

立法會
Legislative Council

LC Paper No. LS176/98-99

**Paper for the House Committee Meeting
of the Legislative Council
on 14 May 1999**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 7 May 1999**

Date of Tabling in LegCo : 12 May 1999

Amendment to be made by : 9 June 1999 (or 16 June 1999 if extended by resolution)

District Councils Ordinance (8 of 1999)

District Councils (Subscribers and Election Deposit for Nomination) Regulation (L.N. 113)

The Regulation is made pursuant to section 81 of the District Councils Ordinance (No .8 of 1999) to prescribe :-

- (a) the number and qualifications of subscribers for nomination;
- (b) the amount of election deposit required for nomination; and
- (c) the minimum proportion of votes to be obtained by a candidate in the relevant constituency in order that the election deposit he has paid when submitting his nomination shall be returned (“threshold for forfeiture”).

Each person seeking nomination as a candidate in respect of any constituency needs 10 electors registered in the relevant constituency to subscribe on his nomination paper. Each elector may subscribe only one nomination paper. If more than one nomination paper have been subscribed by any elector regarding a particular election, his signature will be inoperative save that on the nomination paper first delivered.

The deposit to be lodged upon the nomination of a candidate in an election of the District Councils is fixed at \$3,000 ("Deposit").

The Deposit lodged by a candidate will be returned after :-

- (a) the candidate has been declared not validly nominated;
- (b) the candidate has withdrawn his nomination for election;
- (c) the candidate has died;
- (d) the proceedings for the relevant election has been terminated;
- (e) the relevant election has been declared to have failed;
- (f) the candidate has been declared as duly elected or elected; or
- (g) the notice of the result of the relevant election has been published and the candidate has received valid votes not less than the threshold for forfeiture.

The threshold for forfeiture of the Deposit is 5% of the total number of ballot papers containing valid votes received in the relevant constituency.

The Regulation also provides that where a Deposit has been lodged and the person lodging the Deposit dies, the Deposit shall be returned to the estate of that person.

Members may refer to the LegCo Brief File Ref: CAB C2/10 issued by the Constitutional Affairs Bureau on 6 May 1999 for further information. The provisions of the Regulation appear to follow similar provisions in the Legislative Council (Subscribers and Election Deposit for Nomination) Regulation (Cap. 542 sub. leg.).

Corrupt and Illegal Practices Ordinance (Cap. 288)
Maximum Scale of Election Expenses (District Councils) Order 1999 (L.N. 114)

Pursuant to section 13(1) of the Corrupt and Illegal Practices Ordinance (Cap. 288), the Chief Executive in Council has made this Order to prescribe the election expenses limit for the District Councils election in 1999. It is fixed at \$45,000.

Members may refer to the LegCo Brief File Ref: CAB C2/8 issued by

the Constitutional Affairs Bureau on 6 May 1999 for further information.

Electoral Affairs Commission Ordinance (Cap. 541)
Electoral Affairs Commission (Nominations Advisory Committees (District Councils))
Regulation (L.N. 115)

The Regulation is made by the Electoral Affairs Commission (“the Commission”) pursuant to section 7 of the Electoral Affairs Commission Ordinance (Cap. 541) to provide for :-

- (a) the appointment and functions of Nominations Advisory Committees (District Councils) (“Committees”); and
- (b) the procedures of the Committees.

The Committees are to be appointed and remunerated by the Commission. Each of the Committees consists of one member who must be a barrister or solicitor admitted under the Legal Practitioners Ordinance (Cap. 159) or is qualified for such admission or has such other academic or professional qualification in the law as the Commission considers appropriate.

Notice of any appointment of the Committees is to be published in the Gazette. Each appointment shall be for a period in relation to such election or elections as the Commission may determine and specified in the relevant notice. Where any of the Committees becomes vacant due to the death, resignation, incapacity or absence from Hong Kong of its member, the Commission may appoint another person to act in his or her place. The Commission may remove a member of any Committee by notice in writing if it is of the opinion that he or she is unfit to perform functions of his or her office. Notice of such appointment or removal must also be published in the Gazette.

The functions of the Committees are to advise :-

- (a) any prospective candidate for any ordinary election as to his or her eligibility for nomination as a candidate at that ordinary election; and
- (b) any returning officers as to the eligibility of a particular candidate for nomination as a candidate at an election.

