填寫選舉開支及接受選舉捐贈之申報書及聲明書說明
Notes on Completion of Return and Declaration of
Election Expenses and Election Donations

以下說明只供參考。有關選舉開支及選舉捐贈的法例，請參閱《選舉(舞弊及非法行為)條例》(第 554 章)及《選舉管理委員會(選舉程序)(立法會)規例》(第 541D 章)。

The Notes below are for reference only.   For legislation concerning election expenses and election donations, please refer to the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) and the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D).

1. 填寫此份申報書及聲明書前，請細心閱讀選舉管理委員會發出的《立法會選舉活動指引》第十六章，以及參考載於候選人資料冊的「選舉開支及接受選舉捐贈之申報書及聲明書指南」(表格編號：REO/C/1A(GC)(DC(2)FC)/2016LC)。

    Before completing this return and declaration, please read carefully Chapter 16 of the "Guidelines on Election-related Activities in respect of the Legislative Council Election" issued by the Electoral Affairs Commission, and make reference to the "Guide to Return and Declaration of Election Expenses and Election Donations" (Form no.: REO/C/1A(GC)(DC(2)FC)/2016LC) contained in the Candidate Folder.

2. 根據《選舉(舞弊及非法行為)條例》(第 554 章)第 37(1) 條的規定，此申報書及聲明書中必須列出候選人在選舉中的選舉開支及由候選人或他/她的代表收取的所有選舉捐贈。

    According to section 37(1) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554), this return and declaration must set out the candidate's election expenses at the election and all election donations received by or on behalf of the candidate.

3. 請用中文或英文填寫此申報書及聲明書。如任何部分篇幅不敷應用，可採用同樣格式另紙填寫，然後夾附於本申報書及聲明書。

    Please complete this return and declaration either in Chinese or in English.   Please attach additional sheets in the same format to this return and declaration if the space provided in any section is insufficient.

4. 本申報書及聲明書內的金額及價值須以港幣表示。填寫有關部分時，請將金額或價值以整數或四捨五入至不超過兩個小數位填寫。

    All amounts and values in this return and declaration must be expressed in Hong Kong dollars.   When filling in the relevant sections, please fill in the amount or value with an integer or round up/down to not more than 2 decimal places.

5. 就每項 $100 或以上的選舉開支而言，候選人須提交載有該項支出詳情的發票及收據。選舉開支的發票及收據可分為不同文件提交，亦可包含於同一份文件內。候選人提交的發票及收據必須載有以下資料，包括：
    (a)   日期；
    (b)   開支項目的詳情(即貨品或服務的資料和金額)；
    (c)   提供貨品或服務的機構或人士(非候選人本人)的資料；及
    (d)   證明提供貨品或服務的機構或人士(非候選人本人)已全數收取有關款額的資料(例如收款人士的姓名及簽署，或收款機構的蓋章或代表簽署)。

    In the case of each election expense of $100 or more, candidate should submit an invoice and a receipt giving particulars of the expenditure.   The invoice and receipt for an election expense may be submitted in separate documents, or may be contained in the same document.   Candidate should submit invoices and receipts with the following particulars, including:
    (a)   date;
    (b)   details of the expense item (i.e. information and amount of the goods or services);
    (c)   information of the organisation or person (other than the candidate himself/herself) providing the goods or services; and
    (d)   information supporting that the organisation or person (other than the candidate himself/herself) providing the goods or services has received the relevant payment in full (e.g. name and signature of the recipient, or the stamp of the organisation or signature of its authorised person).

6. 發票及收據上應順序註明編號，而編配予每一發票及收據的編號應填寫在 "發票及收據" / "收據副本" 一欄內的相應位置，以資對照。

    All invoices and receipts should be marked in numerical sequence and, for cross-referencing purpose, the number assigned to each invoice and receipt should be correspondingly entered in the "Invoice and Receipt"/"Copy of Receipt" column.

