

LEGISLATIVE COUNCIL BRIEF

Legislative Council Ordinance (Chapter 542)

LEGISLATIVE COUNCIL (AMENDMENT) BILL 2007

INTRODUCTION

At the meeting of the Executive Council on 27 November 2007, the Council ADVISED and the Chief Executive ORDERED that the Legislative Council (Amendment) Bill 2007, at Annex A, should be introduced into the Legislative Council (“LegCo”).

Annex A

JUSTIFICATIONS

2. On 21 December 2005, the Government put to the LegCo two motions to amend Annexes I and II of the Basic Law respectively to implement the package of proposals for the methods of selecting the Chief Executive (“CE”) in 2007 and forming LegCo in 2008. As the motions did not receive the required two-thirds majority support of LegCo Members, the proposals could not be processed further.

3. In accordance with the Interpretation made by the Standing Committee of the National People’s Congress on 6 April 2004, if no amendment is made to the methods for selecting the CE and for forming the LegCo as stipulated in Annexes I and II of the Basic Law, the provisions relating to the two methods in Annexes I and II of the Basic Law will continue to apply. In the circumstances, the 2008 LegCo election will be held on the basis of the existing arrangements. Based on this approach, the number and composition of existing functional constituencies (“FCs”) should remain unchanged for the 2008 LegCo election, and only minor technical updates will be made.

4. We consulted the LegCo Panel on Constitutional Affairs on 19 November 2007 on the proposed approach of updating the electorate of FCs for the 2008 LegCo election. Their views are set out in paragraph 17. The Bill now seeks to implement the proposed amendments.

THE BILL

5. The Bill seeks to amend the Legislative Council Ordinance (“LCO”) to update the electorate of FCs and, where necessary, makes consequential amendments to the Chief Executive Election Ordinance (Chapter 569)(“CEEEO”). The main provisions of the Bill are explained below.

(A) Changes in Names

6. **Clauses 3, 5, 6 (except 6(1)), 7 (except 7(2)), 8(1), 8(2), 9 (except 9(5))** make technical amendments to the LCO to reflect changes in the names of corporate electors / organizations in the existing electorate of FCs. These amendments concern the following FCs -

- (a) Education;
- (b) Import and Export;
- (c) Information Technology;
- (d) Transport;
- (e) Sports, Performing Arts, Culture and Publication; and
- (f) Wholesale and Retail.

(B) Deletion of FC Constituent

7. Regarding the Transport FC, **clause 7(2)** amends Schedule 1A to the LCO by deleting item 82 (i.e. Kowloon-Canton Railway Corporation) to reflect the corporation’s cessation of transport operation under the Rail Merger Ordinance (11 of 2007).

(C) Replacement of Corporate Elector/ Organisation in FCs

8. Regarding the Sports, Performing Arts, Culture and Publication (“SPCP”) FC, following the dissolution of the Hong Kong Sports Development Board (“HKSDB”) on 1 October 2004, the Hong Kong Sports Institute Limited (“HKSIL”) was established to take over the elite training function of the former HKSDB. The former HKSDB was a registered voter under the SPCP FC. As some key functions of the former HKSDB have been taken over by the HKSIL, the HKSIL should be included in this FC. **Clause 8(3)** amends Part 3 of Schedule 1B to the LCO by including the HKSIL in the SPCP FC.

9. The Wholesale and Retail FC is composed of members of the bodies listed in Schedule 1C to the LCO, that are entitled to vote at general meetings of the body. The bodies in this FC cover specific business sectors. The Tobacco Institute of Hong Kong Limited (“TIHKL”) was deleted from Schedule 1C to the LCO in 2006 upon its winding up in December 2004. In 2006, the Tobacco Association of Hong Kong Limited (“TAHKL”) informed us that it intended to replace the TIHKL as representative of the tobacco industry and requested its inclusion in the FC. Following the deletion of TIHKL from Schedule 1C to the LCO, there is no organization in this FC that represents the tobacco industry. Accordingly, there is a case for the TAHKL to be included in this FC as the representative body of the tobacco industry. **Clause 9(5)** amends Schedule 1C by including the TAHKL in this FC.

(D) Restructuring of Membership

10. Section 20Z(1)(a) of the LCO provides that the Information Technology FC is composed of, amongst others, Fellows and Full Members of the Hong Kong Computer Society (“the Society”) entitled to vote at general meetings of the Society. The Society amended its constitution in April 2004 to reflect a restructuring of its membership, with the addition of a new membership category titled “Distinguished Fellows”. A Distinguished Fellow shall be a Full Member who has been recognized by the Council of the Society as having made an outstanding contribution to the Society. As

Distinguished Fellows must be Full Members, they are already covered in the existing electorate of the Information Technology FC. Hence, such amendments to the constitution would not affect the electorate base of the Information Technology FC. In accordance with sections 3(2A) and 3(2B) of the LCO, the Secretary for Constitutional Affairs approved in June 2006 the amendments to the Society's constitution for the purpose of defining the composition of the Information Technology FC. **Clause 6(1)** amends section 20Z(1)(a) of the LCO by adding "Distinguished Fellows" entitled to vote at the general meetings of the Society in the composition of this FC.

11. Section 20Z(1)(f) of the LCO specifies that the Information Technology FC is composed of, inter alia, Fellows and Corporate Members of The Institution of Electrical Engineers Hong Kong ("IEEHK") entitled to vote at general meetings of the Institution. In November 2002, the IEEHK informed the Government of the restructuring of its membership and change in membership criteria. In April 2006, the IEEHK merged with the Institution of Incorporated Engineers and changed its name to The Institution of Engineering and Technology Hong Kong ("IETHK"). In view of these developments, **clause 6(2)** amends section 20Z(1)(f) of the LCO to reflect the change of name of the Institution to IETHK, and the changes in its membership structure. The categories of the Institution's members who formed part of the composition of the Information Technology FC under the Ordinance before the changes in name and membership structure will continue to form part of the composition after the proposed amendments to the Ordinance.

(E) Consequential Amendments

12. **Clause 10** contains consequential amendments to the Schedule to the CEEO to reflect the changes to the FCs in the composition of the relevant EC subsectors.

(F) Others

13. **Clause 4** deals with a minor clerical amendment in section 20U(3) of the LCO.

14. The existing provisions in the LCO and the CEEO which are being amended are at Annex B.

LEGISLATIVE TIMETABLE

15. The legislative timetable will be –

Publication in the Gazette	7 December 2007
First reading and commencement of Second Reading debate	19 December 2007
Resumption of Second Reading debate, Committee Stage and Third Reading	To be notified

IMPLICATIONS OF THE PROPOSALS

16. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. The Bill does not affect the binding effect of the LCO. There are no civil service, productivity, environmental, economic, financial or sustainability implications. We have set aside financial provisions for the preparation and conduct of the 2008 LegCo election.

PUBLIC CONSULTATION

17. The LegCo Panel on Constitutional Affairs was consulted on 19 November 2007 on the proposed approach of updating the electorate of FCs for the 2008 LegCo election. There were views supporting the proposed approach of amending the LCO. Some Members called for the broadening of the electorate base of FCs through, for example, replacing corporate electors by individual electors. Some Members also expressed objection to the maintenance of FCs. On the other hand, there were views expressing reservation on calls to abolish swiftly the FC system. In response to these

views, the Administration explained that as the package of proposals for the methods of selecting the CE in 2007 and forming the LegCo in 2008 did not receive the required two-thirds majority support of LegCo members, and in view of the Interpretation made by the Standing Committee of the National People's Congress on 6 April 2004, the 2008 LegCo election would be held on the basis of the existing arrangements.

PUBLICITY

18. A press release will be issued and a spokesperson will be made available to answer media and public enquiries.

ENQUIRIES

19. Enquiries on the brief should be made to Mr. Ivanhoe CHANG, Principal Assistant Secretary for Constitutional and Mainland Affairs, on telephone number 2810 2908.

