

Chapter:	554	ELECTIONS (CORRUPT AND ILLEGAL CONDUCT) ORDINANCE	Gazette Number	Version Date
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		Long title	L.N. 55 of 2000	03/03/2000
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An Ordinance to prohibit corrupt conduct and illegal conduct at elections; to regulate electoral advertising; to impose requirements with respect to the receipt of donations and the expenditure of money at or in connection with elections; and to provide for related matters.

[3 March 2000] *L.N. 55 of 2000*

(Originally 10 of 2000)

Section:	1	Short title	L.N. 55 of 2000	03/03/2000
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PART 1

PRELIMINARY PROVISIONS

- (1) This Ordinance may be cited as the Elections (Corrupt and Illegal Conduct) Ordinance.
- (2) (Omitted as spent)

Section:	2	Interpretation	L.N. 189 of 2003	01/10/2004
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(1) In this Ordinance, unless the context otherwise requires- (Amended 21 of 2001 s. 77)
"advantage" (利益) means-

- (a) any valuable consideration, gift or loan; or
- (b) any office, employment or contract; or
- (c) the full or partial payment, release, discharge or liquidation of an obligation; or
- (d) the exercise of or forbearance from exercising a right or power; or
- (e) the performance of or forbearance from performing a duty; or
- (f) any favour, including-
 - (i) giving protection from a liability incurred or anticipated; and
 - (ii) giving protection from proceedings or possible proceedings of a disciplinary, civil or criminal nature; or
- (g) any other service (other than voluntary service or the provision of entertainment),

but does not include an election donation if particulars of the donation are given in an election return that has been lodged with the appropriate authority;

"appropriate authority" (有關主管當局) means-

- (a) in the case of an election to elect the Chief Executive, the Chief Electoral Officer; and (Amended 21 of 2001 s. 77)
- (b) in the case of an election to elect a member or members of the Legislative Council, the Election Committee or a District Council, the Chief Electoral Officer; and
- (c) in the case of an election to elect members of the Heung Yee Kuk or to elect the Chairman or Vice-Chairman or a member of the Executive Committee of a Rural Committee, the returning officer for the election or, if the returning officer for the election has not been appointed, the Director of Home Affairs; and
- (d) in the case of an election to elect a Village Representative, the Director of Home Affairs; (Amended 2 of 2003 s. 68)

"candidate" (候選人)-

- (a) means a person who stands nominated as a candidate at an election; and
- (b) 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,

and in relation to an election to return Members for a Legislative Council geographical constituency, includes a

person who is one of a group of candidates;

"Chief Electoral Officer" (總選舉事務主任) means the person holding office as such under section 9 of the Electoral Affairs Commission Ordinance (Cap 541);

"Chief Executive" (行政長官) means the Chief Executive of the Hong Kong Special Administrative Region;

"conduct" (行為) engaged in by a person may be corrupt or illegal conduct even though the way in which it affects another person is only indirect;

"constituency" (選區或選舉界別) means-

- (a) in relation to a Legislative Council election, a geographical or functional constituency as defined in section 3(1) of the Legislative Council Ordinance (Cap 542); or (Amended 25 of 2003 s. 54)
- (b) in relation to an Election Committee subsector election, the relevant Election Committee subsector; or
- (c) in relation to a District Council election, an area declared to be a constituency under section 6(1) of the District Councils Ordinance (Cap 547);

"corporate elector" (團體選民) has the same meaning as in section 3(1) of the Legislative Council Ordinance (Cap 542);

"Court" means the Court of First Instance;

"duress" (脅迫手段) includes causing financial loss to a person by duress;

"election" (選舉) means an election to which this Ordinance applies;

"election advertisement" (選舉廣告), in relation to an election, means-

- (a) a publicly exhibited notice; or
- (b) a notice delivered by hand or electronic transmission; or
- (c) a public announcement made by radio or television or by video or cinematographic film; or
- (d) any other form of publication,

published for the purpose of promoting or prejudicing the election of a candidate or candidates at the election;

"election agent" (選舉代理人) means a person who is appointed in writing by a candidate at an election to be an election agent for the candidate at the election;

"election appeal" (選舉上訴) means an appeal to a Revising Officer under section 39 of the Schedule to the Chief Executive Election Ordinance (Cap 569); (Amended 21 of 2001 s. 77)

"Election Committee" (選舉委員會) means the Election Committee constituted under section 8(1) of the Chief Executive Election Ordinance (Cap 569); (Amended 21 of 2001 s. 77)

"Election Committee subsector" (選舉委員會界別分組) means a subsector represented on the Election Committee as provided by section 2(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569); (Amended 21 of 2001 s. 77)

"election donation" (選舉捐贈), in relation to a candidate or candidates at an election, means any of the following donations-

- (a) any money given to or in respect of the candidate or candidates for the purpose of meeting, or contributing towards meeting, the election expenses of the candidate or candidates;
- (b) any goods given to or in respect of the candidate or candidates for the purpose of promoting the election of the candidate or candidates or of prejudicing the election of another candidate or other candidates, and includes any goods given incidental to the provision of voluntary service;
- (c) any service provided to or in respect of the candidate or candidates for the purpose of promoting the election of the candidate or candidates or of prejudicing the election of another candidate or other candidates, but does not include voluntary service;

"election expense agent" (選舉開支代理人), in relation to a candidate or group of candidates, means a person authorized by the candidate or candidates in accordance with section 23;

"election expenses" (選舉開支), in relation to a candidate or group of candidates at an election, means expenses incurred or to be incurred, before, during or after the election period, by or on behalf of the candidate or group for the purpose of-

- (a) promoting the election of the candidate or group; or
- (b) prejudicing the election of another candidate or group,

and includes the value of election donations consisting of goods and services used for that purpose;

"election period" (選舉期間), in relation to an election, means the period beginning with the nomination day for the

election and ending with the polling day for the election (or the last polling day if there is more than one polling day);

"election petition" (選舉呈請) means an election petition lodged under an electoral law for the purpose of questioning an election held under that law;

"election return" (選舉申報書) means the return required to be lodged by a candidate in accordance with section 37;

"elector" (選民)-

- (a) in relation to an election to elect the Chief Executive, means a member of the Election Committee; and (Amended 21 of 2001 s. 77)
- (b) in relation to an election to elect a Member of the Legislative Council, means an elector as defined by section 3(1) of the Legislative Council Ordinance (Cap 542), and in relation to a corporate elector, includes the authorized representative of the elector; and
- (c) in relation to an election to elect a member of the Election Committee, means a voter as defined by section 11(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569) or the authorized representative of a corporate voter; and (Amended 21 of 2001 s. 77)
- (d) in relation to an election to elect a member of a District Council, means an elector as defined by section 2 of the District Councils Ordinance (Cap 547); and
- (e) in relation to an election to elect members of the Heung Yee Kuk, means a person who, in accordance with the Heung Yee Kuk Ordinance (Cap 1097), is entitled to vote at the election; and
- (f) in relation to an election to elect the Chairman or Vice-Chairman or a member of the Executive Committee of a Rural Committee, means a member of the general assembly of the Rural Committee; and
- (g) in relation to an election to elect a Village Representative for a Village, means an elector, as defined in section 2(1) of the Village Representative Election Ordinance (Cap 576), for the Village; (Amended 2 of 2003 s. 68)

"electoral law" (選舉法) means-

- (a) the Electoral Affairs Commission Ordinance (Cap 541); or
- (b) the Legislative Council Ordinance (Cap 542); or
- (c) the District Councils Ordinance (Cap 547); or
- (ca) the Chief Executive Election Ordinance (Cap 569); or (Added 21 of 2001 s. 77)
- (d) the Heung Yee Kuk Ordinance (Cap 1097); or
- (e) the Village Representative Election Ordinance (Cap 576); (Replaced 2 of 2003 s. 68)

"electoral officer" (選舉事務主任) means-

- (a) the Chief Electoral Officer; or
- (b) a returning officer; or
- (c) an assistant returning officer; or
- (d) the Electoral Registration Officer; or
- (e) any person who is appointed under an electoral law to exercise functions in connection with an election;

"Electoral Registration Officer" (選舉登記主任) means the person holding office as such under section 75 of the Legislative Council Ordinance (Cap 542) or section 44 of the Schedule to the Chief Executive Election Ordinance (Cap 569) or section 51 of the Village Representative Election Ordinance (Cap 576), and includes any person appointed to act in the Officer's place when the Officer is absent from duty or the office is vacant; (Amended 21 of 2001 s. 77; 2 of 2003 s. 68)

"force" (武力)-

- (a) includes any form of violence or restraint; and
- (b) in particular, includes-
 - (i) inflicting harm on a person (whether physical or mental); and
 - (ii) causing damage to, or destruction of, a person's property;

