

立法會
Legislative Council

LC Paper No. LS69/99-00

**Paper for the House Committee Meeting
of the Legislative Council
on 11 February 2000**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 21 January 2000**

Date of Tabling in LegCo : 26 January 2000

Amendment to be made by : 23 February 2000 (or 1 March 2000 if extended
by resolution)

**Legislative Council Ordinance (Cap. 542)
Legislative Council (Formation of Election Committee) (Appeals) (Amendment)
Regulation 2000 (L.N. 13)**

This Amendment Regulation amends the Legislative Council (Formation of Election Committee) (Appeals) Regulation (Cap. 542 sub. leg.) to revise the appeal procedures so as to take into account the revised arrangements under the Legislative Council (Amendment) Ordinance 1999 (48 of 1999) relating to-

- (a) the registration of ex-officio membership of the Election Committee and the choice of an ex-officio member who is also registered as an elector for a functional constituency to vote at an election as such member or such elector; and
- (b) the determination of the Returning Officer by drawing lots, under specified circumstances, as to which nominees of a religious body are to become members representing the religious subsector on the Election Committee,

and to make other related and technical amendments.

The Amendment Regulation will come into operation on 3 March 2000.

Members may refer to LegCo Brief File Ref.: CAB C1/30/5/2 of 20 January 2000 from Constitutional Affairs Bureau for background information.

**Legislative Council Ordinance (Cap. 542)
Legislative Council (Subscribers and Election Deposit for Nomination)
(Amendment) Regulation 2000 (L.N. 14)**

This Amendment Regulation amends the Legislative Council (Subscribers and Election Deposit for Nomination) Regulation (Cap. 542 sub. leg.) to revise the requirements for return of election deposit and for the number of nomination papers that a subscriber can subscribe, to take into account the revised arrangements under the Legislative Council (Amendment) Ordinance 1999 relating to-

- (a) decision by a Returning Officer as to whether a person is validly nominated as a candidate;
- (b) variation of such decision;
- (c) termination of election proceedings; and
- (d) declaration of failure of election,

and to make other related revisions.

The Amendment Regulation will come into operation on 3 March 2000.

Members may refer to LegCo Brief File Ref.: CAB C1/30/11 of 20 January 2000 from Constitutional Affairs Bureau for background information.

**Legislative Council Ordinance (Cap. 542)
Distribution of Number of Members Among Designated Bodies (Election
Committee) (Legislative Council) Order 2000 (L.N. 15)**

This Order repeals the Distribution of Number of Members Among Designated Bodies (Election Committee) (Legislative Council) Order 1997 (Cap. 542 sub. leg.) and specifies the numbers of members allocated to the religious subsector under Table 3 of Schedule 2 to the Legislative Council Ordinance (Cap. 542) on the Election Committee.

The Order will come into operation on 3 March 2000.

Members may refer to LegCo Brief File Ref.: CAB C1/30/4(99) Pt.4 of 20 January 2000 from Constitutional Affairs Bureau for background information.

**Corrupt and Illegal Practices Ordinance (Cap. 288)
Maximum Scale of Election Expenses (Legislative Council) Order 1997
(Amendment) Order 2000 (L.N. 16)**

This Amendment Order amends the Maximum Scale of Election Expenses (Legislative Council) Order 1997 (Cap. 288 sub. leg.) in consequence of the enactment of the Legislative Council (Amendment) Ordinance 1999 and the making of the Declaration of Geographical Constituencies (Legislative Council) Order 1999 (L.N. 283 of 1999). The same maximum scale of election expenses in 1998 will be adopted in the second term LegCo election.

The Amendment Order is made under the Corrupt and Illegal Practices Ordinance (Cap. 288) ("the Ordinance") which is to be repealed by the Elections (Corrupt and Illegal Conduct) Bill. The Second Reading debate of the Bill will be resumed at the LegCo's meeting to be held on 16 February 2000. There is a proposed Committee Stage amendment to the Bill to provide specifically that any subsidiary legislation made under the Ordinance before its repeal shall continue in force (new clause 47).

