

INFORMATION NOTE

Legislative Council elections

1. Introduction

1.1 Since the establishment of the Hong Kong Special Administrative Region in July 1997, five Legislative Council ("LegCo") elections have been held in 1998, 2000, 2004, 2008 and 2012 respectively. This information note provides relevant facts and figures relating to these LegCo elections.

2. Constitutional framework

2.1 Article 68 of the *Basic Law* stipulates that LegCo shall be constituted by election. The specific method of forming LegCo is prescribed in Annex II of the *Basic Law*, namely the *Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and Its Voting Procedures*. According to the *Basic Law*, Members were returned by geographical constituencies, functional constituencies and the Election Committee in the 1998 and 2000 LegCo elections. In the 2004, 2008 and 2012 LegCo elections, Members were returned by geographical and functional constituencies. **Table 1** below provides the composition of LegCo since 1998.

Table 1 – Composition of Legislative Council since 1998

	Members returned by geographical constituencies	Members returned by functional constituencies	Members returned by the Election Committee	Total
First term (1998-2000)	20	30	10	60
Second term (2000-2004)	24	30	6	60
Third term (2004-2008)	30	30	0	60
Fourth term (2008-2012)	30	30	0	60
Fifth term (2012-2016)	35	35	0	70

2.2 Same as the First and Second Legco, the Third and Fourth LegCo¹ comprised 60 Members, albeit with one half of Members returned by geographical constituencies through direct elections and the other half by functional constituencies.² On 24 and 25 June 2010, LegCo passed by a two-thirds majority the motions put forth by the Government concerning the draft amendments to the method for the selection of the Chief Executive and the method for the formation of LegCo in 2012. On 29 June 2010, the Chief Executive gave consent to the draft amendments. On 28 August 2010, the Standing Committee of the National People's Congress approved and recorded respectively the amendments to Annexes I and II of the *Basic Law* concerning the two electoral methods. This was followed by the Government's implementation of the two electoral methods for 2012 by way of local legislation.

2.3 LegCo passed the *Chief Executive (Amendment) Bill 2010* and the *Legislative Council (Amendment) Bill 2010* on 3 and 5 March 2011 respectively. The *Legislative Council (Amendment) Bill 2010* increases the number of seats for the Fifth LegCo from 60 to 70. The number of seats returned by geographical constituencies through direct elections and by functional constituencies both increase to 35. For the functional constituencies, only elected District Council members are eligible to be nominated as candidates for the five new seats under the new District Council (second) functional constituency. These five new seats are returned from the whole territory as a single constituency, in accordance with votes cast by all registered geographical constituency electors other than those entitled and opted to vote in the other functional constituencies. The seats of the original District Council functional constituency (renamed "District Council (first) functional constituency") are returned through election from among elected District Council members.

¹ The Third LegCo spanned from 1 October 2004 to 30 September 2008, while the Fourth LegCo spanned from 1 October 2008 to 30 September 2012.

² According to the decision made by the Standing Committee of the 10th National People's Congress at its 9th Session on 26 April 2004, "the election of the Legislative Council of the Hong Kong Special Administrative Region in the fourth term in the year 2008 shall not be by means of an election of all the [M]embers by universal suffrage. The ratio between [M]embers returned by functional constituencies and [M]embers returned by geographical constituencies through direct elections, who shall respectively occupy half of the seats, is to remain unchanged."

3. Responsible organization

3.1 The Electoral Affairs Commission is a statutory body established in 1997 to oversee elections in Hong Kong. It monitors elector registration, recommends delineation of geographical constituencies, and makes regulations, guidelines and arrangements for the conduct of elections. Further, the Registration and Electoral Office is the government department providing administrative support to the Electoral Affairs Commission.

4. Elector

4.1 To register as an elector in a geographical constituency, a person should be a permanent resident of Hong Kong aged 18 or above, ordinarily resides in Hong Kong (address on the elector registration form should be his or her only or principal residence), and holds an identity document.

4.2 The electorates of functional constituencies consist of both natural persons and corporate bodies. A natural person elector should be a qualified elector in a geographical constituency as well as a member of the respective functional constituency. In the case of a corporate elector, an authorized representative is appointed by a corporation to cast its vote in an election.

4.3 Each voter has two votes: one for a geographical constituency and one for a functional constituency.³ A person can have three votes if he or she is an elector in both the geographical and functional constituencies, as well as an authorized representative of another functional constituency.

