



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

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By Fax (2840 1976)

6 August 2020

Ms Cherie YEUNG
Principal Assistant Secretary (Constitutional & Mainland Affairs)2
Constitutional and Mainland Affairs Bureau
12/F, East Wing
Central Government Offices
2 Tim Mei Avenue, Tamar
Hong Kong

Dear Ms YEUNG,

**Emergency (Date of General Election) (Seventh Term of the
Legislative Council) Regulation (L.N. 152 of 2020)**

We are scrutinizing the captioned Regulation with a view to advising Members on its legal and drafting aspects. We should be grateful if you could clarify the following issues.

It is noted that by G.N. 3115 of 2020 published in the Gazette on 12 June 2020, the Chief Executive ("CE") has specified 6 September 2020 as the date for holding the general election ("discontinued election") to elect Members for the seventh term of office of the Legislative Council ("LegCo") ("CE's specification"). Section 3(1) of the Regulation provides that CE's specification is revoked. Section 5(2) of the Regulation, among others, provides that all electoral matters in relation to the discontinued election that took place or came into being before 1 August 2020 (including but not limited to CE's specification referred to in section 3 of the Regulation) cease to have effect as from the beginning of 1 August 2020.

It is also noted that by G.N. 3116 of 2020 published in the Gazette on 12 June 2020, CE has specified 18 July 2020 as the date from

which the sixth term of LegCo shall stand prorogued ("prorogation notice"). However, no provision similar to section 3 is found in the Regulation to revoke the prorogation notice. It also appears that section 5(2) of the Regulation may not cover the prorogation notice.

Please clarify the reason(s) for not including a provision in the Regulation concerning the effect of the prorogation notice, and whether, for the sake of clarity and certainty, such a provision should be added to the Regulation.

We would appreciate it if you could let us have your reply (in both English and Chinese) as soon as practicable, preferably by 12 August 2020.

Yours sincerely,



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