
INFORMATION NOTE

Legislative Council Elections

1. Constitutional Framework

1.1 Since the establishment of the Hong Kong Special Administrative Region in July 1997, elections of Legislation Council (LegCo) Members were held in 1998 (two-year term) and 2000 (four-year term) respectively. LegCo Members were returned by three types of elections. Geographical constituency (GC) election returned Members by universal suffrage from five GCs. Functional constituency (FC) election returned Members from 28 FCs. Election committee (EC) election returned Members from an 800-member EC.

1.2 The next LegCo election will be held in 2004. As stipulated in Annex II of The Basic Law, the composition of Members in the third term of LegCo will continue to consist of 60 Members, with half of them being returned by FCs and the other half being returned by GCs. The division of constituencies, seat allocation as well as voting method will be specified by an electoral law.

1.3 The LegCo election has its constitutional root in The Basic Law. Article 68 of The Basic Law stipulates that "The Legislative Council of the Hong Kong Special Administrative Region shall be constituted by election. The method for forming the Legislative Council shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. The ultimate aim is the election of all the members of the Legislative Council by universal suffrage." Annex II of The Basic Law stipulates a mechanism to achieve that aim. According to Annex II of The Basic Law, "If there is a need to amend the method for the formation of the LegCo after 2007, amendments must be made with the endorsement of a two-thirds majority of all the members of the Council and the consent of the Chief Executive, and they shall be reported to the Standing Committee of the National People's Congress for the record."

2. Organizing a Legislative Council Election

2.1 Voting in Hong Kong is not compulsory and ballot is secret. The Electoral Affairs Commission (EAC) is a statutory body, established in 1997, to oversee elections in Hong Kong. EAC monitors elector/voter¹ registration, geographical constituencies delineation, and regulations, guidelines and arrangements of the conduct of elections. Meanwhile, the Registration and Electoral Office is the government department responsible for the operation of electoral affairs.

¹ According to EAC, "The word 'voters' is used instead of 'electors' to distinguish the voters of the subsectors from the electorate of the LegCo election."

2.2 The whole process of organizing a typical LegCo election takes around one year and consists of three phases: preparation, election and consolidation.

2.3 In the preparation phase, the first task is to delineate geographical constituency according to the following steps. Step one is the public consultation on EAC's recommendations on geographical constituency boundaries. Taking public opinion into consideration, EAC submits its recommendations to the Chief Executive. The last step is Chief Executive in Council's endorsement of EAC's recommendations. The second task is elector/voter registration. After a series of elector/voter registration campaigns, provisional registers will be published for public inspection. After the Revising Officer, a member of the Judiciary, has ruled on all objections or claims and decided on the inclusion, exclusion or correction of the entries concerned, final registers will be published. The last task is to formulate election guidelines according to the following two steps. Step one is the public consultation on EAC's draft election guidelines. After considering submitted opinions, EAC finalizes election guidelines in step two. The election guidelines will then be gazetted.

2.4 To prepare for the EC election, the Election Committee subsector election² is first held to elect Election Committee members in the election phase. The LegCo election period ranges from four to six weeks. The period starts with nomination of candidates, being followed by election campaigning and ending on the election day.

2.5 Counting of votes is the first task in the consolidation phase. The counting of votes starts with sorting ballot papers by constituencies. Ballot papers are then counted in respect of each polling station for verification of the ballot paper accounts. Finally, votes recorded on ballot papers are counted. After counting of votes, and re-counts if any, are completed, the Returning Officer, who is appointed by EAC, declares the candidate elected for the constituency concerned. A notice of result of the election of the constituency will be displayed outside the counting station and the election result will be published in the Gazette within 10 days. The last task in this phase is the submission of EAC's evaluation report to the Chief Executive. The report reviews the election process and makes recommendations for future elections.

² EC members come from four sectors, each with 200 members. The four sectors are further divided into 38 subsectors. Among these 38 subsectors, 35 elect their EC members through subsector elections, the religious subsector nominates its EC members, and National People's Congress and LegCo Members are ex-officio EC members.

3. Elector/Voter

3.1 To register as an elector in GC election, a person should be aged 18 years or above, ordinarily reside in Hong Kong (the address on elector registration form is his/her principal residence), be a permanent resident of Hong Kong and hold identity document.

3.2 The FC and EC subsector electorates consist of both natural persons and corporate bodies. A natural person elector/voter should be qualified as a GC elector as well as a member of the respective FC or EC subsector. In the case of corporate elector/voter, an authorized representative is appointed by a corporation to cast its vote in either FC or EC subsector election.

