

**Administration's Proposed Committee Stage Amendments to the  
Elections (Corrupt and Illegal Conduct) Bill**

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*(Draft wordings of the amendments are annexed to this paper.)*

**1. Requirements for free service - definition of “advantage” and  
“election donation” in Clause 2**

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- Members are concerned whether free service provided to a candidate should be counted as election donation and thus form part of election expenses. To ensure a level playing field for all candidates, we consider it appropriate to require the candidates to account for certain free services obtained at an election. Having considered Members' views, we propose the following arrangements :
  - (a) A candidate does not need to include in his election return a free service if it is provided by a person personally and voluntarily, and -
    - (i) that person's occupation is not related to the free service provided to the candidate; or
    - (ii) that person's occupation is related to the free service provided to the candidate but it is provided outside the person's normal working hours.
  - (b) A candidate needs to include in his election return all free services other than those mentioned at (a) above.
- Since it is not necessary to include the free services mentioned in (a) above in an election return, they may be caught by para. (g) “any other service” in the definition of “advantage”. Therefore, we propose to amend the definition of “advantage” to make it clear that the free services mentioned at (a) above are not advantage.
- Also, we propose to amend the definition of “election donation”

to make it clear that free services other than those mentioned in (a) above have to be included in an election return.

**2. Objects and application of the Bill - Clauses 3 and 4**

- Some members have suggested that provisions of the Bill should also be applied to the election of the Chief Executive and Village Representatives in the New Territories. It is the Administration's policy to ensure that all our public elections are clean and free from any corrupt or illegal conduct. Therefore, we propose to amend clauses 3 and 4 to cover elections of the Chief Executive and Village Representatives.

**3. Penalties for corrupt conduct - Clause 6(3)(a)**

- In order to make it clear that an advantage received by any person on behalf of a candidate will be forfeited, we propose to substitute "election agents" with "agents".

**4. Corrupt conduct to bribe candidates for not using best endeavours at election - Clause 7**

- According to clause 7, a person will be caught if he accepts an advantage for standing as a candidate or withdrawing his candidature. Members are concerned that instead of withdrawing his candidature, a corrupt candidate can resort to not using best endeavours in his election campaign in exchange for an advantage. This will not be caught by the existing clause 7. We propose to introduce a new offence element of offering or accepting an advantage as inducement or reward for not using best endeavours in campaigning at an election in this clause.

**5. Corrupt conduct to destroy or deface ballot papers - Clause 17**

- Members ask if the words "then in use" in clause 17(1)(d) are necessary. We propose to break down subclause (1)(d) into two subclauses to clarify that for ballot papers, they are to be protected before, during and after the election until they are properly disposed of. For the ballot boxes, they only needed to

be protected when they are used at the election.

**6. Disposal of unspent or excessive donation - Clause 19**

- Responding to Members' suggestions to simplify the regulatory mechanism for election donation, we propose to move the following amendments to this clause :
  - (a) To raise the amount of donation for which a candidate is required to issue a receipt to the donor from "of \$500 or more" to "more than \$1000" in subclause (1), and to make it clear that a candidate is only required to record the name and address of the donor as supplied by the donor;
  - (b) Correspondingly, the amount of anonymous donation which must be given to a charitable institution will be increased to "more than \$1000" in subclause (2). We will also substitute "identity" with "name and address" to make it consistent with the wordings in subclause (1); and
  - (c) To simplify the disposal of any unspent or excessive donation in subclauses (3) - (8) by requiring that all such donation is to be given to a charitable institution. If asked by a donor, a candidate can explain that it is a legal requirement that any unspent donation must be given to a charitable organisation.

**7. Corrupt conduct to withdraw election petition - Clause 21**

- As pointed out by Members, there are inconsistencies in the use of the terms "advantage" and "reward" in this clause. We propose to amend subclauses (3) to (5) to ensure consistency.

**8. False claim of support in an election advertisement - Clause 27**

- Subclauses (1) and (2) make it an offence for a person to include the name or logo of another person or an organisation in an election advertisement without obtaining their written consent before publication. Members consider that the element of written consent should be included in these two subclauses

instead of treating it as a defence under subclause 3. We propose to amend the entire clause accordingly.

- We also propose to amend subclause (9) to clarify the meaning of “support”.

