

**Subcommittee on subsidiary legislation relating to
District Council elections gazetted on 16 May 2003**

Election Deposit for District Council Elections

Introduction

At the meeting of the Legislative Council (LegCo) Subcommittee on subsidiary legislation relating to District Council (DC) elections on 30 May 2003, Members requested the Administration to provide further information on how the election deposit of \$3,000 was arrived at, when it last was reviewed, and whether the amount should be reviewed.

Background

2. The requirement for election deposit and the provision for its forfeiture are long established and well accepted measures to prevent abuse of the electoral system by frivolous candidates. In setting the amount of election deposit, the Administration aims to strike a balance between the need to deter frivolous candidates on the one hand, and the need to encourage more public-spirited candidates to participate in elections on the other.

Amount of election deposit for District Council elections

3. Currently, the amount of election deposit for DC elections is set at \$3,000. This level can be traced back to at least 1994. When considering the level of election deposit for 1999 DC elections, we consulted the then LegCo Panel on Constitutional Affairs, which agreed to maintain it at \$3,000. The DCs (Subscribers and Election Deposit for Nomination) Regulation was subsequently enacted in May 1999.

4. For the coming DC elections to be held in November 2003, we intend to maintain the level of election deposit at \$3,000. The amount should be affordable to candidates. It is also reasonable when measured against the election expense limit for DC elections, which is \$45,000. Further, the deposit will be returned to candidates who are elected or who, though unsuccessful in the election, receive at least 5% of the votes cast in the relevant constituencies. In the 1999 DC elections,

only five out of 798 of the candidates had their deposit forfeited.

5. Members may also wish to note that, between 1994 and April 2003, the Composite Consumer Price Index has increased by about 10%. Thus, the “real value” of the level of election deposit has decreased over the years.

6. In summary, we do not propose to make any adjustment to the level since it still serves the policy objective as described in paragraph 2 above.

Constitutional Affairs Bureau
31 May 2003

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