

C008e

BILL

TO

Amend the Legislative Council Ordinance to provide for the composition of the Legislative Council and to repeal provisions relating to the Election Committee in that Ordinance and other legislation; to establish a scheme to provide financial assistance in respect of election expenses incurred by candidates and to reduce candidates' entitlement to free postage in that Ordinance and other legislation; to make technical changes to certain functional constituencies; to update the disqualification criteria to bring them into line with changes in the relevant laws to which they refer; to require the Returning Officer to be satisfied that there is proof of death or disqualification of a candidate before taking action regarding an election; to make minor technical amendments; to expand the long title to and the regulation making powers in the Electoral Affairs Commission Ordinance to include power to make regulations to implement the scheme for financial assistance; to make consequential amendments to the Schedule to the Chief Executive Election Ordinance to reflect the changes to the functional constituencies; to amend the period specified in the Elections (Corrupt and Illegal Conduct) Ordinance for lodging the election returns that are to accompany claims for financial assistance; to provide for matters connected to those purposes.

Enacted by the Legislative Council.

1. Short title and commencement

(1) This Ordinance may be cited as the Legislative Council (Amendment) Ordinance 2003.

(2) This Ordinance shall come into operation on a day to be appointed by the Secretary for Constitutional Affairs by notice published in the Gazette.

2. Interpretation

(1) Section 3(1) of the Legislative Council Ordinance (Cap. 542) is amended by repealing the definitions of "Election Committee", "Election Committee subsector" and "ex-officio member".

(2) Section 3(1) is amended by repealing the definition of "elector" and substituting---

""elector" (選民) means a person who is registered in accordance with this Ordinance in a final register and who is not disqualified from being registered or from voting at an election;"

3. Different dates may be specified for different classes of elections

(1) Section 8 is amended by repealing "any 2" and substituting "both".

(2) Section 8(b) is amended by repealing "; and" at the end and substituting a full stop.

(3) Section 8(c) is repealed.

#### 4. When Member ceases to hold office

(1) Section 15(1)(d) is repealed and the following substituted---

"(d) is the President and has been found under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs; or".

(2) Section 15 is amended by adding---

"(1A) A person disqualified under subsection (1)(d) is eligible for re-election if, under the Mental Health Ordinance (Cap. 136), it is subsequently found that the person has become capable of managing and administering his or her property and affairs."

#### 5. Establishment of geographical constituencies

Section 18(1) is repealed and the following substituted---

"(1) There are to be 5 geographical constituencies for the purpose of returning Members at elections for those constituencies."

#### 6. Section substituted

Section 19 is repealed and the following substituted---

"19. Number of Members to be returned for geographical constituency

(1) At a general election, 30 Members are to be returned for all geographical constituencies.

(2) The number of Members to be returned for each geographical constituency is to be a number, not less than 4 nor greater than 8, specified in the order declaring the area of the constituency in accordance with section 18(2)."

#### 7. Establishment of functional constituencies

Section 20(1) is amended by repealing everything from "For" to "Ordinance" and substituting "The following functional constituencies are established for the purpose of returning Members at elections for those constituencies".

#### 8. Composition of the education functional constituency

(1) Section 20E is amended by adding---

"(aa) full-time academic staff engaged in teaching or research and administrative staff of equivalent rank in the following institutions---

(i) School of Continuing and Professional Education of the City University of Hong Kong;

(ii) School of Continuing Education of the Hong Kong Baptist University;

(iii) Lingnan Institute of Further Education of the Lingnan University;  
(iv) School of Continuing Studies of The Chinese University of Hong Kong;  
(v) Division of Continuing Professional Education of The Hong Kong Institute of Education;

(vi) School of Professional Education and Executive Development of The Hong Kong Polytechnic University;

(vii) HKUST College of Lifelong Learning Limited;

(viii) HKU School of Professional and Continuing Education; and".

(2) Section 20E(b)(xii) is amended by repealing "and" at the end.

(3) Section 20E(b) is amended by adding---

"(xiii) Board of Governors of the Caritas Francis Hsu College; and".

(4) Section 20E(f)(iv) and (v) is repealed and the following substituted---

"(iv) Hong Chi Association---Hong Chi Pinehill Advanced Training Centre;

(v) Caritas Lok Mo Skills Centre of Caritas---Hong Kong incorporated under the Caritas---Hong Kong Incorporation Ordinance (Cap. 1092); and".

#### 9. Composition of the health services functional constituency

(1) Section 20I(b) is repealed.

(2) Section 20I(h) is amended by repealing "and applicants for provisional registration who are deemed to be registered in respect of the physiotherapists' profession under section 18A of the Supplementary Medical Professions Ordinance (Cap. 359)".

(3) Section 20I(1) is amended by adding "(also known as "podiatrists")" after "chiropodists".

#### 10. Composition of the architectural, surveying and planning functional constituency

Section 20K(h) is amended by repealing "the" where it first appears and substituting "The".

#### 11. Composition of the tourism functional constituency

Section 20O(c) is repealed and the following substituted---

"(c) members of the Hong Kong Board of Airline Representatives;".

#### 12. Composition of the sports, performing arts, culture and publication functional constituency

(1) Section 20V(1)(e) is amended by repealing "the Urban Council, the Regional Council,".

(2) Section 20V(1) is amended by adding---

"(ka) bodies that are holders of one or more of the following classes of licences

granted under the Broadcasting Ordinance (Cap. 562)---

(i) licences to provide a domestic free television programme service;  
(ii) licences to provide a domestic pay television programme service;  
(iii) licences to provide a non-domestic television programme service; and  
(kb) holders of licences granted under Part IIIA of the Telecommunications Ordinance (Cap. 106) (sound broadcasting licences); and".

(3) Section 20V(2)(b) is amended by repealing "1 April 1994" and substituting "1 April 1998".

13. Composition of the import and export functional constituency

(1) Section 20W(e)(ii) is repealed.

(2) Section 20W(e)(xi) is repealed and the following substituted---  
"(xi) The Hong Kong Food, Drink & Grocery Association;"

(3) Section 20W(e)(xvi) is repealed and the following substituted---  
"(xvi) South-China Paper Merchants Association Limited;"

(4) Section 20W(e)(xix) is repealed and the following substituted---  
"(xix) The Shippers' Association of Hong Kong;"

(5) Section 20W(e) is amended by adding---  
"(xx) Diamond Federation of Hong Kong, China Limited."

