

[附屬法例]

[Subsidiary]

~~(5) 獲選管會授權在投票站內停留的人可按照該項授權的條款在該投票站內停留。~~

~~(5) A person authorized by the Commission to be present in a polling station may be present in accordance with the terms of the authorization.~~

~~(6) 在符合第 (7)、(8)、(9)、(10)、(11) 及 (12) 款的規定下，每名候選人或每份候選人名單在任何時間只可有一名監察投票代理人代表該候選人或該候選人名單在投票站內停留。~~

~~(6) Subject to subsections (7), (8), (9), (10), (11) and (12), on behalf of each candidate or list of candidates, one polling agent of that candidate or list may be present in the polling station at any one time.~~

~~(7) 如某名候選人或某份多名候選人名單上的其中一名候選人正在投票站內停留，則該候選人的選舉代理人或監察投票代理人，或該名單的選舉代理人或監察投票代理人，均不得在同一時間在該投票站內停留。~~

~~(7) If a candidate or one of the candidates on a multiple candidates list is present in the polling station, the election agent or polling agent of that candidate or list may not be present in that polling station at the same time.~~

~~(8) 如某名候選人的選舉代理人或某份候選人名單的選舉代理人正在投票站內停留，則該候選人的監察投票代理人或該名單的監察投票代理人，不得在同一時間在該投票站內停留。~~

~~(8) If the election agent of a candidate or a list of candidates is present in the polling station, a polling agent of that candidate or list may not be present in that polling station at the same time.~~

~~(9) 候選人、選舉代理人或監察投票代理人在投票站內指定容納他們的範圍內仍有空座位的情況下，才可在該投票站內停留。~~

~~(9) A candidate, an election agent or polling agent may be present in the polling station subject to the availability of seats in the area designated to accommodate them.~~

~~(10) 第 (9) 款提述的人如欲進入投票站，必須在抵達投票站時親自向投票站主任報到，並出示他的身分證明文件及交出他在指明表格上填妥的保密聲明。~~

~~(10) A person referred to in subsection (9) who wishes to be admitted to the polling station must, on arriving at the polling station, report in person to the Presiding Officer and produce his or her identity document and a declaration of secrecy completed on the specified form by him or her.~~

~~(11) 如第 (9) 款提述的範圍內已滿座，投票站主任可拒絕讓該款提述的任何人進入該投票站。該主任可作出讓該等人稍後進入該投票站的安排。~~

~~(11) If the area referred to in subsection (9) is occupied to its full seating capacity, the Presiding Officer may refuse entry to the polling station to any person referred to in that subsection. That Officer may make arrangements for admitting them to the polling station later.~~

~~(12) 任何選舉代理人或監察投票代理人只有在關乎其委任的通知已根據本規例發出後，始可代表某候選人或某候選人名單在投票站內停留。 (1998 年第 147 號法律公告)~~

~~(12) Only an election agent or polling agent regarding whom notice of appointment has been given under this Regulation may be present at a polling station on behalf of a candidate or a list of candidates.~~

~~(13) 如——~~

~~(13) If—~~

~~(a) 任何關同兒童的人為投票而抵達投票站；且~~

~~(a) a person arrives at a polling station for the purpose of voting accompanied by a child; and~~

~~(b) 投票站主任認為——~~

~~(b) the Presiding Officer considers that the child~~

~~(i) 該人在該投票站內之時，該名兒童不應無人看顧；及~~

~~(i) should not be left unattended while the person is in the polling station; and~~

~~(ii) 該名兒童不會對任何在該投票站內的人造成騷擾或不便，~~

~~(ii) will not disturb or cause inconvenience to any person in the polling station,~~

~~則投票站主任可准許該名兒童進入該投票站。 (2000 年第 65 號法律公告)~~

~~that Officer may permit the child to enter the polling station. (L.N. 65 of 2000)~~

~~(14) 任何人不得由於投票站主任行使根據本條賦予他的權力，以致被阻止在該人獲分配的投票站投票。 (1998 年第 147 號法律公告)~~

~~(14) The Presiding Officer must not exercise the powers conferred on that Officer under this section so as to prevent a person from voting at the polling station allocated to that person. (L.N. 147 of 1998)~~

45. 何種行為構成在投票站所犯的罪行

45. What constitutes an offence at a polling station

(1) 除第 (6) 款另有規定外，任何人於投票日在投票站內違反投票站主任的指示而——

(1) Subject to subsection (6), if on polling day, within a polling station, a person—

