

L.N. 119 of 2003

Legislative Council (Subscribers and Election Deposit For Nomination) (Amendment) Regulation 2003

(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 1 June 2004.

2. Disposal of deposit after publication of election result or declaration of failure of election

Section 4 of the Legislative Council (Subscribers and Election Deposit for Nomination) Regulation (Cap. 542 sub. leg. C) is amended---

(a) in subsection (1), by repealing "the nomination" and substituting "each nomination";

(b) in subsection (2), by repealing "the candidate" and substituting "each candidate";

(c) in subsection (3), by repealing "5%" wherever it appears and substituting "3%";

(d) in subsection (4)---

(i) by repealing "the nomination" and substituting "each nomination";

(ii) by repealing "the candidate for" and substituting "each candidate for".

3. Number and qualifications of subscribers to a nomination paper

Section 7 is amended---

(a) in subsection (1)---

(i) in paragraph (a), by repealing "be subscribed by at least" and substituting ", subject to paragraph (aa), be subscribed by";

(ii) by adding after paragraph (a)---

"(aa) for the purposes of paragraph (a), the number of persons that may subscribe a nomination paper shall not in any case be more than 200;"

(iii) in paragraphs (b) and (c), by repealing "subsection (3)" and substituting "subsections (3) and (3A)";

(b) in subsection (2)---

(i) in paragraph (a)(ii), by repealing "be subscribed by at least" and substituting ", subject to paragraph (aa), be subscribed by";

(ii) by adding after paragraph (a)---

"(aa) for the purposes of paragraph (a)(ii), the number of persons that may subscribe a nomination paper shall not in any case be more than 20;"

(iii) in paragraphs (b) and (c), by repealing "subsection (3)" and substituting

"subsections (3) and (3A)";

(c) in subsection (3)(ii), by repealing everything after "than one" and before "so subscribed" and substituting "other nomination paper in contravention of this subsection or subsection (3A), his signature shall be inoperative on any of those other nomination papers";

(d) by adding---

"(3A) Where the number of persons subscribing a nomination paper for the purposes of---

(a) subsection (1)(a), being persons qualified to so subscribe the nomination paper, has exceeded the number of persons required under that subsection; or

(b) subsection (2)(a)(ii), being persons qualified to so subscribe the nomination paper, has exceeded the number of persons required under that subsection, any person who has subscribed the nomination paper but his signature is surplus may subscribe another nomination paper, and---

(c) his signature shall not be inoperative on that other nomination paper only because he has previously subscribed the first-mentioned nomination paper; and

(d) if he subscribes more than one other nomination paper in contravention of this subsection or subsection (3), his signature shall be inoperative on any of those other nomination papers so subscribed other than the first one delivered."

CHENG Mei-sze, Maisie

Clerk to the Executive Council

Council Chamber

13 May 2003

Explanatory Note

This Regulation amends the Legislative Council (Subscribers and Election Deposit for Nomination) Regulation (Cap. 542 sub. leg. C) ("the principal Regulation").

2. Section 2 amends section 4 of the principal Regulation to provide that the election deposit lodged by or on behalf of each candidate who has received 3% of the total number of valid votes shall be returned.

3. Section 3 amends section 7 of the principal Regulation to provide that a nomination paper in respect of a geographical constituency shall be subscribed by 100 persons but not more than 200 persons in any event and a nomination paper in respect of a functional constituency shall be subscribed by 10 persons but not more than 20 persons in any event. A subscriber whose signature is surplus (i.e. has exceeded the number of 100 or 10) on the nomination paper may subscribe one other nomination paper.