

CAB C5/7/8
LS/B/7/01-02
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Secretary for Constitutional Affairs
(Attn : Mr Chris Sun, AS(CA)5A)
Constitutional Affairs Bureau
3/F, Main and East Wings
Central Government Offices
Central
Hong Kong

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BY FAX

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Dear Chris,

Chief Executive Election (Election Petition) Rules (L.N. 241 of 2001)

Thank you for your letter of 23 November 2001. We have one follow-up question to your answer to Q14.

Rule 46 of the Hong Kong Court of Final Appeal Rules ("HKCFA Rules") deals with form of applications. The term "application" is defined under rule 1 of the HKCFA Rules to exclude "an application for leave to appeal within the meaning of Part II". However, the leap-frog procedure at issue concerns an appeal under Part II. It appears that rule 46(2), as referred to in your letter, concerns only the variation of forms set out in Schedule 1 to which an application is made under rule 46(1). Thus, rule 46 does not appear to resolve the problem raised in Q14.

Your comments, in both languages, by tomorrow is very much appreciated.

Yours sincerely,

(Stephen Lam)
Assistant Legal Adviser

c.c. Mr Jimmy Ma, LA
Mrs Percy Ma, CAS(2)3
Miss Kitty Cheng, ALA(Temp)