³ All geographical constituency electors who are not registered in the 28 traditional functional constituencies are automatically registered in the District Council (second) functional constituency, unless they elect not to be so registered.

5. Qualification for candidacy

5.1 A nominee must fulfil four basic requirements to run for a seat in a geographical constituency or a functional constituency. He or she:

- (a) must be aged 21 or above;
- (b) ordinarily resides in Hong Kong for the three years immediately preceding the date of his or her nomination;
- (c) is not disqualified by law from being an elected member;
and
- (d) is not disqualified by law from being a geographical constituency elector.

5.2 A nominee must also be a Chinese citizen who is a permanent resident of Hong Kong with no right of abode in a foreign country. However, the candidature in 12 functional constituencies is open to Hong Kong permanent residents who are not Chinese nationals or who have the right of abode in a foreign country. These constituencies are: legal; accountancy; engineering; architectural, surveying and planning; real estate and construction; tourism; commercial (first); industrial (first); finance; financial services; import and export; and insurance.

5.3 In addition, except in the District Council (first) and District Council (second) functional constituencies, a nominee for the functional constituency election must be a registered elector for, or have a substantial connection with, the relevant functional constituency. Nominees running for a seat in the District Council (first) functional constituency must be a registered elector for the constituency, and for the District Council (second) functional constituency, nominees must be an elected District Council member.

6. Nomination and election deposit

6.1 For the geographical constituency election, each list of candidates needs to be subscribed by not less than 100 registered electors of the constituency concerned and the number of subscribers on a nomination form must not exceed 200. An elector may subscribe only one nomination as regards a particular geographical constituency election.

6.2 Except in the District Council (second) functional constituency, each nominee running for a seat in the functional constituency must be subscribed by 10 registered electors of the constituency concerned and the number of subscribers on a nomination form must not be more than 20. An elector may subscribe any number of nomination forms up to the number of seats in any functional constituency.

6.3 For the District Council (second) functional constituency election, each list of candidates needs to be subscribed by not less than 15 registered electors of the District Council (first) functional constituency. An elector of the District Council (first) functional constituency can subscribe one nomination only for either a candidate of the District Council (first) functional constituency election or a candidate list of the District Council (second) functional constituency election.

6.4 Each nomination has to pay election deposit. The election deposit is HK\$50,000 for each geographical constituency list and HK\$25,000 for each functional constituency nomination. The election deposit will be forfeited if a candidate or a list of candidates obtains less than 3% of the valid votes.

7. Election expenses and donations

7.1 The maximum amount of election expenses for elections for the different constituencies is prescribed by the *Maximum Amount of Election Expenses (Legislative Council Election) Regulation* to limit the maximum amount of expenses a candidate/a list of candidates may incur on account of the election. The election expense limits for the 2012 LegCo election are set out in **Table 2**.

Table 2 – Election expense limits for the 2012 LegCo election

Constituencies	Election expense limit
(a) for a geographical constituency election: (i) Hong Kong Island (ii) Kowloon East and Kowloon West (iii) New Territories East and New Territories West	HK\$2,100,000 per list of candidates HK\$1,575,000 per list of candidates HK\$2,625,000 per list of candidates
(b) for an election for one of the following four functional constituencies, namely Heung Yee Kuk, Agriculture and Fisheries, Insurance, and Transport functional constituencies	HK\$105,000 per candidate
(c) for an election for a functional constituency (other than those in (b) above and the District Council (second) functional constituency) with not more than 5 000 registered electors	HK\$168,000 per candidate
(d) for an election for a functional constituency (other than those in (b) above and the District Council (second) functional constituency) with between 5 001 and 10 000 registered electors	HK\$336,000 per candidate
(e) for an election for a functional constituency (other than those in (b) above and the District Council (second) functional constituency) with over 10 000 registered electors	HK\$504,000 per candidate
(f) for a District Council (second) functional constituency election	HK\$6,000,000 per list of candidates

Source: Electoral Affairs Commission (2012a).

7.2 The Government has put in place a financial assistance scheme for candidates in respect of election expenses since the 2004 LegCo election. Candidates or lists of candidates who get elected or who have received 5% of valid votes or more are eligible for financial assistance funded by general revenue. The financial assistance for an eligible candidate/list of candidates in a contested geographical constituency or functional constituency is the lowest of the following:

- (a) the amount obtained by multiplying the total number of valid votes cast for the candidate/list of candidates by the specified rate (at HK\$12 per vote);
- (b) 50% of the election expenses limit; or
- (c) the amount of the declared election expenses of the candidate/list of candidates.

