

## ***REVISED DRAFT***

### **Administration's revised proposal for voluntary service and election donation**

Clause

Amendment Proposed

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- (a) In paragraph (g) of the definition of "advantage", by adding "voluntary service or" after "other than".
- (b) In the definition of "election donation" -
- (i) by deleting "group of candidates at an election, means" and substituting "candidates at an election, means any of the following donations";
  - (ii) in paragraph (a) -
    - (A) by deleting "group" and substituting "candidates";
    - (B) by deleting everything after "towards meeting," and substituting "the election expenses of the candidate or candidates";
  - (iii) in paragraph (b), by deleting everything after "in respect of the candidate or" and substituting "candidates for the purpose of promoting the election of the

candidate or candidates or of  
prejudicing the election of another  
candidate or other candidates, and  
includes any goods given incidental  
to the provision of voluntary  
service;" ;

(iv) by deleting paragraph (c) and  
substituting -

"(c) any service provided to or  
in respect of the candidate  
or candidates for the  
purpose of promoting the  
election of the candidate  
or candidates or of  
prejudicing the election of  
another candidate or other  
candidates, but does not  
include voluntary  
service;" .

(c) By adding -

"voluntary service" (自願服務) means any  
service provided free of charge to or  
in respect of a candidate or  
candidates at an election by a  
natural person, voluntarily and  
personally, in the person's own time

for the purpose of -

- (a) promoting the election of the candidate or candidates; or
- (b) prejudicing the election of another candidate or other candidates."

18 By deleting everything after "for a purpose" and substituting -

" -

- (a) other than that of meeting, or contributing towards meeting, the election expenses of the candidate; or
- (b) in the case of an election donation consisting of goods or a service, other than that of promoting the election of the candidate or that of prejudicing the election of another candidate or other candidates,

engages in corrupt conduct at an election.

19 (a) In subclause (1) -

- (i) by adding "or candidates" after "A candidate";
- (ii) by deleting "\$500 or more" where it twice occurs and substituting "more than \$1,000";

(iii) by adding "as supplied by the donor"  
after "address of the donor".

(b) By deleting subclauses (2) and (3) and  
substituting -

"(2) If an election donation of more  
than \$1,000 or, in the case of an election  
donation consisting of goods, of more than  
\$1,000 in value is given to or for a  
candidate or candidates and the candidate  
or candidates do not know the name and  
address of the donor, the candidate or  
candidates must ensure that the donation -

(a) is not used -

- (i) for the purpose  
of meeting the  
election expenses  
of the candidate  
or any of the  
candidates; or
- (ii) in the case of an  
election donation  
consisting of  
goods, for the  
purpose of  
promoting the  
election of the  
candidate or any

of the candidates  
or of prejudicing  
the election of  
another candidate  
or other  
candidates; and

(b) is given to a charitable  
institution or trust of a  
public character chosen by  
the candidate or  
candidates.

(3) If an election donation of money  
or goods has been given to or for a  
candidate or candidates and the donation -

(a) has not been used -

- (i) for the purpose  
of meeting, or  
contributing  
towards meeting,  
the election  
expenses of the  
candidate or  
candidates; or
- (ii) in the case of an  
election donation  
consisting of  
goods, for the

purpose of  
promoting the  
election of the  
candidate or  
candidates or of  
prejudicing the  
election of  
another candidate  
or other  
candidates; or

(b) is not used in the case  
referred to in subsection  
(2),

the candidate or candidates must ensure  
that the donation is given to a charitable  
institution or trust of a public character  
chosen by the candidate or candidates."

(c) By deleting subclauses (4) and (5).

(d) By deleting subclause (6) and substituting -

"(6) If the aggregate of all election  
donations given to or for a particular  
candidate or a particular group of  
candidates exceeds the maximum amount  
prescribed under section 44, the candidate  
or the candidates belonging to the group  
must ensure that the excess (not including

election donations of services) is given to a charitable institution or trust of a public character chosen by the candidate or candidates."

(e) By deleting subclause (7).

(f) By deleting subclause (8) and substituting -

"(8) If an election donation is received by a candidate or candidates, the candidate or each of the candidates engages in corrupt conduct at an election if -

(a) the candidate or candidates fail to comply with

subsection (1) or (2); or

(b) the candidate or candidates

fail to comply with any

other requirement of this

section before the time

when the candidate's or

each candidate's election

return for the election is

lodged in accordance with

section 36."