A Committee must attend such meeting as may be called by the Commission at the close of the nomination period for a particular election and give advice at such meeting to any returning officer present on any matter which the returning officer may wish to seek advice from the Committee.

The procedures for the application for the advice of a Committee are as follows :-

(a) by a prospective candidate :-

1. An application must be in a form prescribed by the Commission and sent by post or facsimile transmission to or served personally on the Chief Electoral Officer (“CEO”) on or before the date specified by the Commission.
2. The CEO must as soon as reasonably practicable after receipt refer the application to a Committee.
3. A Committee may require (i) further information, particulars and evidence from the applicant for its consideration and (ii) the applicant to present himself before the Committee for giving such assistance as it considers necessary. Non-compliance with the request would entitle the Committee to refuse to consider the application any further or refuse to give any advice or give only qualified advice.
4. A Committee shall advise the applicant before a specified date in writing on the eligibility of the applicant for nomination as a candidate.

(b) by a returning officer

1. An application shall be made in writing to a Committee to be received by the CEO before a date specified by the Commission.
2. The Committee must advise the returning officer before the expiration of the relevant period specified by the Commission.

A Committee must furnish to the Commission a copy of (i) any advice given, (ii) any information, particulars and evidence made available to the Committee by an applicant, and (iii) any notification of its request sent to an applicant.

The advice given or the refusal to give advice by a Committee does not preclude a person from being nominated as a candidate or presenting an election petition under the District Councils Ordinance (No. 8 of 1999).

The existing Electoral Affairs Commission (Nominations Advisory Committees) Regulation (Cap. 541 sub. leg.) is amended to be known as the Electoral

Regulation in order to distinguish it from this Regulation. Consequential amendments are therefore made to that Regulation and the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg.).

Members may refer to the LegCo Brief File Ref: REO 14/31/1 (CR) issued by the Registration and Electoral Office in May 1999 for background information. According to the Constitutional Affairs Bureau, the Regulation follows the Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) Regulation (Cap. 541 sub. leg.).

Nurses Registration Ordinance (Cap. 164)

Nurses (Registration and Disciplinary Procedure) (Amendment) Regulation 1999 (L.N. 116)

This Regulation seeks to make a purely technical amendment to various provisions of the Nurses (Registration and Disciplinary Procedure) Regulation (Cap. 164 sub. leg.) by

- (a) repealing “Board” and substituting “Council”; and
- (b) repealing “成員” and substituting “成員”

due to the change in name of the Nursing Board of Hong Kong to the Nursing Council of Hong Kong upon the enactment of the Nurses Registration (Amendment) Ordinance 1997 (No. 82 of 1997).

Members may refer to the LegCo Brief File Ref: HW CR 1/D3261/92 Pt.7 (98) issued by the Health and Welfare Bureau on 7 May 1999 for background information.

Nurses Registration Ordinance (Cap. 164)

Enrolled Nurses (Enrolment and Disciplinary Procedure) (Amendment) Regulation 1999 (L.N. 117)

This Regulation seeks to make a purely technical amendment to various provisions of the Enrolled Nurses (Enrolment and Disciplinary Procedure) Regulation (Cap. 164 sub. leg.) by

- (a) repealing “Board” and substituting “Council”; and
- (b) repealing “成員” and substituting “成員”

due to the change in name of the Nursing Board of Hong Kong to the Nursing Council of Hong Kong upon the enactment of the Nurses Registration (Amendment) Ordinance 1997 (No. 82 of 1997).

Members may refer to the LegCo Brief File Ref: HW CR 1/D3261/92 Pt.7 (98) issued by the Health and Welfare Bureau on 7 May 1999 for background information.

Lifts and Escalators (Safety) (Amendment) Ordinance 1999 (4 of 1999)
Lifts and Escalators (Safety) (Amendment) Ordinance 1999 (4 of 1999) (Commencement) Notice 1999 (L.N. 118)

By this Notice, the Secretary for Planning, Environment and Lands has appointed the following commencement dates for different provisions of the Lifts and Escalators (Safety) (Amendment) Ordinance 1999 (No. 4 of 1999) :-

Commencement Date	Sections
17 June 1999	24, 27 & 31 (for service lifts installed on or after 17 June 1999)
17 June 2000	24, 27 & 31 (for service lifts installed on or before 17 June 1999)
17 June 2000	5(c) and (d)
17 June 1999	All other provisions of the Ordinance

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