**9. Court to declare candidate to be duly elected in certain circumstance - Clauses 29 and 30**

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- To address Members’ concern on overlapping between these two clauses, we propose to substitute the existing wordings used in clause 29(2)(b) with wordings used in clause 30(1)(a)(i) and (ii). The existing clause 30(1)(a)(i) and (ii) will then be deleted.
- In clause 30(1)(b), we propose to substitute “the conduct was of a trivial nature” with “the conduct did not materially affect the results of the election” to reflect the policy intent that despite its triviality, a conduct that has significant effect on the election should not be excused.
- Members are concerned that it will be difficult for a candidate to prove that he has taken all reasonable steps. We propose to replace “all reasonable steps” with “reasonable steps” in clause 30(1)(c).

**10. Court order to grant relief to candidates - Clauses 31 and 39**

- Clauses 31(2)(a), 39(2) and 39(4) set out the grounds for which a court must be satisfied before granting an order. Members are concerned that the phrase “some other reasonable cause” used in these clauses seems to imply that this other cause must be of similar nature to the other grounds set out in the clauses. We propose to substitute this phrase with “any reasonable cause” in these clauses.
- To address Members’ concern, we propose to add two subclauses in clause 31 to make it clear that the relevant criminal proceedings will be stayed once an application for a court order is made. The applicant will be relieved of any criminal liability if a court order is granted.

- As proposed by Members, we will make it clear in clause 39(1) that an application can be made before the deadline for lodging an election return.
- Responding to Members' suggestions, we propose to add two new subclauses in clause 39 to enable a candidate to apply for a court order for loss of the documents required under clause 36(2)(b) (an invoice or receipt for an election expense, copy of a receipt issued to a donor and a receipt given by a charitable institution for any unspent or excessive donation). The grounds for granting a court order will be the same for correcting errors in an election return as set out in clause 39(4).

#### **11. Election return - Clauses 35, 36, 37 and 38**

- In clause 35(a), we propose to add “the Election Committee” to make clear that the relevant provisions are also applicable to candidates in the subsector elections of the Election Committee.
- Members point out that because of the phrase “within 30 days after the date of publication of the result of the election” used in clause 36(2)(a), a candidate will be unable to lodge an advance return on election donation before publication of the election results. We propose to substitute “within 30 days” with “not later than 30 days” to enable a candidate to do so if he so wishes.
- Members consider that in order to reduce the workload for a candidate, the amount of expenses requiring an invoice and a receipt in clause 36(2)(b)(i) should be raised. We would like to know the views of the Committee on how the amount of \$100 proposed in the bill should be adjusted.
- As a corollary of the amendment to clause 19(1) concerning the amount of donation for which a candidate is required to issue a receipt to the donor, we also propose to amend the amount of donation for which a candidate is required to include a copy of the receipt issued to a donor in the election return from “of \$500 or more” to “more than \$1000” in clause 36(2)(b)(ii).

- In view of Members' concern, we propose to add a new subclause in clause 37 to make it clear that the relevant criminal proceedings will be stayed once an application for a court order is made.
- Clause 38 provides a daily fine for a person who participates in the affairs of the body to which he is elected without lodging his election return. To address Members' concern that a meeting may be held before the deadline for lodgement of the election return, we propose to substitute "without having lodged an election return as required by section 36" with "without having complied with section 36". At the same time, we have taken the opportunity to simplify the wordings used in this clause.
- We also propose to add two new subclauses to make it clear that the person concerned will not be subjected to the daily fine once he has applied for a court order, but the penalty will have retrospective effect if the court refuses to grant an order.

## **12. Election advertisement ("EA") - Clauses 2 and 34**

- Members are concerned that the existing definition of EA in clause 2 may be too wide. We propose to amend the definition by substituting the "effect test" with "purpose test". With this amendment, whether an advertisement falls within the scope of EA will depend on the purpose for its publication.
- Members consider that a candidate should be given more time for making a statutory declaration to rectify the mistake of publishing an EA without the required printing details in clause 34(3). We propose to amend the deadline from "before the advertisement is published" to "not later than 7 days after the advertisement is published".
- For the same reason, we propose to amend the deadline for lodging two copies of an EA with the Returning Officer in clause 34(4) from before publication to "not later than 7 days after publication". We also propose to make it clear that for an EA placed in a registered local newspaper, the responsibility for lodgement rests with the candidate.

