

立法會 *Legislative Council*

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Bills Committee on Legislative Council (Amendment) Bill 2003

Background Brief prepared by Legislative Council Secretariat

Proposals relating to 2004 Legislative Council elections

Purpose

The Administration briefed the Panel on Constitutional Affairs on a number of proposals relating to the 2004 Legislative Council (LegCo) elections at its meetings on 10 December 2002, 20 January, 17 February 2003 and 24 April 2003. This paper gives a summary of the issues and concerns raised by Members.

Issues and concerns raised by Members

Geographical Constituencies (GCs)

2. The number of GC seats to be returned through direct elections for the third term LegCo will be increased from 24 to 30. The Administration has proposed that for the 2004 LegCo elections, there will still be five GCs with the number of seats ranging from four to eight.

3. Some Members have expressed concern about the representation of the last elected candidate of a large GC. They point out that for a large GC with, say, eight seats, a candidate who has secured a small number of votes could get elected. The Administration has explained that the proposal to maintain five GCs would leave sufficient room for the Electoral Affairs Commission to decide whether the demarcation of the existing five GCs should remain intact or not. The number of seats per GC would be proportional to the spread of population.

4. To facilitate the consideration of the Panel, the Research and Library Services Division (RLSD) has prepared a Fact Sheet on the relevant data in respect of the 1998 and 2000 LegCo elections, including the election expenses incurred and the number of votes obtained by individual candidates/list of candidates (FS 05/02-03).

Provision of financial assistance to candidates

5. To provide candidates with more flexibility to conduct their election activities, the Administration has proposed to provide financial assistance to a candidate in the 2004 LegCo elections in accordance with the number of votes he has received, to meet part of his election expenses. The rate will be set at \$10 per vote but capped at 50% of the actual election expenses of the candidate concerned. Under the proposed scheme, only candidates who get elected, or those have received 5% of valid votes or more, will be given financial support. The free mailing service for candidates will be reduced from two rounds to one. In addition, the existing threshold for the return of election deposit will be reduced from 5% to 3%.

6. The Panel has noted that taking the 2000 LegCo elections as an illustration, the estimated expenditure of the financial assistance scheme is \$0.97 million.

7. Members in general welcome the Administration's proposal to provide partial financial assistance to candidates of LegCo elections. Some Members consider that for the sake of equity, the Administration should provide similar financial assistance to candidates of the 2003 District Council (DC) elections. Other Members support the Administration's stance that the financial assistance scheme should be introduced first in the 2004 LegCo elections. In view of the sizeable budget deficit faced by the Government, it would be difficult to introduce a financial assistance scheme in the DC elections at this juncture. Nevertheless, the Administration has agreed to take into consideration Members' views in the future review of DCs to be conducted after the 2003 DC elections.

8. A Member has expressed concern about the reimbursement arrangements under the financial assistance scheme in the event that a candidate's election expenses will be partially offset by the election donations received by him. The Administration has advised that details of the scheme will be set out in the Legislative Council (Amendment) Bill 2003 and the relevant subsidiary legislation.

9. In response to the request of the Panel, RLSD has prepared an Information Note on "Public Subsidies for Parliamentary Election Expenses in Canada, Germany and Australia" for Members' reference (IN09/02-03). The Panel notes that the three countries provide public funding for the payment of expenses in parliamentary elections incurred by candidates and political parties.

Election expenses limits

10. The Administration has proposed that the same election expense limits used in the 2000 LegCo elections (i.e. \$1.5 per head of population in a given GC, rounded to the nearest \$500,000) should continue to apply.

11. Making reference to some countries which do not have a cap on election expenses, a Member has requested the Administration to consider removing the election expense limits so as not to place unnecessary restrictions on candidates' election activities. A few Members, however, consider that such a proposal would deter less well-off candidates from standing in elections. The Administration's position is that it is desirable to set election expense limits for LegCo elections.

12. In response to the request of Members, RLSD has provided additional information on limits on election expenses in Canada, Germany and Australia (Information Note on "Supplementary Information on Public Subsidies for Parliamentary Election Expenses in Canada, Germany and Australia" (IN17/02-03) refers).

Electioneering on TV and radio

13. The "equal time" principle applies to candidates taking part in programmes on TV and radio. A Member has raised the issue of allocation of free air time in proportion to the support a candidate has received at the last election. Another Member has cautioned against a departure from the "equal time" principle. The Administration considers that all candidates at an election should be given the opportunity to compete on equal grounds.

14. In response to the request of Members, RLSD has provided additional information on the allocation of broadcasting time to candidates and political parties in Canada, Germany and Australia (Information Note on "Supplementary Information on Public Subsidies for Parliamentary Election Expenses in Canada, Germany and Australia" (IN17/02-03) refers).

Functional Constituencies (FCs)

Medical FC

15. The Administration has briefed the Panel on the outcome of its consultation exercise on the proposal to include registered Chinese medicine practitioners in the Medical FC for the 2004 LegCo elections. The Panel has noted that doctors and dentists strongly oppose the proposal, and consider that Chinese medicine practitioners should be given a separate FC seat. As for the Chinese medicine practitioners, they have divergent views on the issue.

16. A Member considers that the size of electorates of FCs should be enlarged as far as possible to allow more people to participate in FC elections, although the Member is personally against "small-circle" elections. Another Member considers that the election of all LegCo Members by universal suffrage is the ultimate solution.

17. In view of the outcome of the consultation conducted by the Administration, most Members consider that the proposal of including registered Chinese medicine practitioners in the Medical FC should be considered in the context of the review of constitutional arrangements after 2007.