In respect of an uncontested functional or geographical constituency, the amount of financial assistance payable is the lowest of the following:

- (a) the amount obtained by multiplying 50% of the number of registered electors for the constituency by the specified rate (at HK\$12 per registered elector);
- (b) 50% of the election expenses limit; or
- (c) the amount of the declared election expenses of the candidate/list of candidates.

7.3 In the 2004 LegCo election, no financial assistance would be provided to a candidate or a list of candidates if the declared election donations exceeded the declared election expenses. In the 2008 and 2012 elections, any election donations a candidate or a list of candidates received would not be taken into account in calculating the amount of financial assistance provided to the candidate or list of candidates.

7.4 In respect of donations, candidates are required to issue a receipt (with the name and address of a donor) for a donation of more than HK\$1,000 or goods and services valued more than HK\$1,000.

8. Voting system

8.1 Voting in Hong Kong is not compulsory and ballot is secret. The List System of Proportional Representation is used in geographical constituency and the District Council (second) functional constituency elections. One or more candidates form a list and electors choose one of the lists printed on the ballot paper. The election result is determined by the Largest Remainder Formula, i.e. lists arrive at the quota of votes (the number of valid votes divided by the number of seats in a constituency) get a seat and any remaining seats are awarded to lists with the largest numbers of the remaining votes.

8.2 Meanwhile, the Preferential Elimination System is used for Heung Yee Kuk, Agriculture and Fisheries, Transport and Insurance constituency elections. Under this system, a candidate with an absolute majority, i.e. over 50% of valid votes, gets elected. If no candidate gets an absolute majority at the first stage of vote counting, the candidate with the least votes is eliminated. His or her votes are transferred to the candidates then remaining in accordance with the next available preferences marked by the electors on the ballot papers. The process continues until a candidate gets an absolute majority of the valid votes.

8.3 For other functional constituency elections with a large number of electors, the First-Past-the-Post System is used. The candidate who obtains the greatest number of votes will be elected, followed by the next candidate who has the next greatest number of votes, and so on, until all the vacancies are filled.

9. Legislative Council elections in figures

9.1 Appendices I to VII provide the figures for various aspects of the LegCo elections, including election arrangements, electorates, candidates, polling day and election expenses.

Appendix I

Election arrangements

	1998 election	2000 election	2004 election	2008 election	2012 election
Election date	24 May (Sunday)	10 September (Sunday)	12 September (Sunday)	7 September (Sunday)	9 September (Sunday)
Total budget for the election (HK\$ million)	496	334.5	275.5	305.7	534
Number of polling stations	500	526	501	532	549
Number of ballot boxes	1 700	2 080	3 200	5 861	7 733
Number of staff working on the polling day	13 000	14 600	14 969	16 700	22 700
Polling duration	15 hours (7:30 am – 10:30 pm)			15 hours and 25 minutes (7:30 am – 10:55 pm) ⁽¹⁾	15 hours (7:30 am – 10:30 pm)

Note: (1) Due to power failures at two polling stations on Hong Kong Island, the polling hours for these two polling stations were extended for 7 minutes and 25 minutes respectively.

Appendix II

Number of seats allocated to geographical constituency elections

	1998 election	2000 election	2004 election	2008 election	2012 election
Hong Kong Island	4	5	6	6	7
Kowloon East	3	4	5	4	5
Kowloon West	3	4	4	5	5
New Territories East	5	5	7	7	9
New Territories West	5	6	8	8	9
Total	20	24	30	30	35

Appendix III

Composition of functional constituencies

<i>Real Estate and Construction</i> ⁽¹⁾	<i>Commercial (first)</i>
<i>Financial Services</i>	<i>Finance</i>
<i>Import and Export</i>	<i>Industrial (first)</i>
<i>Insurance</i>	<i>Legal</i>
<i>Accountancy</i>	<i>Engineering</i>
<i>Tourism</i>	<i>Architectural, Surveying and Planning</i>
<i>Catering</i> ⁽²⁾	District Council (first) ⁽²⁾
Heung Yee Kuk	Wholesale and Retail
Textiles and Garment	Industrial (second)
Social Welfare	Transport
Education	Medical
Health Services	Labour ⁽³⁾
Information Technology	Agriculture and Fisheries
Sports, Performing Arts, Culture and Publication	Commercial (second)
District Council (second) ^{(2) (3)}	

Notes: (1) Candidates for the functional constituencies marked in italics can be those Hong Kong residents who are not Chinese nationals or who have the right of abode in a foreign country.

