



立法會秘書處 法律事務部  
LEGAL SERVICE DIVISION  
LEGISLATIVE COUNCIL SECRETARIAT

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**By Post & Fax**

17 February 2012

Mr TAM Chi Yuen, Raymond, JP  
Secretary for Constitutional and Mainland Affairs  
Constitutional and Mainland Affairs Bureau  
12<sup>th</sup> floor  
East Wing  
Central Government Offices  
HONG KONG  
(Fax No.: 2840 1528)

Dear Mr TAM,

**Legislative Council (Amendment) Bill 2012**

I shall be grateful for the Administration's clarification on the effect of proposed new section 39(2A)(b) of the Legislative Council (Amendment) Bill 2012 in the case of a by-election held pursuant to section 36(1)(b) of the Legislative Council Ordinance (Cap. 542) (principal Ordinance). Is it possible that the by-election will be held on the same date of the general election (whether held as scheduled or deferred) of which the proceedings for the election for the functional constituency as terminated is part? If so, does the proposed disqualification apply or not apply?

It is noted that "also" in section 39(2) of the principal Ordinance is rendered as "即" in the corresponding Chinese text. However, in the proposed section 39(2A), "also" is rendered as "亦". Is there any consistency problem?

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Arthur Cheung', with a long horizontal flourish extending to the right.

(Arthur CHEUNG)

Senior Assistant Legal Adviser

c.c. Clerk to Bills Committee

c:ltr-B1