

INFORMATION NOTE

Legislative Council Elections

1. Introduction

1.1 Since the establishment of the Hong Kong Special Administrative Region in July 1997, three Legislative Council (LegCo) elections have been held. This information note provides some facts and figures of the 1998, 2000 and 2004 LegCo elections.

2. Constitutional framework

2.1 The Basic Law stipulates the method for the formation of LegCo. According to the Basic Law, LegCo Members were returned by geographical constituencies, functional constituencies, as well as the Election Committee in the 1998 and 2000 LegCo elections. In the 2004 LegCo election, Members were returned by geographical constituencies and functional constituencies.

3. Responsible organization

3.1 The Electoral Affairs Commission is a statutory body established in 1997 to oversee elections in Hong Kong. It monitors elector registration, recommends delineation of geographical constituencies, and makes regulations, guidelines and arrangements for the conduct of elections. Meanwhile, the Registration and Electoral Office is the government department providing administrative support to the Electoral Affairs Commission.

4. Elector

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

4.2 The electorates of functional constituencies consist of both natural persons and corporate bodies. A natural person elector should be a qualified elector in a geographical constituency as well as a member of the respective functional constituency. In the case of a corporate elector, an authorized representative is appointed by a corporation to cast its vote in an election.

4.3 If a person is a geographical constituency elector only, he/she has one vote. If a person is a geographical constituency elector as well as a functional constituency elector/authorized representative, he/she has two votes. A person can have three votes if he/she is an elector in a geographical constituency and a functional constituency, as well as an authorized representative of another functional constituency.

5. Qualification for candidacy

5.1 A candidate must fulfil four basic requirements, namely aged 21 years or above, ordinarily resides in Hong Kong, not disqualified by law from being an elected member, and not disqualified by law from being a geographical constituency elector.

5.2 A candidate must also be a Chinese citizen who is a permanent resident 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.

5.3 In addition, for a functional constituency candidate, he/she must be either a functional constituency elector or a person who has a substantial connection with the functional constituency concerned.

6. Nomination and election deposit

6.1 In a geographical constituency election, each nomination list must be subscribed by not less than 100 registered electors. For a functional constituency election, a candidate must be subscribed by not less than 10 registered electors.

6.2 Each nomination has to pay election deposit. The election deposit is HK\$50,000 for each geographical constituency list and HK\$25,000 for each functional constituency nomination. The election deposit will not be returned if a candidate in a functional constituency election or a list in a geographical constituency election obtains less than 3% (5% in the 1998 and 2000 LegCo elections) of the valid votes.

7. Election expenses and donations

7.1 For geographical constituency elections, the election expense limit per candidate list contesting in either the Kowloon East constituency or the Kowloon West constituency is HK\$1.5 million, HK\$2 million for the Hong Kong Island constituency, and HK\$2.5 million for each of the New Territories East and New Territories West constituencies.

7.2 For functional constituency elections, the election expense limit per candidate is HK\$100,000 for each of the Heung Yee Kuk, Agriculture and Fisheries, Transport and Insurance constituencies. With regard to other functional constituencies, the election expense limit is HK\$160,000 for those with not more than 5 000 registered electors, HK\$320,000 for those with over 5 000 but not more than 10 000 registered electors, and HK\$480,000 for those with over 10 000 registered electors.

7.3 A financial assistance scheme for candidates in respect of election expenses was introduced in the 2004 LegCo election. Candidates or lists of candidates who get elected or who have received 5% of valid votes or more are eligible for financial assistance funded by general revenue. Financial assistance for an eligible candidate or an eligible list of candidates is calculated by multiplying the total number of valid votes cast for the candidate or list of candidates by a specified rate. In the case of an uncontested functional or geographical constituency, the amount is 50% of the number of registered electors for the constituency multiplied by the specified rate. The specified rate stands at HK\$10 per vote.

7.4 However, the amount payable is capped at 50% of the declared election expenses of a candidate or list of candidates, or the difference in amount between the declared election expenses and the declared election donations, whichever is lower. No financial assistance will be provided to a candidate or list of candidates if the declared election donations exceed the declared election expenses.

7.5 In respect of donations, candidates are required to issue a receipt (with name and address of donor) for a donation of more than HK\$1,000 or goods and services valued more than HK\$1,000.

8. Voting system

8.1 Voting in Hong Kong is not compulsory and ballot is secret. The List System of Proportional Representation is used in geographical constituency elections. 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 are awarded to lists with the largest numbers of remaining votes.