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- (a) 與任何選民或獲授權代表通信息；或
- (b) 使用流動電話、傳呼機或任何其他器材進行電子通訊，即屬犯罪。(1998 年第 147 號法律公告)
- (2) 任何人於投票日在並無——
- (a) 以下的人的明示准許——
- (i) 投票站主任；或
- (ii) 任何選管會成員；或
- (b) 以下的人以書面作出的明示准許——
- (i) 使用有關投票站進行投票的選區或界別的選舉主任；或
- (ii) (如有關投票站供進行選舉委員會選舉投票) 選舉委員會選舉的選舉主任，而在有關投票站內拍影片、拍照、錄音或錄影，即屬犯罪。(2000 年第 65 號法律公告)
- (3) 任何人於投票日在投票站內從事拉票活動或展示選舉廣告，即屬犯罪。
- (4) 任何人於投票日，在禁止拉票區、禁止逗留區、投票站或投票站範圍內沒有遵從選舉主任或投票站主任作出的合法命令，或在禁止拉票區、禁止逗留區、投票站或投票站範圍內行為不檢或違反第 40(16) 或 41(4) 條，即屬犯罪。
- (5) 任何人無合理辯解而於投票日在投票站內展示——
- (a) 可促使或阻礙一名或多於一名候選人在有關選舉中當選的徽章、標誌或衣物；或
- (b) 與任何在香港的政治性團體或有成員在有關選舉中參選的團體有直接關聯的徽章、標誌或衣物，即屬犯罪。(2000 年第 65 號法律公告)
- (6) 第 (1) 款不適用於——
- (a) 選舉主任；
- (b) 選管會成員；
- (c) 總選舉事務主任；(1998 年第 147 號法律公告)
- (d) 選管會成員以書面授權如此通信息的人；
- (e) 投票站主任；
- (f) 投票站人員；
- (g) 選舉主任以書面授權出任聯絡人員的人；

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- (a) communicates with an elector or an authorized representative; or
- (b) uses a mobile telephone, paging machine or any other device for electronic communication, contrary to a direction of the Presiding Officer not to do so, that person commits an offence. (L.N. 147 of 1998)
- (2) A person who, on polling day, films or takes photographs or makes any audio or video recording within a polling station without—
- (a) the express permission of—
- (i) the Presiding Officer; or
- (ii) any member of the Commission; or
- (b) the express permission, in writing, of the Returning Officer for—
- (i) the constituency or constituencies for which the polling station is used for polling; or
- (ii) the Election Committee election, if the polling station is used for polling for that election, commits an offence. (L.N. 65 of 2000)
- (3) A person who, on polling day, engages in the canvassing for votes or displays an election advertisement within a polling station commits an offence. (L.N. 65 of 2000)
- (4) A person who, on polling day, fails to comply with a lawful order given by the Returning Officer or the Presiding Officer or behaves in a disorderly manner in a no canvassing zone or a no staying zone or within or at a polling station or contravenes section 40(16) or 41(4), commits an offence.
- (5) A person who, without reasonable excuse, displays, on polling day and within a polling station, any badge, emblem or clothing which—
- (a) may promote or prejudice the election of a candidate or candidates at the election; or
- (b) makes direct reference to a body any member of which is standing as a candidate in the election or to a political body in Hong Kong, commits an offence. (L.N. 65 of 2000)
- (6) Subsection (1) does not apply to—
- (a) a Returning Officer;
- (b) a member of the Commission;
- (c) the Chief Electoral Officer; (L.N. 147 of 1998)
- (d) a person authorized in writing by a member of the Commission to so communicate;
- (e) a Presiding Officer;
- (f) a polling officer;
- (g) a person authorized in writing by the Returning Officer to act as a liaison officer;

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- (h) 在投票站當值的警務人員；或
 (i) 在投票站當值的民眾安全服務隊隊員。
 (7) 任何人犯本條所訂的罪行，可處第 2 級罰款及監禁 3 個月。
 (1998 年第 147 號法律公告)

46. 投票站主任須維持投票站的秩序

- (1) 投票站主任必須維持投票站的秩序。
 (2) 在投票日，如任何人在投票站或其鄰近範圍內——
 (a) 行為不檢，選舉主任或投票站主任可命令該人立即離開該投票站或其鄰近範圍 (視屬何情況而定)；
 (b) 沒有遵從選舉主任的合法命令，選舉主任可命令該人立即離開該投票站或其鄰近範圍 (視屬何情況而定)；或
 (c) 沒有遵從投票站主任的合法命令，投票站主任可命令該人立即離開該投票站或其鄰近範圍 (視屬何情況而定)。
 (3) 如選舉主任或投票站主任根據第 (2) 款命令任何人離開時該人沒有離開，警務人員或獲選舉主任或投票站主任 (視何者適用而定) 以書面授權的人可將該人逐離。
 (4) 根據第 (3) 款被逐離的人，除非獲選舉主任或投票站主任 (視何者適用而定) 准許，否則不得在同日再次進入有關投票站。
 (5) 任何人不得由於本條賦予的權力的行使，以致被阻止在他獲分配的投票站投票。