14. Composition of the information technology functional constituency

(1) Section 20Z(f) is amended by repealing "the Institution of Electrical Engineers (Hong Kong)" and substituting "The Institution of Electrical Engineers Hong Kong".

(2) Section 20Z(h) is amended by repealing "the Hong Kong Association for Computer Education Ltd." and substituting "The Hong Kong Association for Computer Education".

(3) Section 20Z(i) is amended by repealing "Ltd." and substituting "Limited".

(4) Section 20Z is amended by adding---  
"(ia) Full Members of the Information and Software Industry Association Limited entitled to vote at general meetings of the Association; and".

(5) Section 20Z is amended by adding---  
"(ja) corporate members of the Hong Kong Wireless Technology Industry Association Limited entitled to vote at general meetings of the Association; and  
(jb) corporate members of The Society of Hong Kong External Telecommunications Services Providers Limited entitled to vote at general meetings of the Society; and".

(6) Section 20Z(k)(i) is amended by repealing "Ltd." and substituting "Limited".

(7) Section 20Z(k)(iv) is repealed and the following substituted---

"(iv) Internet & Telecom Association of Hong Kong Limited; and".

(8) Section 20Z(1) is amended by adding "of one or more" after "holders".

(9) Section 20Z(1)(vi) is amended by repealing "and" at the end.

(10) Section 20Z(1) is amended by adding---

"(vii) carrier licences; and".

#### 15. Constitution of Election Committee

Part IV is repealed.

#### 16. Who is eligible to be registered as an elector: functional constituencies

Section 25(6) is amended by repealing "20I(b),".

#### 17. When person is disqualified from being

registered as an elector

Section 31(1)(d) is repealed and the following substituted---

"(d) is found under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs; or".

#### 18. Electoral Registration Officer to compile

and publish electoral registers

Section 32(4)(c) is amended by repealing "who have made applications for registration since" and substituting "whose applications for registration have been received by the Electoral Registration Officer not later than".

#### 19. By-election to be held to fill vacancy in

membership of Legislative Council

(1) Section 36(1)(c) is amended---

(a) by repealing "or by the Election Committee";

(b) by repealing "or by that Committee".

(2) Section 36(1)(ca) is amended by repealing "or by the Election Committee".

(3) Section 36(1)(cb) is amended by repealing "or by the Election Committee" where it twice appears.

#### 20. Who is eligible to be nominated as a candidate

Section 37(1) is amended by repealing ", or for election by the Election Committee,".

#### 21. Nomination lists for geographical

constituencies

Section 38(6A) and (11) is amended by repealing "it comes to the knowledge" and substituting "proof is given to the satisfaction".

#### 22. When person is disqualified from being

nominated as a candidate and from being

elected as a Member

(1) Section 39(1)(i) is amended by repealing "composition with the person's creditors or a voluntary arrangement" and substituting "voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap. 6) with the person's creditors".

(2) Section 39(2) and (3) is repealed and the following substituted---

"(2) A person is also disqualified from being nominated as a candidate at an election if the person has been found under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs, but a person disqualified under this subsection is eligible for nomination as a candidate if, under that Ordinance, it is subsequently found that the person has become capable of managing and administering his or her property and affairs.

(3) A person is also disqualified from being elected as a Member if the person has been found under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs, but a person disqualified under this subsection ceases to be disqualified if, under that Ordinance, it is subsequently found that the person has become capable of managing and administering his or her property and affairs."

23. What requirements are to be complied with  
by persons nominated as candidates

Section 40(1) is amended by repealing ", or by the Election Committee,".

24. Person not to be nominated for more than  
one constituency

Section 41(1) is repealed and the following substituted---

"(1) A person is not eligible to be nominated as a candidate for a constituency if the person is currently nominated as a candidate for another constituency."

25. Death or disqualification of a validly  
nominated candidate for election for  
geographical constituency before date of  
election

(1) Section 42B(1) is amended---

(a) by repealing "or by the Election Committee";

(b) by repealing "it comes to the knowledge" and substituting "proof is given to the satisfaction".

(2) Section 42B(2)(b) is amended by repealing "or by the Election Committee".

(3) Section 42B(4) is amended---

(a) by repealing "or by the Election Committee";

(b) by repealing "it comes to the knowledge" and substituting "proof is given to the

satisfaction".

(4) Section 42B(5)(b) is amended by repealing "or by the Election Committee".

26. Death or disqualification of a validly nominated candidate for election for functional constituency before date of election

Section 42C is amended by repealing "it comes to the knowledge" and substituting "proof is given to the satisfaction".

27. Candidates entitled to send letter to electors free of postage

(1) Section 43(1) and (2) is amended by repealing "Two letters" and substituting "One letter".

(2) Section 43(3) is repealed.

(3) Section 43(4) is amended by repealing "Each" and substituting "The".

28. What is to happen if insufficient candidates are nominated

(1) Section 46(1) is amended---

(a) by repealing "or by the Election Committee";

(b) by repealing ", or to be elected by the Election Committee".

(2) Section 46(2) is amended---

(a) by repealing "or by the Election Committee";

(b) by repealing "or by that Committee".

29. Death or disqualification of a validly nominated candidate before declaration of election result

(1) Section 46A(1) is amended---

(a) by repealing "it comes to the knowledge" and substituting "proof is given to the satisfaction";

(b) by repealing "or by the Election Committee" where it twice appears.

(2) Section 46A(2) is amended---

(a) by repealing "it comes to the knowledge" and substituting "proof is given to the satisfaction";

(b) by repealing "or by the Election Committee" where it twice appears.

(3) Section 46A(3)(b) is amended---

(a) by repealing "or by the Election Committee" where it twice appears;

(b) by repealing "or by that Committee" where it twice appears.

30. How election is to be conducted

(1) Section 47(1) is amended by repealing "or for the Election Committee".

(2) Section 47(1)(a) is amended by repealing "or of the members of that Committee".

(3) Section 47(3) is amended---

(a) by repealing "or for the Election Committee";

(b) by repealing "or by that Committee".

31. Who is entitled to vote at an election

(1) Section 48(2), (3), (3A), (3B), (3C) and (6) is repealed.

(2) Section 48(7) is amended by repealing "Subsections (5) and (6) do" and substituting "Subsection (5) does".

32. System of voting and counting of votes:

geographical constituencies

Section 49(14) is amended by repealing "it comes to the knowledge" and substituting "proof is given to the satisfaction".