"group of candidates" (候選人組合)-

- (a) means the persons whose names appear on a list of candidates nominated for election to return Members for a Legislative Council geographical constituency, other than persons whose names have, in accordance with section 38 of the Legislative Council Ordinance (Cap 542), been excluded from or struck out of such a list; and

- (b) in relation to a time before the close of nominations for such an election, also means those persons who have publicly declared their intention to stand for election as candidates whose names appear on such a list, but does not include persons who have publicly revoked their declaration of intention to stand at the election;

"Legislative Council" (立法會) means the Legislative Council of the Hong Kong Special Administrative Region;

"notice" (通知) includes leaflet, circular, placard and poster;

"organization" (組織) includes a company, association, society or other body of persons;

"publish" (發布) means print, exhibit, distribute, post up, publicly announce or make publicly known by any other means, and includes continue to publish;

"returning officer" (選舉主任)-

- (a) in relation to an election to elect the Chief Executive, means the person appointed to be the Returning Officer under section 41 of the Chief Executive Election Ordinance (Cap 569); and (Amended 21 of 2001 s. 77)
- (b) in relation to an election for a Legislative Council constituency, means a Returning Officer appointed for the constituency under section 78 of the Legislative Council Ordinance (Cap 542); and
- (c) in relation to an election for an Election Committee subsector, means a Returning Officer appointed for the subsector under section 47 of the Schedule to the Chief Executive Election Ordinance (Cap 569); and (Amended 21 of 2001 s. 77)
- (d) in relation to an election for a constituency of a District Council, means a Returning Officer appointed for the constituency under section 75 of the District Councils Ordinance (Cap 547); and
- (e) in relation to an election to elect members of the Heung Yee Kuk, means the person appointed under section 7 of the Heung Yee Kuk Ordinance (Cap 1097) to be the Returning Officer for the election; and
- (f) in relation to an election to elect the Chairman or Vice-Chairman or a member of the Executive Committee of a Rural Committee, means the District Officer in the Home Affairs Department for the district for which the Rural Committee is established; and
- (g) in relation to an election to elect a Village Representative for a Village, means a person appointed to be a Returning Officer for the Village under section 54 of the Village Representative Election Ordinance (Cap 576), (Amended 2 of 2003 s. 68)

and-

- (i) if the Returning Officer referred to in paragraph (b), (c) or (d) has not been appointed, means, in so far as it relates to the relevant election, the Chief Electoral Officer; and
- (ii) if the Returning Officer referred to in paragraph (e) or (g) has not been appointed, means the Director of Home Affairs; (Amended 2 of 2003 s. 68)

"Rural Committee" (鄉事委員會) has the same meaning as in section 3(3) of the Heung Yee Kuk Ordinance (Cap 1097);

"valuable consideration" (有值代價) means money or anything worth money;

"value" (價值) means, in relation to goods or a service that is donated, the price that could reasonably be expected to be paid for the goods or service if supplied by a willing supplier to a willing buyer on the open market, with both parties acting at arms length;

"Village" (鄉村) has the same meaning as in section 2(1) of the Village Representative Election Ordinance (Cap 576); (Added 2 of 2003 s. 68)

"Village Representative" (村代表) has the same meaning as in section 2(1) of the Village Representative Election Ordinance (Cap 576); (Added 2 of 2003 s. 68)

"voluntary service" (義務服務) means any service provided free of charge to or in respect of a candidate or candidates at an election by a natural person, voluntarily and personally, in the person's own time for the purpose of-

- (a) promoting the election of the candidate or candidates; or
- (b) prejudicing the election of another candidate or other candidates.

(2) In this Ordinance, a reference to the withdrawal of the nomination of a person as a candidate includes, in the case of a candidate at an election to elect the Chief Executive or to elect the members of the Election Committee, a reference to the withdrawal of his candidature. (Added 21 of 2001 s. 77)

Section:	3	Objects of this Ordinance	2 of 2003	14/02/2003
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The objects of this Ordinance are-

- (a) to ensure that, as far as practicable, elections to elect the Chief Executive and persons to membership of the Legislative Council, District Councils and certain other public bodies and to be Village Representatives are conducted fairly, openly and honestly and are free from corrupt conduct and illegal conduct; and (Amended 2 of 2003 s. 68)
- (b) to regulate electoral advertising so as to ensure, as far as practicable, the fairness and honesty of electoral advertising; and
- (c) to ensure that candidates properly account for the expenditure of money at elections and the soliciting and receipt of election donations and that they do not exceed the prescribed levels of expenditure.

Section:	4	What elections does this Ordinance apply to?	2 of 2003	14/02/2003
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This Ordinance applies to the following kinds of elections-

- (a) an election to elect the Chief Executive;
- (b) a general election to elect the Members of the Legislative Council;
- (c) a by-election to fill a vacancy in the membership of the Legislative Council;
- (d) a subsector ordinary election to elect members of the Election Committee; (Amended 21 of 2001 s. 78)
- (da) a by-election to fill a vacancy in the membership of the Election Committee; (Added 21 of 2001 s. 78)
- (e) an ordinary election to elect the elected members of a District Council;
- (f) a by-election to fill a vacancy in the membership of a District Council;
- (g) an election to elect members of the Heung Yee Kuk;
- (h) an election to elect a person as the Chairman or Vice-Chairman or a member of the Executive Committee of a Rural Committee;
- (i) a village ordinary election to elect a Village Representative for a Village; (Replaced 2 of 2003 s. 68)
- (j) a village by-election to elect a Village Representative for a Village. (Added 2 of 2003 s. 68)

Section:	5	What conduct does this Ordinance apply to?	L.N. 55 of 2000	03/03/2000
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This Ordinance applies to all conduct concerning an election, whether the conduct is engaged in within Hong Kong or elsewhere.

Section:	6	What penalties can be imposed for corrupt conduct at elections?	L.N. 55 of 2000	03/03/2000
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PART 2

CORRUPT CONDUCT

- (1) A person who engages in corrupt conduct at an election commits an offence and is-
 - (a) if tried summarily, liable on conviction to a fine of \$200000 and to imprisonment for 3 years; or
 - (b) if tried on indictment, liable on conviction to a fine of \$500000 and to imprisonment for 7 years.
- (2) A person may be convicted of an offence of having engaged in corrupt conduct at an election if the person is found to have engaged in the conduct before, during or after the election period.
- (3) A court that convicts a person of having engaged in corrupt conduct must order the person to pay to the court-
 - (a) the amount or value of any valuable consideration received by the person or the person's agents in connection with the conduct; or
 - (b) such part of the amount or value as that court specifies in the order.

Section:	7	Corrupt conduct to bribe candidates or prospective candidates	L.N. 55 of 2000	03/03/2000
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- (1) A person engages in corrupt conduct at an election if the person corruptly-
- (a) offers an advantage to another person as an inducement for the other person-
 - (i) to stand, or not to stand, as a candidate at the election; or
 - (ii) if the other person has been nominated as a candidate at the election, to withdraw the nomination; or
 - (iii) if the other person has been nominated as a candidate at the election, not to use the other person's best endeavours to promote the election of the other person; or
 - (b) offers an advantage to another person as a reward-
 - (i) for having stood, or not stood, as a candidate at the election; or
 - (ii) if the other person was nominated as a candidate at the election, for having withdrawn the nomination; or
 - (iii) if the other person was or has been nominated as a candidate at the election, for not having used the other person's best endeavours to promote the election of the other person; or
 - (c) offers an advantage to another person as an inducement for the other person to get, or try to get, a third person-
 - (i) to stand, or not to stand, as a candidate at the election; or
 - (ii) if the third person has been nominated as a candidate at the election, to withdraw the nomination; or
 - (iii) if the third person has been nominated as a candidate at the election, not to use the third person's best endeavours to promote the election of the third person; or
 - (d) offers an advantage to another person as a reward for having got, or having tried to get, a third person-
 - (i) to stand, or not to stand, as a candidate at the election; or
 - (ii) if the third person was nominated as a candidate at the election, to withdraw the nomination; or
 - (iii) if the third person was or has been nominated as a candidate at the election, not to use the third person's best endeavours to promote the election of the third person; or
 - (e) solicits or accepts an advantage as an inducement-
 - (i) to stand, or not to stand, as a candidate at the election; or
 - (ii) if the person has been nominated as a candidate at the election, to withdraw the nomination; or
 - (iii) if the person has been nominated as a candidate at the election, not to use the person's best endeavours to promote the election of the person; or
 - (f) solicits or accepts an advantage as a reward-
 - (i) for having stood, or not stood, as a candidate at the election; or
 - (ii) if the person was nominated as a candidate at the election, for having withdrawn the nomination; or
 - (iii) if the person was or has been nominated as a candidate at the election, for not having used the person's best endeavours to promote the election of the person; or
 - (g) solicits or accepts an advantage as an inducement to get, or try to get, another person-
 - (i) to stand, or not to stand, as a candidate at the election; or
 - (ii) if the other person has been nominated as a candidate at the election, to withdraw the nomination; or
 - (iii) if the other person has been nominated as a candidate at the election, not to use the other person's best endeavours to promote the election of the other person; or
 - (h) solicits or accepts an advantage as a reward for having got, or having tried to get, another person-
 - (i) to stand, or not to stand, as a candidate at the election; or
 - (ii) if the other person was nominated as a candidate at the election, to withdraw the nomination; or
 - (iii) if the other person was or has been nominated as a candidate at the election, not to use the other person's best endeavours to promote the election of the other person.
- (2) For the purposes of this section-
- (a) a person offers an advantage if the person confers, undertakes to confer or shows a willingness to confer, an advantage on another person; and
 - (b) a person solicits an advantage if the person asks for, or shows a willingness to receive, an advantage, either for the person's own benefit or for the benefit of another person; and
 - (c) a person accepts an advantage if the person receives or obtains an advantage, or agrees to receive or

obtain an advantage, either for the person's own benefit or for the benefit of another person.

