

## **LEGISLATIVE COUNCIL BRIEF**

Corrupt and Illegal Practices Ordinance  
(Chapter 288)

### **MAXIMUM SCALE OF ELECTION EXPENSES (DISTRICT COUNCILS) ORDER 1999**

#### **INTRODUCTION**

At the meeting of the Executive Council on 4 May 1999, the Council ADVISED and the Chief Executive ORDERED that the Maximum Scale of Election Expenses (District Councils) Order 1999 (“the Order”), at Annex, should be made.

#### **BACKGROUND AND ARGUMENT**

2. Under Section 13(1) of the Corrupt and Illegal Practices Ordinance (Cap. 288)<sup>1</sup>, the Chief Executive in Council is empowered to prescribe the limit of election expenses which may be incurred by or on behalf of a candidate running for election to the District Councils<sup>2</sup>.

3. The setting of election expenses limit is to allow candidates to compete on a level playing field in an election. The limit does not restrict the way in which a candidate runs his campaign. Candidates are free to spend as much or as little as they like and on any items they want, provided their election expenses stay within the prescribed limit.

4. At the meeting of the Executive Council on 4 May 1999, the Order was made to prescribe the election expenses limit at \$45,000.

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<sup>1</sup> The Corrupt and Illegal Practices Ordinance was amended by the District Councils Ordinance (8 of 1999) on 11 March 1999 to cover the District Councils election.

<sup>2</sup> The Elections (Corrupt and Illegal Conduct) Bill was introduced into the Legislative Council on 3 February 1999. It is being scrutinized by a Bills Committee. When the Bill is passed by the Legislative Council, it will replace the Corrupt and Illegal Practices Ordinance. Similar power for the Chief Executive in Council to prescribe the limit of election expenses for the District Councils election is provided for in the Bill.

## **THE ORDER**

5. The Order sets out the limit of election expenses for the District Councils election in 1999. The same limit will apply to any by-elections of the District Councils.

## **LEGISLATIVE TIMETABLE**

6. The Order will be published in the Gazette on 7 May 1999 and tabled in the Legislative Council on 12 May 1999 for negative vetting.

## **BASIC LAW IMPLICATIONS**

7. The Department of Justice advises that the Order does not conflict with the provisions of the Basic Law carrying no human rights implications.

## **HUMAN RIGHTS IMPLICATIONS**

8. The Department of Justice advises that the Order is consistent with the human rights provisions of the Basic Law.

## **FINANCIAL AND STAFFING IMPLICATIONS**

9. The Order has no additional financial or staffing implications.

## **PUBLIC CONSULTATION**

10. The proposal was discussed by the Legislative Council Panel on Constitutional Affairs on 19 April 1999.

## **PUBLICITY**

11. A press release will be issued to tie in with the gazetting of the Order. A spokesman will be available for answering media enquiries.

Constitutional Affairs Bureau

6 May 1999

File Ref : CAB C2/8

LS255

**MAXIMUM SCALE OF ELECTION EXPENSES  
(DISTRICT COUNCILS) ORDER 1999**

(Made by the Chief Executive in Council under  
section 13(1) of the Corrupt and Illegal  
Practices Ordinance (Cap. 288))

**1. Maximum scale of election expenses**

(1) For the purposes of section 13(1) of the Ordinance, the maximum scale of election expenses which may be incurred by or on behalf of a candidate for election to a District Council is \$45,000.

(2) In this section, "election" (選舉) has the meaning assigned to it by section 2 of the District Councils Ordinance (8 of 1999).

Clerk to the Executive Council

COUNCIL CHAMBER

1999

Explanatory Note

This Order prescribes the maximum scale of election expenses (\$45,000) which may be incurred by or on behalf of a candidate seeking election to a District Council.