

Bills Committee on Chief Executive Election Bill

Meeting on 31 May 2001

Application of certain provisions of the Prevention of Bribery Ordinance (POBO) (Cap. 201) to Chief Executive

Members' concerns about application of POBO to CE are summarized as follows-

- (1) A member of the BC has said that a situation could arise where a member or certain members of the EC might approach the CE seeking re-election and ask him to exercise his influence on certain matters, such as on a Bill under scrutiny by LegCo, which involves no direct personal interests or benefits of the EC member(s) concerned, in exchange for voting for the incumbent CE at the election. The EC member(s) might also be under the influence of a third party in making such an approach to the CE. The BC member is of the view that such act of solicitation, or other similar acts of the kind, might not be caught under the existing POBO or ECICO, and that it should be made specifically a criminal offence in the law to catch the acts of all parties concerned;
- (b) As certain provisions of POBO do not apply to CE and the incumbent CE may seek re-election in 2002, the legislative proposals to amend POBO to extend the Ordinance's applicability to CE should be introduced into LegCo early so that the new framework can apply to the CE election in March 2002;
- (c) There is an urgent need to amend POBO to eliminate the difference between the standards applicable to civil servants under the specific provisions of POBO and that applicable to CE under the other general provisions and the common law, the former standards being stricter than the latter; and
- (d) The ECICO only governs corrupt and illegal conduct at an election but not acts such as that of a serving CE who has yet to announce his intention to seek re-election. There might be a need to deal with that in the context of the POBO.