- Although clause 34 is not an illegal conduct, it is necessary to provide a mechanism for a candidate to apply for a court order to relieve him of the liability for contravening this clause. This is reflected in clause 31(3). However, Members consider the wordings inappropriate as they give an impression that contravention of clause 34 is an illegal conduct. We propose to delete clause 31(3) and add a new subclause in clause 34 to provide for the said mechanism without equating this clause with an illegal conduct.

### **13. Attempts to commit an offence - Clause 42**

- Members point out that the purpose of clause 42 is unclear. We propose to amend this clause to make it clear that a person convicted of an attempt to commit any offence under this Bill will be subjected to the same disqualifications and penalties for a complete offence.

### **14. Repeal of the Corrupt and Illegal Practices Ordinance (“CIPO”)**

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- Since CIPO will be repealed upon enactment of this bill, we propose to add a new clause 47 to make it clear that the orders on election expenses limits for various elections made by the Governor in Council and the CE in Council under section 13 of CIPO will continue to have effect.
- Also, we propose to include a new clause 48 to make it clear that repeal of CIPO will not affect any penalty or disqualification as a result of conviction of any offence under CIPO.

### **15. Consequential amendments to the Legislative Council Ordinance and the District Councils Ordinance - items 6(i) and items 7(i) of Schedule**

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- Responding to Members’ suggestion, we propose to amend these two items to make it clear that if it appears to the Court that a person may have engaged in corrupt or illegal conduct, the



Court is required to provide a report to the Director of Public Prosecutions at the end of the trial of an election petition.

## **16. Consequential amendments to other legislation**

- Since CIPO will be repealed, we propose to replace the reference to CIPO in other legislation with the corresponding reference in the Bill. These include the Crimes Ordinances, the Medical Practitioners (Electoral Provisions) (Procedure) Regulations, regulations made by the EAC and the Election Petition Rules for the Legislative Council and the District Councils.

## **17. Technical amendments**

- We propose the following technical amendments :
  - (a) In the definition of “advantage” in clause 2, add “of” after “exercise” in paragraph (d) and “performance” in paragraph (e).
  - (b) In the definition of “appropriate authority” in clause 2, add “Election Committee” to clarify the authority for the subsector elections.
  - (c) In the Chinese text of the definition of “有關主管當局”, substitute “就為選出鄉議局議員或鄉事委員會執行委員會主席、副主席或委員而舉行的選舉而言” with “就為選出鄉議局議員或鄉事委員會主席、副主席或執行委員會委員而舉行的選舉而言” to reflect accurately the meaning of the English text. Same amendment will be made to the definition of “選民” (elector) and “選舉主任” (returning officer) and also clauses 4(g) and 33.
  - (d) In the definition of “returning officer” in clause 2, amend reference to the District Councils Ordinance from “section 73” to “section 75” to reflect the corresponding reference. Also, we propose to add a new paragraph to include returning officers appointed for subsector elections.

- (e) In clause 7(1), substitute “inducement to” with “inducement for” in paragraph (c), and substitute “having been” with “if the person has been” in paragraph (e)(ii).
- (f) In the Chinese text of clause 12(5), substitute “會議” with “聚會” for consistency.
- (g) In the Chinese text of clause 18, substitute “從事” with “作出” for consistency.
- (h) In clause 30(1)(d), substitute “in connection with” with “at”.
- (i) In clause 31(2), add a comma before “under an electoral law”.
- (j) In the definition of “printer” in clause 33, substitute “of” with “in relation to”.
- (k) In item 7 of the schedule, reflect the updated numbers of the corresponding sections of the District Councils Ordinance in paragraphs (f) - (i). In the Chinese text of paragraph (c), substitute “擬任期” with “任期擬”.

Constitutional Affairs Bureau  
November 1999

CWP1175

***DRAFT***

ELECTIONS (CORRUPT AND ILLEGAL CONDUCT) BILL

**COMMITTEE STAGE**

Amendments to be moved by the Secretary for Constitutional Affairs

Clause

Amendment Proposed

- 2 (a) In the definition of “advantage” -
- (i) in paragraph (d), by adding “of” after “exercise”;
  - (ii) in paragraph (e), by adding “of” after “performance”;
  - (iii) by deleting paragraph (g) and substituting -
    - “(g) any other service, other than -
      - (i) the provision of entertainment; or
      - (ii) the provision of service free of charge, voluntarily and personally,
      - (A) by a natural person whose occupation does
- not involve the provision of

that kind of service; or

- (B) by a natural person whose occupation involves the provision of that kind of service, outside the working hours during which such service is normally provided for remuneration or profits.”.

