

LEGISLATIVE COUNCIL BRIEF

Corrupt and Illegal Practices Ordinance (Chapter 288)

MAXIMUM SCALE OF ELECTION EXPENSES (LEGISLATIVE COUNCIL) ORDER 1997 (AMENDMENT) ORDER 2000

INTRODUCTION

At the meeting of the Executive Council on 18 January 2000, the Council ADVISED and the Chief Executive ORDERED that the Maximum Scale of Election Expenses (Legislative Council) Order 1997 (Amendment) Order 2000 (“the amending Order”) should be made.

BACKGROUND AND ARGUMENT

2. Under section 13(1) of the Corrupt and Illegal Practices Ordinance (Cap. 288), the Chief Executive in Council is empowered to prescribe the limits of election expenses which may be incurred by or on behalf of a candidate running for elections of the Legislative Council (“LegCo”) and the Election Committee (“EC”).

3. The prescription of election expense limits is to allow candidates in the same election to compete on a level playing field. The limits do not restrict the way in which a candidate runs his campaign. Each candidate can spend as much or as little as he likes, provided his election expenses stay within the prescribed limit.

The Proposals

4. As the limits prescribed for the 1998 LegCo elections worked well and the electoral arrangements remain broadly unchanged, we propose that the same limits as in 1998 be adopted in the second term LegCo elections as follows:-

- (a) the election expense limits for the Kowloon East and Kowloon West Geographical Constituencies (“GCs”) should be set at \$1,500,000, Hong Kong Island at \$2,000,000, and New Territories East and New Territories West at \$2,500,000;

- (b) a four-tier structure of election expense limits for functional constituencies (“FCs”) should be set, namely \$100,000 for designated small constituencies¹, \$160,000 for constituencies with not more than 5 000 electors, \$320,000 for constituencies with 5 001 to 10 000 electors, and \$480,000 for constituencies with over 10 000 electors;
- (c) the election expense limit for the election by the 800-member EC should be set at the second tier of the FC election expense limit, i.e. \$160,000; and
- (d) the same four-tier structure of election expense limits for the FC elections should be adopted in the EC subsector elections.

5. A summary of the limits is at the Annex.

THE AMENDING ORDER

6. The present Maximum Scale of Election Expenses (Legislative Council) Order 1997 (Cap. 288, sub. leg.) prescribed the election expense limits for the 1998 LegCo elections. Given our proposal to keep the limits unchanged, the amending Order only seeks to introduce a number of technical amendments.

LEGISLATIVE TIMETABLE

7. The amending Order will be published in the Gazette on 21 January and tabled in LegCo for negative vetting on 26 January.

BASIC LAW IMPLICATIONS

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

HUMAN RIGHTS IMPLICATIONS

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

¹ They are the Heung Yee Kuk, the Agriculture and Fisheries, the Insurance, and the Transport FCs.

FINANCIAL AND STAFFING IMPLICATIONS

10. The amending Order has no financial or staffing implications.

PUBLIC CONSULTATION

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

PUBLICITY

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

ENQUIRIES

13. 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 C1/30/10

(p0181)

**Proposed Election Expense Limits
for the 2000 Legislative Council Election and the Election Committee Subsector Elections**

Constituency	Election Expense Limits (\$)
Geographical Constituency	<u>Limit for each list</u>
(i) Kowloon East and Kowloon West	1,500,000
(ii) Hong Kong Island	2,000,000
(iii) New Territories East and New Territories West	2,500,000
Functional Constituency	
(i) “designated” functional constituencies#	100,000
(ii) not more than 5,000 registered electors (excluding (i))	160,000
(iii) between 5,001 and 10,000 registered electors	320,000
(iv) over 10,000 registered electors	480,000
Election Committee	160,000
Election Committee subsectors	
(i) “designated” subsectors*	100,000
(ii) not more than 5,000 registered voters (excluding (i))	160,000
(iii) between 5,001 and 10,000 registered voters	320,000
(iv) over 10,000 registered voters	480,000

They are the Heung Yee Kuk, the Agriculture and Fisheries, the Insurance, and the Transport Functional Constituencies.

* They are the Agriculture and Fisheries, the Insurance, the Transport, the Hotel, the CPPCC, the Heung Yee Kuk, the Hong Kong and Kowloon District Councils and the New Territories District Councils subsectors.