

Administration's Response to Points raised on 4 March 1999
by Members of the Bill Committee on
Legislative Council (Amendment) Bill 1999

C(a): To consider a suggestion that the Cross Harbour Tunnel Co. Ltd should be retained as a constituent for the Transport Functional Constituency (FC) in the Bill, pending the outcome of the tender.

A(a): The franchise held by the Cross Harbour Tunnel Co. Ltd. for operating the cross harbour tunnel in Hung Hom will expire by the end of August 1999. We understand that the Transport Department has already started the tendering procedure for the contract for managing the tunnel. The tender result is expected to be available in May or June 1999. We will consider whether it is necessary to move any further amendments after the management contract is made.

C(b): To consider a suggestion that the order of listing the constituents of the FCs should be reviewed so that it is more user-friendly.

A(b): We are now considering various proposals made by Members. We will present our proposal to the Committee later.

C(c): To advise the number of candidates of the 1998 LegCo election who had sent only one letter to electors free of postage.

A(c): For the 1998 Legislative Council election, there are a total of 34 lists of candidates contesting the geographical constituency elections. Only 7 of them did not use or used only one round of the free mailing service. In respect of the functional constituency elections and the election by the Election Committee, there were respectively 32 out of 60 and 15 out of 25 validly nominated candidates who did not use or used only one round of the free mailing service.

C(d): To provide information on overseas countries which have implemented "No canvassing day" on election day.

A(d): According to the information we gathered, Japan prohibits candidates contesting legislative elections from carrying out electioneering or canvassing activities on polling day, except for telephone appeals. In addition, Singapore also prohibits candidates from carrying out canvassing activities on polling day at parliamentary elections. The law in Singapore further restricts any person from visiting an elector at his home or place of work for any purpose in connection with an election.

C(e): To provide information on overseas countries which subsidise part of the election expenses incurred by candidates who have secured votes up to a prescribed threshold.

A(e): Regarding practices in overseas countries on the reimbursement of election expenses incurred by candidates in legislative elections, we would like to provide the following information for Members' reference:-

(1) Canada: Candidates who are elected or who have obtained at least 15% of the valid votes may have half of their election expenses reimbursed, up to 50% of the election expenses limit.

(2) Australia: Candidates who have got at least 4% of the first preference votes may have part of their election expenses reimbursed. The amount a candidate will receive is calculated by multiplying the number of votes he obtained by a prescribed rate which is adjusted every six months according to the inflation rate. The rate in December 1998 is A\$1.6221.

(3) France: Candidates who have secured 5% of the valid votes or above in the first round of election may have a fixed reimbursement equal to 50% of the election expenses limit. This should, however, not exceed the actual expenditure incurred by the candidates.

C(f): Other than the two proposals referred to in (d) and (e) above, to provide a list of other proposals made by relevant parties after the 1998 LegCo election which have not been accepted for implementation for the 2000 LegCo election.

A(f): After the 1998 LegCo election, the Electoral Affairs Commission (EAC) conducted a survey to solicit Returning Officers' and candidates' views and comments on the practical arrangements in the election (such as the arrangements for voter registration, polling and counting, and the election guidelines). The EAC submitted a report on the election to the Chief Executive on 24 August 1998. The recommendations contained in the report which relate to the Legislative Council Ordinance and the Corrupt and Illegal Practices Ordinance are listed in Annex. We have accepted these recommendations, and have reflected them in the Elections (Corrupt and Illegal Conduct) Bill. As regards the other recommendations on practical arrangements contained in the report, we will review them comprehensively with the EAC and other relevant departments when the EAC is to make the electoral regulations and guidelines for the 2000 LegCo election.

Constitutional Affairs Bureau

March 1999

**Recommendations in the EAC's Report on the 1998 LegCo Election which
relate to the Legislative Council Ordinance and
the Corrupt and Illegal Practices Ordinance**

1. Reconciling the provisions of declaration of election advertisements stipulated under the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation and the Corrupt and Illegal Practices Ordinance and compiling a checklist on election advertisements to help candidates avoid minor breaches.
2. Reviewing section 17 of the Corrupt and Illegal Practices Ordinance to avoid the use of disclaimer.
3. Reviewing the relevant electoral law in relation to service of copy authorisation of election expense agent on the Returning Officer within three working days after the authorisation is made so that non-compliance be made an offence or the authorisation would cease to be effective.