(b) In the definition of “appropriate authority” -

(i) in paragraph (a), by adding”, the Election Committee” after “Legislative Council”;

(ii) in paragraph (b), by deleting “執行委員會主席、副主席或” and substituting “主席、副主席或執行委員會” .

(c) In the definition of “election advertisement”, by deleting “that has the effect” and substituting “published for the purpose”.

(d) In the definition of “election donation”, by

deleting everything after “group” and substituting “(other than the service referred to in paragraph (g) (ii) of the definition of “advantage”);”.

(e) In paragraph (e) of the definition of “elector”, by deleting “執行委員會主席、副主席或” and substituting “主席、副主席或執行委員會” .

(f) In the definition of “returning officer” -

(i) by adding -

“(ab) in relation to an election for an Election Committee subsector, means a Returning Officer appointed for the subsector under section 78 of the Legislative Council Ordinance (Cap. 542); and”;

(ii) in paragraph (b), by deleting “73” and substituting “75”;

(iii) in paragraph (d), by deleting “執行委員會主席、副主席或” and substituting “主席、副主席或執行委員會”

3(a) (a) By adding “the Chief Executive,” before “persons to membership”.

(b) By adding “and village representatives” after “public bodies”.

4 (a) By adding before paragraph (a) -

“(aa) an election to elect the Chief

Executive;”.

(b) In paragraph (g) -

(i) by deleting “執行委員會主席、副主席或” and substituting  
“主席、副主席或執行委員會”；

(ii) by deleting the full stop and substituting a semicolon.

(c) By adding -

“(h) an election to elect a village representative.”.

6(3)(a) By deleting “election”.

7(1) (a) In paragraph (a), by adding -

“(iii) if the other person has been nominated as a candidate at the  
election, not to use the other person’s best endeavours to  
promote the election of the other person; or”.

(b) In paragraph (b), by adding -

“(iii) if the other person was or has been nominated as a candidate  
at the election, for not having used the other person’s best  
endeavours to promote the election of the other person; or”.

(c) In paragraph (c) -

(i) by deleting “inducement to the” and substituting “inducement for  
the other”;

(ii) by adding -

“(iii) if the third person has been nominated as a candidate at the election, not to use the third person’s best endeavours to promote the election of the third person; or”.

(d) In paragraph (d), by adding -

“(iii) if the third person was or has been nominated as a candidate at the election, not to use the third person’s best endeavours to promote the election of the third person; or”.

(e) In paragraph (e) -

(i) in subparagraph (ii), by deleting “having been” and substituting “if the person has been”;

(ii) by adding -

“(iii) if the person has been nominated as a candidate at the election, not to use the person’s best endeavours to promote the election of the person; or”.

(f) In paragraph (f), by adding -

“(iii) if the person was or has been nominated as a candidate at the election, for not having used the person’s best endeavours to promote the election of the person;

or”.

(g) In paragraph (g), by adding -

“(iii) if the other person has been nominated as a candidate at the election, not to use the other person’s best endeavours to promote the election of the other person; or”.

(h) In paragraph (h) -

(i) in subparagraph (ii), by deleting the full stop and substituting”; or”;

(ii) by adding -

“(iii) if the other person was or has been nominated as a candidate at the election, not to use the other person’s best endeavours to promote the election of the other person.”.

12(5) By deleting “會議” and substituting “聚會” .

17(1) By deleting paragraph (d) and substituting -

“(d) without lawful authority, destroys, defaces, takes or otherwise interferes with ballot papers in use, or that have been used, at the election; or

(e) without lawful authority, destroys, removes, opens or otherwise interferes with a ballot box in use at the election.”.



