

INFORMATION NOTE

Legislative Council elections

1. Introduction

1.1 Since the establishment of the Hong Kong Special Administrative Region in July 1997, four Legislative Council (LegCo) elections have been held in 1998, 2000, 2004 and 2008 respectively. This information note provides some facts and figures about these LegCo elections.

2. Constitutional framework

2.1 The Basic Law stipulates the method for the formation of LegCo. According to the Basic Law, Members were returned by geographical constituencies, functional constituencies, as well as the Election Committee in the 1998 and 2000 LegCo elections. In both the 2004 and 2008 LegCo elections¹, 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. Further, the Registration and Electoral Office is the government department providing administrative support to the Electoral Affairs Commission.

¹ According to the decision made by the Standing Committee of the Tenth National People's Congress at its Ninth Session on 26 April 2004, "the election of LegCo in the fourth term in the year 2008 shall not be by means of an election of all the Members by universal suffrage. The ratio between Members returned by functional constituencies and Members returned by geographical constituencies through direct elections, who shall respectively occupy half of the seats, is to remain unchanged."

4. Elector

4.1 To register as an elector in a geographical constituency, a person should be aged 18 or above, ordinarily resides in Hong Kong (address on the elector registration form should be his or 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 or she has one vote. If a person is a geographical constituency elector as well as a functional constituency elector or authorized representative, he or she has two votes. A person can have three votes if he or 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 for the LegCo election must fulfil four basic requirements, namely aged 21 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 places, except for the 12 functional constituencies as indicated in *italics* in Appendix III.

5.3 In addition, for a functional constituency candidate, he or 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 be forfeited if a candidate in a functional constituency election or a list in a geographical constituency election obtains less than 3% of the valid votes.

7. Election expenses and donations

7.1 In the 2008 LegCo election, the maximum amount of expenses that may be incurred for a candidate or a list of candidates running for the geographical constituency elections is HK\$1.575 million for each of the Kowloon West and Kowloon East constituencies, HK\$2.1 million for the Hong Kong Island constituency, and HK\$2.625 million for each of the New Territories East and New Territories West constituencies. For functional constituencies, the election expense limit per candidate is HK\$105,000 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\$168,000 for those with not more than 5 000 registered electors, HK\$336,000 for those with over 5 000 but not more than 10 000 registered electors, and HK\$504,000 for those with over 10 000 registered electors.

7.2 Under the Financial Assistance Scheme for candidates in respect of election expenses introduced since the 2004 LegCo election, candidates or lists of candidates who get elected or who have received 5% of valid votes or more have been eligible for financial assistance funded by general revenue. The financial assistance for an eligible candidate or an eligible list of candidates in a contested geographical constituency or functional constituency is either the amount obtained by multiplying the total number of valid votes cast for the candidate or list of candidates by the specified rate (\$11 per vote in the 2008 LegCo election) or 50% of the declared election expenses of the candidate or list of candidates, whichever is lower. In respect of an uncontested functional or geographical constituency, the amount payable is either 50% of the number of registered electors for the constituency multiplied by the specified rate or 50% of the declared election expenses of the candidate or list of candidates, whichever is lower.

7.3 In the 2004 LegCo election, no financial assistance would be provided to a candidate or a list of candidates if the declared election donations exceeded the declared election expenses. In the 2008 election, any election donations a candidate or a list of candidates received would not be taken into account in calculating the amount of financial assistance provided to the candidate or list of candidates.

7.4 In respect of donations, candidates are required to issue a receipt (with the name and address of a 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. Different voting systems apply to the elections of different constituencies.

8.2 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 the remaining votes.

8.3 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 or her votes are transferred to the candidates of the electors' next preferences. The process continues until a candidate gets an absolute majority of the valid votes.

9. Legislative Council elections in figures

9.1 Appendices I to VII summarize the figures on various aspects of the LegCo elections, including election arrangements, electorates, candidates, polling day, and election expenses.