(3) For the purposes of this section, a person is taken to have offered an advantage even though the offer was made by another person, but only if the other person was acting with the person's authority. That authority may be conferred expressly or by implication.

Section:	8	Corrupt conduct to use or threaten to use force or duress against candidates or prospective candidates	L.N. 55 of 2000	03/03/2000
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- (1) A person engages in corrupt conduct at an election if the person-
- (a) uses force or duress, or threatens to use force or duress, against another person to induce the other person-
 - (i) to stand, or not to stand, as a candidate at the election; or
 - (ii) if the other person has been nominated as a candidate at the election, to withdraw the nomination; or
 - (b) uses force or duress, or threatens to use force or duress, against another person to induce the other person to get a third person-
 - (i) to stand, or not to stand, as a candidate at the election; or
 - (ii) if the third person has been nominated as a candidate at the election, to withdraw the nomination; or
 - (c) uses force or duress, or threatens to use force or duress, against another person because the other person or a third person-
 - (i) stood, or did not stand, as a candidate at the election; or
 - (ii) if the other person or the third person has been nominated as a candidate at the election, withdrew the nomination.

(2) A person is taken to have engaged in corrupt conduct of a kind referred to in subsection (1) even though the conduct was engaged in by another person, but only if the other person was acting with the person's authority. That authority may be conferred expressly or by implication.

Section:	9	Corrupt conduct to engage in certain deceptive behaviour in relation to candidates and prospective candidates	L.N. 55 of 2000	03/03/2000
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- (1) A person engages in corrupt conduct at an election if the person-
- (a) by a deception, induces another person-
 - (i) to stand, or not to stand, as a candidate at the election; or
 - (ii) if the other person has been nominated as a candidate at the election, to withdraw the nomination; or
 - (b) by a deception, induces another person to get a third person-
 - (i) to stand, or not to stand, as a candidate at the election; or
 - (ii) if the third person has been nominated as a candidate at the election, to withdraw the nomination.

(2) A person is taken to have engaged in corrupt conduct of a kind referred to in subsection (1) even though the conduct was engaged in by another person, but only if the other person was acting with the person's authority. That authority may be conferred expressly or by implication.

Section:	10	Corrupt conduct to deface or destroy nomination papers	L.N. 55 of 2000	03/03/2000
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A person engages in corrupt conduct at an election if the person, with intent to prevent or obstruct another person from standing for election, defaces or destroys a completed or partly completed nomination paper.

Section:	11	Corrupt conduct to bribe electors and others at elections	L.N. 55 of 2000	03/03/2000
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- (1) A person engages in corrupt conduct at an election if the person, without reasonable excuse-
- (a) offers an advantage to another person as an inducement to vote at the election for a particular candidate or particular candidates; or
 - (b) offers an advantage to another person as a reward for having voted at the election for a particular

candidate or particular candidates; or

- (c) offers an advantage to another person as an inducement to get, or try to get, a third person to vote at the election for a particular candidate or particular candidates; or
- (d) offers an advantage to another person as a reward for having got, or having tried to get, a third person to vote at the election for a particular candidate or particular candidates; or
- (e) solicits or accepts an advantage as an inducement to vote at the election for a particular candidate or particular candidates; or
- (f) solicits or accepts an advantage as a reward for having voted at the election for a particular candidate or particular candidates; or
- (g) solicits or accepts an advantage as an inducement to get, or try to get, another person to vote at the election for a particular candidate or particular candidates; or
- (h) solicits or accepts an advantage as a reward for having got, or having tried to get, another person to vote at the election for a particular candidate or particular candidates.

(2) A person also engages in corrupt conduct at an election if the person, without reasonable excuse-

- (a) offers an advantage to another person as an inducement not to vote at the election, or not to vote at the election for a particular candidate or particular candidates; or
- (b) offers an advantage to another person as a reward for not voting at the election, or for not voting at the election for a particular candidate or particular candidates; or
- (c) offers an advantage to another person as an inducement to get, or try to get, a third person not to vote at the election, or not to vote at the election for a particular candidate or particular candidates; or
- (d) offers an advantage to another person as a reward for having got, or having tried to get, a third person not to vote at the election, or not to vote at the election for a particular candidate or particular candidates; or
- (e) solicits or accepts an advantage as an inducement not to vote at the election, or not to vote at the election for a particular candidate or particular candidates; or
- (f) solicits or accepts an advantage as a reward for not voting at the election, or for not voting at the election for a particular candidate or particular candidates; or
- (g) solicits or accepts an advantage as an inducement to get, or try to get, another person not to vote at the election, or not to vote at the election for a particular candidate or particular candidates; or
- (h) solicits or accepts an advantage as a reward for having got, or having tried to get, another person not to vote at the election, or not to vote at the election for a particular candidate or particular candidates.

(3) For the purposes of this section-

- (a) a person offers an advantage if the person confers, undertakes to confer or shows a willingness to confer, an advantage on another person; and
- (b) a person solicits an advantage if the person asks for, or shows a willingness to receive, an advantage, either for the person's own benefit or for the benefit of another person; and
- (c) a person accepts an advantage if the person receives or obtains an advantage, or agrees to receive or obtain an advantage, either for the person's own benefit or for the benefit of another person.

(4) For the purposes of this section, a person is taken to have offered an advantage even though the offer was made by another person, but only if the other person was acting with the person's authority. That authority may be conferred expressly or by implication.

(5) A candidate or other person does not engage in corrupt conduct in contravention of this section only because the candidate or person has offered or solicited an offer to enter into a voting arrangement.

(6) For the purposes of subsection (5), a voting arrangement is an arrangement under which persons agree to vote for, or get others to vote for, a candidate or candidates in return for other persons agreeing to vote for, or get others to vote for, another candidate or other candidates.

(7) Subsection (5) applies even when the offers relate to different elections.

(8) In a prosecution for an offence against this section, the onus of proving a reasonable excuse lies on the defendant.

Section:	12	Corrupt conduct to provide others with refreshments and entertainment at election	L.N. 55 of 2000	03/03/2000
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(1) A person engages in corrupt conduct at an election if the person provides, or meets all or part of the cost of providing, food, drink or entertainment for another person for the purpose of inducing the other person or a third

person-

- (a) to vote at the election for a particular candidate or particular candidates; or
- (b) not to vote at the election, or not to vote at the election for a particular candidate or particular candidates.

(2) A person engages in corrupt conduct at an election if the person provides, or meets all or part of the cost of providing, food, drink or entertainment for another person because the other person or a third person-

- (a) has voted at the election for a particular candidate or particular candidates; or
- (b) has not voted at the election, or has not voted at the election for a particular candidate or particular candidates.

(3) A person engages in corrupt conduct at an election if the person solicits, accepts or takes food, drink or entertainment-

- (a) as an inducement to vote at the election for a particular candidate or particular candidates; or
- (b) as an inducement not to vote at the election, or not to vote at the election for a particular candidate or particular candidates.

(4) A person engages in corrupt conduct at an election if the person solicits, accepts or takes food, drink or entertainment-

- (a) as a reward for having voted at the election for a particular candidate or particular candidates; or
- (b) as a reward for not having voted at the election, or not having voted at the election for a particular candidate or particular candidates.

(5) A person does not engage in corrupt conduct of a kind referred to in subsection (1) only because the person has, at an election meeting, served non-alcoholic drinks of any kind. An election meeting is any meeting held to promote or prejudice the election of a particular candidate or particular candidates.

(6) A person is taken to have engaged in corrupt conduct of a kind referred to in subsections (1) to (4) even though the conduct was engaged in by another person, but only if the other person was acting with the person's authority. That authority may be conferred expressly or by implication.