- 18 By deleting “從事” and substituting “作出” .
- 19 (a) In subclause (1) -
- (i) by deleting “\$500 or more” where it twice occurs and substituting “more than \$1,000”;
  - (ii) by adding “as supplied by the donor” after “address of the donor”.
- (b) In subclause (2) -
- (i) by deleting “\$500 or more” where it twice occurs and substituting “more than \$1,000”;
  - (ii) by deleting everything after “does not know the” and substituting “name and address of the donor, the candidate must ensure that the donation is not used for the purpose of meeting the candidate’s election expenses.”.
- (c) In subclause (3) -
- (i) in paragraph (a), by deleting everything after “a candidate” and substituting”; and”;
  - (ii) in paragraph (b), by adding “or is not used in accordance with subsection (2)” after “election expenses”;
  - (iii) by deleting everything after “the candidate must” and substituting “ensure

that the donation is given to a charitable institution or trust of a public character chosen by the candidate.”.

- (d) By deleting subclauses (4) and (5).
  - (e) In subclause (6), by deleting everything after “the group must” and substituting “ensure that the excess is given to a charitable institution or trust of a public character chosen by the candidate or those candidates.”.
  - (f) By deleting subclause (7).
  - (g) In subclause (8) (a), by deleting “(2) (a)” and substituting “(2)”.
- 21
- (a) In subclause (3), by adding “an advantage as” before “a reward”.
  - (b) In subclause (4), by deleting “a reward to another person” where it twice occurs and substituting “an advantage to another person as a reward”.
  - (c) In subclause (5), by deleting “or reward” wherever it occurs.
- 27
- (a) In subclause (1), by adding “unless, before the publication of the election advertisement, the person or organization consented in writing to the inclusion of the name, logo or pictorial representation” before the full stop.
  - (b) In subclause (2), by adding “unless, before the

publication of the election advertisement, the other person or organization consented in writing to the inclusion of the name, logo or pictorial representation” before the full stop.

(c) By deleting subclause (3).

(d) In subclause (4) -

(i) by deleting “subsection (3), it is sufficient for the defendant to prove that” and substituting “subsections (1) and (2), the consent of an organization is taken to have been obtained if”;

(ii) in paragraph (a), by deleting “affected”;

(iii) in paragraph (b), by deleting “defendant” and substituting “candidate or person who publishes, or authorizes the publication of, the election advertisement”.

(e) By deleting subclause (8).

(f) In subclause (9) -

(i) by deleting “person or an organization” and substituting “candidate”;

(ii) by deleting “person or organization.” and substituting “candidate.”.

29(2) By deleting paragraphs (a) and (b) and substituting -

“(a) the candidate was not aware of the conduct; or

(b) the candidate, if aware of the conduct, did not consent to or connive at it.”.

- 30(1) (a) In paragraph (a), by deleting everything after “engage in the conduct” and substituting”; and”.
- (b) In paragraph (b), by deleting “was of a trivial nature” and substituting “did not materially affect the result of the election”.
- (c) In paragraph (c), by deleting “all”.
- (d) In paragraph (d), by deleting “in connection with” and substituting “at”.

- 31 (a) In subclause (2) -
- (i) by adding a comma before “an electoral law”;
- (ii) in paragraph (a) (i), by deleting “some other” and substituting “any”.

- (b) By deleting subclause (3) and substituting -

“(3) If an application is made under subsection (1), no prosecution against the applicant for having done or omitted to do an act that, but for this section, would be illegal conduct may be instituted or carried on until the application is disposed of by the Court.

(4) An applicant is not liable to be convicted of an offence of having engaged in illegal conduct at an election if the act or omission of the applicant that, but for this section, would be illegal conduct at the election is the subject of an order made under

subsection (2).”.

- 33 (a) In paragraph (d) of the definition of “incumbent candidate”, by deleting “執行委員會現任主席、副主席或” and substituting “現任主席、副主席或執行委員會” .
- (b) In paragraph (d) of the definition of “performance report”, by deleting “執行委員會現任主席、副主席或” and substituting “現任主席、副主席或執行委員會” .
- (c) In the definition of “printer”, by deleting “of” and substituting “in relation to”.
- 34 (a) In subclause (3), by deleting “before” and substituting “not later than 7 days after”.
- (b) By deleting subclause (4) and substituting -
- “(4) A person must, not later than 7 days after publishing a printed election advertisement, furnish 2 copies of the advertisement to the appropriate returning officer.
- (4A) If a printed election advertisement is published in a registered local newspaper, the duty to comply with subsection (4) is on the person who seeks to place the advertisement in the newspaper.”.
- (c) In subclause (7), by deleting “Any” and substituting “Subject to subsection (4A), any”.