33. System of voting and counting of votes: the

Heung Yee Kuk, the agriculture and

fisheries, the insurance and the transport

functional constituencies

Section 50(8) is amended by repealing "it comes to the knowledge" and substituting "proof is given to the satisfaction".

34. System of voting and counting of votes:

other functional constituencies

Section 51(8) is amended by repealing "it comes to the knowledge" and substituting "proof is given to the satisfaction".

35. System of voting and counting of votes:

Election Committee

Section 52 is repealed.

36. When an elector is disqualified from voting

at an election

(1) Section 53(2) and (3) is repealed.

(2) Section 53(5) is amended by repealing "(including a member of the Election Committee)".

(3) Section 53(5)(d) is repealed and the following substituted---

"(d) is found under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs; or".

37. Returning Officer to publish result of

election

Section 58(3) is repealed.



38. Offences by electoral officers with respect to conduct of election

Section 59(1) is amended by adding "事務" before "主任".

39. Part added

The following is added---

"PART VIA

Financial Assistance for Candidates  
and Lists of Candidates in Respect of  
Election Expenses

60A. Interpretation: Part VIA

(1) In this Part---

"auditor" (核數師) means a professional accountant registered and holding a practising certificate under the Professional Accountants Ordinance (Cap. 50);  
"Chief Electoral Officer" (總選舉事務主任) means the Chief Electoral Officer appointed under section 9 of the Electoral Affairs Commission Ordinance (Cap. 541);  
"claim" (申索) means a claim for financial assistance payable under this Part;  
"declared election donations" (申報選舉捐贈) means, in relation to---

(a) a list of candidates for a geographical constituency, the amount set out as election donations received in respect of the list, in the election return lodged for the relevant election; and

(b) a candidate for a functional constituency, the amount set out as election donations received by the candidate, in the election return lodged for the relevant election;

"declared election expenses" (申報選舉開支) means, in relation to---

(a) a list of candidates for a geographical constituency, the amount set out as election expenses incurred in respect of the list, in the election return lodged for the relevant election; and

(b) a candidate for a functional constituency, the amount set out as election expenses incurred by the candidate, in the election return lodged for the relevant election;

"disqualified candidate" (喪失資格的候選人) means a candidate in respect of whom proof is given to the satisfaction of the Returning Officer under section 46A(2) that the candidate is disqualified from being elected;

"elected as a Member" (當選為議員), in relation to a candidate, means---

(a) a candidate who is declared to be duly elected in a notice published under section 58, unless he or she is determined under section 67(1) or (2) to be not duly elected;

(b) a deceased candidate, who is found to be successful at the election under section 46A(3), unless proof is given to the satisfaction of the Returning Officer under section 46A(2) that he or she is disqualified from being elected; or

(c) a candidate who becomes a Member under section 72(2);

"election return" (選舉申報書) has the meaning assigned to it by section 2(1) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554);

"eligible candidate" (合資格候選人) means a candidate who is eligible for financial assistance under section 60C(2)(a) or (b);

"eligible list of candidates" (合資格的候選人名單) means a list of candidates that is eligible for financial assistance under section 60C(1)(a) or (b);

"political party" (政黨) means---

(a) a political body or organization operating in Hong Kong, that purports to be a political party; or

(b) a body or organization the principal function or main object of which is to promote or prepare a candidate for election as a Member or as a member of any District Council;

"specified rate" (指明的資助額) means the amount specified in Schedule 5.

(2) A reference in this Part to an amount set out as election expenses incurred in respect of a list of candidates or the declared election expenses of a list of candidates is to be construed, in relation to a list of candidates consisting of more than one candidate, as the amount set out as the election expenses of all the candidates on the list or, if the election expenses are declared separately by the candidates on the list, as the aggregate of the separately declared election expenses.

(3) A reference in this Part to an amount set out as election donations received in respect of a list of candidates or the declared election donations of a list of candidates is to be construed, in relation to a list of candidates consisting of more than one candidate, as the amount set out as the election donations received by all the candidates on the list or, if the election donations are declared separately by the candidates on the list, as the aggregate of the separately declared election donations.

(4) Subject to any determination the Court may make on the validity of a vote in the course of determining an election petition, for the purposes of this Part---

(a) the total number of valid votes cast---

(i) in a geographical constituency is the total number of ballot papers containing valid votes received in that constituency; and

(ii) for a list of candidates for a geographical constituency is the total number of ballot papers containing valid votes cast for that list; and

(b) the total number of valid votes cast---

(i) in a functional constituency specified in section 20(1)(a) to (d) is the total number of ballot papers containing valid first preference votes received in that constituency; and

(ii) for a candidate for such a functional constituency is the total number

of ballot papers containing valid first preference votes for that candidate; and  
(c) the total number of valid votes cast---

(i) in any other functional constituency is the total number of ballot papers containing valid votes received in that constituency; and

(ii) for a candidate for such a functional constituency is the total number of ballot papers containing valid votes cast for that candidate.

(5) For the purposes of sections 60D(2)(a) and 60E(2)(a), the number of registered electors for a constituency is the number of electors registered for that constituency in the final register in force at the time the election is held.

60B. Financial assistance payable to list of candidates and candidates for functional constituencies

(1) An eligible list of candidates for a geographical constituency or an eligible candidate for a functional constituency is entitled to financial assistance in the form of a monetary payment, in accordance with this Part, in respect of the declared election expenses for an election, of that list or candidate.

(2) Subject to this Part, financial assistance is payable to an eligible list of candidates or an eligible candidate whether or not that list or candidate represents a political party or an organization that is not a political party or is an independent list of candidates or an independent candidate.

(3) An amount payable as financial assistance is payable whether or not the declared election expenses have been paid or are due for payment in whole or in part.

60C. Eligibility for financial assistance: list of candidates and candidates for functional constituencies

(1) A list of candidates for a geographical constituency is eligible for financial assistance only in the following circumstances---

(a) if at least one candidate on the list is elected as a Member; or

(b) if no candidate on the list is elected as a Member, if---

(i) at least one candidate on the list is not a disqualified candidate; and

(ii) the total number of valid votes cast for the list is equal to or exceeds 5% of the total number of valid votes cast in the geographical constituency concerned.

(2) Only the following candidates for a functional constituency are eligible for financial assistance---

(a) a candidate who is elected as a Member; or

(b) a candidate who is not elected as a Member but who---

(i) is not a disqualified candidate; and

(ii) obtains at least 5% of the total number of valid votes cast in the constituency concerned.