Electorate of FCs

18. A few Members consider that the electorate of FCs should be enlarged by including individual FC electors.

19. A Member has requested the Administration to reconsider whether certain new corporate bodies with a status comparable to or higher than that of existing corporate electors should be added to the Information Technology FC.

Printing of organization names and emblems, or personal emblems, and candidate photographs on ballot papers for the Legislative Council Elections

20. The Electoral Affairs Commission has proposed to allow the following to be printed on the ballot papers -

- (a) for a candidate or a list of candidates belonging to a political party or organization or a non-political organization: the name (or abbreviated name) and emblem of the political party or organization, or non-political organization and also a photograph (be it a photograph of one or more candidates or a group photograph of all candidates); and
- (b) for an independent candidate or two or more independent candidates appearing on a list: the personal emblem of one candidate and also a photograph (be it a photograph of one or more candidates or a group photograph of all candidates).

21. While Members support the principle of the proposal, they have expressed a number of concerns about the implementation details of the proposal. These include whether a political party or organization is allowed to apply for the registration of more than one emblem, and whether a commercial organization which sponsors a candidate in an election is allowed to apply for registration of its logo as an emblem on the ballot papers.

22. Some Members have also made comments on the design of the ballot papers and questioned whether certain restrictions should be imposed on the background of the photograph printed on the ballot papers.

Number of subscribers on nomination papers

23. The Administration has proposed to amend the present legal provisions

to the effect that candidates will only be allowed to submit the minimum requirement of subscribers (100 for a LegCo GC candidate list and 10 for a LegCo FC candidate), plus a 100% buffer as potential subscribers to make up for any shortfall of the legal requirements. The proposal aims to deal with the problem of election candidates submitting very large number of subscribers in their nomination papers.

24. Members have not raised any queries on the proposal.

Relevant papers

25. A list of relevant papers and documents is in the **Appendix** for Members' easy reference. These papers/documents are available on the Research and Library Information System and the LegCo's website at <http://www.legco.gov.hk>.

Council Business Division 2
Legislative Council Secretariat
2 May 2003

Bills Committee on Legislative Council (Amendment) Bill 2003

Relevant Papers/Documents

LC Paper No.

Papers/Documents

Papers provided by the Administration

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| <p>CB(2)660/02-03(01)
<i>(issued on 12 December 2002)</i></p> | <p>-- Analysis showing the level of financial support that would have been received by each candidate/list of candidates under the Administration's proposal in the 2000 Legislative Council geographical constituency elections</p> |
| <p>CB(2)661/02-03(06)
<i>(issued on 12 December 2002)</i></p> | <p>-- Paper on "Functional constituencies and other electoral arrangements"</p> |
| <p>CB(2)684/02-03(01)
<i>(issued on 14 December 2002)</i></p> | <p>-- Paper on "Provision of partial financial support to candidates"</p> |
| <p>CB(2)931/02-03(03)
<i>(issued on 16 January 2003)</i></p> | <p>-- Paper on "Geographical constituencies and election expense limits"</p> |
| <p>CB(2)931/02-03(04)
<i>(issued on 16 January 2003)</i></p> | <p>-- Information on "Population distribution in 2000"</p> |
| <p>CB(2)1180/02-03(01)
<i>(issued on 14 February 2003)</i></p> | <p>-- Paper on "Technical adjustments to the electorate of functional constituencies"</p> |
| <p>CB(2)1181/02-03(06)
<i>(issued on 14 February 2003)</i></p> | <p>-- Paper on "Proposal of including registered Chinese medicine practitioners in the Medical Functional Constituency"</p> |
| <p>CB(2)1831/02-03(01)
<i>(issued on 23 April 2003)</i></p> | <p>-- Paper on "Printing of organization names and emblems, or personal emblems, and candidate photographs on ballot papers for the Legislative Council Elections"</p> |
| <p>CB(2)1832/02-03(02)
<i>(issued on 23 April 2003)</i></p> | <p>-- Paper on "Number of subscribers on nomination papers for Legislative Council Elections and District Council Elections"</p> |

Information provided by Research and Library Services Division

- IN09/02-03
(issued vide LC Paper No. CB(2)931/02-03 on 16 January 2003) -- Information Note on "Public Subsidies for Parliamentary Election Expenses in Canada, Germany and Australia"
- FS05/02-03
(issued vide LC Paper No. CB(2)967/02-03 on 18 January 2003) -- Fact Sheet on "Relevant Data on the 1998 and 2000 Legislative Council Elections"
- IN17/02-03
(issued vide LC Paper No. CB(2)1576/02-03 on 24 March 2003) -- Information Note on "Supplementary Information on Public Subsidies for Parliamentary Election Expenses in Canada, Germany and Australia"

Minutes of meetings

- CB(2)927/02-03
(issued vide LC Paper No. CB(2)2929/02-03 on 17 January 2003) -- Minutes of meeting of Panel on Constitutional Affairs on 10 December 2002
- CB(2)1178/02-03
(issued vide LC Paper No. CB(1)1179/02-03 on 14 February 2003) -- Minutes of meeting of Panel on Constitutional Affairs on 20 January 2003
- CB(2)1478/02-03
(issued vide LC Paper No. CB(2)1479/02-03 on 14 March 2003) -- Minutes of meeting of Panel on Constitutional Affairs on 17 February 2003
- Being prepared -- Minutes of meeting of Panel on Constitutional Affairs on 24 April 2003