Section:	13	Corrupt conduct to use or threaten to use force or duress against electors	L.N. 55 of 2000	03/03/2000
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- (1) A person engages in corrupt conduct at an election if the person-
 - (a) uses force or duress, or threatens to use force or duress, against another person to induce the other person to vote at the election, or to vote at the election for a particular candidate or particular candidates; or
 - (b) uses force or duress, or threatens to use force or duress, against another person because the other person voted at the election, or voted at the election for a particular candidate or particular candidates; or
 - (c) uses force or duress, or threatens to use force or duress, against another person to induce the other person to get a third person to vote at the election, or to vote at the election for a particular candidate or particular candidates.
- (2) A person also engages in corrupt conduct at an election if the person-
 - (a) uses force or duress, or threatens to use force or duress, against another person to induce the other person not to vote at the election, or not to vote at the election for a particular candidate or particular candidates; or
 - (b) uses force or duress, or threatens to use force or duress, against another person because the other person refrained from voting at the election, or refrained from voting at the election for a particular candidate or particular candidates; or
 - (c) uses force or duress, or threatens to use force or duress, against another person to get the other person to induce a third person not to vote at the election, or not to vote at the election for a particular candidate or particular candidates; or
 - (d) by abduction, prevents an elector from voting at the election.

(3) A person is taken to have engaged in corrupt conduct of a kind referred to in subsection (1) or (2) even though the conduct was engaged in by another person, but only if the other person was acting with the person's authority. That authority may be conferred expressly or by implication.

(4) A corporate elector does not contravene this section only because it has instructed its authorized representative to cast its vote, or not to cast its vote, at an election for a particular candidate or particular candidates.

Section:	14	Corrupt conduct to engage in certain deceptive behaviour in relation to electors	L.N. 55 of 2000	03/03/2000
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- (1) A person engages in corrupt conduct at an election if the person, by a deception-
 - (a) induces another person to vote at the election for a particular candidate or particular candidates; or
 - (b) induces another person not to vote at the election, or not to vote at the election for a particular candidate or particular candidates; or
 - (c) gets another person to induce a third person to vote at the election for a particular candidate or particular candidates; or
 - (d) gets another person to induce a third person not to vote at the election, or not to vote at the election for a particular candidate or particular candidates; or
 - (e) obstructs or prevents another person from voting at the election; or
 - (f) gets another person to obstruct or prevent a third person from voting at the election.
- (2) A person is taken to have engaged in corrupt conduct of a kind referred to in subsection (1) even though the conduct was engaged in by another person, but only if the other person was acting with the person's authority. That authority may be conferred expressly or by implication.

Section:	15	Corrupt conduct to impersonate another at election	L.N. 55 of 2000	03/03/2000
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- (1) A person engages in corrupt conduct at an election if the person, otherwise than as expressly permitted by an electoral law-
 - (a) applies for a ballot paper in the name of another person; or
 - (b) having voted at an election, applies at the same election for a ballot paper in the person's own name.
- (2) In subsection (1), the reference to another person includes a reference to a person who has died or is a fictitious person as well as to an actual living person.

Section:	16	Corrupt conduct with respect to voting at elections	2 of 2003	14/02/2003
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- (1) A person engages in corrupt conduct at an election if the person-
 - (a) votes at the election knowing that the person is not entitled to do so; or
 - (b) votes at the election after having-
 - (i) given to an electoral officer information that the person knew to be materially false or misleading; or
 - (ii) knowingly omitted to give material information to an electoral officer; or
 - (iii) recklessly given to an electoral officer information that was materially false or misleading; or
 - (c) except as expressly permitted by an electoral law-
 - (i) in the case of an election referred to in section 4(a), votes at the election more than once in the same round of voting; (Replaced 21 of 2001 s. 79)
 - (ia) in the case of an election referred to in section 4(i) or (j), votes at the election more than once; (Added 2 of 2003 s. 68)
 - (ii) in the case of an election referred to in any other paragraph of section 4-
 - (A) votes at the election more than once in the same constituency; or
 - (B) votes at the election in more than one constituency. (Replaced 21 of 2001 s. 79)
- (2) A person engages in corrupt conduct at an election if the person invites or induces another person-
 - (a) to vote at the election knowing that the other person is not entitled to do so; or
 - (b) to vote at the election knowing that the other person has-
 - (i) given to an electoral officer information that was materially false or misleading; or
 - (ii) omitted to give material information to an electoral officer; or
 - (c) except as expressly permitted by an electoral law-
 - (i) in the case of an election referred to in section 4(i) or (j), to vote at the election more than once; (Replaced 2 of 2003 s. 68)
 - (ii) in the case of an election referred to in any other paragraph of section 4-
 - (A) to vote at the election more than once in the same constituency; or
 - (B) to vote at the election in more than one constituency. (Replaced 2 of 2003 s. 68)

(3) For the purposes of this section, a person who has applied for a ballot paper for the purpose of voting at an election is taken to have voted at the election. However, a person who has applied for, and been given, a ballot paper is not to be regarded as having voted more than once at an election only because the person-

- (a) has spoiled the ballot paper; and
- (b) after complying with the requirements of any relevant electoral law with respect to spoiled ballot papers, has voted, using another ballot paper.

Section:	17	Corrupt conduct to destroy or deface ballot papers	L.N. 55 of 2000	03/03/2000
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- (1) A person engages in corrupt conduct at an election if the person-
 - (a) without lawful authority, supplies a ballot paper to another person; or
 - (b) with intent to deceive, puts into a ballot box a paper other than a ballot paper that the person is lawfully authorized to put into the box; or
 - (c) with intent to deceive, removes a ballot paper from a polling station; or
 - (d) without lawful authority, destroys, defaces, takes or otherwise interferes with a ballot paper in use, or that has been used, at the election; or
 - (e) without lawful authority, destroys, removes, opens or otherwise interferes with a ballot box in use at the election.

(2) In a prosecution for an offence against this section, the onus of proving lawful authority lies on the defendant.

Section:	18	Corrupt conduct to make improper use of election donations	L.N. 55 of 2000	03/03/2000
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A candidate or other person who uses election donations for a purpose-

- (a) other than that of meeting, or contributing towards meeting, the election expenses of the candidate; or
- (b) in the case of an election donation consisting of goods or a service, other than that of promoting the election of the candidate or that of prejudicing the election of another candidate or other candidates,

engages in corrupt conduct at an election.

Section:	19	How candidate must dispose of certain election donations	12 of 2004	25/06/2004
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(1) A candidate or candidates must, on receiving an election donation of more than \$1000 or, in the case of an election donation consisting of goods or a service, of more than \$1000 in value, issue to the donor a receipt for the donation. The receipt must specify the name and address of the donor as supplied by the donor.

(2) If an election donation of more than \$1000 or, in the case of an election donation consisting of goods, of more than \$1000 in value, is given to or for a candidate or candidates and the candidate or candidates do not know the name and address of the donor, the candidate or candidates must ensure that the donation-

- (a) is not used-
 - (i) for the purpose of meeting, or contributing towards meeting, the election expenses of the candidate or any of the candidates; or
 - (ii) in the case of an election donation consisting of goods, for the purpose of promoting the election of the candidate or any of the candidates or of prejudicing the election of another candidate or other candidates; and
- (b) is given to a charitable institution or trust of a public character chosen by the candidate or candidates.

(3) If an election donation of money or goods has been given to or for a candidate or candidates and the donation-

- (a) has not been used-
 - (i) for the purpose of meeting, or contributing towards meeting, the election expenses of the candidate or candidates; or
 - (ii) in the case of an election donation consisting of goods, for the purpose of promoting the election of the candidate or candidates or of prejudicing the election of another candidate or other candidates; or
- (b) is not used in the case referred to in subsection (2),

the candidate or candidates must ensure that the donation is given to a charitable institution or trust of a public character chosen by the candidate or candidates.

(4) If the aggregate of all election donations given to or for a particular candidate or a particular group of candidates exceeds the maximum amount prescribed under section 45, the candidate or the candidates belonging to the group must ensure that the excess (not including election donations of services) is given to a charitable institution or trust of a public character chosen by the candidate or those candidates.

(5) If an election donation is received by a candidate or candidates, the candidate or each of the candidates engages in corrupt conduct at an election if-

- (a) the candidate or candidates fail to comply with subsection (1) or (2); or
- (b) the candidate or candidates fail to comply with any other requirement of this section before the time when the candidate's or each candidate's election return for the election is lodged in accordance with section 37.

(6) In this section, "charitable institution or trust of a public character" (屬公共性質的慈善機構或慈善信託) means a charitable institution or trust of a public character that is exempt from tax under section 88 of the Inland Revenue Ordinance (Cap 112). (Amended 12 of 2004 s.28)

Section:	20	Corrupt conduct to lodge false or misleading election return	18 of 2011	15/07/2011
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A candidate engages in corrupt conduct at an election if the candidate, in an election return lodged under section 37 or a copy of an election return lodged under section 37A, makes a statement that the candidate knows or ought to know is materially false or misleading whether or not the statement is the subject of a correction effected under section 37A.