3.3 According to EAC, if a person is a GC elector only, he/she has one vote. If a person is a GC elector and an FC elector/FC authorized representative/EC member, he/she has two votes. A person can have three votes if he/she is a GC elector and an FC elector as well as an authorized representative of another FC or if he/she is a GC elector and an EC member as well as an authorized representative of an FC.

4. Qualification for Candidacy

4.1 All candidates must fulfill four basic requirements, namely, aged 21 years or above, ordinarily residing in Hong Kong, not disqualified by law from being elected members, and GC electors.

4.2 Candidates must also be Chinese citizens who are permanent residents of Hong Kong with no right of abode in other countries (except for the 12 functional constituencies as indicated in italics in Table 3 of the Appendix).

4.3 In addition, for FC candidates, they must be either FC electors or persons who have a substantial connection with the FC.

5. Nomination and Election Deposit

5.1 In GC election, each nomination list must be subscribed by not less than 100 registered electors. For FC and EC elections a candidate must be subscribed by not less than 10 registered electors.

5.2 Each nomination has to pay election deposit. The election deposit for each GC list is \$50,000. Each FC/EC nomination has to pay \$25,000 as election deposit. The election deposit will not be returned if a candidate in EC/FC election or a list in GC election gets less than 5% of the valid votes.

6. Election Expenses and Donations

6.1 The maximum scale of GC election expenses for Kowloon East and Kowloon West; Hong Kong Island; and New Territories East and New Territories West constituencies are \$1,500,000, \$2,000,000 and \$2,500,000 respectively.

6.2 In FC election, the maximum scale of election expenses for Heung Yee Kuk, Agriculture and Fisheries, Transport and Insurance constituencies is \$100,000. With regard to other FCs, for those with not more than 5 000 registered electors, the maximum scale of election expenses is \$160,000. For FCs with over 5 000 but not more than 10 000 registered electors, the maximum scale of election expenses is \$320,000. For FCs with over 10 000 registered electors, the maximum scale of election expenses is \$480,000.

6.3 The maximum scale of election expenses for EC election is \$160,000.

6.4 In respect of donations, candidates were required to issue a receipt (with name and address of donor) for a donation of more than \$500 (\$1,000) or goods and services valued more than \$500 (\$1,000) in the 1998 (2000) election.

7. Voting System

7.1 The List System of Proportional Representation is used in GC election. One or more candidates form a list and electors choose one of the lists printed on the ballot paper. The election result is determined by the Largest Remainder Formula, i.e. lists arrive at the quota of votes (number of valid votes divided by number of seats in a constituency) get a seat and any remaining seats will be awarded to lists with the largest numbers of remaining votes.

7.2 For FC election, First Past the Post System is used for constituencies with a large number of electors. Result determination in these constituencies is by a simple majority, i.e. candidates with the most votes are elected. Preferential Elimination System is used for Heung Yee Kuk, Agriculture and Fisheries, Transport and Insurance constituency elections. The result determination for these constituencies is that the candidate with the least votes at each stage of vote counting will be eliminated. His/her votes will be transferred to candidates of electors' next preferences. The process continues until a candidate gets an absolute majority, i.e. over 50% of valid votes.

7.3 The Block Vote System is used in EC election. Each EC member is required to choose the same number of candidates as the number of seats. The election result is determined by a simple majority.

8. Legislative Council Elections in Figures

8.1 The tables in Appendix summarized figures on various aspects of LegCo elections, including election arrangements, types of elections, electorates, candidates, polling day, election results, and election expenses.

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Appendix

Table 1 - Figures on Election Arrangements

	1998 Election	2000 Election
Election date	24 May (Sunday)	10 September (Sunday)
Total budget for publicity (million HK\$)	117	Pending information
Total budget for postage (million HK\$)	152	Pending information
Total budget for the election (million HK\$)	496	Pending information
Number of polling stations	500	526
Number of ballot boxes	1 700	2 080
Number of staff working on the polling day	13 000	14 600
Polling duration	15 hours (7:30 am to 10:30 pm)	

Table 2 - Figures on Seat Allocation in Geographical Constituency Election

	1998 Election	2000 Election
Hong Kong Island	4	5
Kowloon East	3	4
Kowloon West	3	4
New Territories East	5	5
New Territories West	5	6
Total	20	24

