

The Chief Executive Election

The Elections (Corrupt and Illegal Conduct) Ordinance (ECICO) enforced by the ICAC regulates different public elections in Hong Kong, including the Chief Executive Election.

Apart from the candidates and their election helpers who should abide by the laws and regulations, their supporters (including individuals or organisations) should also understand the legislation and avoid any inadvertent contravention of the law.

Points-to-note for Candidates' Supporters

Electioneering for Candidate

- ✘ Do not make any false or misleading statement of fact including (but not limited to) the character, qualifications or previous conduct of a candidate.
- ✘ Do not incur any election expenses by publishing election advertisements before you have been authorised by a candidate in writing as his election expense agent.
- ✘ Do not use, without obtaining prior written consent, the name or logo of a person or an organisation; or a photo of any person, in any election advertisement in such a way as to infer that the candidate concerned has the support of such person or organisation.

Inviting Candidate to Attend Functions

- ✘ Do not incur any election expenses by arranging publicity functions for a candidate before you have been authorised by the candidate in writing as his election expense agent.
- ✘ Do not only invite particular candidate(s) to attend functions which might incur election expenses, e.g. election forums or similar occasions, unless you have been authorised by a candidate in writing as his election expense agent.
- ✓ Do consider extending invitations to all candidates so as to provide them an equal opportunity to promote themselves or their election platforms.

Giving Election Donations to Candidate

✓ A donor should provide his name and address to the candidate as the candidate must comply with the legal requirement to issue a receipt to the donor for each election donation of more than \$1,000 in value. Otherwise, any anonymous election donation of more than \$1,000 in value must not be used for electioneering and the candidate has to give it to a charitable institution or trust of a public character.

Frequently-Asked Questions

The following are some frequently-asked questions which spell out the spirit of the ECICO for the candidates' supporters to note during the election period :

Election Meetings

What should an organisation take heed of if it plans to invite a particular candidate to attend a dinner banquet and introduce his election platform ?

- Since the candidate will introduce his election platform at the dinner banquet to promote his election, the occasion will be regarded as his election meeting. Any costs incurred will have to be counted towards his election expenses.
- The responsible person of the organisation should have been authorised by the candidate in writing as his election expense agent before incurring any election expenses for the candidate. He should also record the expenditure clearly and keep the invoices and receipts for the candidate to lodge the election return.
- If the dinner banquet is deliberately organised and sponsored by the organisation's responsible person with a view to inducing the attending Election Committee members to vote for the candidate, it will be corrupt conduct and the responsible person will commit an offence.

Will it make any difference if the occasion is a forum ?

- No matter what format the function is, if it is held to promote a particular candidate's platform, it will be regarded as an election meeting. Any costs incurred should be counted towards the candidate's election expenses.

Will it make any difference if the organisation invites all candidates to attend the forum ?

- If the forum is organised for all candidates and not for promoting or prejudicing the election of particular candidate(s), it will not be regarded as an election meeting. The costs incurred need not be counted towards the election expenses of any candidate.

How about only some of the candidates agree to attend the forum though invitations have been offered to all candidates ?

- As long as the organisation follows the “fair and equal treatment” principle and has invited all candidates to attend, it may continue to organise such activity as planned although some candidates may choose not to attend due to personal or other reasons.

Election Advertisements

Can an organisation publish an article on its newsletter to encourage Election Committee members to support a particular candidate ?

- Yes, but the said article will be regarded as the candidate’s election advertisement. The cost incurred for publishing the article, e.g. page-making and printing, should be treated as election expenses. If the cost is paid by the organisation, the amount should be regarded as election donation to the candidate. Besides, the organisation’s responsible person should have obtained the candidate’s prior written authorisation before incurring such expenses.
- If the newsletter is a printed publication, the name and address of the printer, the date of printing and the number of copies printed should be shown on it. As required by the law, the candidate should deposit two copies of the election advertisement with the Returning Officer before it is published. If the organisation does not follow the requirement, it may make the candidate whom it supports commit an offence inadvertently.

Will it make any difference if the organisation places an advertisement on a newspaper instead ?

- The advertisement will also be regarded as an election advertisement. However, a registered local newspaper is exempted from showing the printing details as mentioned above. Besides, the organisation's responsible person should have obtained the candidate's prior written authorisation before incurring such expenses.
- The candidate still has to submit two copies of the election advertisement to the Returning Officer before it is published. If the organisation does not follow the legal requirement, it may make the candidate whom it supports commit an offence inadvertently.

What if the advertisement is a commentary about particular candidate(s) without indicating support for them ?

- All the contents of any publicity material about candidates must be true. The organisation should not publish any materially false or misleading statements of fact about the candidates, including (but are not limited to) their character, qualifications or previous conduct.
- If such commentary is for promoting or prejudicing the election of a particular candidate, it will be regarded as an election advertisement.

Election Donations

What should I or my organisation take heed of if we plan to make an election donation to a particular candidate ?

- If the value of your donation (including money, goods or service) exceeds \$1,000, you should provide your name and address to the candidate so that he can issue a receipt to you according to the law. Otherwise, the candidate receiving any anonymous election donation of more than \$1,000 in value must give it to a charitable institution or trust of a public character and must not use it for his election.

The above information serves only as a general reference. In case of doubt on particular situations, please refer to the original legislation and seek legal advice. You may also contact the ICAC for enquiries on the ECICO.

ICAC Election Enquiry Hotline : **2920 7878**

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

ICAC Election Website : **www.icac.org.hk/elections**