

**Administration's Responses to Points raised on 28 March 2001
by Members of the Bills Committee
on the Chief Executive Election Bill**

Q1: Explain the application of anti-bribery legislation to the CE election?

A1: The Elections (Corrupt and Illegal Conduct) Ordinance (ECICO) is already applicable to the CE election. Under the CE Election Bill, we have proposed some technical amendments to the ECICO so as to make it fully compatible with the CE election process.

Section 11 of the ECICO provides that a person engages in corrupt conduct if he, without reasonable excuse, offers an advantage to a person as an inducement to vote (or not to vote) or as a reward for having voted (or having not voted) for a particular candidate. Under this section, it is also an offence for a person to solicit or accept advantage as an inducement to vote (or not to vote) or as a reward for having voted (or having not voted) for a particular candidate. "Advantage" is defined under the ECICO to include –

- (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).

A person convicted of corrupt conduct is liable –

- (a) if tried summarily, to a fine of \$200,000 and imprisonment for 3 years; or
- (b) if tried on indictment, to a fine of \$500,000 and imprisonment for 7 years.

We believe the ECICO, together with the technical amendments to it proposed in the CE Election Bill, provides effective measures to prevent corrupt and illegal conduct in the CE election.

Constitutional Affairs Bureau
29 March 2001