60D. Amount payable as financial assistance:

list of candidates

(1) Subject to subsections (3)(a) and (4), if the election for a geographical constituency is contested, the amount payable as financial assistance in respect of the list of candidates is the lowest of the following amounts---

- (a) the amount obtained by multiplying the total number of valid votes cast for the list of candidates by the specified rate;
- (b) 50% of the declared election expenses of the list of candidates;
- (c) if the declared election expenses of the list of candidates exceed the declared election donations of the list, the difference in amount between those expenses and donations.

(2) Subject to subsections (3)(b) and (4), if the election for a geographical constituency is uncontested, the amount payable as financial assistance in respect of the list of candidates is the lowest of the following amounts---

- (a) the amount obtained by multiplying 50% of the number of registered electors for the constituency by the specified rate;
- (b) 50% of the declared election expenses of the list of candidates;
- (c) if the declared election expenses of the list of candidates exceed the declared election donations of the list, the difference in amount between those expenses and donations.

(3) If there are no declared election donations, the amount payable as financial assistance under---

- (a) subsection (1) is the lesser of the amounts referred to in subsection (1)(a) and (b); and
- (b) subsection (2) is the lesser of the amounts referred to in subsection (2)(a) and (b).

(4) If the declared election donations of a list of candidates exceed the declared election expenses of the list, financial assistance is not payable in respect of the list.

60E. Amount payable as financial assistance: candidates for functional constituencies

(1) Subject to subsections (3)(a) and (4), if the election for a functional constituency is contested, the amount payable as financial assistance is the lowest of the following amounts---

- (a) the amount obtained by multiplying the total number of valid votes cast for the candidate concerned by the specified rate;
- (b) 50% of the declared election expenses of the candidate;
- (c) if the declared election expenses of the candidate exceed the declared election donations, the difference in amount between those expenses and donations.

(2) Subject to subsections (3)(b) and (4), if the election for a functional constituency is uncontested, the amount payable as financial assistance is the lowest of the following amounts---

- (a) the amount obtained by multiplying 50% of the number of registered electors for the constituency by the specified rate;
- (b) 50% of the declared election expenses of the candidate concerned;
- (c) if the declared election expenses of the candidate exceed the declared election donations, the difference in amount between those expenses and donations.

(3) If there are no declared election donations, the amount payable as financial assistance under---

- (a) subsection (1) is the lesser of the amounts referred to in subsection (1)(a) and (b); and
- (b) subsection (2) is the lesser of the amounts referred to in subsection (2)(a) and (b).

(4) If the declared election donations of a candidate exceed the declared election expenses of the candidate, financial assistance is not payable to the candidate.

60F. Entitlement to financial assistance not affected by failure of election, but financial assistance not payable if election proceedings are terminated

(1) A declaration by the Returning Officer under section 46A(3)(a) or (b) that an election has failed does not affect any entitlement to financial assistance under this Part.

(2) If the proceedings for an election are terminated under section 46A(1), financial assistance is not payable in respect of that election.

60G. Financial assistance to be paid out of general revenue

An amount payable as financial assistance under this Part is a charge on, and is to be met from, the general revenue.

60H. Recovery of payment of financial assistance

(1) Where a payment of financial assistance is made under this Part and the recipient (whether a list of candidates or a candidate) is not entitled to receive the whole or part of the amount paid---

- (a) the Chief Electoral Officer shall give a written notice to the recipient requiring repayment of the whole or part, as the case may be, of the amount paid; and
- (b) the recipient must repay the whole or part, as the case may be, of the amount paid, to the Government within 3 months after the date of the notice.

(2) Any amount that is not repaid under subsection (1) may be recovered as a civil debt due to the Government.

(3) For the purposes of subsections (1) and (2), any amount paid in respect of a list of candidates consisting of more than one candidate, is taken to have been paid jointly and severally to those candidates.

(4) If a person (including a candidate on a list of candidates) from whom an amount is recoverable as a civil debt under subsection (2) dies before such recovery, the estate of that candidate is liable to the extent of the deceased candidate's liability.

(5) In any proceedings for the purposes of subsection (2), a certificate signed by the Chief Electoral Officer, stating, in relation to a payment of financial assistance under this Part, the amount, the date and the recipient of the payment is admissible as evidence of the matters stated in the certificate.

60I. How financial assistance is to be claimed and paid

(1) A claim must be---

(a) presented to the Chief Electoral Officer within the period specified in section 37 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) for lodging an election return; and

(b) accompanied by an election return, with the accounts of the declared election expenses and the declared election donations audited by an auditor.

(2) A payment of financial assistance is to be made by the Chief Electoral Officer.

(3) A claim must be made, supported and verified also in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541). The manner of payment must also be in accordance with those regulations.

(4) Where a person entitled to financial assistance dies before a claim is made, a claim may be made on behalf of the estate of the deceased person and any payment of financial assistance be made for the benefit of the estate.

(5) Where a person entitled to financial assistance dies after a claim is made, but before a payment of financial assistance is made or the claim is otherwise disposed of, the claim may be continued on behalf of the estate of the deceased person and any payment of financial assistance be made for the benefit of the estate.

(6) Where a person entitled to financial assistance dies before or after a claim is made, his or her legal personal representative may take any action in respect of the claim that the deceased person may have taken.

60J. Financial assistance not to be paid until disposal of election petition

(1) The Chief Electoral Officer must not make any payment of financial assistance

during the period specified in section 65 for lodging an election petition, but may receive or process a claim during that period.

(2) If in relation to an election for a geographical constituency, an election petition is lodged, the Chief Electoral Officer must not make any payment of financial assistance in respect of any list of candidates for that constituency, until the determination, abandonment or termination of the petition under Part VII.

(3) If in relation to an election for a functional constituency, an election petition is lodged, the Chief Electoral Officer must not make any payment of financial assistance to any candidate for that constituency, until the determination, abandonment or termination of the petition under Part VII."

40. Who may lodge election petition

Section 62(2) is repealed.

41. Appointment of Returning Officers and assistants

Section 78(1) is amended---

(a) by repealing "and for the Election Committee";

(b) by repealing "and by that Committee".

42. Chief Executive in Council may make regulations

Section 82(4) is amended---

(a) in paragraph (b), by repealing "的訂立情況可" and substituting "可予訂立以";

(b) in paragraph (c), by adding "可" before "就".

43. Section added

The following is added in Part X---

"83A. Chief Executive in Council may amend Schedule 5

The Chief Executive in Council may by order published in the Gazette amend Schedule 5."