Constitutional and Mainland Affairs Bureau
5 December 2007

LEGISLATIVE COUNCIL (AMENDMENT) BILL 2007

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Chief Executive Election Ordinance

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A BILL

To

Amend the Legislative Council Ordinance and make consequential amendments to the Schedule to the Chief Executive Election Ordinance, in relation to certain functional constituencies, to –

- (a) update the names of certain bodies –
 - (i) which are, or are eligible to be registered as, electors or voters; and
 - (ii) certain members of which are, or are eligible to be registered as, electors or voters;
- (b) remove the name of any body that ceases to be eligible for registration as an elector or voter;
- (c) amend the description of the members of the bodies referred to in section 20Z(1)(a) and (f) of the Legislative Council Ordinance;
- (d) include the Hong Kong Sports Institute Limited in the composition of the sports, performing arts, culture and publication functional constituency and the relevant Election Committee subsector; and
- (e) include members that are entitled to vote at general meetings of the Tobacco Association of Hong Kong Limited in the composition of the wholesale and retail functional constituency and the relevant Election Committee subsector,

and to make a minor clerical amendment to the Legislative Council Ordinance.

Enacted by the Legislative Council.

1. Short title

This Ordinance may be cited as the Legislative Council (Amendment) Ordinance 2007.

2. Commencement

This Ordinance shall come into operation on 1 April 2008.

3. Composition of the education functional constituency

Section 20E(b)(xii) of the Legislative Council Ordinance (Cap. 542) is amended by repealing “Hong Kong Shue Yan College” and substituting “Hong Kong Shue Yan University”.

4. Composition of the financial services functional constituency

Section 20U(3) is amended, in the Chinese text, in the definition of “規章”, by repealing “。” and substituting a semicolon.

5. Composition of the import and export functional constituency

Section 20W(e)(v) is amended, in the English text, by adding “The” before “Hong Kong”.

6. Composition of the information technology functional constituency

(1) Section 20Z(1)(a) is amended by adding “Distinguished Fellows,” before “Fellows”.

(2) Section 20Z(1)(f) is repealed and the following substituted –

“(f) Honorary Fellows, Fellows and Members of The Institution of Engineering and Technology Hong Kong entitled to vote at general meetings of the Institution who are either –

(i) persons registered as Chartered Engineers with the Engineering Council UK; or

(ii) Corporate Members of The Institution of Electrical Engineers Hong Kong (IEE Hong Kong) before 15 October 2002; and”.

(3) Section 20Z(1)(k)(iv) is amended by repealing “Internet & Telecom” and substituting “Communications”.

(4) Section 20Z(1)(k)(vi) is amended, in the Chinese text, by repealing “The Society of Hong Kong External Telecommunications Services Providers Limited” and substituting “香港對外通訊服務聯會有限公司”.

7. Composition of the Transport Functional Constituency

(1) In the English text, item 19 of Schedule 1A is repealed and the following substituted –

“19. Driving Instructors Merchants Association, Limited.”.

(2) Item 82 of Schedule 1A is repealed.

(3) Item 134 of Schedule 1A is repealed and the following substituted –

“134. Taxi Association Limited.”.

(4) In the English text, item 135 of Schedule 1A is repealed and the following substituted –

“135. Tate’s Cairn Tunnel Company Limited.”.

(5) Item 141 of Schedule 1A is repealed and the following substituted –

“141. Transport Infrastructure Management Limited.”.

(6) In the Chinese text, item 191 of Schedule 1A is repealed and the following substituted –

“191. 香港快運航空有限公司。”.

8. Composition of the Sports, Performing Arts, Culture and Publication Functional Constituency

(1) Item 5 of Part 1 of Schedule 1B is repealed and the following substituted –

“5. Kowloon City District Recreation and Sports Council Limited.”.

(2) In the Chinese text, item 5 of Part 3 of Schedule 1B is repealed and the following substituted –

“5. 香港作曲家及作詞家協會有限公司。”.

(3) Part 3 of Schedule 1B is amended by adding –

“65. Hong Kong Sports Institute Limited.”.

9. Composition of the Wholesale and Retail Functional Constituency

(1) In the Chinese text, item 8 of Schedule 1C is repealed and the following substituted –

“8. 東區鮮魚業商會。”.

(2) Item 49 of Schedule 1C is repealed and the following substituted –

“49. The Federation of Hong Kong Footwear Limited.”.

(3) Item 74 of Schedule 1C is repealed and the following substituted –

“74. Kowloon Cheung Sha Wan Wholesale Vegetable Market (Importers) Recreation Club Limited.”.

(4) In the Chinese text, item 80 of Schedule 1C is repealed and the following substituted –

“80. 海外入口菓菜頭盤欄商聯會有限公司。”.

(5) Schedule 1C is amended by adding –

“96. Tobacco Association of Hong Kong Limited.”.

Consequential Amendments

Chief Executive Election Ordinance

10. Election Committee

(1) Paragraph (2)(l) of item 5 of Table 5 in section 2 of the Schedule to the Chief Executive Election Ordinance (Cap. 569) is amended by repealing “Hong Kong Shue Yan College” and substituting “Hong Kong Shue Yan University”.

(2) Section 12(2)(a) of the Schedule is amended by repealing “54 or 59” and substituting “54, 59 or 65”.

Explanatory Memorandum

The main objects of this Bill are to amend the Legislative Council Ordinance (Cap. 542) (“LCO”) and the Chief Executive Election Ordinance (Cap. 569) for the purposes set out in the long title of the Bill.

2. Clauses 1 and 2 provide for the short title and the commencement.
3. Clause 3 amends paragraph (b)(xii) of section 20E of the LCO (Composition of the education functional constituency) to reflect the change of name of the Hong Kong Shue Yan University pursuant to its change of status to a university.
4. Clause 4 deals with a minor clerical amendment in section 20U(3) of the LCO.
5. Clause 5 deals with paragraph (e)(v) of section 20W of the LCO (Composition of the import and export functional constituency) to change the English name of the body to The Hong Kong Exporters’ Association.
6. Clause 6 deals with section 20Z of the LCO (Composition of the information technology functional constituency) and makes the following amendments –

- (a) in subsection (1)(a), by adding the Distinguished Fellows of the Hong Kong Computer Society who are entitled to vote at general meetings of the Society as one of the categories of persons eligible to register as electors or voters for the information technology functional constituency;
- (b) in subsection (1)(f), by changing the name of the body to The Institution of Engineering and Technology Hong Kong pursuant to its change of name, and amending the description of members of the institution;
- (c) in subsection (1)(k)(iv), by changing the name of the body to Communications Association of Hong Kong Limited;
- (d) in subsection (1)(k)(vi), by adding the Chinese name of the body, that is, 香港對外通訊服務聯會有限公司, to the Chinese text.

7. Clause 7 deals with Schedule 1A to the LCO (Composition of the Transport Functional Constituency) and makes the following amendments –

- (a) in item 19 of Schedule 1A, by changing the English name of the body to Driving Instructors Merchants Association, Limited;
- (b) by deleting item 82 of Schedule 1A, that is, Kowloon-Canton Railway Corporation, to reflect the position of the corporation's cessation of transport operations pursuant to the Rail Merger Ordinance (11 of 2007);
- (c) in item 134 of Schedule 1A, by changing the name of the body to Taxi Association Limited;
- (d) in item 135 of Schedule 1A, by changing the English name of the body to Tate's Cairn Tunnel Company Limited;

- (e) in item 141 of Schedule 1A, by changing the name of the body to Transport Infrastructure Management Limited;
- (f) in item 191 of Schedule 1A, by changing the Chinese name of the body to 香港快運航空有限公司.

8. Clause 8 deals with Schedule 1B to the LCO (Composition of the Sports, Performing Arts, Culture and Publication Functional Constituency) and makes the following amendments –

- (a) in item 5 of Part 1 of Schedule 1B, by changing the name of the body to Kowloon City District Recreation and Sports Council Limited;
- (b) in item 5 of Part 3 of Schedule 1B, by changing the Chinese name of the body to 香港作曲家及作詞家協會有限公司;
- (c) by adding the Hong Kong Sports Institute Limited to the constituency as item 65 of Part 3 of Schedule 1B.

