

L.N. 209 of 2001

Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council))
(Amendment) Regulation 2001

(Made by the Electoral Affairs Commission under section 7 of the Electoral Affairs
Commission Ordinance (Cap. 541))

1. Commencement

This Regulation shall come into operation on 23 November 2001.

2. Interpretation

(1) Section 1(1) of the Electoral Affairs Commission (Nominations Advisory
Committees (Legislative Council)) Regulation (Cap. 541 sub. leg.) is amended---

(a) in the definition of "candidate"---

(i) in paragraph (b), by adding "and" at the end;

(ii) in paragraph (c), by repealing "general election or by-election; and"
and substituting "by-election;"

(iii) by repealing paragraph (d);

(b) by repealing the definitions of "designated body", "election", "Election
Committee", "Election Committee sub-subsector election", "Election Committee
subsector election", "nomination for the religious subsector", "nominee", "religious
subsector" and "subsector";

(c) in the definition of "nomination form", by repealing paragraphs (d) and (e);

(d) in the definition of "nomination period"---

(i) by adding "general" before "election" where it twice appears;

(ii) by adding "for" after "providing";

(iii) by repealing "or nomination for the religious subsector" where it twice
appears.

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

(a) by repealing "an election" and substituting "a general election";

(b) by repealing "or section 15 of Schedule 2 to that Ordinance;" and substituting
a full stop.

(3) Section 1(2)(b) is repealed.

3. Appointment of the Committee

(1) Section 2(4) is amended---

(a) by adding "general" before "election" and "elections";

(b) by repealing "or nomination for the religious subsector,".

(2) Section 2(5)(a) is amended---

(a) by adding "general" before "election" where it twice appears;

(b) by adding "general" before "elections" where it twice appears;

(c) by repealing "; or" and substituting a full stop.

(3) Section 2(5) is amended by repealing everything after paragraph (a).

4. Functions

(1) Section 3(1)(a)(i) is amended---

(a) by repealing "an election" and substituting "a general election";

(b) by repealing everything after "geographical constituency" and substituting "or a functional constituency, as the case may be; and".

(2) Section 3(1)(a)(ii) and (iii) is repealed.

(3) Section 3(1)(b)(i) is amended---

(a) by repealing "an election" and substituting "a general election";

(b) by repealing ", the Election Committee, a subsector or a sub-subsector, as the case may be;" and substituting "or the Election Committee, as the case may be".

(4) Section 3(1)(b)(ii) is repealed.

(5) Section 3(2) is amended by repealing "election or elections, or by-election or by-elections, or nomination for the religious subsector," and substituting "general election or general elections, or by-election or by-elections,".

(6) Section 3(3) is amended---

(a) by repealing "an election or nomination for the religious subsector" and substituting "a general election";

(b) by repealing "same election or nomination for the religious subsector, as the case may be" and substituting "same general election".

(7) Section 3(4) is amended by repealing "election or by-election or nomination for the religious subsector" and substituting "general election or by-election".

5. Filling of vacancies and allocation of work to Committees

Section 4(3) is amended by repealing "選管會在第 (2) 款所指的公告中" and substituting "在第 (2) 款所指的公告中由選管會".

6. Procedure relating to applications by prospective candidates

(1) Section 5(1) is amended by repealing "an election" and substituting "a general election".

(2) Section 5(1)(a) is amended by repealing "in the case of a general election,".

(3) Section 5(1)(a)(i) is amended by adding "or" at the end.

(4) Section 5(1)(a)(ii) is amended by repealing "; or" and substituting a full stop.

(5) Section 5(1)(a)(iii) is repealed.

(6) Section 5(1)(b) and (c) is repealed.

(7) Section 5(2) and (3) is repealed.

(8) Section 5(4) is amended by repealing ", (2) or (3)".