44. Composition of the Agriculture and Fisheries Functional Constituency

(1) Items 31 and 44 of Schedule 1 are repealed.

(2) Item 68 of Schedule 1 is repealed and the following substituted---

"68. The Tuen Mun Mechanized Fishing Boat Fishermen's Credit Co-operative Society, Unlimited."

(3) Item 75 of Schedule 1 is repealed.

(4) Schedule 1 is amended by adding---

"79. The Shau Kei Wan Stern Trawler Fishermen's Credit Co-operative Society, Unlimited.

80. Hong Kong Organic Farming Association Limited."

45. Composition of the Transport Functional Constituency

(1) Item 1 of Schedule 1A is repealed and the following substituted---  
"1. VINCI Park Services Hong Kong Limited."

(2) Item 3 of Schedule 1A is repealed.

(3) Item 7 of Schedule 1A is repealed and the following substituted---  
"7. The Chartered Institute of Logistics and Transport in Hong Kong."

(4) In the Chinese text, item 15 of Schedule 1A is repealed and the following substituted---  
"15. 中遠——國際貨櫃碼頭（香港）有限公司。"

(5) Item 17 of Schedule 1A is repealed and the following substituted---  
"17. Turbojet Ferry Services (Guangzhou) Limited."

(6) Item 31 of Schedule 1A is repealed.

(7) Items 39 and 40 of Schedule 1A are repealed and the following substituted---  
"39. Hong Kong and Kowloon Taxi Companies Association Limited.  
40. HongKong Association of Freight Forwarding and Logistics Limited."

(8) Item 44 of Schedule 1A is repealed and the following substituted---  
"44. Hong Kong CFS and Logistics Association Limited."

(9) In the Chinese text, item 62 of Schedule 1A is repealed and the following substituted---  
"62. 香港航業協會。"

(10) Item 67 of Schedule 1A is repealed and the following substituted---  
"67. Hong Kong Tramways, Limited."

(11) Item 72 of Schedule 1A is repealed.

(12) Item 73 of Schedule 1A is repealed and the following substituted---  
"73. Institute of Advanced Motorists (Hong Kong) Limited."

(13) In the Chinese text, item 100 of Schedule 1A is repealed and the following substituted---  
"100. 新界新田公共小型巴士（17）車主商會。"

(14) Item 111 of Schedule 1A is repealed and the following substituted---  
"111. Ken On Concrete Co. Ltd. Concrete Lorry Owner-Divers Association."

(15) Item 114 of Schedule 1A is repealed.

(16) In the Chinese text, item 123 of Schedule 1A is repealed and the following substituted---  
"123. River Trade Terminal Co. Ltd。"

(17) Item 125 of Schedule 1A is repealed and the following substituted---  
"125. Sai Kung Public Light Bus Drivers and Owners Association."

(18) Item 128 of Schedule 1A is repealed and the following substituted---  
"128. CSX World Terminals Hong Kong Limited."

(19) Item 129 of Schedule 1A is repealed and the following substituted---



- "129. Serco Group (HK) Limited."
- (20) Items 130 and 133 of Schedule 1A are repealed.
- (21) Item 144 of Schedule 1A is repealed and the following substituted---
- "144. Tung Yee Shipbuilding and Repairing Merchants General Association Limited."
- (22) Item 150 of Schedule 1A is repealed and the following substituted---
- "150. Wai Yik H.K. & Kowloon and New Territories Taxi Owners Association."
- (23) Item 156 of Schedule 1A is repealed.
- (24) Schedule 1A is amended by adding---
- "162. Rights of Taxi Owners and Drivers Association Limited.
163. New World First Ferry Services Limited.
164. New World First Ferry Services (Macau) Limited.
165. Hong Kong Container Drayage Services Association Limited.
166. Hong Kong Kowloon & N.T. Grab-Mounted Lorries Association Limited.
167. Hong Kong Waste Disposal Industry Association.
168. HK Public-light Bus Owner & Driver Association.
169. Container Truck Drivers Union.
170. The Concrete Producers Association of Hong Kong Limited.
171. Hongkong Guangdong Boundary Crossing Bus Association Limited.
172. Tsui Wah Ferry Service Company Limited.
173. Quality Driver Training Centre Limited.
174. Public and Private Commercial Driving Instructors' Society.
175. Shun Tak-China Travel Ship Management Limited.
176. Cruise Ferries (HK) Limited.
177. Asia Airfreight Terminal Company Limited.
178. The Hong Kong Joint Branch of The Royal Institution of Naval Architects and The Institute of Marine Engineering, Science and Technology.
179. The Hongkong Salvage & Towage Company Limited.
180. The Institute of Chartered Shipbrokers, Hong Kong Branch.
181. Hongkong United Dockyards Limited.
182. Guangdong and Hong Kong Feeder Association Limited.
183. Hong Kong Right Hand Drive Motors Association Limited.
184. The Institute of the Motor Industry Hong Kong.
185. Hong Kong Vehicle Repair Merchants Association Limited.
186. Environmental Vehicle Repairers Association Limited.
187. The Hong Kong Taxi and Public Light Bus Association Limited.
188. Park Island Transport Company Limited.
189. Discovery Bay Road Tunnel Company Limited.
190. International Association of Transport Officers.

191. Helicopters Hong Kong Limited.
192. Hong Kong (Cross Border) Transportation Drivers' Association.
193. Hong Kong Logistics Association Limited.
194. Hong Kong Container Depot and Repairer Association Limited."

