

CAB C1/30/11 & C2/10  
LS/S/32/02-03  
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**BY FAX & BY POST**  
20 May 2003

Secretary for Constitutional Affairs  
Constitutional Affairs Bureau  
(Attn. : Mr Bassanio SO, PAS(CA))  
3/F, Main and East Wings  
Central Government Offices  
HONG KONG  
(Fax No. 2840 1976)

Dear Mr SO,

**Legislative Council (Subscribers and Election Deposit for Nomination)  
(Amendment) Regulation 2003 (LN119)**

**District Councils (Subscribers and Election Deposit for Nomination)  
(Amendment) Regulation 2003 (LN120)**

I should be grateful for your clarification of the following matters, preferably by close of play on 21 May 2003 :-

- (a) with regard to the proposed amendments to section 7(3) and its proposed new subsection (3A) of the first Regulation -
  - (i) there appears to be some ambiguity in the meaning of "one other nomination paper" since two specific nomination papers have been previously referred to in the section (bearing in mind the absence of "other" in the existing provision);
  - (ii) does the "first one delivered" mean the first one of those other nomination papers (subject to clarification of the word "other") delivered, regardless of whether the signature is surplus (or in any other way unused) or not, or does it really mean the first one of those "others" delivered in which the signature is NOT surplus (or NOT "unused")?

- (iii) the reference to "contravention of this subsection or subsection (3)" seems to be out of place because the prohibition against subscribing more than one nomination paper is in subsection (1)(b);
  - (iv) should "the number of persons required" referred to in subsection (3A) be made clearer by stating that it is the minimum number required, as subsection (1)(a) seems to specify a range of numbers;
  - (v) is it necessary to provide for the effect or non-effect of a nomination paper with a number of subscribers exceeding the prescribed maximum to avoid any possible doubt?
  - (vi) the above equally applies to the proposed amendments to section 7(4) and its proposed new subsection (5) of the second Regulation;
  - (vii) with regard to the case of LegCo, how are section 7(3) as proposed to be amended and its proposed new subsection to be applied in the case of subsection (2)(b), where more than one nomination paper can be subscribed up to the number of seats available in a functional constituency?
- (b) there appears to be an inconsistency in the Chinese expression of "each", which is "每" as in "each nomination" and "each candidate", which have been substituted in section 4(4) of the first Regulation, and "每一" as in "each nomination list" and "each person" in section 3(1)(b) and (3)(b) of the principal Regulation.

Yours sincerely,

(Arthur CHEUNG)  
Senior Assistant Legal Adviser