Table 3 - Names of Functional Constituencies in the 2000 Election

<i>Real Estate and Construction *</i>	<i>Commercial (First)</i>
<i>Financial Services</i>	<i>Finance</i>
<i>Import and Export</i>	<i>Industrial (First)</i>
<i>Insurance</i>	<i>Legal</i>
<i>Accountancy</i>	<i>Engineering</i>
<i>Tourism</i>	<i>Architectural, Surveying and Planning</i>
Catering **	District Council **
Heung Yee Kuk	Wholesale and Retail
Textiles and Garment	Industrial (Second)
Social Welfare	Transport
Education	Medical
Health Services	Labour
Information Technology	Agriculture and Fisheries
Sports, Performing Arts, Culture and Publication	Commercial (Second)

* Candidates for FCs in italics can be Hong Kong residents with right of abode in other countries.

** Urban Council and Regional Council were FCs in the 1998 election. These 2 FCs were replaced by Catering and District Council in the 2000 election.

Table 4 - Composition of Election Committee for 1998 and 2000 Elections

First Sector (200 members)				
17 Subsectors	Catering	Commercial (First)	Commercial (Second)	Employers' Federation of Hong Kong
	Finance	Financial Services	Hong Kong Chinese Enterprises Association	Hotel
	Import and Export	Industrial (First)	Industrial (Second)	Insurance
	Real Estate and Construction	Textiles and Garment	Tourism	Transport
	Wholesale and Retail			
Second Sector (200 members)				
10 Subsectors	Accountancy	Architectural, Surveying and Planning	Chinese Medicine	Education
	Engineering	Health Services	Higher Education	Information Technology
	Legal	Medical		
Third Sector (200 members)				
5 Subsectors	Agriculture and Fisheries	Labour	Religious	Social Welfare
	Sports, Performing Arts, Culture and Publication			
Fourth Sector (200 members)				
6 Subsectors	National People's Congress	Legislative Council	Chinese People's Political Consultative Conference	Heung Yee Kuk
	Hong Kong and Kowloon District Councils		New Territories District Councils	

Table 5 - Figures on the Electorates

	Geographical Constituency Election		Functional Constituency Election		Election Committee Election	
	1998	2000	1998	2000	1998	2000
Estimated potential electorate	4 076 000	4 525 000	233 739	265 168	Not applicable as membership of EC is not by registration.	
Number of registered electors	2 795 371	3 055 378	138 984	163 026		
Registration rate	68.6%	67.5%	59.5%	61.5%		
Number of male electors	1 460 579	1 578 044	Not applicable as there are corporate electors.			
Number of female electors	1 334 792	1 477 334				
Ratio between male and female electors	52:48	52:48				
Number of constituencies	5	5	28	28	1	1
Constituency with the largest number of registered electors	New Territories West 708 444	New Territories West 791 751	Education 61 290	Education 71 390	Not applicable	
Constituency with the smallest number of registered electors	Kowloon West 411 466	Kowloon West 426 280	Urban and Regional Councils 50	Heung Yee Kuk 148		

Table 6 - Figures on Candidates

	Geographical Constituency Election		Functional Constituency Election		Election Committee Election	
	1998	2000	1998	2000	1998	2000
Number of lists	34 (15)*	36 (16)	Not applicable	Not applicable	Not applicable	Not applicable
Number of candidates	81	88	60	57	25	10
Members returned	20	24	30	30	10	6
Return uncontested	0	0	10	9	0	0
Ratio between seats and lists	1:1.7	1:1.5	Not applicable	Not applicable	Not applicable	Not applicable
Ratio between seats and candidates	Not applicable	Not applicable	1:2.5	1:2.3	1:2.5	1:1.6
Number of male candidates	66	71	54	47	21	9
Number of female candidates	15	17	6	10	4	1
Ratio between male and female candidates	81:19	81:19	90:10	82:18	84:16	90:10
Age of the oldest candidate	71	71	76	78	69	63
Age of the youngest candidate	29	23	33	35	42	45
Average age of all candidates	45	45	51	51	51**	54

* Number in bracket denotes single candidate lists.