~~第 2 分部：投票箱、選票及投票程序~~~~47. 投票箱的設計~~

~~用於選舉的投票箱的構造，須使選民能將選票放進已上鎖的投票箱內，而除非開啟箱鎖或將封條或封箱裝置破開，否則不能將選票取出。~~

~~48. 投票站主任在投票開始前須將投票箱加上封條~~

- ~~(1) 在緊接投票開始之前，投票站主任必須讓當時在投票站內的人 (如有的話) 察看各個投票箱均是空的。投票站主任必須繼而將投票箱鎖上並以為該目的而設的封條~~

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- (h) a police officer on duty at a polling station; or
 (i) a member of the Civil Aid Service on duty at the polling station.
 (7) A person who commits an offence under this section is liable to a fine at level 2 and to imprisonment for 3 months.
 (L.N. 147 of 1998)

46. Presiding Officer to keep order at the polling station

- (1) The Presiding Officer must keep order at the polling station.
 (2) If, on polling day, in the polling station or its vicinity, a person—
 (a) misconducts himself or herself, the Returning Officer or the Presiding Officer may;
 (b) fails to obey a lawful order of the Returning Officer, that Officer may; or
 (c) fails to obey a lawful order of the Presiding Officer, that Officer may,
 order the person to leave the polling station or the vicinity of the polling station, as the case may be, immediately.
 (3) If a person fails to leave when ordered to do so under subsection (2), the person may be removed by a police officer or by a person authorized in writing by the Returning Officer or the Presiding Officer, as may be appropriate.
 (4) A person who is removed under subsection (3) may not enter the relevant polling station again on that day, unless the Returning Officer or the Presiding Officer, as may be appropriate, permits him or her to do so.
 (5) The powers conferred by this section are not to be exercised so as to prevent a person from voting at the polling station allocated to that person.

~~Division 2: Ballot Boxes and Ballot Papers and Procedure for Voting~~~~47. Design of ballot box~~

~~A ballot box to be used for an election is to be so constructed that ballot papers can be introduced into it while it is locked but cannot be withdrawn from it without unlocking it or breaking the seal or the sealing device.~~

~~48. Presiding Officer to seal ballot box before commencement of poll~~

- ~~(1) Immediately before the commencement of the poll, the Presiding Officer must show each ballot box, empty, to the persons, if any, as are then present within the polling station. Then the Presiding Officer must lock the~~

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~~(2) 憑藉或根據本規例獲授權在點票時在場的每名候選人、監察點票代理人或點票人員或其他人(第 68(5) 條所指的公眾人士除外), 必須在進入點票站之前以指明表格作出保密聲明。~~

~~(3) 選舉主任須在監誓員面前作出保密聲明。其他人可在選舉主任、監誓員、選管會成員、總選舉事務主任或職銜為總選舉事務主任的副手的人面前作出該聲明。~~

~~(4) 每名選舉主任或其他人員或任何駐於投票站或在點票時在場的其他人均必須維護及協助維護投票的保密性。~~

~~(5) 第(1)及(2)款不適用於在投票站或點票站當值的警務人員或民眾安全服務隊隊員。~~

~~(2) Every candidate, counting agent or counting officer or other person (except as a member of the public under section 68(5)) authorized by or under this Regulation to attend at the counting of the votes must make a declaration of secrecy on the specified form before entering the counting station.~~

~~(3) The Returning Officer is to make the declaration in the presence of a Commissioner for Oaths. Any other person may make the declaration in the presence of the Returning Officer, a Commissioner for Oaths, a member of the Commission, the Chief Electoral Officer or a person whose official designation is that of a deputy to the Chief Electoral Officer.~~

~~(4) Every Returning Officer or other officer or any other person attending at a polling station or counting of the votes must maintain and assist in maintaining the secrecy of the ballot.~~

~~(5) Subsections (1) and (2) do not apply to a police officer or a member of the Civil Aid Service on duty at a polling station or a counting station.~~

96. 關於保密條文的執行

96. Enforcement of provisions as to secrecy

(1) 任何人藉傳達關於選民登記冊上的姓名或名稱或身分證明文件號碼, 或藉其他方式, 向他人透露某人是否已申領選票或已投票, 即屬犯罪。

(2) 第(1)款不適用於為任何獲法律授權的目的而作出的事情, 亦不適用於在正調查《選舉(舞弊及非法行為)條例》(第 554 章)、《防止賄賂條例》(第 201 章)第 3、4 及 8 條、《廉政公署條例》(第 204 章)第 13B 條或《選舉管理委員會條例》(第 541 章)或根據該條例訂定的任何規例所訂罪行的警務人員或廉政公署人員要求下如此作出的事情。(2000 年第 10 號第 47 條; 2003 年第 1 號第 3 條)

(3) 任何人將點票時取得的關於某一候選人在某一選票上得票的資料向他人傳達, 即屬犯罪。

(4) 任何人在某選民在選票上記錄投票選擇時干擾該選民, 即屬犯罪。

(5) 任何人干擾或企圖干擾任何投票箱、未發出的選票、未用的選票、損壞的選票、重複的選票、經填劃的選票或經根據第 53(7) 條劃線的正式登記冊的文本, 即屬犯罪。(2000 年第 65 號法律公告)

(1) A person who divulges to any other person, by communicating information as to the name or identity document number in a register of electors, or otherwise, whether a person has or has not applied for a ballot paper or voted, commits an offence.