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Appendix I

Figures on election arrangements

| | 1998 election | 2000 election | 2004 election | 2008 election |
|--|-------------------------------|-----------------------|-----------------------|---|
| Election date | 24 May (Sunday) | 10 September (Sunday) | 12 September (Sunday) | 7 September (Sunday) |
| Total budget for the election (HK\$ million) | 496 | 334.5 | 275.5 | 305.7 |
| Number of polling stations | 500 | 526 | 501 | 532 |
| Number of ballot boxes | 1 700 | 2 080 | 3 200 | 5 861 |
| Number of staff working on the polling day | 13 000 | 14 600 | 14 969 | 16 700 |
| Polling duration | 15 hours (7:30 am – 10:30 pm) | | | 15 hours and 25 minutes (7:30 am – 10:55 pm) ⁽¹⁾ |

Note: (1) Due to power failures at two polling stations on Hong Kong Island, the polling hours for these two polling stations were extended for 7 minutes and 25 minutes respectively.

Appendix II

Figures on seat allocation in geographical constituency elections

| | 1998 election | 2000 election | 2004 election | 2008 election |
|----------------------|----------------------|----------------------|----------------------|----------------------|
| Hong Kong Island | 4 | 5 | 6 | 6 |
| Kowloon East | 3 | 4 | 5 | 4 |
| Kowloon West | 3 | 4 | 4 | 5 |
| New Territories East | 5 | 5 | 7 | 7 |
| New Territories West | 5 | 6 | 8 | 8 |
| Total | 20 | 24 | 30 | 30 |

Appendix III

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> |
| <i>Catering</i> ⁽²⁾ | <i>District Council</i> ⁽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 and 2008 LegCo elections.

(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 IV

Figures on the electorates

| | Geographical constituency election | | | | Functional constituency election | | | |
|--|------------------------------------|---------------------------------|---------------------------------|---------------------------------|---|----------------------|----------------------|---------------------|
| | 1998 | 2000 | 2004 | 2008 | 1998 | 2000 | 2004 | 2008 |
| Estimated potential electorate | 4 076 000 | 4 525 000 | 4 539 800 | 4 661 700 | 233 739 | 265 168 | 295 534 | 320 093 |
| Number of registered electors | 2 795 371 | 3 055 378 | 3 207 227 | 3 372 007 | 138 984 | 163 026 | 199 539 | 229 861 |
| Registration rate | 68.6% | 67.5% | 70.6% | 72.3% | 59.5% | 61.5% | 67.5% | 71.8% |
| Number of male electors | 1 460 579 | 1 578 044 | 1 638 633 | 1 697 628 | Not applicable as there are corporate electors. | | | |
| Number of female electors | 1 334 792 | 1 477 334 | 1 568 594 | 1 674 379 | | | | |
| Ratio between male and female electors | 52:48 | 52:48 | 51:49 | 50:50 | | | | |
| Number of constituencies | 5 | 5 | 5 | 5 | 28 | 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 | New Territories West 943 161 | Education 61 290 | Education 71 390 | Education 77 696 | Education 90 693 |
| Constituency with the smallest number of registered electors | Kowloon West 411 466 | Kowloon West 426 280 | Kowloon West 420 259 | Kowloon West 440 335 | Urban and Regional Councils 50 | Heung Yee Kuk 148 | Heung Yee Kuk 149 | Finance 140 |

Appendix V

Figures on candidates

| | Geographical constituency election | | | | Functional constituency election | | | |
|--|------------------------------------|---------|---------|--------|----------------------------------|-------|-------|-------|
| | 1998 | 2000 | 2004 | 2008 | 1998 | 2000 | 2004 | 2008 |
| Number of lists | 34 (15) ⁽¹⁾ | 36 (16) | 35 (14) | 53(17) | N.A. | N.A. | N.A. | N.A. |
| Number of candidates | 81 | 88 | 88 | 142 | 60 | 57 | 71 | 59 |
| Members returned | 20 | 24 | 30 | 30 | 30 | 30 | 30 | 30 |
| Members returned uncontested | 0 | 0 | 0 | 0 | 10 | 9 | 11 | 12 |
| Ratio between seats and lists | 1:1.7 | 1:1.5 | 1:1.2 | 1:1.8 | N.A. | N.A. | N.A. | N.A. |
| Ratio between seats and candidates | N.A. | N.A. | N.A. | N.A. | 1:2.5 | 1:2.3 | 1:2.4 | 1:2.6 |
| Number of male candidates | 66 | 71 | 75 | 110 | 54 | 47 | 58 | 53 |
| Number of female candidates | 15 | 17 | 13 | 32 | 6 | 10 | 13 | 6 |
| Ratio between male and female candidates | 81:19 | 81:19 | 85:15 | 77:23 | 90:10 | 82:18 | 82:18 | 90:10 |
| Age of the oldest candidate | 71 | 71 | 66 | 64 | 76 | 78 | 82 | 72 |
| Age of the youngest candidate | 29 | 23 | 24 | 25 | 33 | 35 | 34 | 38 |
| Average age of all candidates | 45 | 45 | 47 | 43 | 51 | 51 | 51 | 54 |