46. Composition of the Sports, Performing Arts,  
Culture and Publication Functional  
Constituency

- (1) Item 8 of Part 1 of Schedule 1B is repealed and the following substituted---  
"8. Mong Kok District Cultural, Recreational and Sports Association Limited."
- (2) Item 5 of Part 2 of Schedule 1B is repealed and the following substituted---  
"5. Kwun Tong District Culture and Recreation Promotion Association."
- (3) Item 7 of Part 2 of Schedule 1B is repealed and the following substituted---  
"7. Sai Kung Culture & Recreational Advancement Association."
- (4) Items 4, 8 and 12 of Part 3 of Schedule 1B are repealed.
- (5) Item 16 of Part 3 of Schedule 1B is repealed and the following substituted---  
"16. Hong Kong & Macau Cinema and Theatrical Enterprise Association Limited."
- (6) Item 18 of Part 3 of Schedule 1B is repealed.
- (7) Item 20 of Part 3 of Schedule 1B is repealed and the following substituted---  
"20. Hong Kong Dance Company Limited."
- (8) Items 25 and 29 of Part 3 of Schedule 1B are repealed.
- (9) Item 32 of Part 3 of Schedule 1B is repealed and the following substituted---  
"32. Hong Kong News Executives' Association, Limited."
- (10) Items 37 and 38 of Part 3 of Schedule 1B are repealed and the following  
substituted---  
"37. Hong Kong Recreation Management Association Limited.
38. Hong Kong Repertory Theatre Limited."
- (11) Items 44, 46, 47 and 49 of Part 3 of Schedule 1B are repealed.
- (12) Item 54 of Part 3 of Schedule 1B is repealed and the following  
substituted---  
"54. Sail Training Association of Hong Kong Limited."
- (13) Item 60 of Part 3 of Schedule 1B is repealed.
- (14) Part 3 of Schedule 1B is amended by adding---  
"63. Federation of Hong Kong Film Workers Limited.
64. Hong Kong Movie Production Executives Association Limited."

47. Composition of the Wholesale and Retail  
Functional Constituency

- (1) Item 2 of Schedule 1C is repealed and the following substituted---  
"2. Association of Better Business & Tourism Services."

(2) Item 5 of Schedule 1C is repealed and the following substituted---  
"5. Chinese Merchants (H.K.) Association."

(3) Item 32 of Schedule 1C is repealed.

(4) Item 42 of Schedule 1C is repealed and the following substituted---  
"42. The Hong Kong Food Council Limited."

(5) Item 56 of Schedule 1C is repealed and the following substituted---  
"56. Hong Kong Photo Marketing Association Limited."

(6) Item 61 of Schedule 1C is repealed.

(7) Item 63 of Schedule 1C is repealed and the following substituted---  
"63. Hong Kong Rice Suppliers' Association Limited."

(8) Item 67 of Schedule 1C is repealed.

(9) Items 71, 78, 84 and 90 of Schedule 1C are repealed.

(10) Schedule 1C is amended by adding---  
"92. Kowloon Fruit & Vegetable Merchants Association Limited.  
93. The Hong Kong And Kowloon Electric Trade Association."

48. Composition of the Information Technology Functional Constituency  
Item 3 of Schedule 1D is repealed.

49. Composition of the Catering Functional  
Constituency

(1) Items 4 and 6 of Schedule 1E are repealed.

(2) Schedule 1E is amended by adding---

"7. Hong Kong Catering Industry Association Limited."

50. Schedule 5 added

The following is added---

"Schedule 5 [ss. 60A & 83A]

Financial Assistance: Specified Rate

The rate of financial assistance for the purposes of Part VIA of this Ordinance is \$10."

Consequential Amendments

51. Consequential amendments to subsidiary  
legislation

The subsidiary legislation specified in the Schedule is amended as set out in the Schedule.

Electoral Affairs Commission Ordinance

52. Long title amended

The long title to the Electoral Affairs Commission Ordinance (Cap. 541) is amended by adding ", regulating the procedure for providing financial assistance to candidates under the Legislative Council Ordinance" after "elections".

### 53. Regulations

Section 7(1) is amended by adding---

"(hb) the procedure to implement the scheme for the payment of financial assistance set out in Part VIA of the Legislative Council Ordinance (Cap. 542), including, in particular, the procedure for---

(i) making or withdrawing claims for financial assistance;

(ii) repaying to the Government amounts or parts of amounts paid as financial assistance;

(iii) supporting and verifying claims for financial assistance;

(iv) making a payment of financial assistance to a candidate or in respect of a list of candidates;

(v) making a claim for financial assistance in respect of the estate of a deceased person or on the death of a person included in a list of candidates and the making of such payment;"

### 54. Report on elections

Section 8(5) and (6) is repealed and the following substituted---

"(5) Where the election supervised by the Commission is an election of the Chief Executive, a report under subsection (1) must include a report on---

(a) the formation of the Election Committee; or

(b) the subsector by-election, if any, that precedes the election of the Chief Executive,

as appropriate, unless such a report has already been included in another report previously made under subsection (1).

(6) The period within which the report referred to in subsection (5) is to be made shall begin only on the conclusion of the election of the Chief Executive."

Elections (Corrupt and Illegal Conduct)

Ordinance

### 55. Interpretation

Section 2(1) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) is amended in paragraph (a) of the definition of "constituency" by repealing "or the Election Committee".

### 56. Candidate to lodge election return with appropriate authority

Section 37(2)(a) is repealed and the following substituted---

"(a) is lodged---

(i) in the case of an election to elect a Member of the Legislative Council for any constituency---

(A) not later than 60 days after the date of publication of the result of the election;

and

(B) if the proceedings for the election have been terminated under the relevant electoral law, not later than 60 days after the declaration of the termination of the election proceedings; and

(C) if the election has failed under the relevant electoral law, not later than 60 days after the declaration of the failure of the election,

or within such extended period as may be allowed by the Court under section 40; and

(ii) in any other case---

(A) not later than 30 days after the date of publication of the result of the election; and

(B) if the proceedings for the election have been terminated under the relevant electoral law, not later than 30 days after the declaration of the termination of the election proceedings; and

(C) if the election has failed under the relevant electoral law, not later than 30 days after the declaration of the failure of the election,

or within such extended period as may be allowed by the Court under section 40; and".

Chief Executive Election Ordinance

57. Election Committee

(1) Paragraph (2) of item 2 of Table 5 in section 2 of the Schedule to the Chief Executive Election Ordinance (Cap. 569) is repealed and the following substituted---

"(2) Members of the Hong Kong Board of Airline Representatives.".

(2) Paragraph (5) of item 4 of Table 5 in section 2 of the Schedule is repealed and the following substituted---

"(5) The Hong Kong T.C.M. Orthopaedic and Traumatic Association Limited;".

(3) Paragraph (1)(e) of item 5 of Table 5 in section 2 of the Schedule is amended by repealing the full stop at the end and substituting a semicolon.

(4) Paragraph (1) of item 5 of Table 5 in section 2 of the Schedule is amended by adding---

"(f) the School of Continuing and Professional Education of the City University of Hong Kong;

(g) the School of Continuing Education of the Hong Kong Baptist University;

(h) the Lingnan Institute of Further Education of the Lingnan University;

(i) the School of Continuing Studies of The Chinese University of Hong Kong;

(j) the Division of Continuing Professional Education of The Hong Kong Institute of Education;

(k) the School of Professional Education and Executive Development of The Hong Kong

Polytechnic University;

(1) the HKUST College of Lifelong Learning Limited;

(m) the HKU School of Professional and Continuing Education.".