7. 如發票及收據以副本形式提交，候選人或選舉開支代理人須在每張發票及收據的副本上簽署，以核證其為真確無誤的副本(見載於附錄的核證發票及收據副本的樣本)。

    If copies of invoice and receipt are submitted, candidate or election expense agent is required to sign on each copy of invoice and receipt to certify it as a true and correct copy (see the sample for certifying copy of invoice and receipt at Appendix).

8. 候選人應根據於中央平台或候選人平台或交給選舉主任之「選舉廣告資料摘要」(表格編號：REO/C/10/LC(SF)(2016))及「修正選舉廣告資料摘要通知書」(表格編號：REO/C/11/LC(SF)(2016))(如適用)所列的選舉廣告數量及種類填寫此申報書。候選人須計算及申報每一項選舉廣告的開支。選舉廣告單價應包括設計及畫稿之費用。如透過互聯網發布選舉廣告(例如電子郵件)，與該選舉廣告相關的費用，例如設計及發布服務費用及按比例適當分攤的相關互聯網服務費等，應被計算為選舉開支。

Candidate should complete this return based on the quantities and types of election advertisements as stated on the Central Platform or Candidate's Platform or in the "Information Sheet in relation to Election Advertisements" (Form no.: REO/C/10/LC(SF)(2016)) and "Notification of Corrected Information in relation to Election Advertisements" (Form no.: REO/C/11/LC(SF)(2016)) (if applicable) submitted to the Returning Officer. Candidate should calculate and declare the expenses for each and every item of election advertisement. Unit price for election advertisements should include design and artwork fees. If election advertisements are published through the Internet (e.g. electronic mail), fees that are related to the election advertisements, such as design and publication fees and service charges for Internet access appropriately apportioned, should be counted as election expenses.

9. 選舉捐贈的形式包括金錢、貨品及服務。不論形式爲何,所有已接受的選舉捐贈均須在本申報書的相關部分填報。

Election donations may take the form of money, goods or service. Regardless of the form they take, all election donations received must be accounted for under the relevant sections in this return.

10. 凡免費獲得的服務或貨品(除義務服務外),必須申報為選舉捐贈,並於申報書內相應申報其估計的價值為選舉開支。

Services or goods obtained free of charge (except for voluntary service) must be declared as election donations, and their estimated value must also be correspondingly declared as election expenses in the return.

11. 除非所有顧客一般均可享有有關折扣,否則貨品或服務的市價/正常價格與候選人支付的價格差額是一項選舉捐贈,候選人必須申報為選舉捐贈,並於申報書內相應申報為選舉開支。

Unless the discount is generally available to all customers, the difference between the market/regular price of goods or services and the price paid by the candidate is an election donation and must be declared as such and correspondingly declared as an election expense in the return.

12. 如某項選舉捐贈的金額或價值為\$1,000 以上(包括某些來自同一捐贈者而總價值為\$1,000 以上的選舉捐贈),候選人須發給捐贈者載有該捐贈者的姓名或名稱及地址及該項捐贈的詳情的收據,並將收據副本與申報書一併提交。

If the amount or value of an election donation is more than \$1,000 (including election donations from the same donor and total value is more than \$1,000), candidate should issue a receipt to the donor specifying the name and address of the donor and giving particulars of the donation, and submit the return together with a copy of the receipt.

13. (a) 任何來自沒有表明姓名或名稱及地址的捐贈者,而金額或價值為\$1,000 以上之選舉捐贈;或
    (b) 任何沒有用於償付選舉開支或選舉用途之選舉捐贈或其一部分;或
    (c) 任何超出候選人可招致的選舉開支訂明的最高限額的選舉捐贈
    均須按照《選舉(舞弊及非法行為)條例》(第 554 章)第 19 條處置,在呈交申報書之前轉贈候選人所選擇的屬公共性質的慈善機構或慈善信託,並在申報書附上收款人發出的收據副本。否則,申報書及聲明書須附有書面解釋,列出沒有按照該條處置該項或該部分選舉捐贈的理由。

