

立法會
Legislative Council

LC Paper No. LS29/03-04

**Paper for the House Committee Meeting
on 9 January 2004**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 19 December 2003**

Date of tabling in LegCo : 7 January 2004

Amendment to be made by : 4 February 2004 (or 25 February 2004 if extended
by resolution)

**Electoral Affairs Commission Ordinance (Cap. 541)
Electoral Affairs Commission (Financial Assistance for Legislative Council
Elections) (Application and Payment Procedure) Regulation (L.N. 269)**

The Regulation sets out the procedure to implement the scheme for the payment of financial assistance to candidates in the LegCo elections in 2004 and thereafter. The scheme is introduced under a new Part VIA to be added to the Legislative Council Ordinance (Cap. 542) by the Legislative Council (Amendment) Ordinance 2003 (25 of 2003) as from 15 July 2004. Members may recall that the amending ordinance was passed by LegCo on 2 July 2003, after it had been studied by a Bills Committee. The Regulation is also to come into operation on 15 July 2004.

2. The Regulation contains provisions for -

- (a) making of claims;
- (b) verification of claims;
- (c) withdrawal of claims;
- (d) payment of claims; and
- (e) recovery of wrongful payment.

3. A candidates who is eligible under the new Part VIA for financial assistance is required to make his claim on a specified form. The form must be accompanied by an election return (with accounts of declared election expenses and declared election donations) and an auditor's report confirming that the accounts have

been audited and whether the election return complies with the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554).

4. The Panel on Constitutional Affairs was briefed by the Administration on the proposed procedure at its meeting on 17 November 2003. The Panel noted that an auditor would be required to audit the accounts of declared election expenses and donations in accordance with the Standard on Assurance Engagements 200, High Level Assurance Engagements, issued and as amended by the Council of the Hong Kong Society of Accountants from time to time (SAE 200). A member expressed concern about the auditing requirement. The Administration explained that it would not result in additional workload to candidates who, in any case, were required to prepare election returns setting out the declared election expenses and donations. A copy of SAE 200 was also provided to all Members (vide CB(2)691/03-04).

5. Members may refer to the LegCo Brief issued by the Registration and Electoral Office in December 2003. The technical aspects of the Regulation are still being scrutinised.

Antiquities and Monuments Ordinance (Cap. 53)

Antiquities and Monuments (Declaration of Historical Building) Notice 2003 (L.N. 270)

6. This Notice is made by the Secretary for Home Affairs ("the Authority") under section 3(1) of the Antiquities and Monuments Ordinance (Cap. 53) ("the Ordinance") to declare the building known as "Hau Ku Shek Ancestral Hall" at Ho Sheung Heung, Sheung Shui, New Territories ("the Building"), the boundary of which is more particularly described in the Notice, to be a historical building for the purpose of the Ordinance. The effect of the Notice is that as from the date of gazettal, i.e. from 19 December 2003 onwards, no person shall excavate in, demolish or interfere with the Building except in accordance with a permit granted by the Authority.

7. The Panel on Home Affairs has not discussed the Notice.

Employees Retraining Ordinance (Cap. 423)

Employees Retraining Ordinance (Amendment of Schedule 2) (No. 3) Notice 2003 (L.N. 271)

8. Schedule 2 ("the Schedule") to the Employees Retraining Ordinance (Cap. 423) ("the Ordinance") sets out the training bodies capable of providing or conducting retraining courses or supplementary retraining programme for the purposes of the Ordinance.

9. This Notice is made by the Employees Retraining Board under section 31(2) of the Ordinance to :

- (a) delete 4 organizations from the Schedule; and
- (b) amend the Schedule to reflect the change of name of "Holy Carpenter Church & Community Centre" to "S.K.H. Holy Carpenter Church Community Centre".

10. The Panel on Manpower has not discussed the Notice.

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