9. Clause 9 deals with Schedule 1C to the LCO (Composition of the Wholesale and Retail Functional Constituency) and makes the following amendments –

- (a) in item 8 of Schedule 1C, by changing the Chinese name of the body to 東區鮮魚業商會;
- (b) in item 49 of Schedule 1C, by changing the name of the body to The Federation of Hong Kong Footwear Limited;
- (c) in item 74 of Schedule 1C, by changing the name of the body to Kowloon Cheung Sha Wan Wholesale Vegetable Market (Importers) Recreation Club Limited;
- (d) in item 80 of Schedule 1C, by changing the Chinese name of the body to 海外入口菓菜頭盤欄商聯會有限公司;
- (e) by adding the Tobacco Association of Hong Kong Limited to the constituency as item 96 of Schedule 1C.

10. Clause 10 contains consequential amendments to the Schedule to the Chief Executive Election Ordinance (Cap. 569) pursuant to the change of the name of the institution to Hong Kong Shue Yan University in section 20E(b)(xii) of, and the addition of Hong Kong Sports Institute Limited as item 65 of Part 3 of Schedule 1B to, the LCO.

Annex B

Chapter:	542	LEGISLATIVE COUNCIL ORDINANCE	Gazette Number	Version Date
Section:	20E	Composition of the education functional constituency	L.N. 103 of 2006	13/05/2006

The education functional constituency is composed of-

- (a) full-time academic staff engaged in teaching or research and administrative staff of equivalent rank in the following institutions-
 - (i) institutions of higher education funded through the University Grants Committee;
 - (ii) approved post secondary colleges registered under the Post Secondary Colleges Ordinance (Cap 320);
 - (iii) technical colleges established under the Vocational Training Council Ordinance (Cap 1130);
 - (iv) The Hong Kong Academy for Performing Arts;
 - (v) The Open University of Hong Kong; and
- (aa) full-time academic staff engaged in teaching or research and administrative staff of equivalent rank in the following institutions-
 - (i) School of Continuing and Professional Education of the City University of Hong Kong;
 - (ii) School of Continuing Education of the Hong Kong Baptist University;
 - (iii) Lingnan Institute of Further Education of the Lingnan University;
 - (iv) School of Continuing Studies of The Chinese University of Hong Kong;
 - (v) Division of Continuing Professional Education of The Hong Kong Institute of Education;
 - (vi) School of Professional Education and Executive Development of The Hong Kong Polytechnic University;
 - (vii) HKUST College of Lifelong Learning Limited;
 - (viii) HKU School of Professional and Continuing Education; and (Added 25 of 2003 s. 8)
- (b) members of each of the following bodies-
 - (i) Council of the University of Hong Kong;
 - (ii) Council of The Chinese University of Hong Kong;
 - (iii) Council of The Hong Kong University of Science and Technology;
 - (iv) Council of the City University of Hong Kong;
 - (v) Council of The Hong Kong Polytechnic University;
 - (vi) Council of The Hong Kong Academy for Performing Arts;
 - (vii) Council of The Open University of Hong Kong;
 - (viii) the Vocational Training Council; (Amended 10 of 2006 s. 35)
 - (ix) Council of The Hong Kong Institute of Education;
 - (x) Council of the Hong Kong Baptist University;
 - (xi) Council of Lingnan University; (Replaced 54 of 1999 s. 39)
 - (xii) Board of Governors of the Hong Kong Shue Yan College; (Amended 25 of 2003 s. 8)
 - (xiii) Board of Governors of the Caritas Francis Hsu College; and (Added

25 of 2003 s. 8)

- (c) registered teachers registered under the Education Ordinance (Cap 279); and
- (d) permitted teachers engaged in full-time employment in schools registered or provisionally registered under the Education Ordinance (Cap 279); and
- (e) teachers and principals of schools entirely maintained and controlled by the Government; and
- (f) persons whose principal or only employment is that of full-time teaching with the following institutions-
 - (i) technical institutes, industrial training centres or skills centres established under the Vocational Training Council Ordinance (Cap 1130);
 - (ii) industrial training centres established under the Industrial Training (Construction Industry) Ordinance (Cap 317);
 - (iii) industrial training centres established under the Industrial Training (Clothing Industry) Ordinance (Cap 318);
 - (iv) Hong Chi Association-Hong Chi Pinehill Advanced Training Centre; (Replaced 25 of 2003 s. 8)
 - (v) Caritas Lok Mo Integrated Vocational Training Centre of Caritas-Hong Kong incorporated under the Caritas-Hong Kong Incorporation Ordinance (Cap 1092); and (Replaced 25 of 2003 s. 8. Amended 10 of 2006 s. 35)
- (g) registered managers of schools registered under the Education Ordinance (Cap 279).

(Added 48 of 1999 s. 13)

Chapter:	542	LEGISLATIVE COUNCIL ORDINANCE	Gazette Number	Version Date
Section:	20U	Composition of the financial services functional constituency	L.N. 130 of 2007	01/07/2007

- (1) The financial services functional constituency is composed of- (Amended 12 of 2000 s. 23)
 - (a) subject to subsection (2), exchange participants of a recognized exchange company; and (Replaced 5 of 2002 s. 407)
 - (b) (Repealed 5 of 2002 s. 407)
 - (c) members of The Chinese Gold & Silver Exchange Society entitled to vote at general meetings of the Society. (Added 48 of 1999 s. 13)
- (2) Notwithstanding any other enactment or rule of law-
 - (a) by virtue of this subsection, the rules of a recognized exchange company may provide that a class of exchange participants specified in the rules are not exchange participants for the purposes of this Ordinance;
 - (b) no amendment or substitution of the rules of a recognized exchange company made on or after the commencement of this subsection shall have effect- (Amended 5 of 2002 s. 407)
 - (i) for the purposes of this Ordinance to the extent, if any, to which the

amendment or substitution, as the case may be, causes a person to become or to cease to be an exchange participant of the recognized exchange company; and

- (ii) unless the amendment or substitution, as the case may be, has been approved in writing by the Secretary for Constitutional and Mainland Affairs. (Added 12 of 2000 s. 23. Amended 5 of 2002 s. 407; L.N. 130 of 2007)

(3) In subsection (2)-

"exchange participant" (交易所參與者) has the same meaning as in section 1 of Part 1 of Schedule 1 to the Securities and Futures Ordinance (Cap 571); (Replaced 5 of 2002 s. 407)

"recognized exchange company" (認可交易所) has the same meaning as in section 1 of Part 1 of Schedule 1 to the Securities and Futures Ordinance (Cap 571); (Added 5 of 2002 s. 407)

"rules" (規章), in relation to a recognized exchange company, means the rules governing the conduct, or the operation and management, of the recognized exchange company or the conduct of its exchange participants, by whatever name such rules may be called and wherever contained. (Added 12 of 2000 s. 23. Amended 5 of 2002 s. 407)

(Amended 5 of 2002 s. 407)

Chapter:	542	LEGISLATIVE COUNCIL ORDINANCE	Gazette Number	Version Date
Section:	20W	Composition of the import and export functional constituency	L.N. 103 of 2006	13/05/2006

The import and export functional constituency is composed of-

- (a) companies licensed under the Dutiable Commodities Ordinance (Cap 109) for the import or export, or import and export, of dutiable commodities; and
- (b) companies registered under the Motor Vehicles (First Registration Tax) Ordinance (Cap 330) for the import of motor vehicles for use in Hong Kong; and
- (c) companies licensed under the Control of Chemicals Ordinance (Cap 145) for the import or export, or import and export, of controlled chemicals; and
- (d) (Repealed 10 of 2006 s. 27)
- (e) members of each of the following bodies entitled to vote at general meetings of the body-
 - (i) The Association of Hong Kong Photographic Equipment Importers Limited; (Amended 10 of 2006 s. 39)
 - (ii) (Repealed 25 of 2003 s. 13)
 - (iii) Hong Kong & Kowloon Steel and Metal Importers and Exporters Association Ltd.;
 - (iv) The Hong Kong Chinese Importers' and Exporters' Association; (Amended 10 of 2006 s. 39)
 - (v) Hong Kong Exporters' Association;
 - (vi) Hong Kong Fresh Fruits Importers Association Ltd.;
 - (vii) Hong Kong General Association of Edible Oil Importers & Exporters