    (a) Any election donation in the amount or value of more than \$1,000 from a donor whose name and address are not identified; or
    (b) any election donation or part of it which has not been used to meet election expenses or for election purpose; or
    (c) any election donation which is in excess of the maximum prescribed amount of election expenses that the candidate is allowed to incur
    must, in accordance with section 19 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554), be donated to charitable institutions or trusts of a public character chosen by the candidate before the return is lodged. The return must be accompanied by copy(ies) of the receipt(s) given by the recipient(s) thereof. Otherwise, the return and declaration must be accompanied by a written explanation setting out the reason why such election donation or part of it was not disposed of in accordance with that section.

14. 候選人必須在《選舉(舞弊及非法行為)條例》(第 554 章)第 37 條規定的限期屆滿之前,將填妥的申報書及聲明書提交總選舉事務主任(地址:九龍觀塘觀塘道 392 號創紀之城 6 期 23 樓 2301-03 室)。

Candidate must submit the completed return and declaration to the Chief Electoral Officer (Address: Unit 2301-03, 23/F, Millennium City 6, 392 Kwun Tong Road, Kwun Tong, Kowloon) by the statutory deadline as required under section 37 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554).

15. 申報書及聲明書以及所有附件的副本將備存於選舉事務處,由該申報書及聲明書提交總選舉事務主任的時間起,直至根據《選舉(舞弊及非法行為)條例》(第 554 章)第 41 條規定申報書及聲明書可供公眾查閱的期間結束為止,供公眾查閱或提供予索閱有關文件的人士。

Copies of the return and declaration and all attachments will be made available at the Registration and Electoral Office for public inspection or may be furnished to any person upon request from the time when the return and declaration is lodged with the Chief Electoral Officer until the end of the period for which copies of election returns are available for inspection under section 41 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554).

16. 選舉事務處將查核所有候選人提交的申報書及聲明書。倘若發現任何不當情況，將會向有關當局報告，以進行調查。候選人在申報書及聲明書上填報的資料亦可能供給有關當局進行調查。

The Registration and Electoral Office will check all returns and declarations submitted by candidates. Any irregularities detected will be reported to the relevant authorities for investigation. The information provided by the candidates in their returns and declarations may also be provided to the relevant authorities for investigation.

17. 《選舉(舞弊及非法行為)條例》(第 554 章)與選舉申報書相關的部分條文載列如下，以供參考－

Part of the provisions of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) concerning election return are reproduced below for reference－

《選舉(舞弊及非法行為)條例》(第 554 章) 第 2 條

"選舉開支" (election expenses)就某項選舉的候選人或候選人組合而言，指在選舉期間前、在選舉期間內或在選舉期間後，由該候選人或該候選人組合或由他人代該候選人或該候選人組合－
(a) 為促使該候選人或該候選人組合當選；或
(b) 為阻礙另一候選人或另一候選人組合當選，
而招致或將招致的開支，並包括包含貨品及服務而用於上述用途的選舉捐贈的價值。

"選舉捐贈" (election donation)就某項選舉的一名或多於一名候選人而言，指以下任何捐贈－
(a) 為償付或分擔償付該候選人或該等候選人的選舉開支，而給予該候選人或該等候選人或就該候選人或該等候選人而給予的任何金錢；或
(b) 為促使該候選人或該等候選人當選或阻礙另一名候選人或另一些候選人當選，而給予該候選人或該等候選人或就該候選人或該等候選人而給予的任何貨品，包括由於提供義務服務而附帶給予的貨品；
(c) 為促使該候選人或該等候選人當選或阻礙另一名候選人或另一些候選人當選，而向該候選人或該等候選人提供或就該候選人或該等候選人而提供的任何服務，但不包括義務服務。

Section 2 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554)

"Election expenses" (選舉開支), in relation to a candidate or group of candidates at an election, means expenses incurred or to be incurred, before, during or after the election period, by or on behalf of the candidate or group for the purpose of –
(a) promoting the election of the candidate or group; or
(b) prejudicing the election of another candidate or group,
and includes the value of election donations consisting of goods and services used for that purpose.