New By adding -

**“34A. Court may grant relief in certain circumstances if election advertisements do not meet requirements**

(1) A person who publishes a printed election advertisement without complying with section 34(1) or (4) may apply to the Court for an order under subsection (2).

(2) On the hearing of an application made under subsection (1), the Court may make an order allowing the publication which would, but for this section, constitute an offence under section 34, be excepted from the relevant requirements under that section and relieving the applicant from the penalties imposed by that section, but only if the Court -

(a) is satisfied that -

(i) the non-compliance was due to inadvertence, an accidental miscalculation or any reasonable cause and was not due to bad faith; and

(ii) where the Court requires notice of the application to be given in Hong Kong, the notice has been given; and

(b) believes it be just that the applicant should not be subject to those penalties.

(3) If an application is made under

subsection (1), no prosecution against the applicant for not having complied with section 34(1) or (4) may be instituted or carried on until the application is disposed of by the Court.

(4) A applicant is not liable to be convicted of an offence under section 34 if the non-compliance by the applicant with section 34(1) or (4) is the subject of an order made under subsection (2).”.

35(a) By adding “, the Election Committee” after “Legislative Council”.

36(2) (a) In paragraph (a), by deleting “within 30 days” and substituting “not later than 30 days”.

(b) In paragraph (b) -

(i) in subparagraph (i), by deleting “\$100” and substituting “\$XXX”;

(ii) in subparagraph (ii), by deleting “\$500 or more” where it twice occurs and substituting “more than \$1,000”;

(iii) in subparagraph (iv) -

(A) by deleting “such a” and substituting “an election”;

(B) by deleting “19” and substituting “19(3)”.

37 By adding -

“(1A) If a candidate has made an application under section 39, no prosecution against the candidate for failing to have lodged an election return as required by section 36 may be instituted or carried on until the application is disposed of by the Court.”.

38 (a) In subclause (1), by deleting everything after “having been elected to” and substituting “membership of a body at an election to which this Ordinance applies, the person participates in the affairs of the body as a member without having complied with section 36.”.

(b) In subclause (2), by deleting “as a member of the Legislative Council or body without having lodged an election return as required by” and substituting “in the affairs of the body as a member without having complied with”.

(c) By adding -

“(3) A person is not liable to be convicted of an offence under this section for participating in the affairs of the body as a member without having complied with section 36 if -

(a) the non-compliance is the subject of an order made under section 39; and

(b) the further period specified in



the order has not yet expired.

(4) A person who participates in the affairs of the body as a member without having complied with section 36, if -

(a) the person's application for an order under section 39 is refused; or

(b) the person has not complied with section 36 within the further period specified in the order made under section 39,

may be convicted of an offence under this section and is liable on conviction to the daily fine referred to in subsection (2) counting from the day on which the person began to participate in the affairs of the body as a member without complying with section 36.”.

39 (a) In subclause (1) -

(i) by adding “is unable or” before “has failed”;

(ii) by deleting “within” and substituting “before the end of”.

(b) In subclause (2) -

(i) by adding “inability or” before “failure”;

(ii) in paragraph (d), by deleting “some other” and substituting “any”.

(c) In subclause (4) (c), by deleting “some other” and substituting “any”.

(d) By adding -

“(4A) A candidate who has not complied with section 36(2) (b) (i), (ii) or (iii) can also apply to the Court for an order excepting the candidate from the requirement to send an invoice or a receipt, or a copy of a receipt, as required by that section.

(4B) On the hearing of an application made under subsection (4A), the Court may make the order sought, but only if it is satisfied that the non-compliance was due to -

- (a) misconduct of an agent or employee of the applicant; or
- (b) inadvertence, or an accidental loss or destruction of the invoice or receipt or copy of the receipt, by the applicant or any other person; or
- (c) any reasonable cause,

and was not due to the applicant’s bad faith.”.

42 By deleting the clause and substituting -

**“42. Consequences on conviction of attempts**

A person who is convicted of having attempted to commit an offence under this Ordinance is subject to the same penalties and disqualifications

imposed by any law to which the person would have been subjected on conviction of that offence.”.

New By adding -

**“47. Transitional provision**

Any subsidiary legislation made under the Corrupt and Illegal Practices Ordinance (Cap. 288) before its repeal and in force at the commencement of this Ordinance is, so far as it is not inconsistent with this Ordinance, to continue in force and have the like effect for all purposes as if made under this Ordinance.