(Amended 18 of 2011 s. 46)

Section:	21	Corrupt conduct to withdraw election petition or election appeal for a bribe	L.N. 55 of 2000	03/03/2000
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(1) A person engages in corrupt conduct at an election if the person, having lodged an election petition or an election appeal-

- (a) withdraws the petition or appeal in return for an advantage solicited by the person or offered by another person; or
- (b) solicits or accepts an advantage as an inducement to withdraw the petition or appeal.

(2) A person engages in corrupt conduct at an election if the person-

- (a) offers an advantage to a person who has lodged an election petition or an election appeal as an inducement to withdraw the petition or appeal; or
- (b) offers an advantage to another person to get the other person to induce or try to induce a person who has lodged an election petition or an election appeal to withdraw the petition or appeal.

(3) A person engages in corrupt conduct at an election if the person solicits or accepts an advantage as a reward for-

- (a) having withdrawn an election petition or an election appeal; or
- (b) having induced another person to withdraw such a petition or appeal.

(4) A person engages in corrupt conduct at an election if the person-

- (a) offers an advantage to another person as a reward for having withdrawn or agreed to withdraw an election petition or an election appeal; or
- (b) offers an advantage to another person as a reward for having got a person who has lodged an election petition or an election appeal to withdraw the petition or appeal.

(5) For the purposes of this section-

- (a) a person solicits an advantage if the person asks for, or shows a willingness to receive, an advantage, either for the person's own benefit or for the benefit of another person; and
- (b) a person accepts an advantage if the person receives or obtains an advantage, or agrees to receive or obtain an advantage, either for the person's own benefit or for the benefit of another person; and
- (c) a person offers an advantage if the person confers, undertakes to confer or shows a willingness to confer, an advantage on another person.

Section:	22	What penalties can be imposed for illegal conduct at elections?	L.N. 55 of 2000	03/03/2000
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PART 3

ILLEGAL CONDUCT

- (1) Any person who engages in illegal conduct at an election commits an offence and is-
 - (a) if tried summarily, liable on conviction to a fine at level 5 and to imprisonment for 1 year; or
 - (b) if tried on indictment, liable on conviction to a fine of \$200000 and to imprisonment for 3 years.
- (2) A person may be convicted of an offence of having engaged in illegal conduct at an election if the person is found to have engaged in the conduct before, during or after the election period.

Section:	23	Illegal conduct for persons other than candidates and election expense agents to incur election expenses	L.N. 55 of 2000	03/03/2000
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- (1) A person, other than a candidate or a candidate's election expense agent, engages in illegal conduct at an election if the person incurs election expenses at or in connection with the election.
- (2) If a candidate who belongs to a group of candidates incurs election expenses at or in connection with an election, the candidate engages in illegal conduct at the election unless each other candidate who belongs to the group has authorized the candidate to be the other candidate's election expense agent.
- (3) A candidate engages in illegal conduct at an election if election expenses incurred by the candidate or by the candidate's election expense agent are not included in the candidate's election return.
- (4) An election expense agent engages in illegal conduct at an election if the agent incurs election expenses that exceed the amount specified in the agent's authorization.
- (5) For the purposes of this Ordinance, a person is an election expense agent of a candidate (other than a candidate who is a member of a group of 2 or more candidates) if-
 - (a) the person is authorized in writing by the candidate to incur election expenses at or in connection with the election on behalf of the candidate; and
 - (b) the maximum amount of election expenses that the person is authorized to incur is specified in the authorization; and
 - (c) a copy of the authorization has been served on the appropriate returning officer.
- (6) For the purposes of this Ordinance, a person (including a candidate) is an election expense agent of a group of 2 or more candidates only if-
 - (a) the person is authorized in writing by each of the candidates to incur election expenses at or in connection with the election on behalf of the group; and
 - (b) the maximum amount of election expenses that the person is authorized to incur is specified in the authorization; and
 - (c) a copy of the authorization has been served on the appropriate returning officer.
- (7) An authorization referred to in subsection (5) or (6) remains in force until the end of the relevant election period unless it is revoked earlier.

Section:	24	Illegal conduct for candidate to incur election expenses exceeding prescribed amount	L.N. 55 of 2000	03/03/2000
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- (1) A candidate engages in illegal conduct at an election if the aggregate amount of election expenses incurred at or in connection with the election by or on behalf of the candidate exceeds the maximum amount of election expenses prescribed for a candidate by regulations in force under section 45.
- (2) If regulations under section 45 prescribe a maximum amount of election expenses for groups of candidates at an election at which the list system of voting is used, each member of a group of candidates engages in illegal conduct at the election if the aggregate amount of the election expenses incurred at or in connection with the election by or on behalf of the group exceeds the maximum amount of election expenses so prescribed.
- (3) In a prosecution alleging illegal conduct under this section by a candidate, it is a defence for the candidate to prove that the election expenses were incurred-
 - (a) without negligence by the candidate; and
 - (b) either without the candidate's consent or in excess of an amount specified in an authorization under section 23.
- (4) For the purposes of this section, the value of an election donation consisting of goods or services is taken to be an amount of election expense incurred by or on behalf of a particular candidate or particular candidates if the

goods or services are used for the purpose of promoting the election of the candidate or candidates or of prejudicing the election of another candidate or other candidates.

Section:	25	Illegal conduct to publish false statement that a person is or is not a candidate	L.N. 55 of 2000	03/03/2000
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(1) A person engages in illegal conduct at an election if the person publishes a statement, knowing it to be false, that the person or another person is a candidate at the election.

(2) A candidate engages in illegal conduct at an election if the candidate publishes a statement, knowing it to be false, that the candidate is no longer a candidate at the election.

(3) A person engages in illegal conduct at an election if the person publishes a statement, knowing it to be false, that another person who has been nominated as a candidate is no longer a candidate at the election.

Section:	26	Illegal conduct to publish false or misleading statements about a candidate	L.N. 55 of 2000	03/03/2000
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(1) A person engages in illegal conduct at an election if the person publishes a materially false or misleading statement of fact about a particular candidate or particular candidates for the purpose of promoting or prejudicing the election of the candidate or candidates.

(2) A candidate engages in illegal conduct at an election if the candidate publishes a materially false or misleading statement of fact about the candidate or candidates with whom the candidate is associated, or about another candidate or other candidates, for the purpose of-

- (a) promoting the election of the candidate or candidates with whom the candidate is associated; or
- (b) prejudicing the election of the other candidate or candidates.

(3) For the purposes of this section, statements about a candidate or candidates include (but are not limited to) statements concerning the character, qualifications or previous conduct of the candidate or candidates.

(4) In a prosecution for an offence of having engaged in illegal conduct under subsection (1) or (2), it is a defence to prove that the defendant believed on reasonable grounds that the statement was true at the time when it was made.

Section:	27	Illegal conduct to publish election advertisement that includes false claim of support	L.N. 55 of 2000	03/03/2000
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(1) A candidate engages in illegal conduct at an election if the candidate publishes, or authorizes the publication of, an election advertisement that includes-

- (a) the name or logo of or associated with a person or an organization; or
- (b) a name or logo that is substantially similar to the name or logo of or associated with a person or an organization; or
- (c) a pictorial representation of a person,

in such a way as to imply, or to be likely to cause electors to believe, that the candidate or candidates with whom the candidate is associated have the support of the person or organization unless, before the publication of the election advertisement, the person or organization consented in writing to the inclusion of the name, logo or pictorial representation.

(2) A person engages in illegal conduct at an election if the person publishes, or authorizes the publication of, an election advertisement that includes-

- (a) the name or logo of or associated with another person or an organization; or
- (b) a name or logo that is substantially similar to the name or logo of or associated with another person or an organization; or
- (c) a pictorial representation of another person,

in such a way as to imply, or to be likely to cause electors to believe, that a particular candidate or particular candidates have the support of the other person or organization unless, before the publication of the election advertisement, the other person or organization consented in writing to the inclusion of the name, logo or pictorial representation.

- (3) For the purposes of subsections (1) and (2), the consent of an organization is taken to have been obtained if-
 - (a) the consent was given by an officer of the organization; and

(b) the candidate or person who publishes, or authorizes the publication of, the election advertisement believed on reasonable grounds that the officer had authority to give the consent.

(4) A candidate or other person engages in illegal conduct for having published or authorized the publication of an election advertisement of a kind referred to in subsection (1) or (2) despite the fact that the advertisement contains a statement to the effect that the inclusion in the advertisement of a name or logo of or associated with a person or an organization, or a pictorial representation of a person, does not imply support by the person or organization for a candidate or candidates.

(5) A person engages in illegal conduct at an election if the person purports to give consent in writing to the inclusion in an election advertisement of the name or logo of or associated with an organization without having been approved by the governing body of the organization or by a resolution of the members of the organization passed at a general meeting.

