

L.N. 13 of 2000

Legislative Council (Formation of Election Committee) (Appeals)
(Amendment) Regulation 2000

(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 3 March 2000.

2. Interpretation

Section 1(1) of the Legislative Council (Formation of Election
Committee) (Appeals) Regulation (Cap. 542 sub. leg.) is amended---

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

(i) in paragraph (b), by repealing "his registration as an
ex-officio member of the Election Committee" and substituting "the
voting-entitlement note in relation to him or to the absence of a
voting-entitlement note in relation to him";

(ii) in paragraph (c), by repealing "of members of the
Election Committee";

(b) by adding---

"final register" (正式委員登記冊) means a final register of members of
the Election Committee;

"Registration Regulation" (《登記規例》) means the Electoral Affairs
Commission (Registration) (Electors for Functional Constituencies)
(Voters for Subsectors) (Members of Election Committee) (Legislative
Council) Regulation (Cap. 541 sub. leg.);

"voting-entitlement note" (表決權附註), in relation to a person
registered as an ex-officio member in a final register, means a note or
other indication, referred to in section 5(4)(f) of the Registration
Regulation, against an entry in the final register relating to that
person, to the effect that the member is not entitled, by virtue of
section 48(3A) of the Ordinance, to vote at an election to return a
Member by the Election Committee."

3. Appeals in relation to registration of ex-officio members

Section 3 is amended---

(a) by repealing subsection (1) and substituting---

"(1) A person registered as an ex-officio member in a final register
may---

(a) if there is a voting-entitlement note in relation to him in
that register, submit a written representation to the Revising Officer
to object to the voting-entitlement note on the ground that he has
chosen in accordance with section 40A of the Registration Regulation to
vote at an election to return a Member by the Election Committee or is
deemed under that section to have so chosen; or

(b) if there is no voting-entitlement note in relation to him in
that register, submit a written representation to the Revising Officer
to object to the absence of such a voting-entitlement note on the
ground that he has chosen in accordance with section 40A of the

Registration Regulation to vote at an election to return a Member for the functional constituency.";

(b) in subsection (2)---

(i) by adding "the" before "publication";

(ii) by repealing "of members of the Election Committee" and substituting "under section 32(2) of the Ordinance".

4. Appeals in relation to registration of nominees declared by Returning Officer as members of Election Committee

Section 4 is amended---

(a) in subsection (1)---

(i) in paragraph (b), by repealing "or";

(ii) in paragraph (c), by repealing the comma and substituting "; or";

(iii) by adding---

"(d) material irregularity occurred in relation to the determination of the Returning Officer under section 3(4A) of Schedule 2 to the Ordinance,";

(iv) by repealing "of members of the Election Committee";

(b) in subsection (2)---

(i) by adding "the" before "publication";

(ii) by repealing "of members of the Election Committee" and substituting "under section 32(2) of the Ordinance".

5. Fixing of hearing and notifying appellant thereof

Section 5 is amended---

(a) in subsection (2)(d)---

(i) in subparagraph (i), by repealing "in relation to the appeal notice" and substituting "to which the appeal notice relates";

(ii) in subparagraph (ii), by repealing "the written representation," and substituting "the registration, the voting-entitlement note or the absence of a voting-entitlement note, to which the written representation relates";

(b) in subsection (3), by repealing "in relation to the appeal notice" and substituting "to which the appeal notice relates";

(c) in subsection (4), by repealing "of members of the Election Committee".

6. Ruling of Revising Officer

Section 6 is amended---

(a) in subsection (1)(a), by repealing "in relation to the appeal notice" and substituting "to which the appeal notice relates";

(b) in subsection (2)---

(i) in paragraph (a), by repealing "the written representation" and substituting "the voting-entitlement note or the absence of a voting-entitlement note, to which the written representation relates";

(ii) in paragraph (b), by repealing everything after "not" and substituting "the final register should contain a

voting-entitlement note in relation to the appellant.";

(c) in subsection (3)(a), by repealing "the written representation" and substituting "the registration to which the written representation relates".

7. Appellant and other persons concerned to be notified of ruling

Section 7(a) is amended by repealing "in relation to the appeal notice" and substituting "to which the appeal notice relates".

8. Electoral Registration Officer to be notified of ruling

Section 8 is amended---

(a) in subsection (1)(a), by repealing "in relation to the appeal notice" and substituting "to which the appeal notice relates";

(b) in subsection (2), by repealing "of members of the Election Committee".

CHENG Mei-sze, Maisie

Clerk to the Executive Council

Council Chamber

18 January 2000

Explanatory Note

This 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.