

5. 本條例適用的行為

本條例適用於一切與選舉有關的行為，不論該行為是在香港境內或在其他地方作出的。

第 2 部

舞弊行為

6. 可就選舉中的舞弊行為施加的刑罰

- (1) 任何人在選舉中作出舞弊行為，即屬犯罪——
  - (a) 如循簡易程序審訊，一經定罪，可處罰款 \$200,000 及監禁 3 年；或
  - (b) 如循公訴程序審訊，一經定罪，可處罰款 \$500,000 及監禁 7 年。
- (2) 如任何人被裁斷在選舉期間前、在選舉期間內或在選舉期間後作出舞弊行為，則該人可被裁定犯了在選舉中作出舞弊行為的罪行。
- (3) 法庭如裁定任何人作出舞弊行為，必須命令該人向法庭繳付——
  - (a) 該人或該人的代理人在與該等行為有關連的情況下所收取的任何有價代價的款額或價值；或
  - (b) 法庭在命令中指明的該有價代價的部分款額或價值。

~~7. 賄賂候選人或準候選人的舞弊行為~~

- (1) 任何人舞弊地作出以下作為，即屬在選舉中作出舞弊行為——
  - (a) 提供利益予另一人——
    - (i) 作為該另一人在選舉中參選或不參選的誘因；或
    - (ii) (如該另一人已在選舉中獲提名為候選人) 作為該另一人撤回接受提名的誘因；或
    - (iii) (如該另一人已在選舉中獲提名為候選人) 作為該另一人不盡最大努力促使該另一人當選的誘因；或
  - (b) 提供利益予另一人

5. What conduct does this Ordinance apply to?

This Ordinance applies to all conduct concerning an election, whether the conduct is engaged in within Hong Kong or elsewhere.

PART 2

CORRUPT CONDUCT

6. What penalties can be imposed for corrupt conduct at elections?

- (1) A person who engages in corrupt conduct at an election commits an offence and is—
  - (a) if tried summarily, liable on conviction to a fine of \$200,000 and to imprisonment for 3 years; or
  - (b) if tried on indictment, liable on conviction to a fine of \$500,000 and to imprisonment for 7 years.
- (2) A person may be convicted of an offence of having engaged in corrupt conduct at an election if the person is found to have engaged in the conduct before, during or after the election period.
- (3) A court that convicts a person of having engaged in corrupt conduct must order the person to pay to the court—
  - (a) the amount or value of any valuable consideration received by the person or the person's agents in connection with the conduct; or
  - (b) such part of the amount or value as that court specifies in the order.

~~7. Corrupt conduct to bribe candidates or prospective candidates~~

- (1) A person engages in corrupt conduct at an election if the person corruptly—
  - (a) offers an advantage to another person as an inducement for the other person—
    - (i) to stand, or not to stand, as a candidate at the election; or
    - (ii) if the other person has been nominated as a candidate at the election, to withdraw the nomination; or
    - (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) offers an advantage to another person as a reward—