(6) A person engages in illegal conduct at an election if the person, for the purpose of promoting or prejudicing the election of a candidate or candidates, gives information to the candidate or candidates that the person knows or ought to know is materially false or misleading.

(7) In this section, "support" (支持), in relation to a candidate, includes support for the policies or activities of the candidate.

Section:	28	Court empowered to restrain person from repeating certain illegal conduct	2 of 2003	14/02/2003
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(1) The Court may, on the hearing of an application under this section, grant an injunction restraining a person who is found to have engaged in illegal conduct at an election in contravention of section 25, 26 or 27-

- (a) from continuing or repeating the conduct; or
- (b) from engaging in any other conduct of a similar nature.

(2) An injunction under this section may be granted on such terms as the Court considers appropriate.

(3) The Court may, in addition to granting an injunction, make an order requiring a person to do a specified act.

(4) The Court may grant an interim injunction pending the determination of an application under this section. Such an injunction may be granted merely on the basis of rebuttable evidence of the illegal conduct alleged to have been engaged in.

(5) An application for an injunction under this section can be made by-

- (a) in the case of-
 - (i) an election referred to in section 4(a), (i) or (j), a candidate at the election; (Amended 2 of 2003 s. 68)
 - (ii) an election referred to in any other paragraph of section 4, a candidate at the election-
 - (A) for the same constituency; or
 - (B) in the case of an election relating to the Heung Yee Kuk or a Rural Committee, for the same body; or (Replaced 21 of 2001 s. 80)
- (b) the election agent of such a candidate; or
- (c) a person who is registered as an elector for the constituency, Village or body concerned; or (Amended 2 of 2003 s. 68)
- (d) if the election is one at which corporate electors are eligible to vote, a member of a body that is registered as a corporate elector for the constituency or body concerned; or
- (e) if the election is to elect a person as a Member of the Legislative Council to represent a functional constituency, a body or natural person referred to in section 25(5) or (6) of the Legislative Council Ordinance (Cap 542).

(6) (Repealed 2 of 2003 s. 68)

(7) An application for an injunction under this section can also be made by-

- (a) a person who alleges that the name or logo of or associated with the person, or a pictorial representation of the person; or

(b) an organization that alleges that the name or logo of or associated with the organization, has been included in an election advertisement in contravention of section 27.

Section:	29	Interpretation: Part 4	L.N. 55 of 2000	03/03/2000
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PART 4

COURT PROCEEDINGS RELATING TO CORRUPT AND ILLEGAL CONDUCT

(1) For the purposes of this Part, a candidate is to be regarded as having personally engaged in corrupt or illegal conduct if the conduct was engaged in with the knowledge and consent of the candidate.

(2) For the purposes of this Part, a candidate is not to be regarded as having engaged in corrupt or illegal conduct by an agent if the candidate satisfies the Court that-

- (a) the candidate was not aware of the conduct; or
- (b) the candidate, if aware of the conduct, did not consent to or connive at it.

Section:	30	Court to declare candidate to be elected in certain circumstances despite corrupt or illegal conduct by agents	L.N. 55 of 2000	03/03/2000
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(1) If, on the hearing of an election petition alleging that a candidate was not duly elected because the candidate engaged in corrupt or illegal conduct at the election, the Court finds that the conduct was engaged in by an agent of the candidate, the Court must nevertheless determine the candidate to have been duly elected if satisfied that-

- (a) the candidate did not personally engage in the conduct; and
- (b) the conduct did not materially affect the result of the election; and
- (c) the candidate took reasonable steps to ensure that no corrupt or illegal conduct was engaged in at the election in relation to the candidate; and
- (d) neither the candidate nor any of the candidate's agents engaged in any other corrupt or illegal conduct at the election.

(2) If the Court makes a determination under subsection (1) in respect of particular conduct, it must also order that the candidate concerned is not to be subject to any disqualification under the relevant electoral law in relation to that conduct.

Section:	31	Court may make orders relieving candidates from consequences of certain illegal conduct	L.N. 55 of 2000	03/03/2000
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(1) A candidate, candidate's agent or any other person who has done or omitted to do an act that, but for this section, would be illegal conduct at an election may apply to the Court for an order under subsection (2).

(2) On the hearing of an application under subsection (1), the Court may make an order relieving the applicant from penalties and disqualifications that are imposed by, or could be imposed under, an electoral law for any act or omission of the applicant that, but for this section, would be illegal conduct at an election, but only if the Court-

- (a) is satisfied that-
 - (i) the act or omission was due to inadvertence, an accidental miscalculation or any reasonable cause and was not due to bad faith; and
 - (ii) where the Court requires notice of the application to be given in Hong Kong, the notice has been given; and
- (b) believes it to be just that the applicant should not be subjected to one or more of those penalties and disqualifications.

(3) If an application is made under subsection (1), no prosecution against the applicant for having done or omitted to do an act that, but for this section, would be illegal conduct at an election may be instituted or carried on until the application is disposed of by the Court.

(4) An applicant is not liable to be convicted of an offence of having engaged in illegal conduct at an election if the act or omission of the applicant that, but for this section, would be illegal conduct at the election is the subject of an order made under subsection (2).

Section:	32	Witness who is party to corrupt or illegal conduct not to be regarded as accomplice	L.N. 55 of 2000	03/03/2000
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In a prosecution against a person for having engaged in corrupt or illegal conduct at an election, a witness is not to be regarded as an accomplice only because the witness was a party to the conduct.

Section:	33	Interpretation: Part 5	2 of 2003	14/02/2003
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PART 5

ELECTORAL ADVERTISING

In this Part-

"incumbent candidate" (在任的候選人) means-

- (a) the person holding office as, or for the time being assuming the duties of, the Chief Executive; or
- (b) a serving Member of the Legislative Council, or a person who was a Member of the Legislative Council immediately before its dissolution; or
- (c) a serving member of a District Council; or
- (d) a serving member of the Heung Yee Kuk; or
- (e) a serving Chairman, Vice-Chairman or member of the Executive Committee of a Rural Committee; or
- (f) a serving Village Representative, (Amended 2 of 2003 s. 68)

who is seeking re-election to the same office or body or election to another office or body to which this Ordinance applies;

"performance report" (工作表現報告) means a document that gives details of activities organized, services performed or work done by an incumbent candidate as-

- (a) the Chief Executive; or
- (b) a serving Member of the Legislative Council; or
- (c) a serving member of a District Council; or
- (d) a serving member of the Heung Yee Kuk; or
- (e) a serving Chairman, Vice-Chairman or member of the Executive Committee of a Rural Committee; or
- (f) a serving Village Representative; (Amended 2 of 2003 s. 68)

"printer" (印刷人), in relation to a document, includes any person who reproduces the document by any means;

"registered local newspaper" (註冊本地報刊) means a newspaper registered under section 7 of the Registration of Local Newspapers Ordinance (Cap 268).

Section:	34	Offence to publish election advertisements that do not meet certain requirements	L.N. 55 of 2000	03/03/2000
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(1) A person must not publish a printed election advertisement that fails to show, in the English or Chinese language-

- (a) the name and address of the printer; and
- (b) the date on which it was printed; and
- (c) the number of copies printed.

(2) Subsection (1) does not apply to an election advertisement that is printed in a registered local newspaper.

(3) Subsection (1) is not contravened in relation to the publication of a printed election advertisement if, not later than 7 days after the advertisement is published, the publisher, or a person authorized by the publisher, has lodged with the appropriate returning officer a statutory declaration that states-

- (a) the name and address of the printer; and
- (b) the date on which it was printed; and
- (c) the number of copies printed.

(4) A person must, not later than 7 days after publishing a printed election advertisement, furnish 2 copies of the advertisement to the appropriate returning officer.

(5) If a printed election advertisement is published in a registered local newspaper, the duty to comply with subsection (4) is on the person who seeks to place the advertisement in the newspaper.

- (6) A person who contravenes subsection (1) or (4) commits an offence and is-
- (a) if tried summarily, liable on conviction to a fine at level 5 and to imprisonment for 1 year; or
 - (b) if tried on indictment, liable on conviction to a fine of \$200000 and to imprisonment for 3 years.

(7) A returning officer must keep each copy of statutory declaration or an election advertisement lodged with the officer under this section for 6 months after the date on which the result of the relevant election is published and may then destroy it or dispose of it in some other manner.

(8) Subject to subsection (5), any person who authorizes the publication of an election advertisement is taken to have published the advertisement for the purposes of this section.

(9) A performance report published by an incumbent candidate during an election period is an election advertisement for the purposes of this section.

Section:	35	Court may grant relief in certain circumstances if election advertisements do not meet requirements	L.N. 55 of 2000	03/03/2000
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(1) A person who publishes a printed election advertisement without complying with section 34(1) or (4) may apply to the Court for an order under subsection (2).