(2) "Urban Council" and "Regional Council" were functional constituencies in the 1998 LegCo election and they were replaced by "Catering" and "District Council" in the 2000 LegCo election. The 28 functional constituencies in the 2000 LegCo election were maintained in the 2004 and 2008 LegCo elections. The original District Council functional constituency was renamed "District Council (first) functional constituency" and the "District Council (second) functional constituency" was added in the 2012 LegCo election.

(3) Except for the Labour and the District Council (second) functional constituencies which are allocated with three and five seats respectively, each of the other 27 functional constituencies returns one Member.

Appendix IV

Distribution of electorates

	Geographical constituency election					Functional constituency election				
	1998	2000	2004	2008	2012	1998	2000	2004	2008	2012
Estimated potential electorate	4 076 000	4 525 000	4 539 800	4 661 700	4 711 900	233 739	265 168	295 534	320 093	356 944
Number of registered electors	2 795 371	3 055 378	3 207 227	3 372 007	3 466 201	138 984	163 026	199 539	229 861	240 735 ⁽¹⁾
Registration rate	68.6%	67.5%	70.6%	72.3%	73.6%	59.5%	61.5%	67.5%	71.8%	67.4%
Number of male electors	1 460 579	1 578 044	1 638 633	1 697 628	1 720 920	Not applicable as there were corporate electors.				
Number of male electors aged between 18 and 30 (percentage of the total number of registered electors)	Not available	288 929 (9%)	288 409 (9%)	273 554 (8%)	304 596 (9%)					
Number of female electors	1 334 792	1 477 334	1 568 594	1 674 379	1 745 281					
Number of female electors aged between 18 and 30 (percentage of the total number of registered electors)	Not available	298 295 (10%)	291 066 (9%)	274 867 (8%)	292 346 (8%)					
Ratio between male and female electors	52:48	52:48	51:49	50:50	50:50					
Number of constituencies	5	5	5	5	5					
Constituency with the largest number of registered electors	New Territories West 708 444	New Territories West 791 751	New Territories West 873 031	New Territories West 943 161	New Territories West 987 333	Education 61 290	Education 71 390	Education 77 696	Education 90 693	Education 92 957 ⁽²⁾
Constituency with the smallest number of registered electors	Kowloon West 411 466	Kowloon West 426 280	Kowloon West 420 259	Kowloon West 440 335	Kowloon West 437 968	Urban and Regional Councils 50	Heung Yee Kuk 148	Heung Yee Kuk 149	Finance 140	Finance 128

Notes: (1) Excluding 3 219 755 electors of the District Council (second) functional constituency.

(2) Excluding the District Council (second) functional constituency.

Appendix V

Distribution of candidates

	Geographical constituency election					Functional constituency election				
	1998	2000	2004	2008	2012	1998	2000	2004	2008	2012
Number of lists	34 (15) ⁽¹⁾	36 (16)	35 (14)	53 (17)	67 (21)	N.A.	N.A.	N.A.	N.A.	7 ⁽²⁾
Number of candidates	81	88	88	142	216	60	57	71	59	71 ⁽³⁾
Members returned	20	24	30	30	35	30	30	30	30	35
Members returned uncontested	0	0	0	0	0	10	9	11	12	16
Ratio between seats and lists	1:1.7	1:1.5	1:1.2	1:1.8	1:1.9	N.A.	N.A.	N.A.	N.A.	1:1.4 ⁽²⁾
Ratio between contested seats and candidates	N.A.	N.A.	N.A.	N.A.	N.A.	1:2.5	1:2.3	1:3.2	1:2.6	1:2.6 ⁽⁴⁾
Number of male candidates	66	71	75	110	164	54	47	58	53	67
Number of female candidates	15	17	13	32	52	6	10	13	6	4
Ratio between male and female candidates	81:19	81:19	85:15	77:23	76:24	90:10	82:18	82:18	90:10	94:6
Age of the oldest candidate	71	71	66	64	73	76	78	82	72	90
Age of the youngest candidate	29	23	24	25	21	33	35	34	38	25
Average age of all candidates	45	45	47	43	43	51	51	51	54	52

Notes: (1) Figures in brackets denote single candidate lists.

