

**Comparison Table between the Chief Executive Election
(Election Petition) Rules and the Legislative Council (Election Petition) Rules**

CE Election (Election Petition) Rules: Section	LegCo (Election Petition) Rules: Corresponding section	Remarks
1. Commencement	—	This is a technical provision.
2. Interpretation	1	Similar
3. General practice and procedure	2	Similar
4. Filing of documents	3	Similar
5. Form and substance of petitions	4	Basically similar, but an effort has been made to simplify the provision such that an election petition must be in the form set out in the Schedule.
6. Signature and lodgement of petition	5	Basically similar, but there are a few modifications, namely – (a) under the CE Election (Election Petition) Rules, a petitioner only needs to submit two copies, rather than four copies as in the case of LegCo (Election Petition) Rules, of his petition; (b) there is no need for a copy of the petition to be displayed outside the LegCo building, and for a copy of it to be sent to the Clerk to LegCo; and

CE Election (Election Petition) Rules: <i>Section</i>	LegCo (Election Petition) Rules: <i>Corresponding section</i>	Remarks
		(c) the Registrar is required to publish the notice of petition in the Gazette within seven days after the filing of the petition.
7. Notice of lodgement of petition	6	Basically similar. However, apart from the notice of the lodgement of the petition, the petitioner is also required to serve copies of his petition on the respondent, the Secretary for Justice, the Secretary for Constitutional Affairs and the Electoral Affairs Commission.
8. Time and place for trial of petition	10	Basically similar. However, in view of the time constraints of the CE election, the petitioner is required to make an application to the Court within a shorter time for a date, time and place to be fixed for the trial (at the time when the petition is filed, within two days after the filing of the petition or within such other period as the Court may direct). If the petitioner fails to make such an application in time, the respondent may apply to the Court within three days after the deadline. If the respondent also fails to apply in time, the Court will fix a date, time and place for the trial.
9. Trial of petition	11	Basically similar.
10. List of disputed ballot papers	12	Basically similar.

CE Election (Election Petition) Rules: <i>Section</i>	LegCo (Election Petition) Rules: <i>Corresponding section</i>	Remarks
11. Application for leave to withdraw petition	13	Basically similar. However, there is no substitution of petitioner as in the case of LegCo election petitions, in view of the time constraints of the CE election.
12. Evidence required for withdrawal of petition	14	Similar.
13. Withdrawal of petition	13	This is a technical provision to make it clear that the withdrawal, if granted by the Court, should be effected by filing with the Registrar a notice of withdrawal.
14. Application to stay or dismiss petition	15	Similar.
15. Circumstances in which petition is regarded as withdrawn	16 & 17	<p>A petition will be regarded as having been withdrawn if –</p> <p>(a) the petitioner or, if there are more than one petitioner, the last remaining petitioner is dead;</p> <p>(b) the successful candidate cannot assume office before the prescribed deadline as set out in section 11(3) of the CE Election Ordinance; or</p> <p>(c) the successful candidate ceases to hold the office of the CE because of death or otherwise.</p>

CE Election (Election Petition) Rules: <i>Section</i>	LegCo (Election Petition) Rules: <i>Corresponding section</i>	Remarks
16. Filing copy particulars	18	Similar.
17. Notice of respondent's solicitor and service of notices	19	Similar.
18. Witnesses' expenses	20	Similar.
19. Costs of petition	21	Basically similar.
20. Court may abridge or extend time	-	A new provision to give more flexibility to the Court to deal with an election petition as it sees fit in relation to the time required for different procedures.

Constitutional Affairs Bureau
16 November 2001

CS1213