

**Bills Committee on
Electoral Legislation (Miscellaneous Amendments) Bill 2011**

**Follow up on issues raised at the
Bills Committee meeting on 13 June 2011**

In response to Members' request at the Bills Committee meeting on 13 June 2011, this paper sets out the information relating to the offences regarding the submission of election returns ("ERs") in the previous round of elections.

Offences Involving ERs

2. For the elections held in 2006-08, the Independent Commission Against Corruption ("ICAC") received a total of 909 cases relating to ERs, involving failure to set out relevant election expenses or election donations or incorrectness in the amount of any expense or donation set out in the ERs. Based on previous investigations undertaken by the ICAC concerning minor breaches, and should the proposed de minimis arrangement apply to the aforementioned elections, the proposed arrangement would have covered around 79% of the cases for the 2006 EC subsectors election; 65% of the cases for the 2007 DC election; 69% of the cases for the 2008 LegCo geographical constituencies election; and 53% of the cases for the 2008 LegCo functional constituencies election. As regards the 2007 Village Representative election, 2007 Rural Committee election, and 2007 Chief Executive election, the ICAC did not receive any case which would fall within the scope of the proposed de minimis arrangement.

3. Under the existing practice, the Registration and Electoral Office ("REO") and the Home Affairs Department ("HAD")¹ are responsible for checking an ER of a candidate or a list of candidates. The REO and the HAD, as the case may be, will refer to the ICAC any possible breaches relating to the ERs under the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554). The ICAC will, upon receipt of the referral from the REO or the HAD, conduct a full investigation including interviewing the candidate (the subject of the allegation) and will report the outcome of the investigation to the Operations Review Committee after all necessary actions have been taken. When interviewing the candidate(s), the ICAC will inform them of the alleged or suspected errors/omissions identified in an ER in one go.

Constitutional and Mainland Affairs Bureau
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¹ The REO is responsible for checking the ERs for the EC subsectors election, CE election, DC election and LegCo election. The HAD is responsible for checking the ERs for the VR election, RC election and HYK election.