

立法會
Legislative Council

LC Paper No. LS 5/01-02

**Paper for the House Committee Meeting
of the Legislative Council
on 12 October 2001**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 5 October 2001**

Date of Tabling in LegCo : 10 October 2001

Amendment to be made by : 7 November 2001 (or 14 November 2001 if extended by resolution)

Part I ***Electoral Regulations (Legal Notices No. 196 - 200)***

Chief Executive Election Ordinance (Cap. 569)
Election Committee (Appeals) Regulation (L.N. 196)

This Regulation provides for the procedure for —

- (a) a person claiming to be a candidate at an Election Committee ("EC") subsector election to appeal against the result of that election;
- (b) a person to object by written representation to the registration of a person as a member of the EC representing the religious subsector in the final register of members and request the Revising Officer to determine whether some other person should be declared and registered as a member of the EC instead.

The Regulation also provides for procedure for the Revising Officer to hear and determine any appeal or written representation.

Legislative Council Ordinance (Cap. 542)
Legislative Council (Formation of Election Committee) (Appeals) (Repeal) Regulation 2001 (L.N. 198)

This Regulation repeals the Legislative Council (Formation of Election Committee) (Appeals) Regulation (Cap. 542 sub. leg.) consequential to the making of the Election Committee (Appeals) Regulation (L.N. 196 of 2001).

For L.N.s 196 and 198, members may refer to LegCo Brief: CAB C5/7/2 & C1/30/5/2 of 4 October 2001 from Constitutional Affairs Bureau for background information. Both Regulations will come into operation on 16 November 2001.

**Chief Executive Election Ordinance (Cap. 569)
Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation (L.N. 197)**

This Regulation provides for the procedure for the Revising Officer to hear and determine any appeal, claim or objection in relation to the registration of the voters for the subsectors of the EC and the registration of the members of the EC.

The appeal handling procedures also tie in with the statutory voter registration prescribed by the Electoral Affairs Commission (Registration) (Electors for Functional Constituencies) (Voters for Subsectors) (Members of Election Committee) (Legislative Council) (Amendment) Regulation 2001 (L.N. 200 of 2001).

**Legislative Council Ordinance (Cap. 542)
District Councils Ordinance (Cap. 547)
Registration of Electors (Appeals) (Amendment) Regulation 2001 (L.N. 199)**

This Regulation amends the Registration of Electors (Appeals) Regulation (Cap. 542 sub. leg.) ("the principal Regulation") —

- (a) consequential to the Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation (L.N. 197 of 2001) so that the principal Regulation only deals with appeals made by corporate electors, and claims or objections as regards entries, or registration, in a functional constituencies register or a geographical constituencies register;
- (b) consequential to the Electoral Affairs Commission (Registration) (Electors for Functional Constituencies) (Voters for Subsectors) (Members of Election Committee) (Legislative Council) (Amendment) Regulation 2001 (L.N. 200 of 2001) ("the FC Amendment Regulation") so that the principal Regulation contains more precise definitions of "appeal" and "notice of appeal" which are consistent with those in the FC Amendment Regulation; and
- (c) to remove those provisions, in relation to the second Legislative Council general election, which are spent.

For L.N.s 197 and 199, members may refer to LegCo Brief: CAB

C5/7/1 & C1/30/5/1 of 4 October 2001 from Constitutional Affairs Bureau for background information. Both Regulations will come into operation on 16 November 2001.

**Electoral Affairs Commission Ordinance (Cap. 541)
Electoral Affairs Commission (Registration) (Electors for Functional
Constituencies) (Voters for Subsectors) (Members of Election Committee)
(Legislative Council) (Amendment) Regulation 2001 (L.N. 200)**

The Electoral Affairs Commission (Registration) (Electors for Functional Constituencies) (Voters for Subsectors) (Members of Election Committee) (Legislative Council) Regulation (Cap. 541 sub. leg.) ("the principal Regulation") provides for the procedural arrangements for the registration of electors for the functional constituencies. It also provides for the registration of members for the EC and voters for its subsectors for the second Legislative Council general election held in 2000 in accordance with the requirements laid down in the Legislative Council Ordinance (Cap. 542).

This Regulation amends the principal Regulation to provide for the detailed arrangements for the registration of voters for the subsectors and members of the EC, and for the publication of the registers and omissions lists for the subsector and EC to tie in with the provisions of the Chief Executive Election Ordinance (Cap. 569) ("the CEEO").

The Regulation also extends the offences for any person who—

- (a) knowingly makes a false statement or provides false information relating to voter registration;
- (b) conspires with, incites, compels, induces, coerces, intimidates or persuades another person to make such a false statement or provide such false information; and
- (c) misuses information contained in the electoral register for a purpose not related to an election,

to be offences prescribed for the purposes of sections 14 (disqualification from being nominated as a candidate) and 26 (disqualification from voting) of the CEEO, and sections 9 (disqualification from being nominated as a member representing the religious subsector on the EC), 18 (disqualification from being a subsector candidate) and 30 (disqualification from voting at subsector election) of the Schedule to the CEEO.

Members may refer to LegCo Brief (with no file reference on it) of 3 October 2001 from Registration and Electoral Office for background information.

We are still scrutinizing the legal and drafting aspects of L.N.s 196-200.

Part II Others (Legal Notices No. 195, 201 and 202)

**Rehabilitation Centres Ordinance (Cap. 567)
Rehabilitation Centres Regulation (L.N. 195)**

The Regulation is made under the Rehabilitation Centres Ordinance passed by the LegCo on 2 May 2001. Members may recall that the purpose of the ordinance is to set up rehabilitation centres for young offenders from the age of 14 to below 21 who have committed offences which call for a short-term custodial sentence.

The Regulation provides for -

- (a) the operation and management of rehabilitation centres;
- (b) the treatment, employment, discipline, control and welfare of offenders detained in a rehabilitation centre;
- (c) conditions that may be imposed under a supervision order and the related procedures to be followed by officers; and
- (d) forms to be adopted for the purposes of the principal ordinance and the Regulation.

A draft of the Regulation was issued together with the LegCo Brief on the Rehabilitation Centres Bill when the latter was introduced to LegCo in October 2000. The Regulation now gazetted is substantially the same as that draft. Members may refer to LegCo Brief SBCR 11/2856/98 dated 3 October 2001 issued by the Security Bureau, which contains a copy of the earlier Brief.

The legal and drafting aspects of the Regulation are in order.

**Marine Parks Ordinance (Cap. 476)
Marine Parks (Designation) (No. 3) Order (L.N. 201)**

This order, which is to come into operation on 16 November 2001, designates a new marine park known as the Tung Ping Chau Marine Park.

**Shipping and Port Control Ordinance (Cap. 313)
Shipping and Port Control (Closure of Waters) (No. 2) Notice 2001 (L.N. 202)**

This Notice closes the waters off the Phase II Hong Kong Convention and Exhibition Centre to all vessels except ferries providing franchised and licensed

services to and from Wanchai between 7:00 a.m. on 29 October 2001 and 9:00 p.m. on 31 October 2001. The Notice does not apply to vessels used for any fire services, ambulance, police, customs and excise or Marine Department purpose.

Prepared by

Lam Ping-man, Stephen (Legal Notices No. 196 - 200)
Cheung Ping-kam, Arthur (Legal Notices No. 195, 201 & 202)
Assistant Legal Advisers
Legislative Council Secretariat
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