(5) Paragraph (2)(1) of item 5 of Table 5 in section 2 of the Schedule is amended by repealing the full stop at the end and substituting a semicolon.

(6) Paragraph (2) of item 5 of Table 5 in section 2 of the Schedule is amended by adding---

"(m) the Board of Governors of the Caritas Francis Hsu College.".

(7) Paragraph (4)(d) and (e) of item 6 of Table 5 in section 2 of the Schedule is repealed and the following substituted---

"(d) Hong Chi Association---Hong Chi Pinehill Advanced Training Centre;

(e) Caritas Lok Mo Skills Centre of Caritas---Hong Kong incorporated under the Caritas---Hong Kong Incorporation Ordinance (Cap. 1092).".

(8) The definition of "vacancy declaration" in section 4(7) of the Schedule is repealed and the following substituted---

"vacancy declaration" (空缺宣布) means a declaration under section 5 of this Ordinance.".

(9) Section 12(2)(a) of the Schedule is amended by repealing "25, 29,".

(10) Section 12(2)(b) of the Schedule is amended by repealing "of, or item 1, 2, 3, 4, 5, 8, 9, 12, 16, 17, 18, 23, 24, 34, 39, 42, 44, 45, 46, 47, 49, 52, 55, 56, 57 or 60" and substituting ", (ka) or (kb) of, or item 1, 2, 3, 5, 9, 16, 17, 23, 24, 34, 39, 42, 45, 52, 55, 56, 57, 63 or 64".

(11) Section 12(3)(a) and (b) of the Schedule is amended by repealing "or (b)" and substituting ", (aa) or (b)".

(12) Section 12(13) of the Schedule is amended by repealing "or (b)" and substituting ", (aa) or (b)".

Schedule [s. 51]

Consequential Amendments to Subsidiary Legislation

Post Office Regulations

1. Regulation amended

Regulation 6(1)(d)(ii) of the Post Office Regulations (Cap. 98 sub. leg.) is amended---

(a) by repealing "two letters" and substituting "one letter";

(b) by repealing "(other than an Election Committee subsector election)";

(c) by repealing "or the Election Committee".

Legislative Council (Subscribers and Election

Deposit for Nomination) Regulation

2. Interpretation

(1) Section 1(1) of the Legislative Council (Subscribers and Election Deposit for Nomination) Regulation (Cap. 542 sub. leg.) is amended in the definition of "candidate" by repealing "or the Election Committee".

(2) Section 1(1) is amended in the definition of "election" by repealing ", a functional constituency or the Election Committee" and substituting "or a functional constituency".

### 3. Amount of deposit

Section 2(1)(b) is repealed and the following substituted---

"(b) by or on behalf of a candidate in respect of his nomination as a candidate in an election in respect of a functional constituency, is \$25,000.".

### 4. Return of deposit on invalid nomination etc.

(1) Section 3(2) is amended by repealing "or the Election Committee".

(2) Section 3(2)(a)(i) is amended by repealing "or Election Committee;" and substituting  
"; or".

(3) Section 3(2)(a)(ii) is amended---

(a) by repealing "or Election Committee";

(b) by repealing "; or" at the end and substituting a comma.

(4) Section 3(2)(a)(iii) is repealed.

(5) Section 3(2)(b) is amended by repealing "or Election Committee".

(6) Section 3(3) is amended by repealing "or the Election Committee" where it first appears.

(7) Section 3(3)(a) is amended by repealing ", functional constituency or the Election Committee" and substituting "or functional constituency".

(8) Section 3(3)(aa) is amended by adding "and" at the end.

(9) Section 3(3)(b) is amended---

(a) by repealing "or Election Committee";

(b) by repealing "; and" at the end and substituting a full stop.

(10) Section 3(3)(c) is repealed.

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

(1) Section 4(2)(a) is amended by repealing "or the Election Committee".

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

(a) by repealing ", or section 52(6),";

(b) by repealing ", or the Election Committee".

(3) Section 4(2)(c) is amended by repealing "or the Election Committee,".

(4) Section 4(2) is amended by repealing "or Election Committee".

(5) Section 4(3)(a) is amended by adding "or" at the end.

(6) Section 4(3)(b)(ii) is amended by repealing the semicolon at the end and substituting a comma.

(7) Section 4(3)(c) is repealed.

(8) Section 4(4) is amended by repealing "or the Election Committee" where it first appears.

(9) Section 4(4)(a) and (b) is amended by repealing ", functional constituency or the Election Committee" and substituting "or functional constituency".

(10) Section 4(4) is amended by repealing "or the Election Committee".

(11) Section 4(6) is amended by repealing ", functional constituency or the Election Committee" and substituting "or functional constituency".

#### 6. Disposal of deposit in case of death

Section 5(1) is amended by repealing "or the Election Committee".

#### 7. Number and qualifications of subscribers to a nomination paper

(1) Section 7(2) is amended by repealing "or the Election Committee" where it first appears.

(2) Section 7(2)(a) is repealed and the following substituted---

"(a) the nomination paper of any person seeking nomination in respect of any functional constituency shall be subscribed by at least 10 other persons, each being an elector registered in respect of the relevant functional constituency;"

(3) Section 7(2)(b) is amended---

(a) by repealing "or member of the Election Committee, as the case may be," ;

(b) by repealing "or the Election Committee".

(4) Section 7(2)(c) is amended by repealing "or member of the Election Committee, as the case may be,".

(5) Section 7(2A) and (2B) is repealed.

(6) Section 7(3)(b) is amended by repealing "or the Election Committee".

(7) Section 7(3)(b)(i) is amended by repealing "or Election Committee;" and substituting "; or".

(8) Section 7(3)(b)(ii) is amended---

(a) by repealing "or Election Committee";

(b) by repealing "; or" at the end and substituting a comma.

(9) Section 7(3)(b)(iii) is repealed.

(10) Section 7(3) is amended by repealing "or member of the Election Committee, as the case may be,".

(11) Section 7(4) is amended by repealing "2 or more" and substituting "both".

(12) Section 7(4)(b) is amended by repealing the semicolon at the end and



substituting a comma.

(13) Section 7(4)(c) is repealed.

Legislative Council (Election Petition) Rules

8. Lists of objections in recriminatory case

Rule 12(2)(a) of the Legislative Council (Election Petition) Rules (Cap. 542 sub. leg.) is amended by repealing "or for election by the Election Committee".