(2) Subsection (1) does not apply to anything done for a purpose authorized by law or when required to do so by a police officer or an officer of the Independent Commission Against Corruption investigating an offence under the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554), sections 3, 4 and 8 of the Prevention of Bribery Ordinance (Cap. 201), section 13B of the Independent Commission Against Corruption Ordinance (Cap. 204) or the Electoral Affairs Commission Ordinance (Cap. 541) or any regulation made under that Ordinance. (10 of 2000 s. 47)

(3) A person who communicates to any person any information obtained at a counting of the votes as to the candidate for whom a vote has been given on any particular ballot paper, commits an offence.

(4) A person who interferes with an elector when that elector is recording the vote, commits an offence.

(5) A person who interferes with or attempts to interfere with any ballot boxes, un-issued ballot papers, unused ballot papers, spoilt ballot papers, tendered ballot papers, marked ballot papers or a copy of the final register marked under section 53(7), commits an offence. (L.N. 65 of 2000)

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- (6) 任何人干擾或企圖干擾任何已開啟的投票箱、選票結算表、選票結算核實書、選票結算覆核書或本規例提述的任何其他有關的選舉物料，即屬犯罪。
- (7) 任何人以任何方法或企圖以任何方法——
- (a) 在投票站內或在禁止逗留區內；或
 - (b) 未經投票站主任或選管會明示准許而在禁止拉票區內，
- 取得關於該投票站內任何選民將會投票予哪個候選人或已投票予哪個候選人的資料，即屬犯罪。
- (8) 任何人在任何時間向他人傳達在投票站內取得的關於任何選民將會投票予哪個候選人或已投票予哪個候選人的資料，即屬犯罪。
- (9) 任何人直接或間接誘使任何選民在填劃選票後展示其選票，以致他人得知該選民的票是投予或並非投予哪個候選人的，即屬犯罪。
- (10) 任何人犯本條所訂罪行，可處第 2 級罰款及監禁 3 個月。
- (11) 在本條中——
- (a) 對“候選人”的提述，須解釋為包括對候選人名單的提述；及
 - (b) 對“選民”的提述，須解釋為包括對獲授權代表的提述。

~~97. 選舉程序終止後的程序~~

~~(1) 根據《立法會條例》(第 542 章) 第 42C 或 46A(1) 條終止某項選舉的程序的宣布，須由選舉主任藉公告作出。該公告必須在有關的選區或界別的每個投票站外的顯眼處展示。在作出宣布後，該公告必須於切實可行範圍內盡快在憲報刊登。(2000 年第 65 號法律公告)~~

~~(2) 選舉主任如在有關的選區或界別的選舉當日在投票結束前獲悉有關候選人去世或喪失資格(兩者皆為終止選舉程序的理由)，必須指示中止進行有關的投票。(2000 年第 65 號法律公告)~~

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- (6) A person who interferes with or attempts to interfere with any opened ballot boxes, ballot paper accounts, verifications or re-verifications of such accounts or any other relevant election materials referred to in this Regulation commits an offence.
- (7) A person who obtains or attempts to obtain in any manner—
- (a) within a polling station or a no staying zone; or
 - (b) within a no canvassing zone, without the express permission of the Presiding Officer or the Commission,
- information as to the candidate for whom an elector in that station is about to vote or has voted, commits an offence.
- (8) A person who communicates at any time to any person any information obtained in a polling station as to the candidate for whom an elector is about to vote or has voted, commits an offence.
- (9) A person who directly or indirectly induces an elector to display the elector's ballot paper after the elector has marked it, so as to make known to any person a candidate for or against whom the elector has voted, commits an offence.
- (10) A person who commits an offence under this section is liable to a fine at level 2 and to imprisonment for 3 months.
- (11) In this section, references to—
- (a) “candidate” are to be construed as including a list of candidates; and
 - (b) “elector” are to be construed as including an authorized representative.

