

## **LEGISLATIVE COUNCIL BRIEF**

### **Legislative Council Ordinance (Cap. 542)**

#### **LEGISLATIVE COUNCIL (SUBSCRIBERS AND ELECTION DEPOSIT FOR NOMINATION) (AMENDMENT) REGULATION 2000**

#### **INTRODUCTION**

At the meeting of the Executive Council on 18 January 2000, the Council ADVISED and the Chief Executive ORDERED that the Legislative Council (Subscribers and Election Deposit for Nomination) (Amendment) Regulation 2000 (“the amending Regulation”) should be made.

#### **BACKGROUND AND ARGUMENT**

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 Legislative Council (“LegCo”) election and an Election Committee (“EC”) 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 (“the threshold for forfeiture”).

#### **The Proposals**

3. As the subscriber and election deposit arrangements for the 1998 LegCo elections and the election of the EC subsectors have worked well, we propose to adopt the same arrangements for the 2000 elections.

The proposals are as follows:

(a) LegCo election :-

- (i) One hundred subscribers will be required for a nomination in the GC elections, and 10 for all other elections;
- (ii) A subscriber must be a registered elector in respect of the constituency in which the candidate is contesting. He will be allowed to subscribe to the nominations of as many candidates as there are seats for the constituency concerned, except that in case of a GC election, he is allowed to subscribe to the nomination of only one list of candidates;
- (iii) The amount of election deposit required for nomination is \$50,000 for GC elections, and \$25,000 for all other elections; and
- (iv) The threshold for forfeiture of election deposit is 5% of the valid votes in the relevant constituency.

(b) EC subsector elections :

- (i) Five subscribers will be required for a nomination;
- (ii) A subscriber must be a registered voter in respect of the subsector in which the candidate is contesting. He will be allowed to subscribe to the nominations of as many candidates as there are seats for the subsector concerned;
- (iii) The amount of election deposit required for nomination is \$1,000; and
- (iv) The threshold for forfeiture of election deposit is 2.5% of the valid vote in the relevant subsector.

## **THE AMENDING REGULATION**

4. The present Legislative Council (Subscribers and Election Deposit for Nomination) Regulation (Cap. 542, sub. leg.) prescribed the numbers and qualifications of subscribers and the amounts of election deposit required for nomination in the 1998 LegCo elections. It also set the thresholds for forfeiture of election deposits. Given our proposal to keep the subscriber and election requirements unchanged, the amending Regulation only seeks to introduce a number of technical changes.

## **LEGISLATIVE TIMETABLE**

5. The amending Regulation will be published in the Gazette on 21 January and tabled in the Legislative Council for negative vetting on 26 January.

## **BASIC LAW IMPLICATIONS**

6. The Department of Justice advises that the amending Regulation is consistent with the relevant provisions of the Basic Law carrying no human rights implications.

## **HUMAN RIGHTS IMPLICATIONS**

7. The Department of Justice advises that the amending Regulation is consistent with the human rights provisions of the Basic Law.

## **FINANCIAL AND STAFFING IMPLICATIONS**

8. The amending Regulation will have no financial nor staffing implications.

## **PUBLIC CONSULTATION**

9. We have consulted the Panel on Constitutional Affairs on the proposals.

## **PUBLICITY**

10. A press release will be issued on 20 January.

## **ENQUIRIES**

11. Any enquiries on this brief should be addressed to Mr Bassanio So, Principal Assistant Secretary (Constitutional Affairs) 5, on 2810 2852.

Constitutional Affairs Bureau  
20 January 2000

File Ref.: CAB C1/30/11

*(p0182)*