

立法會
Legislative Council

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Tel : 2869 9205

Date : 30 January 2004

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 4 February 2004

**Proposed resolution under section 34(2) of the
Interpretation and General Clauses Ordinance**

I forward for Members' consideration a proposed resolution which the Secretary for Constitutional Affairs will move at the Council meeting of 4 February 2004 under section 34(2) of the Interpretation and General Clauses Ordinance relating to the Particulars Relating to Candidates on Ballot Papers (Legislative Council) Regulation. The President has directed that "it be printed in the terms in which it was handed in" on the Agenda of the Council.

2. The draft speech, in the Chinese version, which the Secretary for Constitutional Affairs will deliver when moving the proposed resolution, is also attached. The English translation of the speech will be issued as soon as it is available.

(Ray CHAN)
for Clerk to the Legislative Council

Encl.

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

RESOLUTION

(Under section 34(2) of the Interpretation and
General Clauses Ordinance (Cap. 1))

PARTICULARS RELATING TO CANDIDATES ON BALLOT PAPERS
(LEGISLATIVE COUNCIL) REGULATION

RESOLVED that the Particulars Relating to Candidates on
Ballot Papers (Legislative Council) Regulation,
published in the Gazette as Legal Notice No. 263 of 2003
and laid on the table of the Legislative Council on 17
December 2003, be amended -

- (a) in section 2(1), in the definition of "relevant
cut-off date", by repealing "March" where it twice
appears and substituting "April";
- (b) in section 3 -

- (i) by repealing subsection (3) and substituting -

"(3) The particulars referred to in subsection (2)(a) are the particulars set out in any one of the following paragraphs, with or without the particulars specified in item 4 of the Schedule -

- (a) the particulars specified in item 1 or item 2 or both of the Schedule and relating to not more than 3 prescribed bodies;
- (b) the particulars specified in item 3 of the Schedule and relating to the candidate; or

- (c) the particulars
specified in item 1
or item 2 or both of
the Schedule and
relating to not more
than 2 prescribed
bodies, and the
particulars specified
in item 3 of the
Schedule and relating
to the candidate.";
- (ii) by repealing subsection (4)(e) and
substituting -
 - "(e) where the subject of request
relates to one or more
prescribed bodies, must be
accompanied by a consent given,
during the relevant nomination
period, by the body or each of
the bodies, as the case may be,
in relation to the request in
accordance with section 5(1).";

(c) in section 4 -

(i) by repealing subsections (3) and (4) and substituting -

"(3) The particulars referred to in subsection (2)(a)(i) are the particulars set out in any one of the following paragraphs, with or without the particulars specified in item 4 of the Schedule -

(a) the particulars specified in item 1 or item 2 or both of the Schedule and relating to not more than 3 prescribed bodies;

(b) the particulars specified in item 3 of the Schedule and relating to one or both of the candidates on the nomination list concerned;

- (c) the particulars
specified in item 1
or item 2 or both of
the Schedule and
relating to one
prescribed body, and
the particulars
specified in item 3
of the Schedule and
relating to one or
both of the
candidates on the
nomination list
concerned; or
- (d) the particulars
specified in item 1
or item 2 or both of
the Schedule and
relating to 2
prescribed bodies,
and the particulars
specified in item 3
of the Schedule and
relating to one of
the candidates on the
nomination list
concerned.

(4) The particulars referred to in subsection (2)(b)(i) are the particulars set out in any one of the following paragraphs, with or without the particulars specified in item 4 of the Schedule -

(a) the particulars specified in item 1 or item 2 or both of the Schedule and relating to not more than 3 prescribed bodies;

(b) the particulars specified in item 3 of the Schedule and relating to not more than 3 candidates on the nomination list concerned;

(c) the particulars specified in item 1 or item 2 or both of the Schedule and relating to one prescribed body, and the particulars

specified in item 3
of the Schedule and
relating to not more
than 2 candidates on
the nomination list
concerned; or

(d) the particulars
specified in item 1
or item 2 or both of
the Schedule and
relating to 2
prescribed bodies,
and the particulars
specified in item 3
of the Schedule and
relating to one of
the candidates on the
nomination list
concerned.";

(ii) in subsection (5) -

(A) in paragraph (d), by repealing "
and" and substituting "and
particulars to identify the
candidate or candidates shown on the
photograph or photographs";

- (B) in paragraph (e), by repealing the full stop and substituting "; and";
- (C) by adding -
 - "(f) where the subject of request includes the particulars specified in item 4 of the Schedule, must specify the candidate or candidates to whom the particulars relate.";
- (d) in section 7, by adding "and whether and how to further include any indication on the ballot paper to show the candidate or candidates to whom the particulars relate" after "paper";
- (e) in section 15(1), by repealing "21" and substituting "14";
- (f) in section 19(1), by adding "and the reasons for the decision" after "the decision";
- (g) in section 23(7), by adding "and the reasons for the decision" after "the decision";
- (h) in the Schedule, by renumbering items 2, 3 and 4 as items 4, 2 and 3 respectively.