

**立法會**  
**Legislative Council**

LC Paper No. LS72/06-07

**Paper for the House Committee Meeting  
on 18 May 2007**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 11 May 2007**

**Date of tabling in LegCo** : 16 May 2007

**Amendment to be made by** : 13 June 2007 (or 4 July 2007 if extended by resolution)

**Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554)  
Maximum Amount of Election Expenses (District Council Election) Regulation  
(L.N. 78)**

The Regulation increases the election expense limit for both District Council ordinary election and by-election from \$45,000 at present to \$48,000. According to LegCo Brief CAB C2/8 issued by the Constitutional Affairs Bureau and dated 9 May 2007, as the limit has not been adjusted since 1994, it is considered appropriate to adjust the limit upwards, taking into account the cumulative inflation rate of 8.2% since then, instead of maintaining the status quo.

2. The Maximum Scale of Election Expenses (District Councils) Order 1999, which was made under the now repealed Corrupt and Illegal Practices Ordinance (Cap. 288) but has continued in force, will be consequentially repealed upon the commencement of the Regulation on 1 September 2007.

3. The Panel on Constitutional Affairs was consulted on 8 February 2007. As there was no indication of any substantial increase in the costs of conducting electioneering activities since the last election, some of the members considered that the election expense limit should remain unchanged. Some other members supported the proposal to revise the election expense limit to \$48,000, as candidates were free to spend as much or as little as they wished, provided that their election expenses stayed within the prescribed limit.

**Electoral Affairs Commission Ordinance (Cap. 541)  
Electoral Affairs Commission (Electoral Procedure) (District Councils)  
(Amendment) Regulation 2007 (L.N. 79)**

4. The Amendment Regulation was made by EAC to make miscellaneous amendments to align the electoral procedures for District Council elections with those for LegCo, Election Committee Subsector and Chief Executive elections. The amendments relate to, among other things, specifying the Chief Electoral Officer's power to revoke the appointment of electoral staff with reasonable cause, refining the electoral arrangements to facilitate the keeping of order within polling stations on polling day and the counting of votes, and increasing the maximum term of imprisonment for unauthorized filming, photographing or audio/video recording within a polling station and for violation of secrecy of vote.

5. The other amendments made are consequential to the Particulars Relating to Candidates on Ballot Papers (Legislative Council)(Amendment) Regulation 2007, which comes into effect partly on 18 May 2007 and partly on 1 September 2007. Members may recall that the latter Amendment Regulation allows District Council election candidates to have the names, abbreviations of the names and emblems of prescribed bodies and their personal emblems and photographs to be printed on ballot papers. The consequential amendments will mainly affect provisions relating to interpretation, order within the polling stations and form of ballot papers.

6. The Panel on Constitutional Affairs was briefed on the tentative scope of the amendments. Apart from seeking clarifications from the Administration on the proposed amendments relating to the keeping of order within the polling station on the polling day and the counting of votes, members did not raise any queries on the proposed amendments. It will come into effect on 1 September 2007.

**Electoral Affairs Commission Ordinance (Cap. 541)  
Electoral Affairs Commission (Financial Assistance for Legislative Council  
Elections) (Application and Payment Procedure) (Amendment) Regulation 2007  
(L.N. 80)**

7. The District Councils (Amendment) Ordinance 2007, which provides a legal basis to implement the financial assistance scheme for District Council election candidates, will come into operation on 1 September 2007 (see L.N. 81 below). The Amendment Ordinance empowers the Electoral Affairs Commission (EAC) to make regulations to provide for the detailed operational procedures of the scheme for those candidates.

8. The Amendment Regulation now made by EAC expands the scope of the principal Regulation, which provides for the operational procedures of the financial assistance scheme for LegCo election candidates, to cover the procedures of the similar scheme for District Council election candidates. The only difference between the two schemes is that the latter will not be required to submit an auditor's

report on the accounts in their election return when making the claim.

9. According to LegCo Brief REO 14/32(4)CR issued by the Registration and Electoral Office in May 2007, the proposal was generally well received when members of the public and the 18 District Councils were consulted during the public consultation on the Review on the Role, Functions and Composition of District Councils held between April and July 2006. The Panel on Constitutional Affairs was briefed on the tentative scope of the amendments to the principal Regulation. Apart from a request to the Administration to consider increasing the amount of the subsidy rate, members did not raise any objection.

10. The Amendment Regulation will come into operation on 1 September 2007.

**District Councils Ordinance (Cap. 547)**

**District Councils (Amendment) Ordinance 2007 (Commencement) Notice (L.N. 81)**

11. The Amendment Ordinance passed on 17 January 2007 provides a legal basis to implement the financial assistance scheme for District Council election candidates. The Notice now appoints 1 September 2007 as the day on which the Amendment Ordinance is to come into operation.

12. No legal or drafting problems are identified in any of the above subsidiary legislation.

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