



2023年鄉郊代表選舉

《選舉（舞弊及非法行為）條例》簡介

Briefing on Elections (Corrupt and Illegal Conduct) Ordinance for 2023 Rural Representative Election

《選舉（舞弊及非法行為）條例》

Elections (Corrupt & Illegal Conduct) Ordinance

行為 Conduct	最高刑罰 Maximum Penalty
舞弊行為 Corrupt conduct	罰款\$500,000 及 監禁7年 Imprisonment for 7 years & a fine of \$500,000
非法行為 Illegal conduct	罰款\$200,000 及 監禁3年 Imprisonment for 3 years & a fine of \$200,000
沒按規定提交 選舉申報書 Failure to submit election return according to the statutory requirements	罰款\$200,000 及 監禁3年 Imprisonment for 3 years & a fine of \$200,000

主要內容 Content

(一) 賄選、妨礙選舉

Vote-buying, obstructive behaviour in relation to electors

(二) 選舉廣告

Election Advertisements

(三) 選舉開支

Election Expenses

(四) 選舉申報書

Election Return



- 選舉期間內可否舉辦有選民（村民）參與的聚餐活動？
- **Can I organise meal gatherings for the electors (villagers) during the election period?**

賄賂選民（第11條） Bribing Electors (S.11)

- 向他人提供**利益**
- 誘使或酬謝他人投票或不投票予某候選人、或不投票
- Offers an **advantage**
- As an inducement to or a reward for another person not to vote; to vote or not to vote for a particular candidate

▶ 利益篇

廉潔鄉郊選舉 - 利益篇



利益 Advantage

- 「利益」包括（但不限於）任何有值代價、饋贈、借貸、職位、受僱工作、合約、優待或服務（義務服務除外）等
- “Advantage” includes (but is not limited to) any valuable consideration, gift, loan, office, employment, contract, favour, service (other than voluntary service), etc.

提供飲食或娛樂（第12條） Providing Refreshments or Entertainment (S.12)

- 向他人提供食物、飲料或娛樂，或償付全部或部份費用
- 誘使或酬謝他人投票或不投票予某候選人、或不投票
- Provides or meets **all or part** of the cost of providing any **food, drink or entertainment**
- As an inducement to or a reward for the other person not to vote; to vote or not to vote for a particular candidate

施用武力或脅迫手段（第13條） Using Force or Duress (S.13)

- 向他人施用或威脅施用**武力或脅迫**手段
- 誘使他人投票、不投票、或投票或不投票予某候選人
- Uses or threatens to use **force or duress** against another person
- To induce that person to vote or not to vote; to vote or not to vote for a particular candidate

作出某些關乎選民的欺騙行為（第14條） Deceptive Behaviour in relation to Electors (S.14)

- 以**欺騙**手段誘使他人投票予某候選人、不投票予某候選人、不投票
- To induce a person to vote or not to vote for a particular candidate; not to vote at the election by **deception**

有關投票的違法行為 (第16條) Offences with respect to Voting (S.16)

- 明知本身無權投票而投票；或
- 提供明知屬虛假或具誤導性達關鍵程度的資料而其後在選舉中投票；或
- 明知他人無權投票卻促請或誘使他投票
- **Votes** knowing that he/she is **not entitled** to do so
- Or **votes** after having knowingly given **materially false or misleading** information to an electoral officer
- Or invites or induces another person to vote knowing that the other person is not entitled to do

對選民作出妨礙行為（第14（1A）條） Obstructive Behaviour in relation to Electors (S.14(1A))

- 故意妨礙或阻止他人在選舉中投票
- 或令另一人妨礙或阻止他人在選舉中投票
- Wilfully **obstructs** or **prevents** another person from voting at the election
- Gets another person to **obstruct** or **prevent** a third person from voting at the election

藉公開活動煽惑另一人（第27A條）

Incite another person by public activity in public (S.27A)

- 在選舉期間內
- 藉公開活動，煽惑另一人在選舉中：
 - 不投票；或
 - 投無效的票
- **Incite another person**
 - **not to vote; or**
 - **to cast invalid vote**
- **At an election by activity in public during election**

(二) 選舉廣告

Election Advertisements



- 現任鄉郊代表發布工作報告
是否選舉廣告？
- **Is a work report published by a village representative an election advertisement?**