Members may refer to LegCo Brief File Ref.: CAB C1/30/10 of 20 January 2000 from Constitutional Affairs Bureau for background information.

This Amendment Order will come into operation on 3 March 2000.

The Subcommittee on subsidiary legislation relating to 2000 Legislative Council election will study LNs 13 - 16 at its meetings to be held on 14 and 15 February 2000.

**Estate Agents Ordinance (Cap. 511)
Estate Agents (Registration of Determination and Appeal) Regulation (L.N. 17)**

This Regulation is made by the Estate Agents Authority ("the Authority") under sections 49(3) and 56(1) of the Estate Agents Ordinance (Cap.511) ("the Ordinance") with the approval of the Secretary for Housing.

Under section 50 of the Ordinance an appeal lies to the District Court ("the Court") from any determination of the Authority under section 49 of disputes regarding a licensed estate agent's commission or other fee. This Regulation prescribes the procedures to be followed on such appeal and for the registration of a determination of the Authority. It also stipulates the forms to be used in such proceedings and the fees payable.

The appeal proceedings commence when an appellant files a notice of appeal in the prescribed form with the Court. He must specify in the notice his

grounds of appeal with reasons in support and pay the prescribed fees. The Chief Executive Officer of the Authority shall then supply the Registrar of the Court ("the Registrar") the documents in his custody relating to the matter together with a certified copy of the record of determination proceedings. After receipt of the documents, the Registrar shall fix a date and place for hearing of the appeal and serve notices of hearing on the parties.

This Regulation further provides that the Authority shall, after the expiry of the 14 days appeal period and upon the application of any of the parties, issue to each applicant a certificate of determination ("the Certificate") and a copy thereof subject to the payment of the prescribed fees. The Certificate may within 12 months or such period as may be extended by the Registrar be registered in the register of civil actions of the Court subject to payment of the prescribed fees. Upon registration, the determination will, according to section 52 of the Ordinance, become for all purposes a judgment of the Court.

This Regulation will come into effect on 1 March 2000.

Census and Statistics Ordinance (Cap. 316)
Census and Statistics (Labour Earnings Survey) Order (L.N. 18)

This Order made by the Secretary for Financial Services under section 11 of the Census and Statistics Ordinance (Cap. 316) directs the Commissioner for Census and Statistics ("the Commissioner") to carry out a statistical survey in respect of business undertakings -

- (a) on wages on the expiration of each survey period, i.e. March, June, September and December each year beginning from 2000; and
- (b) on payrolls on the expiration of each survey period of 3 consecutive months commencing from the first 3 months of 2000

for the purpose of compiling statistics relating to payroll and wages in the respective survey periods.

The Commissioner is empowered to require -

- (a) in the case of a body corporate, any of its directors, its secretary or other person concerned in the management of the body corporate; or
- (b) in the case of a partnership, any partner of the partnership; or
- (c) in any other case, the proprietor of the business undertaking

to give information to him on matters specified in the Schedule to the Order for the survey period by completing the schedule issued by the Commissioner within such period as he may specify. Sampling methods may be used to collect information for the purpose of a survey. It is also stipulated that all completed schedules shall be destroyed by the Commissioner not later than 24 months after the end of the relevant survey period.

This Order will come into effect on 15 March 2000.

Companies Ordinance (Cap. 32)

Companies Ordinance (Amendment of Eighth Schedule) Order 2000 (L.N. 19)

This Order made under section 360(3A) of the Companies Ordinance (Cap. 32) by the Secretary for the Treasury seeks to amend Part V of the Eighth Schedule to the Ordinance in the following manner -

Provisions amended	Summary of Content	Amount in HK\$
In paragraph (c), add (iia)	For each inspection by virtue of section 305(1) of any document kept by the Registrar	22
Repealing paragraphs (k) & (l) and substituting paragraph (k)	For inspecting by virtue of section 158C(2) or 333C(2) the index of directors kept by the Registrar	(i) 11 per search of the list of directors of a company (ii) 11 per search of the personal particulars of a director (iii) 22 per search showing all directorship held by a person in companies incorporated or registered in Hong Kong

This Order will come into operation on 31 March 2000.

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