- Ltd.;
- (viii) Hong Kong Maize and Feed Importers Association Ltd.;
 - (ix) Hongkong Rice Importers & Exporters Association;
 - (x) Hongkong Watch Importers' Association;
 - (xi) The Hong Kong Food, Drink & Grocery Association; (Replaced 25 of 2003 s. 13)
 - (xii) Hong Kong & Kowloon Light Industrial Products Importers & Exporters Association Limited;
 - (xiii) Nanyang Importers and Exporters Association;
 - (xiv) Hong Kong Industrial Production Trading Association Limited;
 - (xv) The Industrial Chemical Merchants' Association Limited; (Amended 10 of 2006 s. 39)
 - (xvi) South-China Paper Merchants Association Limited; (Replaced 25 of 2003 s. 13)
 - (xvii) The Wah On Exporters & Importers Association; (Amended 10 of 2006 s. 39)
 - (xviii) The Hong Kong Shippers' Council; (Amended 25 of 2003 s. 13)
 - (xix) The Shippers' Association of Hong Kong. (Replaced 25 of 2003 s. 13)
(Added 48 of 1999 s. 13)

Chapter:	542	LEGISLATIVE COUNCIL ORDINANCE	Gazette Number	Version Date
Section:	20Z	Composition of the information technology functional constituency	L.N. 103 of 2006	13/05/2006

- (1) The information technology functional constituency is composed of- (Amended 25 of 2003 s. 14)
- (a) Fellows and Full Members of the Hong Kong Computer Society entitled to vote at general meetings of the Society; and
 - (b) Fellows, Members and Graduate Members of Information Technology Division of the Hong Kong Institution of Engineers who are entitled to vote at general meetings of the Division; and
 - (c) Professional Members of the Association for Computing Machinery, Hong Kong Chapter entitled to vote at general meetings of the Association; and
 - (d) Fellows, Senior Members and Full Members of the Institute of Electrical and Electronics Engineers, Inc., Hong Kong Section, Computer Chapter entitled to vote at general meetings of the Institute; and
 - (e) Fellows, Senior Members and Full Members of the Institute of Electrical and Electronics Engineers, Inc., Hong Kong Section, Hong Kong Joint Chapter on Circuits and Systems/Communications entitled to vote at general meetings of the Institute; and
 - (f) Fellows and Corporate Members of The Institution of Electrical Engineers Hong Kong entitled to vote at general meetings of the Institution; and (Amended 25 of 2003 s. 14)
 - (g) Fellows, Members and Associate Members of The British Computer Society (Hong Kong Section) Limited entitled to vote at general meetings of the Society; and (Amended 10 of 2006 s. 41)

- (h) Fellows, Senior Professional Members and Professional Members of The Hong Kong Association for Computer Education entitled to vote at general meetings of the Association; and (Amended 25 of 2003 s. 14)
 - (i) Full Members (Information Technology) of the Hong Kong Society of Medical Informatics Limited entitled to vote at general meetings of the Society; and (Amended 25 of 2003 s. 14)
 - (ia) Full Members of the Information and Software Industry Association Limited entitled to vote at general meetings of the Association; and (Added 25 of 2003 s. 14)
 - (j) Ordinary Members of the Hong Kong Telemedicine Association entitled to vote at general meetings of the Association; and
 - (ja) the eligible persons of the following bodies-
 - (i) Hong Kong & Mainland Software Industry Cooperation Association Limited;
 - (ii) Information Systems Audit and Control Association (Hong Kong Chapter) Limited;
 - (iii) Internet Professional Association Limited; (Amended 10 of 2006 s. 41)
 - (iv) Professional Information Security Association; and (Added 25 of 2003 s. 14)
 - (k) corporate members of each of the following bodies entitled to vote at general meetings of the body-
 - (i) Hong Kong Information Technology Federation Limited; (Amended 25 of 2003 s. 14)
 - (ii) Hong Kong Internet Service Providers Association;
 - (iii) Hong Kong Radio Paging Association Ltd.;
 - (iv) Internet & Telecom Association of Hong Kong Limited; (Replaced 25 of 2003 s. 14)
 - (v) Hong Kong Wireless Technology Industry Association Limited; (Added 25 of 2003 s. 14)
 - (vi) The Society of Hong Kong External Telecommunications Services Providers Limited; and (Added 25 of 2003 s. 14)
 - (l) bodies that are holders of one or more of the following classes of licences granted by the Telecommunications Authority under the Telecommunications Ordinance (Cap 106)- (Amended 36 of 2000 s. 28; 25 of 2003 s. 14)
 - (i) Fixed Telecommunications Network Services licences; (Amended 36 of 2000 s. 28)
 - (ii) Public Non-exclusive Telecommunications Service licences;
 - (iii) Public Radiocommunications Service licences; (Amended 36 of 2000 s. 28)
 - (iv) Satellite Master Antenna Television licences;
 - (v) Broadcast Relay Station licences;
 - (vi) Broadcast Radio Relay Station licences; (Amended 25 of 2003 s. 14)
 - (vii) carrier licences; and (Added 25 of 2003 s. 14)
 - (m) the bodies named in Part 1 of Schedule 1D. (Amended 25 of 2003 s. 14)
- (2) In subsection (1)(ja), "eligible persons" (合資格的人), in relation to a body, means the persons specified in Part 2 of Schedule 1D in respect of that body. (Added 25 of 2003 s. 14)

(Added 48 of 1999 s. 13)

Chapter:	542	LEGISLATIVE COUNCIL ORDINANCE	Gazette Number	Version Date
Schedule:	1A	COMPOSITION OF THE TRANSPORT FUNCTIONAL CONSTITUENCY	L.N. 103 of 2006	13/05/2006

[section 20D]

Item	Body
1.	VINCI Park Services Hong Kong Limited. (Replaced 25 of 2003 s. 44)
2.	Airport Authority Hong Kong.
3.	(Repealed 25 of 2003 s. 44)
4.	Articulated & Commercial Vehicle's Instructors Union.
5.	The Association of N.T. Radio Taxicabs Ltd.
6.	Autotoll Limited.
7.	The Chartered Institute of Logistics and Transport in Hong Kong. (Replaced 25 of 2003 s. 44)
8.	China Merchants Shipping & Enterprises Co. Ltd.
9.	China Tollways Ltd.
10.	Chu Kong Shipping Enterprises (Holdings) Co. Ltd.
11.	Chuen Kee Ferry Ltd.
12.	Chuen Lee Radio Taxis Association Ltd.
13.	Citybus Ltd.
14.	Coral Sea Ferry Service Co., Ltd.
15.	COSCO-HIT Terminals (Hong Kong) Limited.
16.	CTOD Association Company Ltd.
17.	Turbojet Ferry Services (Guangzhou) Limited. (Replaced 25 of 2003 s. 44)
18.	Discovery Bay Transportation Services Ltd.
19.	Driving Instructors Merchant Association Ltd.
20.	Eastern Ferry Co.
21.	Expert Fortune Ltd.
22.	Far East Hydrofoil Co. Ltd.
23.	Fat Kee Stevedores Ltd.
24.	The Fraternity Association of N.T. Taxi Merchants.
25.	Fraternity Taxi Owners Association.
26.	G.M.B. Maxicab Operators General Association Ltd.
27.	The Goods Vehicle Fleet Owners Association Ltd.
28.	Happy Taxi Operator's Association Ltd.
29.	(Repealed 10 of 2006 s. 47)
30.	Hoi Kong Container Services Co. Ltd.
31.	(Repealed 25 of 2003 s. 44)
32.	Hon Wah Public Light Bus Association Ltd.
33.	Hong Kong Air Cargo Terminals Limited.
34.	Hong Kong & Kowloon Ferry Ltd.
35.	Hong Kong & Kowloon Goods Vehicle Omnibuses and Minibuses Instructors' Association Ltd.
36.	Hong Kong & Kowloon Motor Boats and Tug Boats Association Ltd.

