

[Translation]

Our Ref. CMAB C5/1 & C1/30/5

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**By Post**

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Hon Tam Yiu Chung  
Chairman of Bills Committee on Chief Executive Election (Amendment)  
Bill 2010 and Legislative Council (Amendment) Bill 2010  
Legislative Council Building  
8 Jackson Road  
Central, Hong Kong  
(Fax: 2509 9055)

Dear Chairman,

**Bills Committee on Chief Executive Election (Amendment) Bill 2010  
and Legislative Council (Amendment) Bill 2010**

**Financial Assistance for Legislative Council Election Candidates**

At the Bills Committee meeting held last Friday, a Member asked if candidates in previous Legislative Council (“LegCo”) elections generally received financial assistance. We have earlier provided relevant information to the LegCo on this enquiry. In addition, we understand that there are suggestions to raise the subsidy rate of the financial assistance from the existing provision (i.e. \$12 per vote but capped at 50% of the declared election expenses) to \$15 per vote but capped at 70-80% of the declared election expenses.

2. Financial assistance for candidates of the LegCo election was first introduced in the 2004 LegCo election. Under the current scheme, candidates standing for LegCo geographical constituency (“GC”)/functional constituency (“FC”) elections who are elected or who have received at least 5% of the total number of valid votes cast in the constituency concerned are eligible for financial assistance. The current subsidy rate is \$11 per vote or 50% of the declared election expenses, whichever is lower<sup>1</sup>. In the past LegCo elections, most of the lists of candidates/candidates eligible for financial assistance received such assistance based on the number of valid votes times the subsidy rate.

3. The design of the scheme has taken into consideration that the provision of financial assistance should be based on the number of valid votes obtained by lists of candidates/candidates and that financial assistance should not exceed 50% of declared election expenses of lists of candidates/candidates. We consider this an appropriate arrangement. In line with this policy, some lists of candidates/candidates did not receive full payment amounting to 50% of the declared election expenses in view of the smaller number of valid votes they received.

4. The Government does not intend to change its basic policy position in respect of the financial assistance scheme. That said, we propose to introduce some technical amendments to the arrangements for financial assistance.

5. We now propose to set the subsidy rate at \$12 per vote or 50% of the election expenses limit for GC/FC election provided that the subsidy amount does not exceed the amount of declared election expenses of the lists of candidates/candidates concerned. This proposal is applicable to eligible candidates in GC/FC elections, whether contested or uncontested. This technical amendment allows more candidates to obtain financial assistance based on the number of valid votes received and provides more room for candidates to obtain financial assistance.

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<sup>1</sup> The above financial assistance arrangement applies to any contested GC/FC election. For an uncontested election, the financial assistance is the lower of the amount obtained by multiplying 50% of the number of registered electors for the constituency concerned by the subsidy rate or 50% of the declared election expenses of the lists of candidates/candidates.

6. The draft committee stage amendment in respect of paragraph 5 above is at the Annex.

Yours sincerely,

Secretary for Constitutional and Mainland Affairs

Legislative Council (Amendment) Bill 2010

**Committee Stage**

Amendments to be moved by the Secretary for Constitutional and Mainland Affairs

Clause

Amendment Proposed

29

By deleting subclauses (1) and (2) and substituting—

“(1) Section 60D(1)—

**Repeal**

“is contested, the amount payable as financial assistance in respect of the list of candidates is the lower”

**Substitute**

“or the District Council (second) functional constituency is contested, the amount payable as financial assistance in respect of the list of candidates is the lowest”.

(1A) Section 60D(1)—

**Repeal paragraph (b)**

**Substitute**

“(b) 50% of the maximum amount of election expenses that may be incurred by or on behalf of the candidates on the list under section 3 or 3A of the Maximum Amount of Election Expenses (Legislative Council Election) Regulation (Cap. 554 sub. leg. D);

(ba) the declared election expenses of the list of candidates.”.

(2) Section 60D(2)—

**Repeal**

“is uncontested, the amount payable as financial assistance in respect of the list of candidates is the lower”

**Substitute**

“or the District Council (second) functional constituency is uncontested, the amount payable as financial assistance in respect of the list of candidates is the lowest”.”.

29 By adding after subclause (3)—

“(4) Section 60D(2)—

**Repeal paragraph (b)**

**Substitute**

“(b) 50% of the maximum amount of election expenses that may be incurred by or on behalf of the candidates on the list under section 3 or 3A of the Maximum Amount of Election Expenses (Legislative Council Election) Regulation (Cap. 554 sub. leg. D);

(ba) the declared election expenses of the list of candidates.”.”.

30 By deleting subclauses (2) and (3) and substituting—

“(2) Section 60E(1)—

**Repeal**

“is contested, the amount payable as financial assistance to a candidate is the lower”

**Substitute**

“(other than the District Council (second) functional constituency) is contested, the amount payable as financial assistance to a candidate is the lowest”.

(2A) Section 60E(1)—

**Repeal paragraph (b)****Substitute**

“(b) 50% of the maximum amount of election expenses that may be incurred by or on behalf of the candidate under section 4 of the Maximum Amount of Election Expenses (Legislative Council Election) Regulation (Cap. 554 sub. leg. D);

(ba) the declared election expenses of the candidate.”.

(3) Section 60E(2)—

**Repeal**

“is uncontested, the amount payable as financial assistance to a candidate is the lower”

**Substitute**

“(other than the District Council (second) functional constituency) is uncontested, the amount payable as financial assistance to a candidate is the lowest”.”.

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By adding after subclause (3)—

“(4) Section 60E(2)—

**Repeal paragraph (b)**

**Substitute**

“(b) 50% of the maximum amount of election expenses that may be incurred by or on behalf of the candidate under section 4 of the Maximum Amount of Election Expenses (Legislative Council Election) Regulation (Cap. 554 sub. leg. D);

(ba) the declared election expenses of the candidate.”.”.