

Legislative Council Panel on Constitutional Affairs

Review on Electoral System for Legislative Council Election

Purpose

This paper is prepared in response to members' concern about the existing mechanism on withdrawal of candidature in Legislative Council ("LegCo") election and the voting system for the geographical constituency ("GC") election.

Withdrawal of candidature

2. According to the LegCo Ordinance, a validly nominated candidate in a LegCo election is not allowed to withdraw from the election after close of nomination. The only exceptions are cases where it comes to light that the candidate has died or the candidate is disqualified from being nominated a candidate.

3. There are reasons for imposing this restriction. If candidates are allowed to withdraw their candidature after close of nomination, there is no certainty as to candidature right up to polling day. This would cause confusion to the electors and pose practical problems to the electoral arrangements such as the printing of introductory leaflets on candidates and ballot papers. The existing arrangement is also effective in preventing candidates from engaging in corrupt conduct by offering advantage to other candidates as an inducement for them to withdraw.

List voting system

4. Under the existing list voting system, each elector may only vote for a particular list of candidates in his own constituency. The list may consist of any number of candidates ranked in order of priority up to the number of seats for that constituency. Seats won by a list will be allocated to candidates on the list according to the order of priority as shown on the ballot paper. This order is predetermined by the candidates concerned.

5. Given the fact that Hong Kong had a very brief electoral history and electors were not familiar with the various voting systems, we decided to adopt a system that was simple and easy to understand and administer when the list voting system was first introduced in 1998.

6. Members may wish to note that there are variations to the list voting system. The most common ones include the following:

- (a) **Choosing only one candidate:** under this method, each voter has to vote for one candidate among the lists of candidates. The vote for a particular candidate will be translated into a “vote” for the list to which the candidate belongs. Seats will be allocated to the lists according to the votes obtained by the lists. Candidates who have the highest number of votes within the same list will get the seats. This system is being used in Finland.
- (b) **Preferential list system:** each elector can cast one vote for the list he supports and one or more optional votes for individual candidates on the same list. The votes obtained by the lists will determine the number of seats to be allocated to each list. The votes each candidate gets may alter the priority of candidates to fill the seats as set by the list of candidates/party concerned. This system is being used in countries such as Belgium, Denmark and the Netherlands.
- (c) **Panachage:** each elector may cast as many votes as there are seats to be returned in his constituency and he may choose candidates from different lists. Seats will be allocated to the lists based on the votes obtained by the lists. Candidates who get the largest number of votes within the same list will fill the seats. This system is being used in Switzerland and Luxemburg.

Conclusion

7. We will conduct a comprehensive review on our electoral system including the mechanism on withdrawal of candidature and the voting system for the LegCo GC elections. We welcome members' views on these issues.

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