37. Hong Kong & Kowloon Radio Car Owners Association Ltd.
38. Hong Kong and Kowloon Rich Radio Car Service Centre Association Ltd.
39. Hong Kong and Kowloon Taxi Companies Association Limited. (Replaced 25 of 2003 s. 44)
40. HongKong Association of Freight Forwarding and Logistics Limited. (Replaced 25 of 2003 s. 44)
41. Hong Kong Automobile Association.
42. The Hong Kong Cargo-Vessel Traders' Association Ltd.
43. Hong Kong Commercial Vehicle Driving Instructors Association. (Replaced 25 of 2003 s. 44)
44. Hong Kong CFS and Logistics Association Limited. (Replaced 25 of 2003 s. 44)
45. Hong Kong Container Tractor Owner Association Ltd.
46. Hong Kong Driving Instruction Club Ltd.
47. Hong Kong Guangdong Transportation Association Ltd.
48. The Hong Kong Institute of Marine Technology.
49. Hong Kong, Kowloon & NT Public & Maxicab Light Bus Merchants' United Association.
50. Hong Kong Kowloon Taxi & Lorry Owners Association Ltd.
51. The Hong Kong Liner Shipping Association.
52. Hong Kong Marine Contractors Association.
53. Hong Kong Motor Car Driving Instructors Association Ltd.
54. Hong Kong Pilots Association Ltd.
55. Hong Kong Public & Maxicab Light Bus United Associations.
56. Hong Kong Public Cargo Working Areas Traders Association Ltd.
57. Hong Kong Scheduled (GMB) Licensee Association.
58. The Hong Kong School of Motoring Ltd.
59. Hong Kong Sea Transport and Logistics Association Limited. (Amended 10 of 2006 s. 43)
60. The Hong Kong Shipowners Association Ltd.
61. Hong Kong Shipping Circles Association Ltd.
62. Hong Kong Shipping Industry Institute.
63. Hong Kong Logistics Management Staff Association. (Amended 10 of 2006 s. 43)
64. Hong Kong Society of Articulated Vehicle Driving Instructors Ltd.
65. The Hong Kong Stevedores Employers' Association.
66. Hong Kong Tele-call Taxi Association.
67. Hong Kong Tramways, Limited. (Replaced 25 of 2003 s. 44)
68. Hong Kong Transportation Warehouse Wharf Club.
69. Hong Kong Tunnels and Highways Management Company Limited.
70. The Hongkong & Yaumati Ferry Co., Ltd.
71. Hongkong International Terminals Ltd.
72. (Repealed 25 of 2003 s. 44)
73. Institute of Advanced Motorists (Hong Kong) Limited. (Replaced 25 of 2003 s. 44)
74. The Institute of Seatransport.
75. Institute of Transport Administration (China-Hong Kong Centre).
76. Kowloon Fung Wong Public Light Bus Merchants & Workers' Association Ltd.
77. Kowloon Motor Bus Company (1933) Ltd.
78. Kowloon Motor Driving Instructors' Association Ltd.
79. The Kowloon PLB Chiu Chow Traders & Workers Friendly Association.
80. The Kowloon Taxi Owners Association Ltd.
81. Kowloon Truck Merchants Association Ltd.
82. Kowloon-Canton Railway Corporation.

83. Kwik Park Limited.
84. Lam Tin Wai Hoi Public Light Bus Association. (Amended 10 of 2006 s. 43)
85. Lantau Taxi Association.
86. Lei Yue Mun Ko Chiu Road Public Light Bus Merchants Association Ltd.
87. Lok Ma Chau China-Hong Kong Freight Association.
88. Long Win Bus Company Limited.
89. Lung Cheung Public Light Bus Welfare Advancement Association Ltd.
90. Mack & Co. Carpark Management Limited.
91. Marine Excursion Association Limited. (Amended 10 of 2006 s. 43)
92. Maritime Affairs Research Association Ltd.
93. MTR Corporation Limited. (Amended 13 of 2000 s. 65)
94. Merchant Navy Officers' Guild-Hong Kong.
95. Metropark Limited.
96. Mid-stream Holdings (HK) Limited.
97. Mixer Truck Drivers Association.
98. Modern Terminals Ltd.
99. N.T. PLB Owners Association.
100. N.T. San Tin PLB (17) Owners Association.
101. N.T. Taxi Merchants Association Ltd.
102. N.T. Taxi Owners & Drivers Fraternal Association.
103. N.T. Taxi Radio Service General Association.
104. N.W. Area Taxi Drivers & Operators Association.
105. New Hong Kong Tunnel Co., Ltd.
106. New Lantao Bus Co., (1973) Ltd.
107. New Territories Cargo Transport Association Ltd.
108. New World First Bus Services Limited.
109. North District Taxi Merchants Association.
110. Organisation of Hong Kong Drivers.
111. (Repealed 10 of 2006 s. 47)
112. Peak Tramways Co., Ltd.
113. Pioneer Concrete Owners Drivers Association.
114. (Repealed 25 of 2003 s. 44)
115. Private Hire Car for Young Children Association Ltd.
116. Public and Private Light Buses Driving Instructors' Society.
117. The Public Cargo Area Trade Association.
118. Public Light Bus General Association.
119. The Public Omnibus Operators Association Ltd.
120. Public Vehicle Merchants Fraternity Association.
121. Quadripartite Taxi Service Association Ltd.
122. Abbo Taxi Owners' Association Limited. (Amended 10 of 2006 s. 43)
123. River Trade Terminal Co. Ltd.
124. Route 3 (CPS) Company Limited.
125. Sai Kung Public Light Bus Drivers and Owners Association. (Replaced 25 of 2003 s. 44)
126. Sai Kung Taxi Operators Association Ltd.
127. (Repealed 10 of 2006 s. 47)
128. CSX World Terminals Hong Kong Limited. (Replaced 25 of 2003 s. 44)
129. Serco Group (HK) Limited. (Replaced 25 of 2003 s. 44)
130. (Repealed 25 of 2003 s. 44)
131. The "Star" Ferry Co., Ltd.
132. Sun Hing Taxi Radio Association.

133. (Repealed 25 of 2003 s. 44)
134. Tang's Taxi Companies Association Ltd.
135. Tate's Cairn Tunnel Co., Ltd.
136. Taxi Associations Federation.
137. Taxi Dealers & Owners Association Ltd.
138. Taxi Drivers & Operators Association Ltd.
139. The Taxi Operators Association Ltd.
140. Taxicom Vehicle Owners Association Ltd.
141. Tsing Ma Management Limited.
142. Tsuen Wan PLB Commercial Association Ltd.
143. Tuen Mun Public Light Bus Association. (Amended 10 of 2006 s. 43)
144. Tung Yee Shipbuilding and Repairing Merchants General Association Limited.
(Replaced 25 of 2003 s. 44)
145. United Association of Public Lightbus Hong Kong.
146. United Friendship Taxi Owners & Drivers Association Ltd.
147. United Radio Taxi & Goods Vehicle Association Ltd.
148. Urban Taxi Drivers Association Joint Committee Co. Ltd.
149. Wai Fat Taxi Owners Association Ltd.
150. Wai Yik H.K. & Kowloon and New Territories Taxi Owners Association.
(Replaced 25 of 2003 s. 44)
151. West Coast International (Parking) Limited.
152. Western Harbour Tunnel Co. Ltd.
153. Wilson Parking (Hong Kong) Limited.
154. Wing Lee Radio Car Traders Association Ltd.
155. Wing Tai Car Owners & Drivers Association Ltd.
156. (Repealed 25 of 2003 s. 44)
157. Wu Gang Shipping Co. Ltd.
158. Xiamen United Enterprises (H.K.) Ltd.
159. Yik Sun Radiocabs Operators Association Ltd.
160. School Buses Operators Association Limited. (Amended 10 of 2006 s. 43)
161. (Repealed 10 of 2006 s. 47)
162. Rights of Taxi Owners and Drivers Association Limited. (Added 25 of 2003 s. 44)
163. New World First Ferry Services Limited. (Added 25 of 2003 s. 44)
164. New World First Ferry Services (Macau) Limited. (Added 25 of 2003 s. 44)
165. Hong Kong Container Drayage Services Association Limited. (Added 25 of 2003 s. 44)
166. Hong Kong Kowloon & N.T. Grab-Mounted Lorries Association Limited. (Added 25 of 2003 s. 44)
167. Hong Kong Waste Disposal Industry Association. (Added 25 of 2003 s. 44)
168. HK Public-light Bus Owner & Driver Association. (Added 25 of 2003 s. 44)
169. Container Truck Drivers Union. (Added 25 of 2003 s. 44)
170. The Concrete Producers Association of Hong Kong Limited. (Added 25 of 2003 s. 44)
171. Hongkong Guangdong Boundary Crossing Bus Association Limited. (Added 25 of 2003 s. 44)
172. Tsui Wah Ferry Service Company Limited. (Added 25 of 2003 s. 44)
173. Quality Driver Training Centre Limited. (Added 25 of 2003 s. 44)
174. Public and Private Commercial Driving Instructors' Society. (Added 25 of 2003 s. 44)
175. Shun Tak-China Travel Ship Management Limited. (Added 25 of 2003 s. 44)
176. Cruise Ferries (HK) Limited. (Added 25 of 2003 s. 44)

