

立法會
Legislative Council

LC Paper No. LS 24/01-02

**Paper for the House Committee Meeting
of the Legislative Council
on 23 November 2001**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 16 November 2001**

Date of Tabling in LegCo : 21 November 2001

Amendment to be made by : 19 December 2001 (or 9 January 2002 if extended by resolution)

Part I **Census and Statistics**

Census and Statistics Ordinance (Cap. 316)
Census and Statistics (Survey of External Claims, Liabilities and Income)
(Amendment) Order 2001 **(L.N. 240)**

This Order amends the Census and Statistics (Survey of External Claims, Liabilities and Income) Order (Cap. 316 sub. leg.) to increase the frequency of surveys relating to external claims, liabilities and income of local individuals and local undertakings from quarterly to monthly and to empower the Commissioner for Census and Statistics to collect additional information in those surveys for the purposes of compiling monthly statistics.

2. Members may refer to LegCo Brief (Ref: FSB EAD 8/5141/87 Pt. 4) dated 8 November 2001 issued by the Financial Services Bureau for background information. According to the LegCo Brief, the prospective prominent data suppliers, including banks, other financial institutions, large enterprise groups and relevant business associations, have been consulted on the proposed survey frequency and information coverage and their feedback is generally positive.

3. This Order will come into operation on 1 January 2002. The legal and drafting aspects of the Order are in order.

Part II **Electoral Rules**

Chief Executive Election Ordinance (Cap. 569)

Chief Executive Election (Election Petition) Rules

(L.N. 241)

4. These rules set out the procedures for the lodging, trial, withdrawal and costs of election petitions questioning the election of the Chief Executive. Matters relating to an election petition will be heard by the Court of First Instance.

5. Paragraph 5 of the LegCo Brief says that appeals to the Court of Final Appeal ("CFA") against the Court of First Instance's decision under the leap-frog arrangement are outside the scope of the Petition Rules. The procedures for appeal to the CFA are set out in the Court of Final Appeal Ordinance (Cap. 484) and its Rules as modified by section 34(2) of the Chief Executive Election Ordinance (Cap. 569) as regards the time within which an appeal has to be brought.

6. Members may refer to LegCo Brief File Ref. CAB C5/7/8 issued by the Constitutional Affairs Bureau on 15 November 2001 for background information.

7. These Rules will come into operation on 11 January 2002.

8. The Legal Service Division is still scrutinising the legal and drafting aspects of the Rules.

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19 November 2001