"Election donation" (選舉捐贈), in relation to a candidate or candidates at an election, means any of the following donations –
(a) any money given to or in respect of the candidate or candidates for the purpose of meeting, or contributing towards meeting, the election expenses of the candidate or candidates;
(b) any goods given to or in respect of the candidate or candidates for the purpose of promoting the election of the candidate or candidates or of prejudicing the election of another candidate or other candidates, and includes any goods given incidental to the provision of voluntary service;
(c) any service provided to or in respect of the candidate or candidates for the purpose of promoting the election of the candidate or candidates or of prejudicing the election of another candidate or other candidates, but does not include voluntary service.

《選舉(舞弊及非法行為)條例》(第 554 章) 第 37(1)條

在選舉中的每名候選人必須向有關主管當局提交選舉申報書，列出－
(a) 該候選人在該項選舉中的選舉開支；及
(b) 曾由該候選人或由他人代該候選人在與該項選舉有關連的情況下收取的所有選舉捐贈。

Section 37(1) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554)

Each candidate at an election must lodge with the appropriate authority an election return setting out –
(a) the candidate's election expenses at the election; and
(b) all election donations received by or on behalf of the candidate in connection with the election.

《選舉(舞弊及非法行為)條例》(第 554 章) 第 37(2)(b)條

候選人必須確保申報書附有－
(i) (就每項$100 或以上的選舉開支而言)載有該項支出的詳情的發票及收據；及
(ii) (就每項$1000 以上或每項包含貨品或服務而價值$1000 以上的選舉捐贈而言)發給捐贈者的載有關於該捐贈者及該項捐贈的詳情的收據的副本；及
(iii) (如由候選人或由他人代候選人在與選舉有關連的情況下收取的某項選舉捐贈或某項選舉捐贈的一部分沒有用於該用途而已按照第 19 條處置)收取該等如此處置的捐贈或部分捐贈的人所發出的收據的副本；及
(iv) (如由候選人或由他人代候選人在與選舉有關連的情況下收取的某項選舉捐贈或某項選舉捐贈的一部分沒有用於該用途，亦沒有按照第 19(3)條處置)書面解釋，列出沒有按照該條處置該項捐贈或該部分捐贈的理由；及
(v) 採用有關主管當局提供或指明的表格或格式所作的聲明書，證明申報書內容屬實。

Section 37(2)(b) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554)
The candidate must ensure that the return is accompanied –
(i) in the case of each election expense of $100 or more, by an invoice and a receipt giving particulars of the expenditure; and
(ii) in the case of each election donation of more than $1000 or, in the case of an election donation consisting of goods or a service, of more than $1000 in value, by a copy of the receipt issued to the donor giving particulars of the donor and the donation; and
(iii) where an election donation or part of an election donation that was received by or on behalf of the candidate in connection with the election was not used for that purpose was disposed of in accordance with section 19, by a copy of the receipt given by the recipient of the donation or part; and

(iv) where an election donation or part of an election donation that was received by or on behalf of the candidate in connection with the election was not used for that purpose was not disposed of in accordance with section 19(3), by an explanation setting out the reason why it was not disposed of in accordance with that section; and
(v) by a declaration in a form provided or specified by the appropriate authority verifying the contents of the return.

