

LN206E

L.N. 206 of 2001

Legislative Council (Subscribers and Election  
Deposit For Nomination) (Amendment)

Regulation 2001

(Made by the Chief Executive in Council under section 82 of the  
Legislative Council Ordinance (Cap. 542))

1. Commencement

This Regulation shall come into operation on 23 November 2001.

2. Interpretation

Section 1 of the Legislative Council (Subscribers and Election Deposit for  
Nomination) Regulation (Cap. 542 sub. leg.) is amended---

(a) in subsection (1)---

(i) in the definition of "candidate", by repealing ", the Election Committee or  
an Election Committee subsector" and substituting "or the Election Committee";

(ii) by repealing the definition of "election" and substituting---  
""election" (選舉) means an election or a by-election held to elect a Member in respect  
of a geographical constituency, a functional constituency or the Election  
Committee;"

(b) by repealing subsection (2) and substituting---

"(2) In this Regulation, any reference to the appropriate regulations shall be  
construed as a reference to any regulations made under section 7 of the Electoral  
Affairs Commission Ordinance (Cap. 541) relating to procedure at an election."

3. Amount of deposit

Section 2(1)(b) is amended---

(a) in subparagraph (ii), by repealing the semicolon and substituting a full stop;

(b) by repealing subparagraph (iii).

4. Return of deposit on invalid nomination etc.

Section 3 is amended---

(a) by repealing subsection (2A);

(b) in subsection (3)---

(i) by repealing ", functional constituency, Election Committee or Election  
Committee subsector concerned" and substituting "or functional constituency  
concerned or the Election Committee";

(ii) in paragraph (a)---

(A) by repealing ", (2)(a)(i) or (ii) or (2A)" and substituting "or (2)(a)(i) or  
(ii)";

(B) by repealing ", Election Committee or Election Committee subsector" and substituting "or the Election Committee".

5. Disposal of deposit after publication of election result or declaration of failure of election

Section 4 is amended---

(a) by repealing subsection (2A);

(b) in subsection (3)---

(i) in paragraph (c), by repealing the semicolon and substituting a comma;

(ii) by repealing paragraph (d);

(iii) by repealing "、(c) 或 (d)" and substituting "或 (c)";

(c) in subsection (4)---

(i) by repealing ", functional constituency, Election Committee or Election Committee subsector concerned" and substituting "or functional constituency concerned or the Election Committee";

(ii) in paragraph (a)---

(A) by repealing ", (2)(a) or (2A)(a)" and substituting "or (2)(a)";

(B) by repealing ", Election Committee or Election Committee subsector" and substituting "or the Election Committee";

(iii) in paragraph (b)---

(A) by repealing ", (2)(b) or (2A)(b)" and substituting "or (2)(b)";

(B) by repealing ", Election Committee or Election Committee subsector" and substituting "or the Election Committee";

(iv) by repealing ", Election Committee or Election Committee subsector, as" and substituting "or the Election Committee, as";

(d) in subsection (6), by repealing ", Election Committee or Election Committee subsector" and substituting "or the Election Committee".

6. Disposal of deposit in case of death

Section 5(1) is amended by repealing ", functional constituency, Election Committee or Election Committee subsector concerned" and substituting "or functional constituency concerned or the Election Committee".

7. Notifications in specified form

Section 6 is amended by repealing "in the appropriate regulations" and substituting "by the Electoral Affairs Commission".

8. Number and qualifications of subscribers

to a nomination paper

Section 7 is amended---

(a) in subsection (2)---

(i) by repealing ", the Election Committee or any Election Committee subsector"

and substituting "or the Election Committee";

(ii) in paragraph (a)---

(A) in subparagraph (ii), by adding "and" at the end;

(B) in subparagraph (iii), by repealing "and";

(C) by repealing subparagraph (iv);

(iii) in paragraph (b)---

(A) by repealing ", member of the Election Committee or voter" and substituting "or member of the Election Committee";

(B) by repealing ", the Election Committee or any Election Committee subsector" and substituting "or the Election Committee";

(iv) in paragraph (c), by repealing ", member of the Election Committee or voter" and substituting "or member of the Election Committee";

(b) by adding---

"(2A) Notwithstanding subsection (2)(a)(iii), a member of the Election Committee is not qualified to subscribe a nomination paper for the purposes of that subsection if he---

(a) resigns under section 3(3) of the Schedule to the Chief Executive Election Ordinance

(Cap. 569);

(b) is serving a sentence of imprisonment for the time being;

(c) falls within paragraph (a), (b), (c), (f) or (g) of section 18 of the Schedule to the Chief Executive Election Ordinance (Cap. 569); or

(d) is or has been convicted, within the 3 years before the polling date of the relevant election, in the manner prescribed by subparagraph (i), (ii) or (iii) of section 18(e) of the Schedule to the Chief Executive Election Ordinance (Cap. 569).

(2B) Subsection (2A) does not affect a nomination paper subscribed by a member before he ceases to be qualified under that subsection.";

(c) in subsection (3)---

(i) in paragraph (b)(iii)(B), by repealing the semicolon and substituting a comma;

(ii) by repealing paragraph (c);

(iii) by repealing ", member of the Election Committee or voter" and substituting "or member of the Election Committee";

(iv) by repealing "or (c)";

(d) in subsection (4)---

(i) in paragraph (c), by repealing the semicolon and substituting a comma;

(ii) by repealing paragraph (d).

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Clerk to the Executive Council

Council Chamber

9 October 2001

Explanatory Note

This Regulation amends the Legislative Council (Subscribers and Election Deposit for Nomination) Regulation (Cap. 542 sub. leg.) ("the principal Regulation") consequential to the Election Committee (Subscribers and Election Deposit for Nomination) Regulation (L.N. 205 of 2001) so that the principal Regulation only deals with---

(a) the amount of election deposit to be lodged for nomination;

(b) the requirements for return or disposal of the election deposit for nomination;  
and

(c) the number and qualifications of subscribers required for nomination,  
of a nominee on a nomination list in respect of his nomination as a geographical constituency candidate, or a candidate nominated for an election in respect of a functional constituency or the Election Committee.