(2) On the hearing of an application made under subsection (1), the Court may make an order allowing the publication which would, but for this section, constitute an offence under section 34, be excepted from the relevant requirements under that section and relieving the applicant from the penalties imposed by that section, but only if the Court-

- (a) is satisfied that-
 - (i) the non-compliance was due to inadvertence, an accidental miscalculation or any reasonable cause and was not due to bad faith; and
 - (ii) where the Court requires notice of the application to be given in Hong Kong, the notice has been given; and
- (b) believes it to be just that the applicant should not be subject to those penalties.

(3) If an application is made under subsection (1), no prosecution against the applicant for not having complied with section 34(1) or (4) may be instituted or carried on until the application is disposed of by the Court.

(4) An applicant is not liable to be convicted of an offence under section 34 if the non-compliance by the applicant with section 34(1) or (4) is the subject of an order made under subsection (2).

Section:	36	Interpretation: Part 6	2 of 2003	14/02/2003
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PART 6

ELECTION RETURNS

For the purposes of this Part, the date on which the result of an election is published is-

- (a) in the case of an election to elect the Chief Executive, the date on which the result of the election is published in the Gazette; and (Amended 21 of 2001 s. 81)
- (b) in the case of an election to membership of the Legislative Council, the Election Committee or a District Council, the date on which the result of the election is notified in the Gazette; and
- (c) in the case of an election relating to the Heung Yee Kuk or a Rural Committee, the date on which the result of the election is announced by the returning officer for the election; and
- (d) in the case of an election to elect a Village Representative for a Village, the date on which the result of the election is notified in the Gazette. (Amended 2 of 2003 s. 68)

Section:	37	Candidate to lodge election return with appropriate authority	L.N. 189 of 2003	15/07/2004
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- (1) Each candidate at an election must lodge with the appropriate authority an election return setting out-
 - (a) the candidate's election expenses at the election; and
 - (b) all election donations received by or on behalf of the candidate in connection with the election.
- (2) The candidate must ensure that the return-
 - (a) is lodged-
 - (i) in the case of an election to elect a Member of the Legislative Council for any constituency-

- (A) not later than 60 days after the date of publication of the result of the election; and
- (B) if the proceedings for the election have been terminated under the relevant electoral law, not later than 60 days after the declaration of the termination of the election proceedings; and
- (C) if the election has failed under the relevant electoral law, not later than 60 days after the declaration of the failure of the election, or within such extended period as may be allowed by the Court under section 40; and
- (ii) in any other case-
 - (A) not later than 30 days after the date of publication of the result of the election; and
 - (B) if the proceedings for the election have been terminated under the relevant electoral law, not later than 30 days after the declaration of the termination of the election proceedings; and
 - (C) if the election has failed under the relevant electoral law, not later than 30 days after the declaration of the failure of the election, or within such extended period as may be allowed by the Court under section 40; and (Replaced 25 of 2003 s. 55)
- (b) is accompanied-
 - (i) in the case of each election expense of \$100 or more, by an invoice and a receipt giving particulars of the expenditure; and
 - (ii) in the case of each election donation of more than \$1000 or, in the case of an election donation consisting of goods or a service, of more than \$1000 in value, by a copy of the receipt issued to the donor giving particulars of the donor and the donation; and
 - (iii) where an election donation or part of an election donation that was received by or on behalf of the candidate in connection with the election was not used for that purpose was disposed of in accordance with section 19, by a copy of the receipt given by the recipient of the donation or part; and
 - (iv) where an election donation or part of an election donation that was received by or on behalf of the candidate in connection with the election was not used for that purpose was not disposed of in accordance with section 19(3), by an explanation setting out the reason why it was not disposed of in accordance with that section; and
 - (v) by a declaration in a form provided or specified by the appropriate authority verifying the contents of the return.

(3) For the purposes of subsection (2), an invoice and a receipt for an election expense may be included in the same document.

Section:	37A	Relief for minor errors etc. in election return	18 of 2011	15/07/2011
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- (1) Subject to subsection (2), this section applies to—
 - (a) any error or false statement in an election return lodged by a candidate the nature of which is a failure to set out in the election return any election expense of the candidate at the election concerned or any election donation received by or on behalf of the candidate in connection with the election—
 - (i) that is required under section 37 to be set out in the election return; and
 - (ii) that does not exceed the limit prescribed in the Schedule for the election; and
 - (b) any error or false statement in an election return lodged by a candidate—
 - (i) the nature of which is incorrectness in the amount of any election expense of the candidate at the election concerned or any election donation received by or on behalf of the candidate in connection with the election; and
 - (ii) the correction of which requires an adjustment not exceeding the limit prescribed in the Schedule for the election in that amount.
- (2) If—
 - (a) there are 2 or more errors or false statements in an election return; and
 - (b) the aggregate value of those errors or false statements exceeds the limit prescribed in the Schedule for the election concerned,
 this section does not apply to the errors or false statements.

- (3) For the purposes of subsection (2), the value of an error or false statement is—
 - (a) if the nature of the error or false statement is a failure to set out an election expense or election donation, the amount of the election expense or election donation;
 - (b) if the nature of the error or false statement is incorrectness in the amount of an election expense or election donation, the extent, in monetary terms, of the adjustment required to correct the error or false statement.
- (4) Despite section 37, if this section applies to any error or false statement in an election return lodged by a candidate, the candidate may lodge, subject to subsections (5) and (6), with the appropriate authority a copy of the election return which is marked with the necessary revision to have the error or false statement corrected.
- (5) A candidate may not lodge a copy of an election return in relation to an election under subsection (4) if the aggregate amount of election expenses incurred at or in connection with the election by or on behalf of the candidate exceeds the maximum amount of election expenses prescribed for a candidate by regulations in force under section 45.
- (6) A copy of an election return lodged under subsection (4) by a candidate is of no effect unless—
 - (a) it is lodged within 30 days after the date on which the candidate receives a notice from the appropriate authority relating to the error or false statement in the election return;
 - (b) if the nature of the error or false statement is a failure to set out an election expense or election donation in the election return, it is accompanied by—
 - (i) (in the case of an election expense) an invoice and a receipt; or
 - (ii) (in the case of an election donation) a copy of a receipt and, if applicable, an explanation, required under section 37(2)(b) had the election expense or election donation been set out in the election return; and
 - (c) it is accompanied by a declaration by the candidate in a form provided or specified by the appropriate authority verifying the contents of the copy of the election return.
- (7) For the purposes of subsection (6), an invoice and a receipt for an election expense may be included in the same document.
- (8) On the receipt under subsection (4) by an appropriate authority of a copy of an election return which is marked with any revision described in that subsection—
 - (a) the revision is deemed, except for the purposes of section 20, to have been made in the election return before the election return was lodged; and
 - (b) an invoice, a receipt, a copy of a receipt or an explanation (if any) accompanying the copy is deemed, except for the purposes of section 20, to have accompanied the election return when the election return was lodged.
- (9) A group of candidates or a candidate who is not one of a group of candidates may only lodge one copy of an election return under subsection (4) in respect of an election.
- (10) A copy of an election return may not be withdrawn or amended after it has been lodged under subsection (4).
- (11) The Chief Executive in Council may by order amend the Schedule.
- (12) In this section, a reference to an error or false statement in an election return includes—
 - (a) an error or false statement in any document accompanying the election return; or
 - (b) a failure to send any document required by section 37(2)(b) in relation to the election return.

(Added 18 of 2011 s. 47)

Section:	38	Offence to fail to lodge election return	L.N. 55 of 2000	03/03/2000
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- (1) A candidate who fails to lodge an election return as required by section 37 commits an offence and is-
 - (a) if tried summarily, liable on conviction to a fine at level 5 and to imprisonment for 1 year; or
 - (b) if tried on indictment, liable on conviction to a fine of \$200000 and to imprisonment for 3 years.
- (2) If a candidate has made an application under section 40, no prosecution against the candidate for failing to have lodged an election return as required by section 37 may be instituted or carried on until the application is disposed of by the Court.
- (3) A candidate is not liable to be convicted of an offence under subsection (1) for failing to have lodged an election return as required by section 37 if-
 - (a) the failure is the subject of an order made under section 40; and
 - (b) the further period specified in the order has not yet expired.
- (4) A candidate who is convicted of an offence under subsection (1) is subject to the same disqualifications as a

person convicted of having engaged in illegal conduct.

Section:	39	Offence to act in office or participate in affairs of body if no election return is lodged	L.N. 55 of 2000	03/03/2000
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(1) A person commits an offence if, having been elected to an office or membership of a body at an election to which this Ordinance applies, the person acts in the office or participates in the affairs of the body as a member without having complied with section 37.

(2) A person found guilty of an offence under this section is liable on summary conviction to a fine of \$5000 for each day on which the person acts in the office or participates in the affairs of the body as a member without having complied with section 37.

