

**Guidelines on Election-related Activities
in respect of the Chief Executive Election
Elaboration of Paragraph 16.13 of Chapter 16**

A candidate for the 2002 Chief Executive Election through his lawyers has raised questions about the ambit of paragraph 15.6 of the Guidelines on Election-related Activities in respect of the 2002 Chief Executive Election (“the Guidelines”) [i.e. paragraph 16.13 of the present Guidelines], whether the use of incumbent Chief Executive’s office at the Central Government Offices will be considered to be use of public resources and whether the expenses involved will be counted as election expenses.

The Electoral Affairs Commission gave the following answers on 24 December 2001:

The four examples given in paragraph 15.6 of the Guidelines [i.e. paragraph 16.13 of the present Guidelines], namely, security, transportation, secretarial services and living quarters, that are not considered to be public resources, are intended to be illustrative rather than exhaustive.

The Electoral Affairs Commission also understands that it would be impracticable for the incumbent Chief Executive not to deal with matters concerning his election from his office at the Central Government Offices as his election agents and staff might from time to time attend his office and brief him on matters concerning the election. While we accept that such contacts at his office are neither election meetings nor election forums, and we consider that using the office is not a use or misuse of public resources in the context of the Guidelines, we are of the view that a certain proportion of the office rental should be accounted for as election expenses. The method to compile the account in this respect, we suggest, is to assess the rental for the office at which the contacts are made at a reasonable rate, such as how many dollars per square foot per month, and make a record of the time spent in the office for the election-related matters. The election expenses would be the amount of time used for such matters multiplied by the monthly rental and divided by the number of hours for which the office is normally used.

The interpretation of election expenses and their ambit is within the exclusive function of the Independent Commission Against Corruption and the Department of Justice, and our view must be deferred to theirs.

Dated 24 December 2001