177. Asia Airfreight Terminal Company Limited. (Added 25 of 2003 s. 44)
 178. The Hong Kong Joint Branch of The Royal Institution of Naval Architects and The Institute of Marine Engineering, Science and Technology. (Added 25 of 2003 s. 44)
 179. The Hongkong Salvage & Towage Company Limited. (Added 25 of 2003 s. 44)
 180. The Institute of Chartered Shipbrokers, Hong Kong Branch. (Added 25 of 2003 s. 44)
 181. Hongkong United Dockyards Limited. (Added 25 of 2003 s. 44)
 182. Guangdong and Hong Kong Feeder Association Limited. (Added 25 of 2003 s. 44)
 183. Hong Kong Right Hand Drive Motors Association Limited. (Added 25 of 2003 s. 44)
 184. The Institute of the Motor Industry Hong Kong. (Added 25 of 2003 s. 44)
 185. Hong Kong Vehicle Repair Merchants Association Limited. (Added 25 of 2003 s. 44)
 186. Environmental Vehicle Repairers Association Limited. (Added 25 of 2003 s. 44)
 187. The Hong Kong Taxi and Public Light Bus Association Limited. (Added 25 of 2003 s. 44)
 188. Park Island Transport Company Limited. (Added 25 of 2003 s. 44)
 189. Discovery Bay Road Tunnel Company Limited. (Added 25 of 2003 s. 44)
 190. International Association of Transport Officers. (Added 25 of 2003 s. 44)
 191. Hong Kong Express Airways Limited. (Added 25 of 2003 s. 44. Amended 10 of 2006 s. 43)
 192. Hong Kong (Cross Border) Transportation Drivers' Association. (Added 25 of 2003 s. 44)
 193. Hong Kong Logistics Association Limited. (Added 25 of 2003 s. 44)
 194. Hong Kong Container Depot and Repairer Association Limited. (Added 25 of 2003 s. 44)
 195. New World Parking Management Limited. (Added 25 of 2003 s. 44)
 196. The Nautical Institute-Hong Kong Branch. (Added 25 of 2003 s. 44)
 197. The Hong Kong Union of Light Van Employees. (Added 25 of 2003 s. 44)
 198. Worldwide Flight Services, Inc. (Added 25 of 2003 s. 44)
- (Added 48 of 1999 s. 43)

Chapter:	542	LEGISLATIVE COUNCIL ORDINANCE	Gazette Number	Version Date
Schedule:	1B	COMPOSITION OF THE SPORTS, PERFORMING ARTS, CULTURE AND PUBLICATION FUNCTIONAL CONSTITUENCY	L.N. 103 of 2006	13/05/2006

[section 20V]

PART 1

DISTRICT SPORTS ASSOCIATIONS

Item	Body
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1. Central & Western District Recreation & Sports Association.
2. Eastern District Recreation & Sports Advancement Association Ltd.
3. The Federation of Tsuen Wan District Sports & Recreation Association Ltd.
4. Islands District Sports Association.
5. Kowloon City District Recreation & Sports Council.
6. Kwai Tsing District Sports Association.
7. Kwun Tong Sports Promotion Association Ltd.
8. Mong Kok District Cultural, Recreational and Sports Association Limited.
(Replaced 25 of 2003 s. 45)
9. North District Sports Association.
10. Sai Kung District Sports Association Ltd.
11. Sha Tin Sports Association Ltd.
12. Sham Shui Po Sports Association.
13. Southern District Recreation and Sports Association Limited. (Amended 10 of 2006
s. 44)
14. Tai Po Sports Association Ltd.
15. Tuen Mun Sports Association Limited.
16. Wan Chai District Arts Cultural Recreational and Sports Association Limited.
(Amended 10 of 2006 s. 44)
17. Wong Tai Sin District Recreation & Sports Council.
18. Yau Ma Tei and Tsimshatsui Recreation & Sports Association Ltd.
19. Yuen Long District Sports Association Ltd.

PART 2

DISTRICT ARTS AND CULTURE ASSOCIATIONS

Item	Body
1.	Central and Western District Association for Culture and Arts.
2.	Eastern District Arts Council.
3.	Kowloon City District Arts and Culture Council.
4.	Kwai Chung and Tsing Yi District Culture and Arts Co-ordinating Association Limited.
5.	Kwun Tong District Culture and Recreation Promotion Association. (Replaced 25 of 2003 s. 45)
6.	North District Arts Advancement Association Limited.
7.	Sai Kung Culture & Recreational Advancement Association. (Replaced 25 of 2003 s. 45)
8.	Sha Tin Arts Association Limited.
9.	Sham Shui Po Arts Association Limited. (Amended 10 of 2006 s. 44)
10.	Southern District Arts and Culture Association Limited.
11.	Tai Po District Arts Advancement Association.
12.	Tsuen Wan Culture & Recreation Co-ordinating Association Limited.
13.	Tuen Mun Arts Promotion Association.
14.	Wong Tai Sin District Arts Council.
15.	Yau Ma Tei and Tsim Sha Tsui Culture and Arts Association Limited.
16.	Yuen Long District Arts Committee.

PART 3

OTHER BODIES

Item	Body
1.	All Stars Sports Association Ltd.
2.	The Song Writers' Association of Hong Kong. (Amended 10 of 2006 s. 44)
3.	Artiste Training Alumni Association Limited.
4.	(Repealed 25 of 2003 s. 45)
5.	Composers and Authors Society of Hong Kong Limited.
6.	Friends of the Art Museum, The Chinese University of Hong Kong Limited.
7.	The Friends of the Hong Kong Museum of Art.
8.	(Repealed 25 of 2003 s. 45)
9.	HK Film Directors' Guild Ltd.
10.	Hong Kong Anthropological Society.
11.	Hong Kong Archaeological Society.
12.	(Repealed 25 of 2003 s. 45)
13.	The Hong Kong Children's Choir.
14.	Hong Kong Chinese Orchestra Limited. (Amended 10 of 2006 s. 44)
15.	Hong Kong Chinese Press Association.
16.	Hong Kong & Macau Cinema and Theatrical Enterprise Association Limited. (Replaced 25 of 2003 s. 45)
17.	Hong Kong Cinematography Lighting Association Limited. (Amended 10 of 2006 s. 44)
18.	(Repealed 25 of 2003 s. 45)
19.	Hong Kong Curators Association.
20.	Hong Kong Dance Company Limited. (Replaced 25 of 2003 s. 45)
21.	Hong Kong Federation of Journalists Ltd.
22.	Hong Kong Festival Fringe Ltd.
23.	Hong Kong Film Academy.
24.	Hong Kong Film Arts Association Limited.
25.	(Repealed 25 of 2003 s. 45)
26.	Hong Kong History Society.
27.	Hong Kong Intellectual Property Society.
28.	Hong Kong Journalists Association.
29.	(Repealed 25 of 2003 s. 45)
30.	The Hong Kong Mass Media Professionals Association Ltd.
31.	Hong Kong Museum of Medical Sciences Society.
32.	Hong Kong News Executives' Association, Limited. (Replaced 25 of 2003 s. 45)
33.	Hong Kong PEN (English) Centre.
34.	Hong Kong Performing Artistes Guild Ltd.
35.	Hong Kong Philharmonic Orchestra.
36.	Hong Kong Press Photographers Association.
37.	Hong Kong Recreation Management Association Limited. (Replaced 25 of 2003 s. 45)
38.	Hong Kong Repertory Theatre Limited. (Replaced 25 of 2003 s. 45)
39.	Hong Kong Screen Writers' Guild Ltd.
40.	Hong Kong Sports Association of the Deaf.
41.	Hong Kong Sports Press Association Ltd.
42.	Hong Kong Stuntman Association Ltd.