8.2 For functional constituency elections with a large number of electors, the First-Past-the-Post System is used. Result determination in these constituencies is by a simple majority, i.e. candidates with the most votes are elected. Meanwhile, the Preferential Elimination System is used for Heung Yee Kuk, Agriculture and Fisheries, Transport and Insurance constituency elections. Under this system, a candidate with an absolute majority, i.e. over 50% of valid votes, gets elected. If no candidate gets an absolute majority at the first stage of vote counting, the candidate with the least votes is eliminated. His/her votes are transferred to candidates of electors' next preferences. The process continues until a candidate gets an absolute majority of valid votes.

9. Ballot paper

9.1 In order to facilitate electors in identifying candidates or lists of candidates of their choice during the voting process, a new regulation was introduced in the 2004 LegCo election. The new regulation allows the printing of photographs of candidates and particulars of candidates on ballot papers, including the names and emblems of organizations supporting the candidates or to which the candidates are affiliated.

10. Legislative Council elections in figures

10.1 The tables at the Appendix summarize figures on various aspects of LegCo elections, including election arrangements, electorates, candidates, polling day, and election expenses.

Prepared by Simon LI
11 April 2005
Tel: 2869 9343

Information notes are compiled for Members and Committees of the Legislative Council. They are not legal or other professional advice and shall not be relied on as such. Information notes are subject to copyright owned by the Legislative Council Commission (the Commission). The Commission permits accurate reproduction of the information notes for non-commercial use in a manner not adversely affecting the Legislative Council, provided that acknowledgement is made stating the Research and Library Services Division of the Legislative Council Secretariat as the source and one copy of the reproduction is sent to the Legislative Council Library.

Appendix**Table 1 - Figures on election arrangements**

	1998 election	2000 election	2004 election
Election date	24 May (Sunday)	10 September (Sunday)	12 September (Sunday)
Total budget for the election (HK\$ million)	496	334.5	275.5
Number of polling stations	500	526	501
Number of ballot boxes	1 700	2 080	3 200
Number of staff working on the polling day	13 000	14 600	14 969
Polling duration	15 hours (7:30 am to 10:30 pm)		

Appendix (cont'd)

Table 2 - Figures on seat allocation in geographical constituency elections

	1998 election	2000 election	2004 election
Hong Kong Island	4	5	6
Kowloon East	3	4	5
Kowloon West	3	4	4
New Territories East	5	5	7
New Territories West	5	6	8
Total	20	24	30

Appendix (cont'd)

Table 3 - Names of functional constituencies

<i>Real Estate and Construction</i> ⁽¹⁾	<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 ⁽²⁾	District Council ⁽²⁾
Heung Yee Kuk	Wholesale and Retail
Textiles and Garment	Industrial (Second)
Social Welfare	Transport
Education	Medical
Health Services	Labour ⁽³⁾
Information Technology	Agriculture and Fisheries
Sports, Performing Arts, Culture and Publication	Commercial (Second)

Notes: (1) Candidates for functional constituencies in italics can be Hong Kong residents with right of abode in other countries.

(2) Urban Council and Regional Council were functional constituencies in the 1998 LegCo election and they were replaced by Catering and District Council in the 2000 LegCo election. The 28 functional constituencies in the 2000 LegCo election were maintained in the 2004 LegCo election.

(3) Except for the Labour functional constituency which is allocated with three seats, all the other functional constituencies are allocated with one seat only.

Appendix (cont'd)

Table 4 - Figures on the electorates

	Geographical constituency election			Functional constituency election		
	1998	2000	2004	1998	2000	2004
Estimated potential electorate	4 076 000	4 525 000	4 539 800	233 739	265 168	295 534
Number of registered electors	2 795 371	3 055 378	3 207 227	138 984	163 026	199 539
Registration rate	68.6%	67.5%	70.6%	59.5%	61.5%	67.5%
Number of male electors	1 460 579	1 578 044	1 638 633	Not applicable as there are corporate electors.		
Number of female electors	1 334 792	1 477 334	1 568 594			
Ratio between male and female electors	52:48	52:48	51:49			
Number of constituencies	5	5	5	28	28	28
Constituency with the largest number of registered electors	New Territories West 708 444	New Territories West 791 751	New Territories West 873 031	Education 61 290	Education 71 390	Education 77 696
Constituency with the smallest number of registered electors	Kowloon West 411 466	Kowloon West 426 280	Kowloon West 420 259	Urban and Regional Councils 50	Heung Yee Kuk 148	Heung Yee Kuk 149

Appendix (cont'd)

