

2835 1423

2834 5605

7 May 2003

Miss Flora Tai
Clerk to Subcommittee
Legislative Council Secretariat,
Legislative Council Building,
8 Jackson Road,
Central, Hong Kong

Dear Miss Tai,

Subcommittee on subsidiary legislation
Relating to VR Elections
Meeting on 5 May 2003

Further to my letter of 6 May on the above-mentioned subject, I would like to provide the response from ICAC on provision of free transportation for electors, as follows.

“Provision of transportation service falls within the meaning of ‘any other service’ in the definition of ‘advantage’ in the Elections (Corrupt and Illegal Conduct) Ordinance (ECICO). Whether the provision of such a service free of charge will give rise to possible contravention of the said Ordinance will depend on the circumstances under which the service is provided.

There should be no offence under the ECICO if free transportation service is provided by any person or organization solely to facilitate electors to go to the polling stations to vote and no canvassing activities are carried out in the vehicle, engaged for providing the transportation service, to promote or prejudice any particular candidate or candidates.

The situation, however, will be different if canvassing activities are carried out in the vehicle promoting any particular candidate or candidates. The hoisting of election posters or advertisements or the presence of agents wearing armbands or clothing making reference to any

particular candidate or candidates obviously, are canvassing activities. Expenses incurred in this connection should therefore be counted as election expenses of the candidate(s) concerned. The free transportation service provided may, under these circumstances, be looked upon as an advantage offered to electors as an inducement for his voting for a particular candidate or candidates. Hence, those providing the free transportation service may have engaged in corrupt conduct in breach of S. 11 of the ECICO.”

Yours sincerely,

(Miss Monica Chen)
for Director of Home Affairs

c.c.

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