** Average of 24 candidates as one of the candidates did not reveal his age.

Table 7 - Figures on the Polling Day

	Geographical Constituency Election		Functional Constituency Election		Election Committee Election	
	1998	2000	1998	2000	1998	2000
Highest hourly turn-out	3:30-4:30 pm	9:30-10:30 pm	3:30-4:30 pm	9:30-10:30 pm	11:30 am-12:30 pm	10:30-11:30 am
Lowest hourly turn-out	7:30-8:30 am	7:30-8:30 am	7:30-8:30 am	7:30-8:30 am	7:30-8:30 pm and 9:30-10:30 pm	8:30-9:30 pm
Number of elector turn-out	1 489 705	1 331 080	77 813	92 112	790	748
Elector turn-out rate	53.3%	43.6%	63.5%	56.5%	98.8%	95.5%
Number of rejected ballot papers	8 672	11 502	1 836	3 454	15	29
Rate of rejected ballot papers	0.6%	0.9%	2.4%	3.7%	1.9%	3.9%
Time taken to announce the first election result after the polling stopped.	Information not available	9 hours and 45 minutes	6 hours	4 hours	Information not available	6 hours and 30 minutes
Time taken to announce the last election result after the polling stopped.	Information not available	14 hours and 15 minutes	Information not available	9 hours and 30 minutes		

Table 8 - Returned Members by Political Affiliation*

	Geographical Constituency Election		Functional Constituency Election		Election Committee Election	
	1998	2000	1998	2000	1998	2000
Citizens Party	1	0	0	0	0	0
Democratic Alliance for Betterment of Hong Kong	5	7	2	3	2	1
Democratic Party	9	10	4	3	0	0
The Frontier	2	2	0	0	0	0
Hong Kong Association for Democracy and People's Livelihood	0	1	0	0	0	0
Hong Kong Confederation of Trade Unions	1	1	0	0	0	0
Hong Kong Progressive Alliance	0	1	1	1	3	2
Liberal Party	0	0	8	7	1	0
The Neighbourhood and Workers' Service Centre	0	1	0	0	0	0
Independent candidates/No indication of political affiliation	2	1	15	16	4	3
Total	20	24	30	30	10	6

* Political organizations are arranged in alphabetical order and figures on political affiliation are based on personal particulars supplied by candidates to the EAC.

Table 9 - Election Expenses*

	Geographical Constituency Election				Functional Constituency Election				Election Committee Election			
	1998		2000		1998		2000		1998		2000	
	Allowed **	Actual ***	Allowed	Actual	Allowed	Actual	Allowed	Actual	Allowed	Actual	Allowed	Actual
Highest cost per registered elector (HK\$)	\$4.2	\$3.3	\$3.6	\$2.8	\$2,127.7	\$646.2	\$1,118.9	\$787.9	\$200	\$192.7	\$204.3	\$159.2
Lowest cost per registered elector (HK\$)	\$3.1	\$0.4	\$2.9	\$0.5	\$7.8	\$0	\$6.7	\$0		\$18.3		\$4.6
Average cost per registered elector (HK\$)	\$3.6	\$2.1	\$3.3	\$1.7	\$378.9	\$136.9	\$234.9	\$93.6		\$112.1		\$101.7

* For details of election expenses, please refer to paragraphs 6.1-6.3.

** Maximum scale of election expenses divided by registered electors.

*** Actual election expenses divided by registered electors.

References

1. *Election Special, The First Legislative Council Election of the Hong Kong Special Administrative Region*. Hong Kong: The Printing Department, 1998.
2. *Election Special, The Second Legislative Council Election of the Hong Kong Special Administrative Region*. Hong Kong: The Printing Department, 2000.
3. Electoral Affairs Commission, *Guidelines on Election-related Activities in respect of the 1998 Legislative Council Elections*. Hong Kong: The Printing Department, 1998.
4. Electoral Affairs Commission, *Report on the 1998 Legislative Council Elections submitted to the Chief Executive of HKSAR*. Hong Kong: The Printing Department, 1998.
5. Electoral Affairs Commission, *Guidelines on Election-related Activities in respect of the 2000 Legislative Council Elections*. Hong Kong: The Printing Department, 2000.
6. Electoral Affairs Commission, *Report on the 2000 Legislative Council Elections submitted to the Chief Executive of HKSAR*. Hong Kong: The Printing Department, 2000.
7. Laws of Hong Kong:
Maximum Scale of Election Expenses (Legislative Council) Order 1997 (LN 605 of 1997) (CAP. 288 s 13[1]) and Maximum Scale of Election Expenses (Legislative Council) (Election Committee) Order (CAP. 288 sub. leg. I).
Electoral Affairs Commission Ordinance (CAP. 541) and subsidiary legislation.
Legislative Council Ordinance (CAP. 542) and subsidiary legislation.
Elections (Corrupt and Illegal Conduct) Ordinance (CAP. 554).
8. Information provided by the Registration and Electoral Office.