the conduct is engaged in within Hong Kong or elsewhere.

Election Committee (EC) members, whether acting as electors or candidates' supporters, should understand and abide by the relevant legislation and regulations.



### Points-to-note for Electors

- Do not solicit or accept any advantage (including money, gift, etc.), food, drink or entertainment (e.g. performance) from any person as an inducement to or a reward for not voting at an election, or voting or not voting for a particular candidate.
- Do not offer any advantage (including money, gift, etc.), food, drink or entertainment (e.g. performance) to any person as an inducement to or a reward for the latter not to vote at an election, or to vote or not to vote for a particular candidate.
- Do not use or threaten to use force or duress against any person to induce the latter to vote or not to vote at an election, or to vote or not to vote for a particular candidate.
- Do not induce any person by deception not to vote at an election, or to vote or not to vote for a particular candidate.
- Do not wilfully obstruct or prevent any person from voting at an election.
- Do not incite another person not to vote or to cast an invalid vote at an election by any activity in public during election period.



### Commonly Asked Questions

- ❓ **Can an EC member accept free dinner and performance arranged by an organization with a view to canvassing votes for a particular candidate?**
- If the EC member accepts the free dinner and performance as an inducement to vote for the candidate concerned, he will commit an offence. Any person who offers free dinner and performance for inducing electors to vote for the candidate concerned will also commit the offence.
- ❓ **Can an EC member persuade other EC members in his organization 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.

## Points-to-note for Supporters



### *Electioneering for Candidate*

- Do not publish any materially false or misleading statement of fact of a candidate for the purpose of promoting or prejudicing the election of the candidate. Statements of fact of a candidate include (but are not limited to) statements concerning the character, qualifications or previous conduct of the candidate.
- Do not incur any election expenses for a candidate before you have been authorized by the candidate in writing as his election expense agent (e.g. publishing election advertisements to promote a candidate, or prejudice his rivals out of your own volition, thus incurring election expenses).
- Do not provide written consent for a candidate to use the name or logo of an organization in his election advertisement to imply the support of the organization to the candidate, unless you have obtained approval from the governing body of the organization or through a resolution of the members of the organization at a general meeting.

### *Inviting Candidate to Attend Functions*

- Do not arrange electioneering activities for the candidate and incur election expenses (e.g. renting a venue to organize a talk for the candidate to promote his election platform) before you have been authorized by a candidate in writing as his election expense agent.
- Do not promote the election of a candidate or canvass votes for a candidate on any non-election-related occasions to avoid committing the offence of incurring election expenses without written authorization.
- Do extend invitation to all candidates if you are going to organize an election forum so as to provide each of them with an equal opportunity to promote his election or introduce his election platform.

### *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.



## 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 association as a whole, instead of the chairman's own decision. 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 the written consent to the candidate concerned for using the association's name or logo in the candidate's election advertisement so as to show the association's support to the candidate concerned.

❓ **If an association announces its support to the election of a particular candidate in its newsletter and introduces 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 recommendation of the candidate and publication of the relevant information 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) will 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 social media platform to tease the rivals of the candidate and urge EC members not to vote for those rivals?**

- 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 other candidates for the purpose of promoting the election of the candidate he supports or prejudicing other candidates' election.
- Since the purpose of uploading the video is to promote the election of the candidate he supports or prejudice the election of other candidates, all the costs related (e.g. production cost of the video) must be counted as 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.

❓ **If a person appeals to EC members on an online platform to boycott the election, such as not to vote or to cast an invalid vote at the election, or by whatever means obstruct the EC members from voting at the election, is he liable for any offence?**

- It is an illegal conduct for any person to incite another person not to vote or to cast an invalid vote at the election by carrying out any activity in public during the election period, and the maximum penalty is a fine of \$200,000 and imprisonment for 3 years. An activity in public includes any form of communication to the public. Subject to the facts of each case, it may be a breach of the law if any person appeals to EC members through the online platform, not to vote or to cast an invalid vote at the election. Any person who wilfully obstructs EC members from voting will commit a corrupt offence which is liable to a fine of \$500,000 and to imprisonment for 7 years.

## *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 only invites one of the candidates 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 a single candidate to attend functions. Even though the candidate may not make use of the occasion to canvass votes, he will possibly gain extra publicity as a candidate to attend public functions during the election period. Hence, the association should consider inviting all candidates to the seminar.

**? If some supporters of a candidate make use of a non-election-related dinner gathering to appeal for participants' support to the candidate on the stage, how should the organizer handle this situation?**

- The person-in-charge of the organizer should stop the above supporters immediately. Otherwise, the function may be regarded as an election meeting held to promote the candidate and the organizer may have incurred election expenses for the candidate concerned inadvertently.
- If the food or drink provided at the function is arranged by the organizer, the person-in-charge should stop the supporters immediately and clarify the situation to avoid inducing suspicion of vote-buying. The candidate and the organizer should be mindful of public perception and act prudently during the election period which is sensitive to the public.

## *Giving Election Donations to Candidate*

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

- Any donations, whether in the form of goods or services, made to a candidate for the purpose of 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 in his own time, voluntarily, personally and free of charge, 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.
- The election expenses incurred incidental to the “voluntary service” so rendered (e.g. costs of buying publicity materials, mailing of election advertisements), do not fall within the definition of “voluntary service”. Therefore, the supporter must inform the candidate and obtain his written authorization before incurring the relevant election expenses. The supporter must keep the invoice and receipt of each election expense item of \$500 or more so that the candidate can submit them with his election return.

All scenarios given above are fictitious. They are solely given for the purpose of reference. No identification with actual persons or entities is intended or should be inferred. 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 independent legal advice. The ICAC will accept no liability or responsibility for any loss caused to any person acting or refraining from acting in any way as a result of the above information.



**ICAC**

**Clean Election Enquiry Hotline : 2920 7878**

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

**Clean Election Website : [www.icac.org.hk/elections](http://www.icac.org.hk/elections)**



守法規  
重廉潔

*Abide  
by the Rules*

*Support  
Clean Elections*