《選舉(舞弊及非法行為)條例》(第554章) 第40條
(1) 候選人如不能夠或沒有在准許的限期屆滿之前按照第 37 條的規定提交選舉申報書,可向原訟法庭申請作出命令,容許該候選人在原訟法庭指明的較長限期內,向有關主管當局提交選舉申報書。
(2) 原訟法庭在聆訊根據第(1)款提出的申請後,必須信納不能夠或沒有按照第 37 條的規定提交選舉申報書一事是可歸因於下述情況而非因申請人不真誠所致,方可作出所尋求的命令－
    (a) 申請人患病或不在香港;或
    (b) 申請人的代理人或僱員去世、患病、不在香港或行為不當;或
    (c) 申請人或其他人粗心大意或意外地計算錯誤;或
    (d) 任何合理因由。
(3) 候選人亦可向原訟法庭申請作出命令,使該候選人可更正在選舉申報書或附於該申報書的任何文件內的錯誤或虛假陳述。
(4) 原訟法庭在聆訊根據第(3)款提出的申請後,必須信納該等錯誤或虛假陳述是因下述情況而非因申請人不真誠所致,方可作出所尋求的命令－
    (a) 申請人的代理人或僱員的行為不當;或
    (b) 申請人或其他人粗心大意或意外地計算錯誤;或
    (c) 任何合理因由。

Section 40 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554)
(1) A candidate who is unable or has failed to lodge an election return as required by section 37 before the end of the permitted period can apply to the Court for an order allowing the candidate to lodge with the appropriate authority an election return within such further period as the Court specifies.
(2) On the hearing of an application made under subsection (1), the Court may make the order sought, but only if it is satisfied that the inability or failure to lodge an election return as required by section 37 was attributable to –
    (a) the applicant's illness or absence from Hong Kong; or
    (b) the death, illness, absence from Hong Kong or misconduct of an agent or employee of the applicant; or
    (c) inadvertence or an accidental miscalculation by the applicant or any other person; or
    (d) any reasonable cause,
    and was not due to the applicant's bad faith.
(3) A candidate can also apply to the Court for an order enabling the candidate to correct any error or false statement in an election return or in any document accompanying the return.
(4) On the hearing of an application made under subsection (3), the Court may make the order sought, but only if it is satisfied that the error or false statement was due to –
    (a) misconduct of an agent or employee of the applicant; or
    (b) inadvertence or an accidental miscalculation by the applicant or any other person; or
    (c) any reasonable cause,
    and was not due to the applicant's bad faith.

《選舉(舞弊及非法行為)條例》(第554章) 第20條
如任何候選人在根據第 37 條提交的選舉申報書內,或在根據第 37A 條提交的選舉申報書的副本內,作出該候選人明知或理應知道屬虛假或具誤導性達關鍵程度的陳述,即屬在選舉中作出舞弊行為,該陳述屬一項根據第 37A 條達成的更正的標的亦然。

Section 20 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554)
A candidate engages in corrupt conduct at an election if the candidate, in an election return lodged under section 37 or a copy of an election return lodged under section 37A, makes a statement that the candidate knows or ought to know is materially false or misleading whether or not the statement is the subject of a correction effected under section 37A.

《選舉(舞弊及非法行為)條例》(第554章) 第38(1)條
候選人如沒有按照第 37 條的規定提交選舉申報書，即屬犯罪－
(a) 如循簡易程序審訊，一經定罪，可處第 5 級罰款及監禁 1 年；或
(b) 如循公訴程序審訊，一經定罪，可處罰款$200000 及監禁 3 年。

Section 38(1) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554)
A candidate who fails to lodge an election return as required by section 37 commits an offence and is –
(a) if tried summarily, liable on conviction to a fine at level 5 and to imprisonment for 1 year; or
(b) if tried on indictment, liable on conviction to a fine of $200000 and to imprisonment for 3 years.

18. 候選人在填寫此申報書及聲明書時如有任何問題，請在辦公時間內致電選舉事務處的查詢熱線 2891 1001。
If the candidate has any difficulty in completing this return and declaration, please call the Enquiry Hotline of the Registration and Electoral Office at 2891 1001 during office hours.

19. 請注意下列有關在此申報書及聲明書提供個人資料的說明－
Please note the following with regard to the personal data supplied in connection with this return and declaration –

(a) **資料用途**
就此申報書及聲明書提供的個人及其他有關的資料，會供選舉管理委員會、選舉事務處、有關的選舉主任及有關的政府部門用於與選舉有關的用途。
Purpose of Collection
The personal data and other related information supplied in connection with this return and declaration will be used by the Electoral Affairs Commission, the Registration and Electoral Office, the relevant Returning Officer and other related government departments for election-related purposes.

