

公平而廉潔的理事選舉

Fair and clean director elections

本刊記者 Staff reporter

一年一度的理事選舉將於十一月二十三日的第二十三屆會員週年大會上舉行，提名期剛剛於九月底結束。會員最關心的，自然是這屆有哪些候選人，但同樣不得不關注的，是由這屆選舉開始實施的《理事選舉規則》。

會員可能會問，議會舉辦選舉都那麼多年了，為甚麼突然要訂立規則。議會這次訂立選舉規則，絕不是因為出了甚麼問題，所以要亡羊補牢，只不過是為了推廣廉潔選舉，因而訂出明確的選舉規則，使所有相關人士便於遵循而已。

《規則》的宗旨與對象

為了制訂適切的選舉規則，議會選舉專責小組經過深入研究、反覆修訂，並且參考了廉政公署的建議後，終於在今年七月把《規則》的定本交予理事會審議。理事會通過了《規則》後，並於七月十六日發出第一百八十七號指引，使《規則》能適用於今年的選舉。

《規則》的宗旨，是要確保理事選舉按公平、誠實、廉潔的原則舉行。議會是監管旅遊業的公共機構，無論是旅客還是公眾，都對議會期望甚高，也就是說，對議會的業界理事和獨立理事期望甚高。因此，議會為理事選舉制訂規則，不僅會有助業界理事贏得各方認可，也可鞏固議會在旅客和公眾心中的地位。

《規則》規範的對象，是與理事選舉相關的人士和組織，即議會的所有會員(包括屬會)、候選人、基本及普通會員的登記代表、投票人。

《規則》的涵蓋範圍

《規則》主要涵蓋的範圍，包括提供款待、選舉開支等方面。在提供款待方面，為免有投票人因獲得款待而影響投票決定，《規則》禁止以宴請

The yearly director election is to be held at the 23rd Annual General Meeting on 23 November 2010, with the nomination period just ended in late September. What concerns members most are naturally who the candidates are, but what should also deserve their attention are the Rules for Election of Elected Directors, which begin to cover this year's election.

Members may wonder why the TIC has suddenly laid down election rules after holding elections for all these years. **Election rules are laid down not because some problems have happened, hence the remedial measures, but rather because of the need to promote clean elections, hence a set of clearly laid down election rules in order to facilitate compliance by all the parties concerned.**

Aims and targets of the Rules

To formulate a set of appropriate election rules, the Working Group on TIC Elections had taken great pains to scrutinise and amend the Rules, with recommendations from the Independent Commission Against Corruption (ICAC) incorporated, before finally submitting them to the Board for consideration in July this year. After adoption by the Board, the Rules were issued with Directive No. 187 on 16 July so that they can cover this year's election.

The purpose of the Rules is to ensure that director elections are conducted according to the principles of fairness, integrity and incorruptibility. Since the TIC is a public body responsible for regulating the travel and tourism industry, both the travellers and the public have high expectations of the TIC, which also means having high expectations of the trade and independent directors of the TIC. Putting a set of election rules in place, therefore, will not only help the trade directors win the recognition of all the stakeholders, but also reinforce the standing of the TIC in the eyes of the travellers and the public.

The Rules are binding on those persons and organisations related to director elections, namely all TIC members (including the Association Members), candidates, registered representatives of the Ordinary and Affiliate Members and the voters.

Scope of the Rules

The Rules mainly cover such aspects as provision of entertainment and election expenses. **As far as provision of entertainment is concerned, in order that the voting decisions of voters will not be affected**

或聚餐為競選活動。款待只可用來輔助競選活動，例如在競選簡報會議中提供飲品或輕膳。

另一個會員關心的焦點，自然是選舉開支的上限。根據《規則》，每名候選人的選舉開支上限為港幣五萬元。候選人由提名期開始直至理事選舉結束為止，所有為促使他們當選而負擔的開支都會視為選舉開支，這包括捐贈，但不包括義務工作。候選人必須在理事選舉結束後的一個月內，向議會提交詳列所有選舉開支的賬目報表，並且附上所有相關發票及收據。

除了上述之外，其他違規行為還有：提供虛假或誤導資料，致使沒有投票權的人得到投票權；發佈虛假或誤導的競選刊物，例如單張、海報等等。此外，會員也要留意《防止賄賂條例》的相關條文：議會若懷疑有個案涉及貪污或其他刑事罪行，會轉介廉政公署或相關執法機構跟進。

怎樣處理違規及投訴？

涉嫌違反《規則》的個案及對理事選舉的投訴，會交由「理事選舉投訴委員會」處理。委員會由五名議會獨立理事組成，如認為涉案者違反了《規則》，會向該人發出勸喻信或警告信；或予以譴責；或向理事會建議取消有關候選人資格或革除有關理事職位。不服委員會或理事會決定的人士，可向上訴委員會上訴。

委員會或理事會所施以的紀律處分如涉及譴責、取消候選人資格或革除理事職位，有關資料將刊登於《議會季刊》，並在議會網站張貼。

新訂立的《規則》將使理事選舉更加公開、公正，為建立廉潔選舉文化踏出重要的一步。這一步是否成功，當然有賴會員的全力支持。說到底，會員決定投票給哪個候選人，應以候選人的能力和抱負為考慮因素，而不是從中得到多少好處。現在離理事選舉還不夠兩個月，各候選人應當做好準備，憑本身實力贏取理事席位。📌

because they have accepted any entertainment, the Rules forbid election campaigns to be composed of banquets and feasts; and entertainment must only be used as a supplement to election campaigns, such as the provision of drinks or refreshments at election briefings.

Another focus of members is naturally the limit of election expenses. The Rules set the maximum amount of election expenses of each candidate at HK\$50,000. Election expenses mean expenses (including donations but excluding voluntary work) incurred between the beginning of the nomination period and the end of the director election by candidates for the purpose of promoting their election. Candidates must submit to the TIC a statement of accounts showing all the expenses incurred for the election, together with all the relevant invoices and receipts.

Apart from the above, other violations or misconduct includes provision of false or misleading information by any persons in a bid to obtain the right to vote for those who do not have such a right, publication of false or misleading materials such as leaflets and posters, etc. Members should also pay attention to the relevant provisions of the Prevention of Bribery Ordinance. If the TIC suspects that corruption or any other criminal act is involved in any case, the case will be referred to the ICAC or the relevant law enforcement authorities.

How to handle violations and complaints?

Cases of suspected violations and complaints relating to director elections are handled by the Directors' Election Complaint Committee, which consists of five independent directors of the TIC. If the Committee decides that the persons involved in the case have breached the Rules, it may issue a letter of advice or a warning to them, reprimand them or propose to the Board to disqualify the candidates concerned or to remove the directors concerned from the Board. Any persons aggrieved by the decision of the Committee or the Board may appeal to the Appeal Board.

Disciplinary action imposed by the Committee or the Board which involves a reprimand, disqualification of a candidate or removal of a director will be published in *The Voice* and posted on the TIC website.

The newly formulated Rules not only foster more open, fair director elections, but are an important step in creating a clean election culture, whose success hinges on the full support of members. After all, **members should base their voting decision on a candidate's ability and aspiration instead of the favours they will gain. This year's director election being just less than two months away, candidates should be well prepared to win their seats with their own capabilities.** 📌