

政制事務局政府總部的信頭

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電話 Tel: 2810 2852
圖文傳真 Fax: 2840 1976

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Legislative Council Secretariat
Legislative Council
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Attn: Mr Arthur CHEUNG
Assistant Legal Adviser
Legal Service Division

Dear Mr CHEUNG,

Elections (Corrupt and Illegal Conduct) Bill

Thank you for your letter of 22 March.

The mental element in the offence in clause 7 is in the terms “inducement” and “reward” which require a deliberate intention on the part of the actor. It was considered that there could never be a lawful authority or a reasonable excuse for deliberate bribery. In our view, there is no difference in the scope of offence between clause 7 and S8A as the qualifying term is redundant.

It is always our intention that advance declaration on election donations can be made by candidates. Indeed, the Electoral Affairs Commission will include in its Guidelines “advance return of donations” to enable a candidate to give advance disclosure to the Commission of any donations received before the publication of election results. As such, the potential problem mentioned in your letter will not arise.

Yours sincerely,

(Bassanio SO)

for Secretary for Constitutional Affairs