(b) **資料轉介**
此申報書及聲明書連同所有附件的副本會供公眾查閱。在展示前，申報書及聲明書連同所有附件內所有個人資料(如有此資料)將會被遮蓋。就此申報書及聲明書提供的個人及其他有關資料亦可能會提供予其他獲授權的部門或人士，包括但不限於法院，用於與選舉有關的用途。
Transfer of Information
A copy of this return and declaration of election expenses and election donations and all attachments will be made available for public inspection. All personal data (if any) in the return and declaration and all attachments will be covered before display. The personal data and other related information supplied in connection with this return and declaration may also be provided to other authorised departments or persons including but not limited to the law courts for election-related purposes.

(c) **索閱個人資料**
任何人有權根據《個人資料(私隱)條例》(第 486 章)的條文要求索閱及改正他/她所提供的個人資料。
Access to Personal Data
A person has the right to request access to and correction of the personal data he/she supplied in accordance with the provisions of the Personal Data (Privacy) Ordinance (Cap. 486).

(d) **個人資料保障原則**
請注意，候選人在收集第三者的個人資料以填寫此申報書及聲明書時，須遵守《個人資料(私隱)條例》(第 486 章)附表 1 的保障資料原則，特別是第 4 原則，即採取所有切實可行的步驟，以確保資料受到保障而不受未獲准許的或意外的查閱和處理。
Personal Data Protection Principles
Candidates are reminded to observe the Data Protection Principles in Schedule 1 to the Personal Data (Privacy) Ordinance (Cap. 486) in collecting personal data of a third person in completing this return and declaration, in particular Principle 4 concerning the requirement to take all practicable steps to ensure that personal data are protected against unauthorised or accidental access and processing.

(e) **查詢**
關於透過本申報書及聲明書收集的個人資料的查詢(包括索閱及改正個人資料)，應向總選舉事務主任提出(地址：香港灣仔港灣道 25 號海港中心 10 樓)。
Enquiry
Enquiries concerning the personal data collected by means of this return and declaration (including requests for access to and corrections of personal data) should be addressed to the Chief Electoral Officer at 10th Floor, Harbour Centre, 25 Harbour Road, Wan Chai, Hong Kong.

選舉管理委員會
2016 年 6 月
Electoral Affairs Commission
June 2016

核證供應者發出的發票及收據副本樣本
Sample on certifying a copy of invoice and receipt issued by the supplier

核證無誤及為真確副本
Certified correct and true copy

[候選人或選舉開支代理人簽署]
[Signature of candidate(s) or election expense agent]
_____

[候選人或選舉開支代理人姓名]
[Name of candidate(s) or election expense agent]

[日期]
[Date]

備註：
Remarks:

1. 由招致該項選舉開支的候選人或選舉開支代理人妥為核證有關發票及收據副本。就地方選區/區議會(第二)功能界別選舉而言，如該項選舉開支是由選舉開支代理人代名單上所有候選人招致的，該選舉開支代理人或名單上所有候選人須妥為核證有關發票及收據。
The copy of invoice(s) and receipt(s) are to be duly certified by the candidate(s) or election expense agent who incur(s) the election expense concerned. For a geographical constituency/the District Council (second) functional constituency election, if the election expense concerned is incurred by an election expense agent on behalf of all the candidates on the list, the relevant invoice(s) and receipt(s) will have to be duly certified by the election expense agent concerned or all the candidates on the list.

2. 候選人或選舉開支代理人必須在發票及收據的副本上簽署，不應在載有上述資料的標貼上簽署。簽署須在載有支出詳情的同一頁面。
Candidate or election expense agent must sign on the copy of the invoice and receipt, and should not sign on a label containing the above-mentioned information. The signature must be on the same page where the particulars of the expenditure are set out.