43. Hong Kong Tai Chi Association.
44. (Repealed 25 of 2003 s. 45)
45. Hong Kong United Arts Entertainment Co. Ltd.
- 46-47. (Repealed 25 of 2003 s. 45)
48. Min Chiu Society.
49. (Repealed 25 of 2003 s. 45)
50. New Territories Regional Sports Association.
51. The Newspaper Society of Hong Kong.
52. Pop-Music Authors Society of Hong Kong.
53. The Hong Kong Branch of the Royal Asiatic Society. (Amended 10 of 2006 s. 44)
54. Sail Training Association of Hong Kong Limited. (Replaced 25 of 2003 s. 45)
55. Society of Cinematographers (Hong Kong) Limited.
56. Society of Film Editors (HK) Ltd.
57. South China Film Industry Workers' Union. (Amended 10 of 2006 s. 44)
58. South China Research Circle.
59. Swimming Teacher's Association Hong Kong.
60. (Repealed 25 of 2003 s. 45)
61. Videotage.
62. Zuni Icosahedron.
63. Federation of Hong Kong Filmmakers Limited. (Added 25 of 2003 s. 45. Amended 10 of 2006 s. 44)
64. Hong Kong Movie Production Executives Association Limited. (Added 25 of 2003 s. 45)

(Added 48 of 1999 s. 43)

Chapter:	542	LEGISLATIVE COUNCIL ORDINANCE	Gazette Number	Version Date
Schedule:	1C	COMPOSITION OF THE WHOLESALE AND RETAIL FUNCTIONAL CONSTITUENCY	L.N. 103 of 2006	13/05/2006

[section 20Y]

Item	Body
1.	Anglo-Chinese Vegetable Wholesale Merchants Association Limited. (Amended 10 of 2006 s. 45)
2.	Association of Better Business & Tourism Services. (Replaced 25 of 2003 s. 46)
3.	Cheung Sha Wan Poultry United Wholesalers Association Ltd.
4.	Chinese Medicine Merchants Association Ltd.
5.	Chinese Merchants (H.K.) Association. (Replaced 25 of 2003 s. 46)
6.	Chinese Paper Merchants Association.
7.	The Cosmetic & Perfumery Association of Hong Kong Ltd.
8.	Eastern District Fresh Fish Merchants' Society.
9.	Federation of Hong Kong Kowloon New Territories Hawker Associations. (Amended 10 of 2006 s. 45)
10.	The Federation of Hong Kong Watch Trades and Industries Ltd.

11. HK Vegetable Wholesaler Community.
12. Hong Kong and Kowloon Bamboo Goods Merchants Association Limited.
13. Hong Kong and Kowloon Electrical Appliances Merchants Association Ltd.
14. Hong Kong Electro-Plating Merchants Association Limited. (Amended 10 of 2006 s. 45)
15. Hong Kong & Kowloon European Dress Merchants Association.
16. Hong Kong & Kowloon Fresh Water Fish Merchants' & Buyers' Association Limited.
17. Hong Kong & Kowloon Fruit & Vegetable Employees & Employers Guild.
18. Hong Kong & Kowloon Furniture & Shop Fittings Merchants Association.
19. Hong Kong & Kowloon General Association of Liquor Dealers and Distillers.
20. Hong Kong & Kowloon Machine Made Paper Merchants Association Ltd.
21. Hong Kong and Kowloon Machinery and Instrument Merchants Association Ltd.
22. Hong Kong & Kowloon Marine Products Merchants Association Ltd.
23. Hong Kong & Kowloon Plastic Products Merchants United Association Limited.
24. Hong Kong & Kowloon Poultry Dealers Guild.
25. The Hong Kong & Kowloon Provisions, Wine & Spirit Dealers' Association.
26. Hong Kong and Kowloon Rattan Ware Merchants Association (Wing-Hing-Tong). (Amended 10 of 2006 s. 45)
27. (Repealed 10 of 2006 s. 48)
28. The Hong Kong and Kowloon Salt Merchants' Association. (Amended 10 of 2006 s. 45)
29. Hong Kong & Kowloon Sauce & Preserved-Fruit Amalgamated Employers Association.
30. Hong Kong & Kowloon Tea Trade Merchants Association Ltd.
31. Hong Kong & Kowloon Timber Merchants Association Limited. (Amended 10 of 2006 s. 45)
32. (Repealed 25 of 2003 s. 46)
33. Hong Kong & Kowloon Vermicelli & Noodle Manufacturing Industry Merchants' General Association.
34. Hong Kong Art Craft Merchants Association, Ltd.
35. Hong Kong Dried Seafood and Grocery Merchants Association Limited.
36. Hong Kong Dyestuffs Merchants Association Limited.
37. Hong Kong Egg Merchants Association (Fung-Kwai-Tong).
38. Hong Kong Embroidery Merchants Association Limited.
39. (Repealed 10 of 2006 s. 48)
40. Hong Kong Flower Dealers & Workers Association.
41. Hong Kong Flower Retailers Association.
42. The Hong Kong Food Council Limited. (Replaced 25 of 2003 s. 46)
43. Hong Kong Fresh Fish Merchants Association.
44. Hong Kong Fur Federation.
45. Hong Kong Furniture & Decoration Trade Association Limited.
46. Hong Kong General Chamber of Pharmacy Limited.
47. Hong Kong Glass and Mirror Merchants and Manufacturers Association Company Limited.
48. Hong Kong Jewellers' & Goldsmiths' Association Limited.
49. Hong Kong Leather Shoe And Shoe Material Merchants Association Ltd.
50. Hong Kong Live Pig Trade Merchants' Association.
51. The Hong Kong Medicine Dealers' Guild.
52. Hong Kong Metal Merchants Association.
53. The Hong Kong Oil Merchants Association, Limited. (Amended 10 of 2006 s. 45)

54. Hong Kong Paints & Pigments Merchants Association Ltd.
55. Hong Kong Petroleum, Chemicals and Pharmaceutical Materials Merchants Association Ltd.
56. Hong Kong Photo Marketing Association Limited. (Replaced 25 of 2003 s. 46)
57. Hong Kong Piece Goods Merchants' Association.
58. Hong Kong Plastic Material Suppliers Association Ltd.
59. Hong Kong Plumbing and Sanitary Ware Trade Association Ltd.
60. Hong Kong Provision & Grocery General Commercial Chamber.
61. (Repealed 25 of 2003 s. 46)
62. Hong Kong Record Merchants Association Ltd.
63. Hong Kong Rice Suppliers' Association Limited. (Replaced 25 of 2003 s. 46)
64. Hong Kong Retail Management Association Limited. (Amended 10 of 2006 s. 45)
65. Hong Kong Silk Piece-Goods Merchants' Association.
66. Hong Kong Stamp and Coin Dealers Association. (Amended 10 of 2006 s. 45)
67. (Repealed 25 of 2003 s. 46)
68. Hong Kong Video Industry Association Limited. (Amended 10 of 2006 s. 45)
69. Hong Kong Yee Yee Tong Chinese Medicine Merchants Association Ltd.
70. The Hong Kong & Kowloon General Merchandise Merchants' Association Limited. (Amended 10 of 2006 s. 45)
71. (Repealed 25 of 2003 s. 46)
72. Hongkong Kowloon New Territories & Overseas Fish Wholesalers Association Limited.
73. The Industrial Chemical Merchants' Association Limited. (Amended 10 of 2006 s. 45)
74. Kowloon Cheung Sha Wan Wholesale Vegetable Market (Importers) Recreation Club. (Amended 10 of 2006 s. 45)
75. Kowloon Fresh Fish Merchants Association Limited. (Amended 10 of 2006 s. 45)
76. Kowloon Fresh Meat Retailers' Association Ltd.
77. The Kowloon Pearls, Precious Stones, Jade, Gold & Silver Ornament Merchants Association.
78. (Repealed 25 of 2003 s. 46)
79. Kowloon Poultry Laan Merchants Association.
80. The Merchants Association of First Wholesalers/Jobbery of Imported Fresh Fruits & Vegetables Limited.
81. Mongkok Vegetable Wholesale Merchants Association Company Limited. (Amended 10 of 2006 s. 45)
82. The Motor Traders Association of Hong Kong.
83. Nam Pak Hong Association.
84. (Repealed 25 of 2003 s. 46)
85. Po Sau Tong Ginseng & Antler Association Hong Kong Ltd.
86. The Rice Merchants' Association of Hong Kong Limited.
87. Shaukiwan Fishery Merchants Association. (Amended 10 of 2006 s. 45)
- 88-89. (Repealed 10 of 2006 s. 48)
90. (Repealed 25 of 2003 s. 46)
91. Yuet Sum Kong Vegetable Association (Hong Kong) Co.
92. Kowloon Fruit & Vegetable Merchants Association Limited. (Added 25 of 2003 s. 46)
93. The Hong Kong And Kowloon Electric Trade Association. (Added 25 of 2003 s. 46)
94. Hong Kong Poultry Wholesalers Association. (Added 25 of 2003 s. 46)
95. Diamond Federation of Hong Kong, China Limited. (Added 25 of 2003 s. 46)

