

Legislative Council Panel on Constitutional Affairs
Electoral Arrangements for the 2003 District Council Elections

Purpose

This paper sets out the Administration's proposals in respect of the limit of election expenses and the vote counting arrangements for the next District Council (DC) elections to be held in 2003.

Background

2. At present, the Maximum Scale of Election Expenses (District Councils) Order stipulates that a candidate standing for DC election may incur election expenses of no more than \$45,000. Under section 45 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554), the Chief Executive in Council may, by regulation, prescribe a new ceiling of election expenses to replace the existing one.

3. In the 1999 DC elections, vote counting was performed in a centralized manner at 18 district counting stations. It took between 5.5 and 15 hours to complete the count of about 820 000 votes in total. There had been suggestions after the 1999 DC elections and 2000 Legislative Council (LegCo) elections that the counting process should be expedited so as to enable early announcement of election results.

Proposals

Election Expense Limit

4. The setting of election expense limit is to allow candidates to compete on a level playing field in an election. The limit does not restrict the way in which a candidate runs his campaign. Within the prescribed limit, candidates are free to spend as much or as little as they like and to plan their own campaigns, provided that they do not contravene relevant legislation.

5. In setting the election expense limit, our principle has always been that the ceiling must not be so low as to place unreasonable restriction on electioneering activities, nor so high as to deter less well-off candidates from standing for election. The existing limit of \$45,000 had been adopted in the 1994 District Board elections and 1999 DC elections. It was worked out on

the basis of the size of the constituency and the various basic expenditure items commonly used by the candidates for electioneering purposes.

6. We consider that the established approach of determining the election expense limit should continue to be adopted for the coming DC elections. We further propose that the same list of expenditure items and quantities as those used in setting the 1999 limit should be adopted. This is because for the 2003 DC elections, the population sizes of most constituencies will be comparable to those for the 1999 elections. The detailed calculation is at the Annex. The unit costs therein are based on the average of actual quotations. Members will note that the estimated total expenditure based on the latest unit costs still stays comfortably within the existing limit of \$45,000.

7. In the 1999 DC elections, the majority of candidates or 86% spent between \$10,000 and \$40,000 in their election campaigns. Only 8.5% spent more than \$40,000. Since the last DC elections, we have not received any request for altering the existing limit.

8. In the light of the above considerations, we propose retaining the election expense limit at the existing level of \$45,000 for the 2003 DC elections.

Vote Counting Arrangements

9. For the 2003 DC elections, we propose that vote counting should be decentralized to be performed at individual polling stations. Immediately after close of poll, the polling stations will be converted into counting stations and the count will be performed by the polling staff under the supervision of the Presiding Officer (PrO) (who is also the official in charge of the operation of the polling station during the day). Candidates or their agents and members of the public will be allowed to be present in the counting stations to observe the count.

10. The PrO will be responsible for determining questionable ballot papers. Upon completion of the count, candidates or their agents will be given an opportunity to request a recount as is the current practice. If there is such a request, the recount will be performed on-the-spot. Otherwise, the PrO will announce the election result in front of the candidates or their agents at the counting station¹.

¹ In the 2003 DC elections, the majority of the constituencies will have one polling station only. Counting of the votes cast in that station will therefore be able to produce the election result. For constituencies with more than one polling station, counting will be performed at the individual polling stations but one of the stations will be responsible for coordinating the counting results and requests for recount as well as announcing the election result.

11. By dispensing with the delivery of ballot boxes from polling stations to the district counting stations, and allowing vote counting to be performed at some 400 polling stations simultaneously, the proposed arrangements would save significant time in vote counting. The principle of fair, open and transparent elections would be upheld by maintaining the recount mechanism and by allowing members of the public to observe the count.

Next Step

12. Maintaining the existing election expense limit as proposed in paragraph 8 above would not require any legislative amendments. However, the counting arrangement for the DC elections are prescribed in a regulation made by the Electoral Affairs Commission. Amendments will have to be made to the regulation to provide for the new counting arrangements. Subject to Members' view on the proposed counting arrangements, the EAC will submit the amendment regulation to LegCo for scrutiny next year.

Conclusion

13. Members are invited to express views on the proposals set out in the paper.

Constitutional Affairs Bureau
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Proposed Election Expense Limit for 2003 District Council Elections
為 2003 年區議會選舉建議的選舉開支限額

Detailed Calculation
計算方法詳情

Based on a District Council constituency¹ with a population of about 25,000
 以一個人口約有 25,000 人的區議會選區¹計算

	<u>Unit Cost (\$)</u> 單位成本(元)	<u>Quantity²</u> 數量 ²	<u>Amount (\$)</u> 款額(元)
1. Banners 橫額	291.5 (290)	15 (15)	4,372.5 (4,350)
2. Publicity Boards 宣傳板	256.5 (145)	36 (36)	9,234 (5,220)
3. Posters 海報	4.3 (3.5)	500 (500)	2,150 (1,750)
4. Handbills 傳單	0.29 (0.24)	4,900 (4,900)	1,421 (1,176)
5. Sample Ballot Papers 選票樣本	0.22 (0.24)	4,900 (4,900)	1,078 (1,176)
6. Pamphlets 小冊子	0.44 (0.7)	19,600 (19,600)	8,624 (13,720)
7. Food and Drinks (Election Day) 膳食及飲品(選舉日)	62 (90)	50 persons (50 persons)	3,100 (4,500)
8. Food and Drinks (Before Election Day) 膳食及飲品(選舉日前)	48.8 (60)	30 man-day (30 man-day)	1,464 (1,800)
9. T-shirt and Armbands T 恤及臂章	39 (49.5)	50 (50)	1,950 (2,475)
10. Public meetings 公眾集會	220 (198.8)	8 hour (8 hour)	1,760 (1,590.4)
11. Agent ID cards 代理人身份證明牌	4.06 (1.7)	50 (50)	203 (85)
12. Travelling expenses 交通費用	- NA - 不適用		2,100 (2,100)
13. Miscellaneous 雜項	- NA - 不適用		4,000 (4,000)
	Total 總數		\$41,456.5 (\$44,135.8)
	Election Expense Limit at say 選舉開支限額約為		\$45,000

() figures used in the calculation of the election expense limit for the 1999 District Council elections.
 括號內數字用以計算 1999 年區議會選舉的選舉開支限額。

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1. Although the Electoral Affairs Commission's provisional recommendations on the constituency boundaries of the 2003 District Council elections are not yet available, it is expected that the largest constituency will have a population of about 25,000.
雖然選舉管理委員會尚未就 2003 年區議會選舉的選區分界提出臨時建議，不過我們預計最大的選區將約有 25,000 人。

 2. The same list of expenditure items and the associated quantities for the 1999 District Council elections are adopted here.
這份資料採用了 1999 年區議會選舉的同一開支項目清單和數量。

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