~~97. Procedure after election proceedings are terminated~~

~~(1) A declaration terminating the proceedings for the election under section 42C or 46A(1) of the Legislative Council Ordinance (Cap. 542) is to be made by the Returning Officer by a notice. The notice must be displayed on a prominent place outside each polling station for the constituency concerned. As soon as practicable after the declaration is made, the notice must be published in the Gazette. (L.N. 65 of 2000)~~

~~(2) If the death or disqualification of the candidate which was the reason for the termination of the election proceedings comes to the knowledge of the Returning Officer on the date of the election, but before the close of polling, for the constituency, that Officer must direct that the poll be abandoned. (L.N. 65 of 2000)~~

~~10. 污損或銷毀提名書的舞弊行為~~

~~任何人意圖阻止或妨礙另一人在選舉中參選而污損或銷毀已填妥或已局部填妥的提名書，即屬在選舉中作出舞弊行為。~~

11. 在選舉中賄賂選民或其他人的舞弊行為

- (1) 任何人無合理辯解而作出以下作為，即屬在選舉中作出舞弊行為——
- (a) 提供利益予另一人，作為在選舉中投票予某候選人或某些候選人的誘因；或
 - (b) 提供利益予另一人，作為已在選舉中投票予某候選人或某些候選人的報酬；或
 - (c) 提供利益予另一人，作為該另一人令第三者或試圖令第三者在選舉中投票予某候選人或某些候選人的誘因；或
 - (d) 提供利益予另一人，作為已令第三者或已試圖令第三者在選舉中投票予某候選人或某些候選人的報酬；或
 - (e) 索取或接受利益，作為在選舉中投票予某候選人或某些候選人的誘因；或
 - (f) 索取或接受利益，作為已在選舉中投票予某候選人或某些候選人的報酬；或
 - (g) 索取或接受利益，作為令另一人或試圖令另一人在選舉中投票予某候選人或某些候選人的誘因；或
 - (h) 索取或接受利益，作為已令另一人或已試圖令另一人在選舉中投票予某候選人或某些候選人的報酬。
- (2) 任何人無合理辯解而作出以下作為，亦屬在選舉中作出舞弊行為——
- (a) 提供利益予另一人，作為在選舉中不投票，或在選舉中不投票予某候選人或某些候選人的誘因；或
 - (b) 提供利益予另一人，作為已在選舉中不投票，或已在選舉中不投票予某候選人或某些候選人的報酬；或

~~10. Corrupt conduct to deface or destroy nomination papers~~

~~A person engages in corrupt conduct at an election if the person, with intent to prevent or obstruct another person from standing for election, defaces or destroys a completed or partly completed nomination paper.~~

11. Corrupt conduct to bribe electors and others at elections

- (1) A person engages in corrupt conduct at an election if the person, without reasonable excuse—
- (a) offers an advantage to another person as an inducement to vote at the election for a particular candidate or particular candidates; or
 - (b) offers an advantage to another person as a reward for having voted at the election for a particular candidate or particular candidates; or
 - (c) offers an advantage to another person as an inducement to get, or try to get, a third person to vote at the election for a particular candidate or particular candidates; or
 - (d) offers an advantage to another person as a reward for having got, or having tried to get, a third person to vote at the election for a particular candidate or particular candidates; or
 - (e) solicits or accepts an advantage as an inducement to vote at the election for a particular candidate or particular candidates; or
 - (f) solicits or accepts an advantage as a reward for having voted at the election for a particular candidate or particular candidates; or
 - (g) solicits or accepts an advantage as an inducement to get, or try to get, another person to vote at the election for a particular candidate or particular candidates; or
 - (h) solicits or accepts an advantage as a reward for having got, or having tried to get, another person to vote at the election for a particular candidate or particular candidates.
- (2) A person also engages in corrupt conduct at an election if the person, without reasonable excuse—
- (a) offers an advantage to another person as an inducement not to vote at the election, or not to vote at the election for a particular candidate or particular candidates; or
 - (b) offers an advantage to another person as a reward for not voting at the election, or for not voting at the election for a particular candidate or particular candidates; or

- (c) 提供利益予另一人，作為該另一人令第三者或試圖令第三者在選舉中不投票，或在選舉中不投票予某候選人或某些候選人的誘因；或
- (d) 提供利益予另一人，作為已令第三者或已試圖令第三者在選舉中不投票，或在選舉中不投票予某候選人或某些候選人的報酬；或
- (e) 索取或接受利益，作為在選舉中不投票，或在選舉中不投票予某候選人或某些候選人的誘因；或
- (f) 索取或接受利益，作為已在選舉中不投票，或已在選舉中不投票予某候選人或某些候選人的報酬；或
- (g) 索取或接受利益，作為令另一人或試圖令另一人在選舉中不投票，或在選舉中不投票予某候選人或某些候選人的誘因；或
- (h) 索取或接受利益，作為已令另一人或已試圖令另一人在選舉中不投票，或在選舉中不投票予某候選人或某些候選人的報酬。