(2) For the District Council (second) functional constituency election only.

(3) Among them, there were 18 candidates from seven lists contesting the District Council (second) functional constituency election, and 37 candidates competed for seats of other 14 functional constituencies.

(4) Excluding the District Council (second) functional constituency election.

Remark: N.A. = Not applicable.

Appendix VI

Polling day figures

	Geographical constituency election					Functional constituency election				
	1998	2000	2004	2008	2012	1998	2000	2004	2008	2012
Highest hourly turn-out	3:30 pm – 4:30 pm	9:30 pm – 10:30 pm	9:30 pm – 10:30 pm	9:30 pm – 10:55 pm ⁽¹⁾	9:30 pm – 10:30 pm	3:30 pm – 4:30 pm	9:30 pm – 10:30 pm	9:30 pm – 10:30 pm	9:30 pm – 10:55 pm ⁽¹⁾	9:30 pm – 10:30 pm
Lowest hourly turn-out	7:30 am – 8:30 am	7:30 am – 8:30 am	7:30 am – 8:30 am	7:30 am – 8:30 am	7:30 am – 8:30 am	7:30 am – 8:30 am	7:30 am – 8:30 am	7:30 am – 8:30 am	7:30 am – 8:30 am	7:30 am – 8:30 am
Number of elector turn-out	1 489 705	1 331 080	1 784 406	1 524 249	1 838 722	77 813	92 112	134 852	126 819	151 124
Elector turn-out rate	53.3%	43.6%	55.6%	45.2%	53.1%	63.5%	56.5%	70.1%	59.8%	69.7%
Number of electors aged between 18 and 30 who had cast their votes in the election (percentage of the total number of voters)	Not available	219 290 (16%)	294 088 (16%)	223 165 (15%)	279 991 (15%)	Not applicable as there were corporate electors.				
Number of rejected ballot papers	8 672	11 502	14 103	8 707	27 415	1 836	3 454	5 178	4 258	8 615
Rate of rejected ballot papers	0.6%	0.9%	0.8%	0.6%	1.5%	2.4%	3.7%	3.8%	3.4%	5.7%
Time taken to announce the first election result after the polling stopped	Not available	9 hours and 45 minutes	9 hours and 15 minutes	6 hours and 30 minutes	7 hours and 59 minutes	6 hours	4 hours	9 hours and 30 minutes	7 hours and 10 minutes	11 hours and 2 minutes
Time taken to announce the last election result after the polling stopped	Not available	14 hours and 15 minutes	13 hours and 30 minutes	8 hours and 10 minutes	9 hours and 36 minutes	Not available	9 hours and 30 minutes	13 hours	9 hours and 30 minutes	15 hours and 28 minutes

Note: (1) Due to power failures at two polling stations on Hong Kong Island, the polling hours for these two polling stations were extended for 7 minutes and 25 minutes respectively.

Appendix VII

Election expenses⁽¹⁾

	Geographical constituency election										Functional constituency election									
	1998		2000		2004		2008		2012		1998		2000		2004		2008		2012 ⁽⁴⁾	
	Allowed ⁽²⁾	Actual ⁽³⁾	Allowed	Actual	Allowed	Actual	Allowed	Actual	Allowed	Actual	Allowed	Actual	Allowed	Actual	Allowed	Actual	Allowed	Actual	Allowed	Actual
Highest cost per registered elector (HK\$)	4.2	3.3	3.6	2.8	3.6	2.9	3.6	3.3	3.6	3.1	2,127.7	646.2	1,118.9	787.9	1,309.0	192.1	1,200.0	478.0	1,312.5	271.3
Lowest cost per registered elector (HK\$)	3.1	0.4	2.9	0.5	2.9	0.6	2.8	0.8	2.7	0.1	7.8	0.0	6.7	0.0	6.2	0.0	5.5	0.0	5.4	0.0
Average cost per registered elector (HK\$)	3.6	2.1	3.3	1.7	3.2	2.0	3.2	2.0	3.1	1.7	378.9	136.9	234.9	93.6	221.5	55.7	233.4	85.3	238.1	43.3

Notes: (1) Please refer to paragraph 7.1 for details of election expenses.

(2) Election expense limit divided by registered electors.

(3) Actual election expenses divided by registered electors.

(4) The calculation excludes the District Council (second) functional constituency election as its large number of registered voters may distort downwards the allowed election cost per registered elector for the functional constituency election as a whole.

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31 January 2013
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