

**Administration's Further Response to Concerns raised  
on 22 March 1999 by Members of the Bills Committee  
on Elections (Corrupt and Illegal Conduct) Bill**

**C3 : To provide some examples of how the term "election donation" is defined and used in other jurisdictions for members' reference.**

A3 : Please see Annex.

**C6 : A member has referred to the arrangement of the Hong Kong University of Science and Technology to deduct wages from its employees who are elected members, but not those who are appointed members. To advise whether the arrangement would be regarded as using duress (which is defined to include financial loss to a person in the Bill) to induce a person not to stand at an election and is therefore in breach of clause 8(1)(a) of the Bill.**

A6 : At its Council meeting on 25 March 1999, the Hong Kong University of Science and Technology has decided to revised its policy concerning deduction of salary for its employees who are serving as members of public bodies and earning a remuneration from such a service. The salary deduction policy now applies to both elected members and appointed members of those public bodies.

An employer has the right to decide whether or not to allow an employee to carry out his duties as a member of a public body during his working hours and whether the salary of the employee should be deducted. This would not be in breach of clause 8(1)(a) of the Bill.

## **Requirements on Election Donations in Overseas Countries**

### **United States**

According to the Federal Election Campaign Act, “contribution” means anything of value given to influence a federal election. An individual may volunteer personal services to a candidate without making a contribution as long as that individual is not compensated by anyone for the services. However, if an individual provides services to a candidate during paid working hours, the employer is deemed to have made a contribution to the candidate.

### **Australia**

“Gift” means “any disposition of property made by a person to another person, otherwise than by will, being a disposition made without consideration in money or money’s worth or with inadequate consideration, and includes the provision of a service (other than volunteer labour) for no consideration or for inadequate consideration”. There is no restriction on volunteer service.

### **Canada**

“Contribution” includes “a loan, advance, deposit and gift”. There is no restriction on volunteer service.

### **Japan**

“Financial contributions” is defined as “the provision of money, goods or other types of assets gain, in addition to party dues, membership fees or the discharge of other debt”. There is no restriction on volunteer service.

We cannot find any legal definition of election donation or similar terms in the electoral laws of the following countries, and we understand that there is no restriction on volunteer service provided to candidates in these countries: Germany, Singapore and the United Kingdom.