**48. Saving provision**

Without derogating from section 23 of the Interpretation and General Clauses Ordinance (Cap. 1) -

- (a) the repeal of the Corrupt and Illegal Practices Ordinance (Cap. 288) does not affect any obligation or liability incurred, or any penalty or disqualification imposed, or any investigation or legal proceeding instituted, under that repealed Ordinance; and
- (b) any such penalty or disqualification may be imposed, and any such investigation or legal proceeding

may be instituted or continued, as if this Ordinance had not been passed.”.

Schedule (a) In item 6(i) -

- (i) by deleting “during” and substituting “at the end of”;
- (ii) by deleting “in relation to” and substituting “at or in connection with”.

(b) In item 7 -

- (i) in paragraph (c), by deleting “擬任期” and substituting “任期擬” ;
- (ii) in paragraph (f), by deleting “29(d)” and substituting “30(d)”;
- (iii) in paragraph (g), by deleting “47(1) (a) (ii)” and substituting “49(1) (a) (ii)”;
- (iv) in paragraph (h), by deleting “47(3)” and substituting “49(3)”;
- (v) in paragraph (i) -
  - (A) by deleting “53” and substituting “55”;
  - (B) by deleting “during” and substituting “at the end of”;
  - (C) by deleting “in relation to” and substituting “at or in connection with”.

(c) By adding -

- “1A. Crimes Ordinance (Cap. 200)
- In section 46(1), by adding, “corrupt conduct” after “corrupt practice”.
- (d) By adding -
- “8. Medical Practitioners (Electoral Provisions) (Procedure) Regulations (Cap. 161 sub. leg.)
- Repeal section 4(2) (e) and substitute – “(e) he has been convicted of having engaged in corrupt or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance ( of 1999); or”.
9. Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg.)
- (a) In section 2(1), in the definition of “election expenses”, repeal “Corrupt and Illegal Practices Ordinance (Cap. 288)” and substitute “Elections (Corrupt and Illegal Conduct) Ordinance ( of 1999)”.
- (b) In section 26, repeal “return and declaration of

election expenses of the candidate is to be open for inspection under section 29A of the Corrupt and Illegal Practices Ordinance (Cap. 288)” and substitute “copy of the election return lodged by the candidate is available for inspection under section 40 of the Elections (Corrupt and Illegal Conduct) Ordinance ( of 1999)”.

(c) In section 52 -

(i) in subsection (1), repeal “committed the offence of personation” and substitute “engaged in corrupt conduct by impersonation”;

(ii) in subsection (2), repeal “committed the

offence of personation” and

substitute “engaged in

corrupt conduct by

impersonation”;

(iii) repeal subsection (4) and

substitute -

“(4) In this section,

the reference to

“corrupt conduct by

impersonation” is to be

construed as the

corrupt conduct

referred to in section

15 of the Elections

(Corrupt and Illegal  
Conduct) Ordinance (  
of 1999).”.

- (d) In section 96(2), repeal “Corrupt and  
Illegal Practices Ordinance (Cap.  
288)” and substitute “Elections  
(Corrupt and Illegal Conduct)  
Ordinance ( of 1999)”.
- (e) In section 102(11), repeal “returns  
and declarations of election expenses  
of candidates are open for inspection  
under section 29A of the Corrupt and  
Illegal Practices Ordinance (Cap.  
288)” and substitute “copies of the  
election returns lodged by candidates  
are available for inspection under  
section 40 of the Elections (Corrupt  
and Illegal Conduct) Ordinance



( of 1999)".

(f) In section 1(1) of Schedule 1, in the definition of "election expenses", repeal "Corrupt and Illegal Practices Ordinance (Cap. 288)" and substitute "Elections (Corrupt and Illegal Conduct) Ordinance ( of 1999)".

(g) In section 22 of Schedule 1, repeal "return and declaration of election expenses of the subsector candidate is to be open for inspection under section 29A of the Corrupt and Illegal Practices Ordinances (Cap. 288)" and substitute "copy of the election return lodged by the subsector candidate is available for inspection under section 40 of the Elections (Corrupt and Illegal Conduct) Ordinance ( of 1999)".