候選人在選舉期間發布文件

A Candidate Publishes a Document During Election Period

- 候選人
- 在**選舉期間**（由選舉提名日起至投票日止）發布文件
- 列明以下**下述身份**所做工作的詳細資料：
行政長官、選舉委員會委員、立法會議員、區議員、鄉議局議員、鄉事委員會主席 / 副主席 / 執行委員會委員、鄉郊代表
- 屬選舉廣告
- A candidate
- During an **election period** (the period beginning with the nomination day and ending with the polling day for the election)
- Publishes a document that gives the details of the work **done in the capacity of:**
the Chief Executive, a member of the Election Committee, District Council, Keung Yee Kuk, the Chairman or vice-chairman or a member of the Executive Committee of a Rural Committee, a Rural Representative
- is an election advertisement

發布關於候選人的虛假陳述（第26條） Publishing False Statements about a Candidate (S.26)

- 為促使或阻礙任何候選人當選
- 發布關於任何候選人的虛假或具誤導性達關鍵程度的事實陳述
- Publishes a materially **false or misleading statement of fact** about a particular candidate
- For the purpose of promoting or prejudicing the election of the candidate



- 可否在選舉廣告中收納某團體的名稱？
- **Can the name of an organisation be published in an election advertisement?**

在選舉廣告中假稱獲支持（第27條）

Election Advertisement with False Claim of Support (S.27)

- 發布載有某人 / 組織的姓名、名稱、標識或與之相似的資料、或某人的圖像的選舉廣告
- 意味着或相當可能導致選民相信候選人已獲該人 / 組織的支持
- Publishes an EA which includes
 - the name / logo of or associated with (or substantially similar to)
 - a person / an organisation; or
 - a pictorial representation of a person
- Implies or is likely to cause electors to believe that the candidate has the support of the person / organisation

在選舉廣告中假稱獲支持（第27條） Election Advertisement with False Claim of Support (S.27)

- 除非：

- (i) 事前獲有關人士或組織書面同意

- (ii) 候選人沒有要求或指示（或授權任何人要求或指示）將該等姓名、名稱、標識或圖像納入該選舉廣告中

- Except that :

- (i) **prior written consent** from the person/organisation concerned is obtained

- (ii) the candidate has neither requested or directed (nor authorised any person to request or direct) the inclusion of the name, logo or pictorial representation in the election advertisement

(三) 選舉開支

Election Expenses

未經授權而招致選舉開支（第23(1)條） Incur Election Expenses without Authorisation (S.23(1))

- 任何人未獲候選人授權而招致選舉開支
- 選舉開支代理人招致的選舉開支，超出其獲授權的開支限額
- A person, without the candidate's authorisation, incurs any election expenses
- An election expense agent incurs election expenses that exceed the amount specified in his authorisation

未經授權而招致選舉開支 (第23(1A)條)

Incur Election Expenses without Authorisation (S.23(1A))

- 任何人如非候選人，亦非候選人的選舉開支代理人
 - (a) 在互聯網發布選舉廣告；及
 - (b) 該人就發布該廣告而招致的選舉開支，只屬下述兩項或其中一項費用：
 - (i) 電費；
 - (ii) 連接互聯網所需的費用
- 第23(1)條不適用
- Section 23(1) does not apply, if a person (other than a candidate or a candidate's election expense agent)
 - (a) publishes an election advertisement on the Internet; and
 - (b) the only election expenses incurred by the person for the purpose of publishing the advertisement are either or both of the following charges:
 - (i) electricity charges;
 - (ii) charges necessary for accessing the Internet

招致選舉開支（第24條） Incur Election Expenses (S.24)

- 候選人或他人代候選人招致超出訂明限額的的選舉開支，即屬違法
- A candidate engages in illegal conduct for incurring election expenses by or on behalf of the candidate exceeding the prescribed amount of election expenses

運用選舉捐贈（第18條） Use of Election Donations (S.18)

- 將選舉捐贈用於償付候選人的**選舉開支**以外的用途，或
- （如屬貨品或服務*）將選舉捐贈用於促使某候選人當選或阻礙其他候選人當選以外的用途
- **屬舞弊行為**
- Uses election donations for a **purpose other than meeting the election expenses** of the candidate, or
- (in case of goods or service*) uses election donations for a purpose other than promoting the election of the candidate or prejudicing the election of other candidates
- Engages in **corrupt conduct**