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

Remark: N.A. = Not applicable.

Appendix VI

Figures on the polling day

| | Geographical constituency election | | | | Functional constituency election | | | |
|--|------------------------------------|-------------------------|-------------------------|-----------------------------------|----------------------------------|------------------------|------------------------|-----------------------------------|
| | 1998 | 2000 | 2004 | 2008 | 1998 | 2000 | 2004 | 2008 |
| Highest hourly turn-out | 3:30 pm – 4:30 pm | 9:30 pm – 10:30 pm | 9:30 pm – 10:30 pm | 9:30 pm – 10:55 pm ⁽¹⁾ | 3:30 pm – 4:30 pm | 9:30 pm – 10:30 pm | 9:30 pm – 10:30 pm | 9:30 pm – 10:55 pm ⁽¹⁾ |
| Lowest hourly turn-out | 7:30 am – 8:30 am | 7:30 am – 8:30 am | 7:30 am – 8:30 am | 7:30 am – 8:30 am | 7:30 am – 8:30 am | 7:30 am – 8:30 am | 7:30 am – 8:30 am | 7:30 am – 8:30 am |
| Number of elector turn-out | 1 489 705 | 1 331 080 | 1 784 406 | 1 524 249 | 77 813 | 92 112 | 134 852 | 126 819 |
| Elector turn-out rate | 53.3% | 43.6% | 55.6% | 45.2% | 63.5% | 56.5% | 70.1% | 59.8% |
| Number of rejected ballot papers | 8 672 | 11 502 | 14 103 | 8 707 | 1 836 | 3 454 | 5 178 | 4 258 |
| Rate of rejected ballot papers | 0.6% | 0.9% | 0.8% | 0.6% | 2.4% | 3.7% | 3.8% | 3.4% |
| 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 and 30 minutes | 6 hours | 4 hours | 9 hours and 30 minutes | 7 hours and 10 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 | 8 hours and 10 minutes | Information not available | 9 hours and 30 minutes | 13 hours | 9 hours and 30 minutes |

Note: (1) Due to power failures at two polling stations on Hong Kong Island, the polling hours for these two polling stations were extended for 7 minutes and 25 minutes respectively.

Appendix VII

Election expenses⁽¹⁾

| | Geographical constituency election | | | | | | | | Functional constituency election | | | | | | | |
|--|------------------------------------|-----------------------|---------|--------|---------|--------|---------|--------|----------------------------------|--------|---------|--------|---------|--------|---------|--------|
| | 1998 | | 2000 | | 2004 | | 2008 | | 1998 | | 2000 | | 2004 | | 2008 | |
| | Allowed ⁽²⁾ | Actual ⁽³⁾ | Allowed | Actual | 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 | 3.6 | 2.9 | 3.6 | 3.3 | 2,127.7 | 646.2 | 1,118.9 | 787.9 | 1,309.0 | 192.1 | 1,200.0 | 478.0 |
| Lowest cost per registered elector (HK\$) | 3.1 | 0.4 | 2.9 | 0.5 | 2.9 | 0.6 | 2.8 | 0.8 | 7.8 | 0.0 | 6.7 | 0.0 | 6.2 | 0.0 | 5.5 | 0.0 |
| Average cost per registered elector (HK\$) | 3.6 | 2.1 | 3.3 | 1.7 | 3.2 | 2.0 | 3.2 | 2.0 | 378.9 | 136.9 | 234.9 | 93.6 | 221.5 | 55.7 | 233.4 | 85.3 |

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.

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