

Legislative Council Panel on Constitutional Affairs

**1999 District Council Elections :
Subscribers and Election Deposit for Nomination**

Purpose

This paper sets out the Administration's preliminary proposals on the number and qualifications of subscribers, the amount of election deposit required for nomination, and the threshold for forfeiture of the deposit in respect of the 1999 District Council (DC) elections. Members' views on the preliminary proposals are most welcome.

Background

2. Section 81 of the District Councils Ordinance (8 of 1999) empowers the Chief Executive in Council to make regulations to prescribe :-

- (a) the number or qualifications of subscribers required for nomination;
- (b) the amount of election deposit required for nomination; and
- (c) the minimum proportion of votes to be obtained by a candidate in the relevant constituency in order that the election deposit he has paid when submitting his nomination shall be returned (hereafter, referred to as "threshold for forfeiture").

Preliminary Proposals

Number of Subscribers

3. In setting the number of subscribers required for nomination in the DC elections, three factors need to be taken into account:-

- (a) the number of subscribers required should be appropriate as a deterrence against frivolous candidates;
- (b) it should have regard to the population size of constituencies; and
- (c) the proposal should be simple and practicable.

4. The number of subscribers required for a nomination is 10 for the 1994 District Board elections. As the arrangement has worked well and the population size of constituencies in the 1999 elections remains largely the same, we propose that the same number of subscribers should be required for the 1999 DC elections.

Qualifications of subscribers

5. In the 1994 District Board elections, a subscriber must be a registered elector in respect of the constituency concerned. He will be allowed to subscribe to only one nomination paper. This arrangement has worked well and we do not propose any changes in the 1999 DC elections.

Amount of Election Deposit

6. The amount of election deposit required when a candidate submits his nomination in the 1994 District Board elections is \$3,000. We consider that this level strikes the right balance between the need to deter frivolous candidates and the affordability of candidates. As such, we propose to maintain the same level of required deposit for the coming elections.

Threshold for Forfeiture of Election Deposit

7. For the 1994 District Board elections, the threshold for forfeiture is set at 5% of the valid votes in the constituency concerned. As the arrangement has been generally accepted, we propose that the same threshold for forfeiture should be set for the 1999 DC elections.

8. In view of the above, our preliminary proposals for the 1999 DC elections are that :-
- (a) 10 subscribers will be required for a nomination;
 - (b) A subscriber must be a registered elector in respect of the constituency which the candidate is contesting, and he will be allowed to subscribe to only one nomination paper;
 - (c) The amount of election deposit required for nomination is \$3,000; and
 - (d) The threshold for forfeiture of election deposit is 5% of the valid votes in the relevant constituency.

Next Step

9. The Administration welcomes views from Members. We plan to table the relevant subsidiary legislation for scrutiny by the Legislative Council in May 1999.

Constitutional Affairs Bureau
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