(3) A person is not liable to be convicted of an offence under this section for acting in the office or participating in the affairs of the body as a member without having complied with section 37 if-

- (a) the non-compliance is the subject of an order made under section 40; and
- (b) the further period specified in the order has not yet expired.

(4) A person who acts in the office or participates in the affairs of the body as a member without having complied with section 37, if-

- (a) the person's application for an order under section 40 is refused; or
- (b) the person has not complied with section 37 within the further period specified in the order made under section 40,

may be convicted of an offence under this section and is liable on conviction to the daily fine referred to in subsection (2) counting from the day on which the person began to act in the office or participate in the affairs of the body as a member without having complied with section 37.

Section:	40	Court may grant relief to candidate in certain circumstances	L.N. 55 of 2000	03/03/2000
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(1) A candidate who is unable or has failed to lodge an election return as required by section 37 before the end of the permitted period can apply to the Court for an order allowing the candidate to lodge with the appropriate authority an election return within such further period as the Court specifies.

(2) On the hearing of an application made under subsection (1), the Court may make the order sought, but only if it is satisfied that the inability or failure to lodge an election return as required by section 37 was attributable to-

- (a) the applicant's illness or absence from Hong Kong; or
- (b) the death, illness, absence from Hong Kong or misconduct of an agent or employee of the applicant; or
- (c) inadvertence or an accidental miscalculation by the applicant or any other person; or
- (d) any reasonable cause,

and was not due to the applicant's bad faith.

(3) A candidate can also apply to the Court for an order enabling the candidate to correct any error or false statement in an election return or in any document accompanying the return.

(4) On the hearing of an application made under subsection (3), the Court may make the order sought, but only if it is satisfied that the error or false statement was due to-

- (a) misconduct of an agent or employee of the applicant; or
- (b) inadvertence or an accidental miscalculation by the applicant or any other person; or
- (c) any reasonable cause,

and was not due to the applicant's bad faith.

(5) A candidate who has not complied with section 37(2)(b)(i), (ii) or (iii) can also apply to the Court for an order exempting the candidate from the requirement to send an invoice or a receipt, or a copy of a receipt, as required by that section.

(6) On the hearing of an application made under subsection (5), the Court may make the order sought, but only if it is satisfied that the non-compliance was due to-

- (a) misconduct of an agent or employee of the applicant; or
- (b) inadvertence, or an accidental loss or destruction of the invoice or receipt or copy of the receipt, by the applicant or any other person; or
- (c) any reasonable cause,

and was not due to the applicant's bad faith.

(7) In making an order under this section, the Court may impose such conditions as it considers to be

appropriate for carrying into effect the objects of this Ordinance.

(8) A person who fails to comply with a condition imposed in an order made under this section commits an offence and is-

- (a) if tried summarily, liable to a fine at level 5 and to imprisonment for 1 year; or
- (b) if tried on indictment, liable on conviction to a fine of \$200000 and to imprisonment for 3 years.

(9) A candidate who is convicted of an offence under subsection (8) is subject to the same disqualifications as a person convicted of having engaged in illegal conduct.

Section:	41	Appropriate authority to keep election returns	18 of 2011	15/07/2011
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- (1) The appropriate authority must keep at the office of the authority— (Amended 18 of 2011 s. 48)
 - (a) all election returns lodged with the authority under section 37; and
 - (b) all copies of election returns lodged with the authority under section 37A.
- (2) The appropriate authority must, during the relevant period, ensure that copies of the documents kept under subsection (1) are made available for inspection by any person who, during the authority's business hours, asks to inspect any of the documents.
- (3) If a person asks for a copy of a document or part of a document kept under subsection (1), the appropriate authority must provide the person with such a copy, subject to payment of a copying fee not exceeding an amount calculated in accordance with a rate fixed in accordance with subsection (4).
- (4) The appropriate authority is required, by notice published in the Gazette, to fix a rate for the purposes of subsection (3). The fixing of the rate is subject to the approval of the Financial Secretary. Such a notice is not subsidiary legislation for the purposes of the Interpretation and General Clauses Ordinance (Cap 1).
- (5) After the end of the relevant period, the appropriate authority may arrange for the documents kept by the authority under subsection (1) to be destroyed, but if, during that period, a candidate who has lodged any of the documents with the authority asks for it to be returned to the candidate, the authority must comply with the request.
- (6) For the purposes of this section, the relevant period, in relation to a document lodged with the appropriate authority, is the period beginning with the time when the document is lodged with the authority and ending with the first anniversary of the date on which the result of the relevant election is published.

(Amended 18 of 2011 s. 48)

Section:	42	Officers liable to be found guilty of offences committed by corporation	L.N. 55 of 2000	03/03/2000
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PART 7

MISCELLANEOUS PROVISIONS

(1) If a corporation is found guilty of having engaged in corrupt or illegal conduct, each person who was an officer of the corporation when the conduct was engaged in is also liable to be found guilty of having engaged in the conduct unless the person proves-

- (a) that the conduct was engaged in without the person's knowledge; or
- (b) if the conduct was engaged in with that person's knowledge, that the person exercised reasonable diligence to prevent the conduct from being engaged in.

(2) In this section, "officer" (高級人員), in relation to a corporation, means a director, executive officer or other person who is concerned in the management of the corporation.

Section:	43	Attempts to be treated as complete offences	L.N. 55 of 2000	03/03/2000
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(1) A person who, with the relevant knowledge or intent, attempts to do an act that constitutes an offence against this Ordinance is guilty of attempting to commit the offence.

(2) A person who is convicted of an attempt to commit an offence against this Ordinance is subject to the same penalties and disqualifications imposed by any law to which the person would have been subject on conviction of the offence attempted.

Section:	44	Rights of creditors not affected by contravention of this Ordinance	L.N. 55 of 2000	03/03/2000
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The fact that an election expense has been incurred in contravention of this Ordinance does not prevent a person who has supplied goods or services in relation to which the expense was incurred from exercising any rights that the person has as a creditor under the contract for the supply of the goods or services if the person was unaware of the contravention at the time when the contract was entered into.

Section:	45	Chief Executive in Council may make regulations	2 of 2003	14/02/2003
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(1) The Chief Executive in Council may make regulations prescribing the maximum amount of election expenses that can be incurred-

- (a) by or on behalf of a candidate at an election; or
- (b) where the list system of voting is used at an election, by or on behalf of a group of candidates.

(2) A regulation under this section may prescribe different maximum amounts for different kinds of elections and for different constituencies and for different Villages and for different bodies to which this Ordinance applies. (Amended 2 of 2003 s. 68)

Section:	46	Repeal of Corrupt and Illegal Practices Ordinance	L.N. 55 of 2000	03/03/2000
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The Corrupt and Illegal Practices Ordinance (Cap 288) is repealed.

Section:	47	(Omitted as spent)	L.N. 55 of 2000	03/03/2000
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(Omitted as spent)

Section:	48	Transitional provision	L.N. 55 of 2000	03/03/2000
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Any subsidiary legislation made under the Corrupt and Illegal Practices Ordinance (Cap 288) before its repeal and in force at the commencement of this Ordinance is, so far as it is not inconsistent with this Ordinance, to continue in force and have the like effect for all purposes as if made under this Ordinance.

Section:	49	Saving provision	L.N. 55 of 2000	03/03/2000
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The repeal of the Corrupt and Illegal Practices Ordinance (Cap 288) does not affect any obligation or liability incurred, or any penalty or disqualification imposed, or any investigation or legal proceedings instituted, under that repealed Ordinance; and any such penalty or disqualification may be imposed, and any such investigation or legal proceedings may be instituted or carried on, as if this Ordinance had not been passed.

Schedule:		Limit Prescribed for Election Concerned for Purposes of Section 37A	18 of 2011	15/07/2011
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[section 37A]

Item	Election	Limit
1.	An election to elect the Chief Executive	\$5000
2.	An election to elect a Member or Members of the Legislative Council for the District Council (second) functional constituency within the meaning of the Legislative Council Ordinance (Cap 542)	\$5000
3.	An election to elect a Member or Members of the Legislative	\$3000

Council for any geographical constituency within the meaning of the Legislative Council Ordinance (Cap 542)

- | | | |
|----|--|-------|
| 4. | An election to elect a Member or Members of the Legislative Council for any functional constituency within the meaning of the Legislative Council Ordinance (Cap 542) other than the District Council (second) functional constituency | \$500 |
| 5. | An election to elect a member or members of the Election Committee | \$500 |
| 6. | An election to elect a member or members of a District Council | \$500 |
| 7. | An election to elect a member or members of the Heung Yee Kuk | \$200 |
| 8. | An election to elect the Chairman or Vice-Chairman or a member of the Executive Committee of a Rural Committee | \$200 |
| 9. | An election to elect a Village Representative | \$200 |

(Schedule replaced 18 of 2011 s. 49)