9. Election Petition

The Schedule is amended---

(a) by repealing "\*In" where it first appears and substituting "In";

(b) by repealing---

"(or) \*In the Matter of a Legislative Council election by the Election Committee held on (date of election).";

(c) by repealing "\*electors/members of the Election Committee" and substituting "electors";

(d) by repealing "\*Constituency/Election Committee" wherever it appears and substituting "Constituency";

(e) by repealing "\*for the above-mentioned Constituency/by the above-mentioned Election Committee" where it twice appears and substituting "for the above-mentioned Constituency";

(f) by repealing "\*for the above-mentioned Constituency/by the Election Committee" and substituting "for the above-mentioned Constituency".

Electronic Transactions (Exclusion) Order

10. Provisions excluded from application of section 6 of Ordinance

Item 16 of Schedule 2 to the Electronic Transactions (Exclusion) Order (Cap. 553 sub. leg.) is amended in column 3 by repealing "12(7) and (8),".

Explanatory Memorandum

The main objects of this Bill are to amend the Legislative Council Ordinance (Cap. 542) ("LCO") to---

(a) provide for the composition of the Legislative Council after the expiry of its current term of office; and

(b) establish a scheme to provide financial assistance to candidates at an election, who meet the criteria prescribed in the Bill, at a rate specified in the Bill, in respect of election expenses incurred by them.

2. The Bill also makes other miscellaneous amendments to the LCO and amendments to other legislation, which are consequential to the amendments to the LCO.

Amendments relating to composition of Legislative Council

3. Clauses 5, 6 and 7 contain amendments relating to the establishment of

geographical constituencies and functional constituencies for the composition of the Legislative Council, on the expiry of the second term of office of the Council. (That is, for the purpose of returning 30 Members of the Council ("Members") from geographical constituencies and 30 Members from functional constituencies). There are to be 5 geographical constituencies and from each constituency not less than 4 and not more than 8 Members are to be returned. (The actual number to be returned by each constituency will be specified in an order made under section 18).

4. Clauses 2, 3, 15, 19, 20, 23, 24, 25(1)(a), (2), (3)(a) and (4), 27(2), 28, 29(1)(b), (2)(b) and (3), 30, 31, 35, 36(1) and (2), 37, 40 and 41 repeal provisions concerning the Election Committee and references to that Committee, in the LCO. This is because after the expiry of its current term of office, the Legislative Council will not have Members returned by the Election Committee.

Amendments relating to functional constituencies and consequential amendments to Schedule to Chief Executive Election Ordinance

5. Clause 8(1) amends section 20E (Composition of the education functional constituency) to reflect the fact that the continuing education units of the bodies included under section 20E(a) have become subsidiaries of them and can no longer be described as being funded through the University Grants Committee. The amendment to section 20E sets out those units separately under a new section 20E(aa).

6. Clauses 8(3) and (4), 9, 10, 11, 12, 13, 14, 16, 44, 45, 46, 47, 48 and 49 make technical amendments to provisions relating to the composition of various functional constituencies to add new constituents, to delete constituents that have ceased to exist or to reflect changes in the names of constituents.

7. Clause 57 amends the Schedule to the Chief Executive Election Ordinance (Cap. 569) to reflect, in the composition of the subsectors, the changes to the functional constituencies.

Amendments relating to scheme for providing financial assistance

8. A new Part (Part VIA) is introduced by clause 39 to provide a scheme for financial assistance in respect of election expenses incurred by candidates. Under this scheme, a list of candidates or a candidate (irrespective of whether the list or candidate represents a political party operating in Hong Kong or an organization that is not such a political party or is an independent list or candidate) is eligible for financial assistance in respect of election expenses incurred by the list or the candidate, if the list or candidate meets the eligibility criteria in the Bill (new sections 60B and 60C). The amount is to be computed according to new sections 60D and 60E and is not to exceed 50% of the election expenses declared under the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) or to exceed the difference in amount between the declared election expenses and the declared election donations,

whichever is the lower. The payments are to be made from the general revenue (new section 60G). An amount paid to a recipient who is not entitled to the payment can be recovered as a civil debt (new section 60H). The claim for financial assistance is to be presented to the Chief Electoral Officer within the period for lodging election returns as specified in the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) and must be made according to regulations made under the Electoral Affairs Commission Ordinance (Cap. 541) (new section 60I). A payment of financial assistance cannot be made during the period for lodging an election petition or while an election petition is pending (new section 60J).

9. The number of letters that can be sent by or on behalf of a list of candidates or a candidate, free of postage, under section 43, is reduced from 2 to one. Clause 27(1) and (3) makes the relevant amendment.

10. Clause 50 adds a new Schedule 5 to set out the rate of financial assistance, which is \$10 per valid vote. Clause 43 adds a new section 83A to empower the Chief Executive in Council to amend the new Schedule 5 by order published in the Gazette.

11. Clause 53 amends section 7(1) of the Electoral Affairs Commission Ordinance (Cap. 541) to authorize the Electoral Affairs Commission to make regulations to implement the scheme to provide financial assistance and clause 52 enlarges the long title of that Ordinance in view of the amendments made to section 7(1).

12. Clause 56 amends section 37(2)(a) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) to revise the period within which election returns for Legislative Council elections are to be lodged.

Amendments relating to disqualification criteria

13. Clauses 4, 17, 22 and 36(3) amend the provisions relating to disqualification criteria in the LCO (that is, those based on the unsoundness of mind of a person and entering into a composition with the creditors) to take into account changes in the Mental Health Ordinance (Cap. 136) and the Bankruptcy Ordinance (Cap. 6).

Amendments to require Returning Officer to act on proof of death or disqualification

14. At present, the Returning Officer has to take certain steps in relation to the nomination of candidates and the conduct of an election, if the death or disqualification of a candidate comes to his knowledge. Clauses 21, 25(1)(b) and (3)(b), 26, 29(1)(a) and (2)(a), 32, 33 and 34 contain amendments to the relevant provisions to require the Returning Officer to take those steps only when proof is given to his satisfaction of the death or disqualification.

Consequential amendments

15. Clauses 54 and 55 contain amendments to primary legislation that are consequential to the amendments made to the LCO, and the Schedule (read with clause

51), contains consequential amendments to subsidiary legislation.

16. Other minor technical amendments are made to the LCO by clauses 18, 38 and 42.