

Legislative Council Panel on Constitutional Affairs

**Subscribers and Election Deposit Required for Nomination for
2000 Legislative Council Election**

Purpose

————— This paper sets out the Administration's preliminary proposals on the number and qualifications of subscribers and the amount of election deposit required for nomination, and the threshold for forfeiture of the election deposit in respect of the election of the second term Legislative Council ("LegCo") and its Election Committee ("EC") to be held in 2000. A summary of the proposals is at the Annex.

Background

2. Under section 82 of the Legislative Council Ordinance (Cap. 542), the Chief Executive in Council is empowered to make regulations to prescribe the following in a LegCo election and an Election Committee subsector election:-

- (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, or a list of candidates in the case of LegCo geographical constituency ("GC") elections, in order that the election deposit paid by a candidate or a list of candidates when submitting the nomination shall be returned (hereafter referred to as the "threshold for forfeiture").

The relevant subsidiary legislation is subject to negative vetting by LegCo.

Preliminary Proposals

3. As the subscriber and election deposit arrangements for the 1998 LegCo election and election of the EC have worked well, we propose to adopt the same arrangements for the 2000 elections. The detailed justifications are set out in the following paragraphs.

Legislative Council Election

(A) Number of Subscribers

(a) Geographical constituency Elections

4. In setting the number of subscribers for GC elections, we need to take into account the following factors: -

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

5. For the 2000 LegCo election, the delineation of GCs will remain the same as in the 1998 election. With a slight increase of only 3.2% in the total population since the 1998 LegCo elections, the population size of each GC in 2000 will not change significantly. Having considered the factors above, we propose to keep the number of subscribers required for the 2000 GC elections unchanged, i.e. 100 subscribers.

(b) Functional Constituency Elections

6. In the 1998 FC elections, 5 subscribers were required for the Urban Council and the Regional Council FCs which had a smaller potential electorate size, and 10 subscribers for the other FCs. With the abolition of the Urban Council and the Regional Council FCs, we propose that all FCs, including the new Catering and District Council FCs, in the 2000 FC elections be subject to the same subscribers requirement adopted in the 1998 elections, i.e. 10 subscribers.

(c) Election by Election Committee

7. Given that the potential electorate size of the EC will remain at 800 for the 2000 LegCo election, we propose that the same requirement of 10 subscribers be adopted for the election by this Committee to return six members to the second term LegCo.

(B) Qualifications of Subscribers

8. For the 2000 LegCo election, we propose no change to the qualifications of a subscriber as adopted in the 1998 LegCo election. A subscriber must be a registered elector in respect of the constituency concerned. It will be open to him to subscribe to the nominations of as many candidates as there are seats for the constituency concerned, except that in the case of a GC election, he is allowed to subscribe to the nomination of one list of candidates only irrespective of the number of seats the relevant GC has.

(C) Amount of Election Deposit and the Threshold for Forfeiture

9. Since the arrangements for the 1998 LegCo election have worked well, we propose that the amounts of election deposit required for 2000 LegCo election should remain at \$50,000 for a list of candidates in a GC election, and at \$25,000 for a candidate in all other elections. Moreover, the threshold for forfeiture should remain at 5%.

Election of the Election Committee

10. There will be EC subsector elections to return members to the EC. In determining the subscriber and election deposit requirements for the EC subsector elections in 1998, we adopted the principle that less stringent requirements should be set for the EC subsector elections because the elections were to return EC members who in turn elected members to the LegCo. The same principle should apply for the 2000 EC subsector elections. We therefore propose that the same set of requirements be adopted for the 2000 EC subsector elections :-

- (a) the number of subscribers for nomination be set at 5;
- (b) the amount of election deposit for nomination be fixed at \$1,000; and
- (c) the threshold for forfeiture of election deposit be pegged at 2.5% of the total valid votes cast in the relevant subsector.

Conclusion

11. The Administration welcomes views from Members.

Constitutional Affairs Bureau
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**Proposed Subscribers and Election Deposit Requirements
for the 2000 Legislative Council and Election Committee Subsector Elections**

| | Geographical Constituencies <u>(GCs)</u> | Functional Constituencies <u>(FCs)</u> | Election Committee <u>(EC)</u> | Election Committee Subsectors¹ |
|---|---|---|---|--|
| A. <i>Number of subscribers²</i> | 100 | 10³ | 10 | 5 |
| B. <i>Amount of election deposit</i> | \$50,000 | \$25,000 | \$25,000 | \$1,000 |
| C. <i>Threshold for forfeiture of election deposit</i> | 5% | 5% | 5% | 2.5% |

Notes :

1. The arrangements for EC subsectors would also apply to the four sub-subsectors of the Sports, Performing Arts, Culture and Publication subsector.
2. For the GCs, each subscriber may subscribe to the nomination of only one list of candidates, whereas in the case of the FCs, EC and EC subsectors, each subscriber may subscribe to as many nominations as there are seats in the constituency or subsector concerned.
3. Because of their relatively smaller electorate sizes, the Urban Council and Regional Council FCs were required to have 5 subscribers only in the 1998 FC elections. With the abolition of these two constituencies, all the FCs are proposed to be subject to the same requirement of 10 subscribers in the 2000 elections.