(3) 就本條而言——

- (a) 任何人授予、承諾授予或顯示願意授予另一人利益，即屬提供利益；及
- (b) 任何人為令自己受惠或為令另一人受惠而問取利益，或顯示願意為令自己受惠或為令另一人受惠而收取利益，即屬索取利益；及
- (c) 任何人為令自己受惠或為令另一人受惠而收取或獲得利益，或同意為令自己受惠或為令另一人受惠而收取或獲得利益，即屬接受利益。

(4) 就本條而言，即使利益是由另一人提供，但如該另一人是獲授權而行使的，則授權的人仍視為曾提供利益。授權的方式可以是明示或默示的。

(5) 任何候選人或其他人不會僅因提出或唆使他人提出訂立投票協議，而屬在違反本條的情況下作出舞弊行為。

(6) 就第(5)款而言，如根據某項協議，某些人同意投票予某候選人或某些候選人或同意令他人投票予某候選人或某些候選人，以換取另一些人同意投票予另一候選人或另一些候選人或同意令他人投票予另一候選人或另一些候選人，則該項協議即屬投票協議。

(7) 即使所提出之事涉及不同選舉，第(5)款仍然適用。

- (c) offers an advantage to another person as an inducement to get, or try to get, a third person not to vote at the election, or not to vote at the election for a particular candidate or particular candidates; or
- (d) offers an advantage to another person as a reward for having got, or having tried to get, a third person not to vote at the election, or not to vote at the election for a particular candidate or particular candidates; or
- (e) solicits or accepts an advantage as an inducement not to vote at the election, or not to vote at the election for a particular candidate or particular candidates; or
- (f) solicits or accepts an advantage as a reward for not voting at the election, or for not voting at the election for a particular candidate or particular candidates; or
- (g) solicits or accepts an advantage as an inducement to get, or try to get, another person not to vote at the election, or not to vote at the election for a particular candidate or particular candidates; or
- (h) solicits or accepts an advantage as a reward for having got, or having tried to get, another person not to vote at the election, or not to vote at the election for a particular candidate or particular candidates.

(3) For the purposes of this section—

- (a) a person offers an advantage if the person confers, undertakes to confer or shows a willingness to confer, an advantage on another person; and
- (b) a person solicits an advantage if the person asks for, or shows a willingness to receive, an advantage, either for the person's own benefit or for the benefit of another person; and
- (c) a person accepts an advantage if the person receives or obtains an advantage, or agrees to receive or obtain an advantage, either for the person's own benefit or for the benefit of another person.

(4) For the purposes of this section, a person is taken to have offered an advantage even though the offer was made by another person, but only if the other person was acting with the person's authority. That authority may be conferred expressly or by implication.

(5) A candidate or other person does not engage in corrupt conduct in contravention of this section only because the candidate or person has offered or solicited an offer to enter into a voting arrangement.

(6) For the purposes of subsection (5), a voting arrangement is an arrangement under which persons agree to vote for, or get others to vote for, a candidate or candidates in return for other persons agreeing to vote for, or get others to vote for, another candidate or other candidates.

(7) Subsection (5) applies even when the offers relate to different elections.

(8) 在就本條所訂罪行而提起的檢控中，證明具有合理辯解的舉證責任，由被告入承擔。

12. 在選舉中向他人提供茶點或娛樂的舞弊行為

(1) 任何人為另一人提供食物、飲料或娛樂，或償付用於提供該等食物、飲料或娛樂的全部或部分費用，以誘使該另一人或第三者——

- (a) 在選舉中投票予某候選人或某些候選人；或
- (b) 在選舉中不投票，或在選舉中不投票予某候選人或某些候選人，

即屬在選舉中作出舞弊行為。

(2) 任何人因另一人或第三者——

- (a) 已在選舉中投票予某候選人或某些候選人；或
- (b) 已在選舉中不投票，或已在選舉中不投票予某候選人或某些候選人，

而為該另一人提供食物、飲料或娛樂，或償付用於提供該等食物、飲料或娛樂的全部或部分費用，即屬在選舉中作出舞弊行為。

(3) 任何人索取、接受或享用食物、飲料或娛樂——

- (a) 作為在選舉中投票予某候選人或某些候選人的誘因；或
- (b) 作為在選舉中不投票，或在選舉中不投票予某候選人或某些候選人的誘因，

即屬在選舉中作出舞弊行為。

(4) 任何人索取、接受或享用食物、飲料或娛樂——

- (a) 作為已在選舉中投票予某候選人或某些候選人的報酬；或
- (b) 作為已在選舉中不投票，或已在選舉中不投票予某候選人或某些候選人的報酬，

即屬在選舉中作出舞弊行為。

(5) 任何人不會僅因他在選舉聚會中供應任何種類的不含酒精飲料，而屬作出第(1)款所提述的任何一類舞弊行為。選舉聚會指任何為促使或阻礙某候選人或某些候選人當選而舉行的聚會。

(6) 第(1)至(4)款所提述的任何一類舞弊行為，即使是由另一人作出，但如該另一人是獲授權而行使的，則授權的人仍視為曾作出該舞弊行為。授權的方式可以是明示或默示的。

(8) In a prosecution for an offence against this section, the onus of proving a reasonable excuse lies on the defendant.