* 不包括義務服務

* does not include voluntary service

義務服務 Voluntary Service

- 任何自然人為促使某候選人當選或阻礙其他候選人當選，而在私人時間內自願、親自、免費向該候選人提供的任何服務
- Any service provided **free of charge** to a candidate by a natural person, **voluntarily and personally, in the person's own time** for the purpose of promoting the election of the candidate or prejudicing the election of other candidates

處置選舉捐贈（第19條）

Disposal of Election Donations (S.19)

- 必須就**價值\$1,000**以上的捐贈發出**收據**
- 必須將價值**\$1,000**以上的匿名捐贈、剩餘的、超過選舉開支上限的選舉捐贈，轉送予慈善機構或慈善信託
- Must issue a **receipt** for any donation of **more than \$1,000** in value
- Must send anonymous election donations of more than \$1,000 in value, the unused election donations and donations that exceed the prescribed maximum amount of election expenses to a charitable institution or trust of a public character

(四) 選舉申報書 Election Return

提交選舉申報書（第37條） Lodge Election Return (S.37)

- 每名候選人必須在法定限期屆滿前提交選舉申報書
- 切勿在提交的選舉申報書內作出屬虛假或具誤導性的陳述
〔舞弊行為〕
- **Each candidate must lodge an election return by the statutory deadline**
- **Do NOT make any false or misleading statement in the election return [corrupt conduct]**

提交選舉申報書 (第37條)

Lodge Election Return (S.37)

列出 Set out	附有 Accompanied by
<p>選舉開支 Election expenses</p>	<ul style="list-style-type: none"> • 每項\$500或以上開支的發票及收據 • Each election expense of \$500 or above with an invoice and a receipt for each item
<p>收取的所有選舉捐贈 All election donations received</p>	<ul style="list-style-type: none"> • 發給捐贈價值\$1,000以上的捐贈者的收據副本 • 將剩餘、超額的捐贈或價值\$1,000以上的匿名捐贈轉送予慈善機構的收據副本 • A copy of the receipt issued to the donor of each election donation of more than \$1,000 • A copy of the receipt given by a charitable institution including unused election donations, election donations that exceed the prescribed maximum amount and anonymous election donations of more than \$1,000
	<ul style="list-style-type: none"> • 聲明書 • A declaration

選舉申報書中的錯誤寬免 (第37A條) Relief for minor errors in election return (S.37A)

- 錯誤或虛假陳述的累計總價值不超過有關選舉訂明的限額
- 選舉開支總額不超過訂明的最高限額
- 可在獲通知當日後的**30**天作出修正
- **The aggregate value of errors or false statements in an election return that does not exceed the limit prescribed in the Schedule for the election**
- **The amount of election expenses does not exceed the limit prescribe in the Schedule for the election**
- **Lodge within 30 days after the candidate receives a notice**

提交虛假或具誤導性的選舉申報書（第20條） Lodge False or Misleading Election Return (S.20)

- 候選人在提交的選舉申報書內（或其修正輕微錯誤的副本內），作出虛假或誤導性達關鍵程度的陳述，屬**舞弊行為**
- A candidate who makes a statement that he knows or ought to know is materially false or misleading in the election return (or the copy of the revised election return) engages in **corrupt conduct**

廉政公署教育及宣傳活動 ICAC Clean Elections Education and Publicity Activities

- 「廉潔選舉資料冊」 Information booklet
- 「選民須知」單張 Reminder to electors
- 公共交通工具及網上平台宣傳 Publicity in Public Transports and Online Platforms
- 海報、電子橫額、專題文章、倡廉教育短片、電台廣播 Posters, e-banners, feature articles, educational filmlets and radio broadcasts
- 《選舉（舞弊及非法行為）條例》簡介會 Briefing sessions



廉潔選舉網站 Clean Elections Website



廉潔選舉網站



(www.icac.org.hk/icac/elect/2023re)

廉潔選舉熱線 Clean Election Hotlines

廉政公署 24小時舉報熱線：

ICAC 24-hour Report Hotline:

25 266 366



廉潔選舉查詢熱線：

Clean Election Enquiry Hotline:

2920 7878



一切資料 絕對保密

謝謝

Thank You