

**LEGISLATIVE COUNCIL PANEL  
ON CONSTITUTIONAL AFFAIRS**

**Electoral Arrangements for the  
2000 Legislative Council Election**

**Introduction**

This note sets out the Administration's preliminary proposals on the electoral arrangements for the election of the second term Legislative Council ("LegCo") in 2000.

**Background**

2. The term of office of the first term LegCo will end on 30 June 2000. A general election will need to be held in 2000 to elect the second term LegCo. The election will continue to be supervised by the independent Electoral Affairs Commission.

3. A number of key provisions in the existing electoral legislation which set out the arrangements for the election of the LegCo apply to the first LegCo election in 1998 only. The relevant legislation will need to be amended to provide the legal framework for the 2000 LegCo election.

**Preliminary Proposals**

4. The Administration's preliminary proposals on the key aspects of the electoral arrangements for the 2000 LegCo election are summarised in the Annex. In gist, we propose to make improvements where necessary, whereas arrangements which have worked reasonably well in the 1998 LegCo election are to be maintained.

**Next Step**

5. The Administration will carefully consider any views of the LegCo Members and the public before finalising the proposals. We plan to introduce the bills to amend the relevant electoral legislation into the LegCo in early 1999.

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2000 Legislative Council Election  
- Preliminary Proposals**

**Election Timetable**

1. We propose to hold the election of the second term LegCo in September 2000 and the second term LegCo to commence in October 2000.

**Geographical Constituency Election**

2. We propose that the 24 geographical constituency ("GC") seats to be allocated to five GCs, each having four to six seats.
3. The Electoral Affairs Commission will make recommendations on the GC boundaries and the public will be consulted before the Commission finalizes its recommendations.
4. We propose to continue to adopt the List Voting System using the Largest Remainder Formula.

**Functional Constituency Election**

5. There will be 30 functional constituency ("FC") seats.
6. The existing functional constituencies will be retained, except for the Urban Council FC and the Regional Council FC. We propose to replace the Urban Council FC and the Regional Council FC by one new FC for the 18 District Councils and one for the catering sector. The delineation of electorate for the new Catering FC is to be similar to those provided for in the Legislative Council Ordinance for the catering subsector of the Election Committee.
7. We propose to maintain the existing delineation of the electorates of the FCs, except in areas where technical amendments are necessary.

**Election Committee Election**

8. An election committee ("EC") will return six members of the second term LegCo.

9. The EC will be composed of 800 members from four sectors with 200 members each.
10. The formation method of the EC is to be the same as that adopted in 1998. We propose to hold an election of the EC subsectors in mid 2000.
11. The Block Vote system is to be used in the election of six LegCo Members by the EC i.e. each EC member can cast six votes (no more and no less) and the election result is to be determined by first past the post.

#### Other Arrangements

12. We propose to allocate the quota of 12 “foreign national” seats in LegCo to the existing 12 designated FCs.
13. We propose to amend the existing legislative provisions on the disqualification from LegCo candidature to cover the Privacy Commissioner and the chairperson of the Equal Opportunities Commission in view of the nature of their functions and duties and the need for them to be, and seen to be, acting free of conflict of interests. Their staff are to be covered on ground of conflict of interests.
14. The statutory deadlines for the annual publication of the Provisional Register and the Final Register is to be changed to tie in with the plan to hold the election of the second term LegCo in September 2000.
15. We propose to adopt a regulated scheme to allow paid election advertisements by LegCo candidates to be broadcast on TV and radio during a specified period before the election will be introduced. The broadcasting period is to start from the day immediately after the close of nomination and end before the polling day.
16. We propose to adopt a pilot scheme to set up one advance polling station to allow electors who are not able to cast their vote on the general polling day to do so on the advance polling day(s). An elector may make an application for advance polling with a self-declaration giving a reasonable ground. The applicants can then vote in person on the advance polling day(s) at the advance polling

station. The ballot boxes used for advance polling will be stored in a secure place and votes will be counted after the close of poll on the general polling day together with all the votes cast on that latter day.

17. We propose to amend the existing legislative provisions which require the election proceedings to be terminated and start afresh in case of death or disqualification of a validly nominated candidate after the close of nomination to reduce the risk of disruption to the electoral process. The effect of the proposed changes will include, for example, if the Returning Officer becomes aware of the death or disqualification of a validly nominated candidate after the close of nomination but before the polling day, the Returning Officer will be empowered to invalidate the latter's nomination and the electoral process can continue without disruption.
18. The Corrupt and Illegal Practices Ordinance (CIPO) has been reviewed in the light of the practical experience gained in the 1998 LegCo election and the change in the electoral system for LegCo geographical elections. We propose the following key changes:
  - (a) to sanction against the making of any false claim or statement as to the candidate status of a person (*the existing offence provision does not cover false claim of being a candidate*);
  - (b) in case of any false claim or statement mentioned in (a) above, to enable the candidates, their election agents, and the electors in the relevant constituency and the persons affected to apply for an injunction order from the court to prevent the continued publication of such false claim or statement;
  - (c) to make it clear that a candidate must, before quoting support from any person or organisation, obtain his or its prior written consent in accordance with the regulations made by the Electoral Affairs Commission (EAC).
  - (d) to make it clear that the existing provision prohibiting false claim of support covers any unauthorized use of logo or photo etc. of any person or organisation;

- (e) to make it clear that distribution of publicity materials which introduce all candidates in a constituency or promote an election in general does not require written consent from the candidates concerned and that the cost of producing/distributing the materials needs not be counted as election expenses;
- (f) to clarify the liability of a candidate if he or she fails to deposit a copy of the written authorization for his or her election expenses agent in accordance with the regulations made by the EAC; and
- (g) to consolidate the existing CIPO provisions and the relevant regulations made by the EAC which govern the publication and reporting of election advertisements by putting the key provisions in the bill and enabling the EAC to make regulations to specify the other detailed procedural requirements; and
- (h) to introduce an offence of corrupt withdrawal of an election petition.

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