- (9) Section 5(5) is amended by repealing ", (2) or (3)".
- (10) Section 5(6)(a)(i) is amended by adding "and" at the end.
- (11) Section 5(6)(a)(ii) is amended by repealing "; and" and substituting a full stop.
- (12) Section 5(6)(a)(iii) is repealed.
- (13) Section 5(6)(b) and (c) is repealed.
- (14) Section 5(7) and (8) is repealed.
- (15) Section 5(9)(a) is amended by repealing the semicolon and substituting a full stop.
- (16) Section 5(9)(b) and (c) is repealed.
- (17) Section 5(10) is amended by repealing "election or nomination for the religious subsector" and substituting "general election".
- (18) Section 5(11)(a) is amended---
- (a) by repealing "in the case that the applicant is a prospective candidate,";
- (b) by repealing everything after "geographical constituency" and substituting "or the functional constituency, as the case may be."
- (19) Section 5(11)(b) and (c) is repealed.
- (20) Section 5(12)(a) is amended by repealing "in the case that the applicant is a prospective candidate or prospective nominee---".
- (21) Section 5(12)(a)(i) is amended---
- (a) by repealing "or nomination for the religious subsector, as the case may be,";
- (b) by repealing "or (b)".
- (22) Section 5(12)(a)(ii) is amended by repealing "or (b); and" and substituting a full stop.
- (23) Section 5(12)(b) is repealed.
- (24) Section 5(13) is amended by repealing "or nomination for the religious subsector, as the case may be".
- (25) Section 5(14) is amended by repealing "or (b)(i)" and "or (b)(ii)".
- (26) Section 5(14)(b) is amended by repealing "將其就該申請所提供的意見告知申請人" and substituting "就該申請向申請人提供意見".
- (27) Section 5(14)(b)(ii) is amended by repealing "(being a prospective candidate or prospective nominee)" and "or the failure of the applicant (being a designated body) to present itself by its representative before that Committee".
- ## 7. Procedure relating to applications by Returning Officers
- (1) Section 6(1) is amended by repealing "an election" and substituting "a general election".
- (2) Section 6(1)(a) is amended---
- (a) by repealing "in the case of a general election or by-election,";

- (b) by repealing the semicolon and substituting a comma.
 - (3) Section 6(1)(b) and (c) is repealed.
 - (4) Section 6(1) is amended by repealing ", the Election Committee, that subsector or that sub-subsector" and substituting "or the Election Committee".
 - (5) Section 6(2) is repealed.
 - (6) Section 6(3) is amended by repealing "or (2)".
 - (7) Section 6(4) is amended by repealing "or (2)".
 - (8) Section 6(4)(a) is amended by repealing everything after "functional constituency" and substituting "or the Election Committee, as the case may be."
 - (9) Section 6(4) is amended by repealing everything after paragraph (a).
 - (10) Section 6(5)(a) is amended---
 - (a) by repealing ", the Election Committee, a subsector or a sub-subsector" and substituting "or the Election Committee";
 - (b) by repealing "; or" and substituting a comma.
 - (11) Section 6(5)(b) is repealed.
 - (12) Section 6(5) is amended by repealing "or nominee".
 - (13) Section 6(6) is repealed and the following substituted---
 - "(6) In this section, references to Returning Officer are to be construed as references to the Returning Officer appointed for the geographical constituency, the functional constituency or the Election Committee, as the case may be, in respect of which the candidate concerned has submitted a nomination form."
8. Committee to attend and give advice at the meeting called by the Commission
- (1) Section 8(1)(a) is amended by repealing "election or by-election or nomination for the religious subsector" and substituting "general election or by-election".
 - (2) Section 8(1)(b) is amended by repealing "or (2) regarding that election, by-election or nomination for the religious subsector, as the case may be," and substituting "regarding that general election or by-election, as the case may be, on".
9. Advice not to preclude seeking of nomination or election petition
- (1) Section 9(a) is amended---
 - (a) by repealing ", or from seeking nomination as a nominee,";
 - (b) by adding "or" at the end.
 - (2) Section 9(b) is repealed.

Made this 27th day of September 2001.

WOO Kwok-hing, J.A.

Chairman,

Electoral Affairs Commission

Norman LEUNG Nai-pang
Member,
Electoral Affairs Commission
Elizabeth S. C. SHING
Member,
Electoral Affairs Commission
Explanatory Note

The object of this Regulation is to amend the Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) Regulation (Cap. 541 sub. leg.) (the "principal Regulation"). In view of the enactment of the Chief Executive Election Ordinance (Cap. 569), it is appropriate to make a new Regulation providing for the appointment of Nominations Advisory Committees to advise on matters in relation to Election Committee subsector and sub-subsector elections and nominations for the religious subsector, which were originally dealt with under the principal Regulation. Consequential amendments will need to be made to the principal Regulation upon the making of the new Regulation.