12. Corrupt conduct to provide others with refreshments and entertainment at election

(1) A person engages in corrupt conduct at an election if the person provides, or meets all or part of the cost of providing, food, drink or entertainment for another person for the purpose of inducing the other person or a third person—

- (a) to vote at the election for a particular candidate or particular candidates; or
- (b) not to vote at the election, or not to vote at the election for a particular candidate or particular candidates.

(2) A person engages in corrupt conduct at an election if the person provides, or meets all or part of the cost of providing, food, drink or entertainment for another person because the other person or a third person—

- (a) has voted at the election for a particular candidate or particular candidates; or
- (b) has not voted at the election, or has not voted at the election for a particular candidate or particular candidates.

(3) A person engages in corrupt conduct at an election if the person solicits, accepts or takes food, drink or entertainment—

- (a) as an inducement to vote at the election for a particular candidate or particular candidates; or
- (b) as an inducement not to vote at the election, or not to vote at the election for a particular candidate or particular candidates.

(4) A person engages in corrupt conduct at an election if the person solicits, accepts or takes food, drink or entertainment—

- (a) as a reward for having voted at the election for a particular candidate or particular candidates; or
- (b) as a reward for not having voted at the election, or not having voted at the election for a particular candidate or particular candidates.

(5) A person does not engage in corrupt conduct of a kind referred to in subsection (1) only because the person has, at an election meeting, served non-alcoholic drinks of any kind. An election meeting is any meeting held to promote or prejudice the election of a particular candidate or particular candidates.

(6) A person is taken to have engaged in corrupt conduct of a kind referred to in subsections (1) to (4) even though the conduct was engaged in by another person, but only if the other person was acting with the person's authority. That authority may be conferred expressly or by implication.

13. 對選民施用武力或脅迫手段，或威脅對選民施用武力或脅迫手段的舞弊行為

- (1) 任何人作出以下作為，即屬在選舉中作出舞弊行為——
 - (a) 對另一人施用武力或脅迫手段，或威脅對另一人施用武力或脅迫手段，以誘使該另一人在選舉中投票，或在選舉中投票予某候選人或某些候選人；或
 - (b) 因為另一人在選舉中投票，或在選舉中投票予某候選人或某些候選人，所以對該另一人施用武力或脅迫手段，或威脅對該另一人施用武力或脅迫手段；或
 - (c) 對另一人施用武力或脅迫手段，或威脅對另一人施用武力或脅迫手段，以誘使該另一人令第三者在選舉中投票，或在選舉中投票予某候選人或某些候選人。
- (2) 任何人作出以下作為，亦屬在選舉中作出舞弊行為——
 - (a) 對另一人施用武力或脅迫手段，或威脅對另一人施用武力或脅迫手段，以誘使該另一人在選舉中不投票，或在選舉中不投票予某候選人或某些候選人；或
 - (b) 因為另一人在選舉中不投票，或在選舉中不投票予某候選人或某些候選人，所以對該另一人施用武力或脅迫手段，或威脅對該另一人施用武力或脅迫手段；或
 - (c) 對另一人施用武力或脅迫手段，或威脅對另一人施用武力或脅迫手段，以令該另一人誘使第三者在選舉中不投票，或在選舉中不投票予某候選人或某些候選人；或
 - (d) 以擄拐方式阻止選民在選舉中投票。
- (3) 第 (1) 或 (2) 款所提述的任何一類舞弊行為，即使是由另一人作出，但如該另一人是獲授權而行事的，則授權的人仍視為曾作出該舞弊行為。授權的方式可以是明示或默示的。
- (4) 團體選民不會僅因曾指示其獲授權代表在選舉中投票予某候選人或某些候選人或不投票予某候選人或某些候選人而違反本條。

