

A BILL

To

Amend the Legislative Council Ordinance to impose a restriction on the nomination of candidates at a by-election of the Legislative Council.

Enacted by the Legislative Council.

1. Short title and commencement

- (1) This Ordinance may be cited as the Legislative Council (Amendment) Ordinance 2012.
- (2) This Ordinance comes into operation on the commencement of the term of office of the fifth term of office of the Legislative Council in 2012.

2. Legislative Council Ordinance amended

The Legislative Council Ordinance (Cap. 542) is amended as set out in section 3.

3. Section 39 amended (when person is disqualified from being nominated as a candidate and from being elected as a Member)

After section 39(2)—

Add

- “(2A) A person is also disqualified from being nominated as a candidate at a by-election if—

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- (a) within the 6 months ending on the date of the by-election—
 - (i) the person's resignation under section 14 as a Member took effect; or
 - (ii) the person was taken under section 13(3) to have resigned from office as a Member; and
 - (b) no general election was held after the relevant notice of resignation or notice of non-acceptance took effect.”.
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Explanatory Memorandum

The object of this Bill is to introduce a restriction to prohibit a person who has resigned, or is taken to have resigned, as a Member of the Legislative Council from standing for a by-election to be held within the 6 months after the resignation in the same term of office of the Legislative Council.