(h) In section 48 of Schedule 1 -

(i) in subsection (1), repeal

“committed the offence of  
personation” and substitute

“engaged in corrupt conduct  
by impersonation”;

(ii) in subsection (2), repeal

“committed the offence of  
personation” and substitute

“engaged in corrupt conduct  
by impersonation”;

(iii) repeal subsection (4) and

substitute -

“(4) In this

section,

the reference to  
“corrupt conduct by  
impersonation” is to be  
construed as the  
corrupt conduct  
referred to in section  
15 of the Elections  
(Corrupt and Illegal  
Conduct) Ordinance (  
of 1999).”.

- (i) In section 86(2) of Schedule 1, repeal  
“Corrupt and Illegal Practices  
Ordinance (Cap. 288) and substitute  
“Elections (Corrupt and Illegal  
Conduct) Ordinance

( of 1999)".

- (j) In section 92(11) of Schedule 1, repeal "returns and declarations of election expenses of candidates are available for inspection under section 29A(1) of the Corrupt and Illegal Practices Ordinance (Cap. 288)" and substitute "copies of election returns lodged by subsector candidates are available for inspection under section 40 of the Elections (Corrupt and Illegal Conduct) Ordinance ( of 1999)".

- 10. Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (a) In section 2(1), in the definition of "election expenses", repeal "Corrupt and Illegal Practices Ordinance (Cap. 288)" and substitute "Elections (Corrupt and Illegal Conduct) Ordinance

(L.N. 142 of ( of 1999)).

1999)

(b) In section 29, repeal “return and declaration of election expenses of the candidate is to be open for inspection under section 29A of the Corrupt and Illegal Practices Ordinance (Cap. 288)” and substitute “copy of the election return lodged by the candidate is available for inspection under section 40 of the Elections (Corrupt and Illegal Conduct) Ordinance ( of 1999)”.

(c) In section 55 -

(i) in subsection (1), repeal “committed the offence of personation” and substitute “engaged in corrupt conduct engaged in by impersonation”;

(ii) (ii) in subsection (2),  
repeal “committed the  
offence of personation” and  
substitute “engaged in  
corrupt conduct by  
impersonation”;

(iii) repeal subsection (4) and  
substitute -

“(4) In  
this section, the  
reference to “corrupt  
conduct by  
impersonation” is to be  
construed as the  
corrupt conduct  
referred to

in section 15 of the  
Elections (Corrupt and  
Illegal Conduct)  
Ordinance ( of  
1999).”.

- (d) In section 94(2), repeal “Corrupt and  
Illegal Practices Ordinance (Cap.  
288)” and substitute “Elections  
(Corrupt and Illegal Conduct)  
Ordinance ( of 1999)”.
- (e) In section 103(10), repeal “returns  
and declarations of election expenses  
of candidates are open for inspection  
under section 29A of the Corrupt and  
Illegal Practices Ordinance (Cap.  
288)” and substitute “copies of the  
election return lodged by candidates  
are available for inspection under

section 40 of the Elections (Corrupt and Illegal Conduct) Ordinance ( of 1999)".

11. Legislative Council (a) In rule 11(3) -  
(Election Petition)  
Rules (Cap. 542 sub.  
leg.)

(i) repeal "a corrupt or illegal practice" and substitute "corrupt or illegal conduct";

(ii) repeal "practice." and substitute "conduct.".

(b) In rule 21(3) -

(i) in paragraph (a), repeal "a corrupt practice has not been proved to have been committed" and substitute "corrupt conduct has not been



proved to have been engaged in”;

(ii) in paragraph (b), repeal “corrupt practices being committed” and substitute “corrupt conduct being engaged in”;

(iii) in paragraph (c), repeal “practices” where it twice occurs and substitute “conduct”.

12. District Councils (a) In rule 11(3) -  
(Election Petition)  
Rules (L.N. 143 of  
1999)

(i) repeal “a corrupt practice or an illegal practice” and substitute “corrupt or illegal

conduct”;

- (ii) repeal “the corrupt practice or the illegal practice” and substitute “the corrupt or illegal conduct”.

(b) In rule 21(3) -

- (i) in paragraph (a), repeal “a corrupt practice has not been proved to have been committed” and substitute “corrupt conduct has not been proved to have been engaged in”;

- (ii) in paragraph (b), repeal “corrupt practices being committed” and substitute

“corrupt conduct being

engaged in”;

(iii) in paragraph (c), repeal

“practices” where it twice

occurs and substitute

“conduct”.