14. 作出某些關乎選民的欺騙性行為的舞弊行為

- (1) 任何人以欺騙手段作出以下作為，即屬在選舉中作出舞弊行為——

13. Corrupt conduct to use or threaten to use force or duress against electors

- (1) A person engages in corrupt conduct at an election if the person—
 - (a) uses force or duress, or threatens to use force or duress, against another person to induce the other person to vote at the election, or to vote at the election for a particular candidate or particular candidates; or
 - (b) uses force or duress, or threatens to use force or duress, against another person because the other person voted at the election, or voted at the election for a particular candidate or particular candidates; or
 - (c) uses force or duress, or threatens to use force or duress, against another person to induce the other person to get a third person to vote at the election, or to vote at the election for a particular candidate or particular candidates.
- (2) A person also engages in corrupt conduct at an election if the person—
 - (a) uses force or duress, or threatens to use force or duress, against another person to induce the other person not to vote at the election, or not to vote at the election for a particular candidate or particular candidates; or
 - (b) uses force or duress, or threatens to use force or duress, against another person because the other person refrained from voting at the election, or refrained from voting at the election for a particular candidate or particular candidates; or
 - (c) uses force or duress, or threatens to use force or duress, against another person to get the other person to induce a third person not to vote at the election, or not to vote at the election for a particular candidate or particular candidates; or
 - (d) by abduction, prevents an elector from voting at the election.
- (3) A person is taken to have engaged in corrupt conduct of a kind referred to in subsection (1) or (2) even though the conduct was engaged in by another person, but only if the other person was acting with the person's authority. That authority may be conferred expressly or by implication.
- (4) A corporate elector does not contravene this section only because it has instructed its authorized representative to cast its vote, or not to cast its vote, at an election for a particular candidate or particular candidates.

14. Corrupt conduct to engage in certain deceptive behaviour in relation to electors

- (1) A person engages in corrupt conduct at an election if the person, by a deception—

- (a) 誘使另一人在選舉中投票予某候選人或某些候選人；或
- (b) 誘使另一人在選舉中不投票，或在選舉中不投票予某候選人或某些候選人；或
- (c) 令另一人誘使第三者在選舉中投票予某候選人或某些候選人；或
- (d) 令另一人誘使第三者在選舉中不投票，或在選舉中不投票予某候選人或某些候選人；或
- (e) 妨礙或阻止另一人在選舉中投票；或
- (f) 令另一人妨礙或阻止第三者在選舉中投票。

(2) 第(1)款所提述的任何一類舞弊行為，即使是由另一人作出，但如該另一人是獲授權而行事的，則授權的人仍視為曾作出該舞弊行為。授權的方式可以是明示或默示的。

~~15. 在選舉中冒充另一人的舞弊行為~~

(1) 除非選舉法明文准許，否則任何人——

- (a) 用另一人的姓名中領選票；或
- (b) 在選舉中投票後再用本身的姓名在同一選舉中申領選票，

即屬在選舉中作出舞弊行為。

(2) 在第(1)款中，提述另一人之處，包括提述已去世的人或虛構的人，以及確實在世的人。

16. 關於在選舉中投票的舞弊行為

(1) 任何人作出以下作為，即屬在選舉中作出舞弊行為——

- (a) 明知他無權在選舉中投票卻在選舉中投票；或
- (b) 已——
 - (i) 向選舉事務主任提供他明知屬虛假達關鍵程度或具誤導性達關鍵程度的資料；或
 - (ii) 明知而不向選舉事務主任提供關鍵資料；或
 - (iii) 罔顧後果地向選舉事務主任提供屬虛假達關鍵程度或具誤導性達關鍵程度的資料，而其後在選舉中投票；或
- (c) 在選舉中

- (a) induces another person to vote at the election for a particular candidate or particular candidates; or
- (b) induces another person not to vote at the election, or not to vote at the election for a particular candidate or particular candidates; or
- (c) gets another person to induce a third person to vote at the election for a particular candidate or particular candidates; or
- (d) gets another person to induce a third person not to vote at the election, or not to vote at the election for a particular candidate or particular candidates; or
- (e) obstructs or prevents another person from voting at the election; or
- (f) gets another person to obstruct or prevent a third person from voting at the election.

(2) A person is taken to have engaged in corrupt conduct of a kind referred to in subsection (1) even though the conduct was engaged in by another person, but only if the other person was acting with the person's authority. That authority may be conferred expressly or by implication.

~~15. Corrupt conduct to impersonate another at election~~

(1) A person engages in corrupt conduct at an election if the person, otherwise than as expressly permitted by an electoral law—

- (a) applies for a ballot paper in the name of another person; or
- (b) having voted at an election, applies at the same election for a ballot paper in the person's own name.

(2) In subsection (1), the reference to another person includes a reference to a person who has died or is a fictitious person as well as to an actual living person.

16. Corrupt conduct with respect to voting at elections

(1) A person engages in corrupt conduct at an election if the person—

- (a) votes at the election knowing that the person is not entitled to do so; or
- (b) votes at the election after having—
 - (i) given to an electoral officer information that the person knew to be materially false or misleading; or
 - (ii) knowingly omitted to give material information to an electoral officer; or
 - (iii) recklessly given to an electoral officer information that was materially false or misleading; or
- (c) except as expressly permitted by an electoral law