Table 5 - Figures on candidates

	Geographical constituency election			Functional constituency election		
	1998	2000	2004	1998	2000	2004
Number of lists	34 (15) ⁽¹⁾	36 (16)	35 (14)	N.A.	N.A.	N.A.
Number of candidates	81	88	88	60	57	71
Members returned	20	24	30	30	30	30
Members returned uncontested	0	0	0	10	9	11
Ratio between seats and lists	1:1.7	1:1.5	1:1.2	N.A.	N.A.	N.A.
Ratio between seats and candidates	N.A.	N.A.	N.A.	1:2.5	1:2.3	1:2.4
Number of male candidates	66	71	75	54	47	58
Number of female candidates	15	17	13	6	10	13
Ratio between male and female candidates	81:19	81:19	85:15	90:10	82:18	82:18
Age of the oldest candidate	71	71	66	76	78	82
Age of the youngest candidate	29	23	24	33	35	34
Average age of all candidates	45	45	47	51	51	51

Notes: (1) Number in bracket denotes single candidate lists.

N.A. = Not applicable.

Appendix (cont'd)

Table 6 - Figures on the polling day

	Geographical constituency election			Functional constituency election		
	1998	2000	2004	1998	2000	2004
Highest hourly turn-out	3:30-4:30 pm	9:30-10:30 pm	9:30-10:30 pm	3:30-4:30 pm	9:30-10:30 pm	9:30-10:30 pm
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 am	7:30-8:30 am
Number of elector turn-out	1 489 705	1 331 080	1 784 131	77 813	92 112	134 703
Elector turn-out rate	53.3%	43.6%	55.6%	63.5%	56.5%	70%
Number of rejected ballot papers	8 672	11 502	14 103	1 836	3 454	5 178
Rate of rejected ballot papers	0.6%	0.9%	0.8%	2.4%	3.7%	3.8%
Time taken to announce the first election result after the polling stopped	Information not available	9 hours and 45 minutes	9 hours and 15 minutes	6 hours	4 hours	9 hours and 30 minutes
Time taken to announce the last election result after the polling stopped	Information not available	14 hours and 15 minutes	13 hours and 30 minutes	Information not available	9 hours and 30 minutes	13 hours

Appendix (cont'd)

Table 7 - Election expenses⁽¹⁾

	Geographical constituency election						Functional constituency election					
	1998		2000		2004		1998		2000		2004	
	Allowed ⁽²⁾	Actual ⁽³⁾	Allowed	Actual	Allowed	Actual	Allowed	Actual	Allowed	Actual	Allowed	Actual
Highest cost per registered elector (HK\$)	4.2	3.3	3.6	2.8	3.6	2.9	2,127.7	646.2	1,118.9	787.9	1,309	192.1
Lowest cost per registered elector (HK\$)	3.1	0.4	2.9	0.5	2.9	0.6	7.8	0	6.7	0	6.2	0
Average cost per registered elector (HK\$)	3.6	2.1	3.3	1.7	3.2	2	378.9	136.9	234.9	93.6	221.5	55.7

Notes: (1) For details of election expenses, please refer to paragraphs 7.1-7.2.

(2) Election expense limit divided by registered electors.

(3) Actual election expenses divided by registered electors.

References

1. Electoral Affairs Commission. (1998a) *Guidelines on Election-related Activities in respect of the 1998 Legislative Council Elections*. Hong Kong, The Printing Department.
2. Electoral Affairs Commission. (1998b) *Report on the 1998 Legislative Council Elections submitted to the Chief Executive of HKSAR*. Hong Kong, The Printing Department.
3. Electoral Affairs Commission. (2000a) *Guidelines on Election-related Activities in respect of the 2000 Legislative Council Elections*. Hong Kong, The Printing Department.
4. Electoral Affairs Commission. (2000b) *Report on the 2000 Legislative Council Elections submitted to the Chief Executive of HKSAR*. Hong Kong, The Printing Department.
5. Electoral Affairs Commission. (2004a) *Guidelines on Election-related Activities in respect of the 2004 Legislative Council Elections*. Hong Kong, The Government Logistics Department.
6. Electoral Affairs Commission. (2004b) *Report on the 2004 Legislative Council Elections submitted to the Chief Executive of HKSAR*. Hong Kong, The Government Logistics Department.
7. Information provided by the Registration and Electoral Office.
8. Information Services Department. (1998) *Election Special, The First Legislative Council Election of the Hong Kong Special Administrative Region*. Hong Kong, The Printing Department.
9. Information Services Department. (2000) *Election Special, The Second Legislative Council Election of the Hong Kong Special Administrative Region*. Hong Kong, The Printing Department.