(Added 48 of 1999 s. 43)

Chapter:	569	CHIEF EXECUTIVE ELECTION ORDINANCE	Gazette Number	Version Date
Schedule:		SCHEDULE	L.N. 130 of 2007	01/07/2007

[sections 2, 8, 16, 26,
43 & 47]

ELECTION COMMITTEE

PART 1

PRELIMINARY

1. Interpretation

(1) In this Schedule-

"body" (團體) means an incorporated or unincorporated body, and includes a firm or a group of persons (which may include incorporated or unincorporated bodies) who are associated with each other through a shared relevant interest;

"corporate member" (團體成員), in relation to a body included in a subsector, means a body that is a member of the body so included;

"elector" (選民), in relation to a functional constituency or geographical constituency, has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap 542);

"Electoral Registration Officer" (選舉登記主任) means the person holding office as Electoral Registration Officer under section 44, and includes any person appointed to act in place of the Officer when the Officer is absent or when the office is vacant;

"ex-officio member" (當然委員), in relation to the Election Committee, means a member of that Committee referred to in section 2(7)(c);

"functional constituency" (功能界別) means a functional constituency specified in section 20(1) of the Legislative Council Ordinance (Cap 542);

"geographical constituency" (地方選區) means an area declared to be a geographical constituency in accordance with Part III of the Legislative Council Ordinance (Cap 542);

"interim register of members of the Election Committee" (選舉委員會暫行委員登記冊) means a register published under section 40(1); (Added 10 of 2006 s. 21)

"Member" (議員), in relation to the Legislative Council, has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap 542);

"name" (名稱), in relation to a subsector, is to be construed by reference to its description under the column headed "subsector" in Table 1, 2, 3 or 4 in section 2, as may be applicable;

"officer" (高級人員), in relation to a body corporate, includes a director or executive, or any other person concerned in the management, of the body;

- "registered" (登記), in relation to a functional constituency or geographical constituency, means registered under the Legislative Council Ordinance (Cap 542) as an elector for the constituency;
- "the regulations" (《規例》) means regulations made under section 46 of this Ordinance;
- "Returning Officer" (選舉主任), in relation to a subsector, means the Returning Officer appointed for the subsector under section 47, and includes any person appointed to act in place of such an Officer when the Officer is absent or when an office of Returning Officer is vacant;
- "Revising Officer" (審裁官) means a Revising Officer appointed under section 46, and includes any person appointed to act in place of the Officer when the Officer is absent or when the office of Revising Officer is vacant;
- "subsector" (界別分組) means, subject to section 11, a subsector represented on the Election Committee as provided by section 2(4);
- "subsector by-election" (界別分組補選) means an election to elect a member of the Election Committee assigned to a subsector who, under section 2(7)(b), is to be elected by the relevant subsector, otherwise than at a subsector ordinary election;
- "subsector election" (界別分組選舉) means a subsector ordinary election or a subsector by-election;
- "subsector ordinary election" (界別分組一般選舉) means an election to elect those members of the Election Committee assigned to a subsector who, under section 2(7)(b), are to be elected by the relevant subsector, for a new term of office of the Election Committee;
- "sub-subsector" (小組) means a sub-subsector referred to in section 2(9)(a);
- "sub-subsector by-election" (小組補選) means an election to elect a member of the Election Committee assigned to a sub-subsector who, under section 2(7)(b) and (9), is to be elected by the sub-subsector, otherwise than at a sub-subsector ordinary election;
- "sub-subsector ordinary election" (小組一般選舉) means an election to elect those members of the Election Committee assigned to a sub-subsector who, under section 2(7)(b) and (9), are to be elected by the sub-subsector, for a new term of office of the Election Committee.
- (2) In this Schedule, unless the context otherwise requires, in respect of the sports, performing arts, culture and publication subsector-
- (a) all references to "subsector", "subsector by-election" and "subsector ordinary election" mean "sub-subsector", "sub-subsector by-election" and "sub-subsector ordinary election" respectively and with any necessary modifications; and
 - (b) all references to "subsector election" mean "sub-subsector ordinary election" or "sub-subsector by-election" with any necessary modifications.
- (3) For the purposes of this Schedule-
- (a) the circumstances in which a person has a substantial connection with a body include, but are not limited to, being a member, partner, officer or employee of the body; and
 - (b) the circumstances in which a person has a substantial connection with a subsector include, but are not limited to, being a member, partner, officer or employee of-
 - (i) a body included in the subsector; or
 - (ii) a corporate member of a body referred to in subparagraph (i).
- (4) For the purposes of this Schedule, a reference to an entitlement to vote at a general

meeting of a body is a reference to an entitlement to vote at such a meeting as provided by the body's constitution and, in this subsection-

- (a) the reference to the constitution of a body is a reference to the constitution either-
 - (i) as in force on 3 October 1997; or
 - (ii) as subsequently amended or substituted, but only if the amendment or substitution, in so far as it relates to-
 - (A) the objects of the body;
 - (B) the criteria and conditions of membership of the body; or
 - (C) the eligibility of members of the body to vote at a general meeting of the body,has been approved in writing by the Secretary for Constitutional and Mainland Affairs; and (Amended L.N. 130 of 2007)
 - (b) "constitution" (章程), in relation to a body, includes articles of association and rules.
- (5) In column 3 of Table 4 in section 2-
- (a) "Hong Kong and Kowloon District Councils" (港九各區議會), in relation to the subsector specified in item 5 of that Table, means the District Councils specified in items 1 to 9 of Schedule 2 to the District Councils Ordinance (Cap 547); and
 - (b) "New Territories District Councils" (新界各區議會), in relation to the subsector specified in item 6 of that Table, means the District Councils specified in items 10 to 18 of Schedule 2 to the District Councils Ordinance (Cap 547).
- (6) In item 8 of Table 5 in section 2-
- (a) "non-profit making company" (非牟利公司) means a company formed for the purpose of promoting the aims specified in paragraph (4)(a), (b) or (c) opposite to that item in column 3 of that Table, that is required by its constitution to apply its profits, if any, or other income solely in promoting those aims and to prohibit the payment of any dividend to its members; and
 - (b) "social service" (社會服務) means the provision of any one or more of the following services for the benefit of the community-
 - (i) family and child welfare services;
 - (ii) services for young people;
 - (iii) services for the elderly;
 - (iv) services for offenders;
 - (v) rehabilitation services;
 - (vi) community development;
 - (vii) social security.

PART 2

MEMBERSHIP OF ELECTION COMMITTEE

2. How Election Committee is to be constituted

(1) The Election Committee is to consist of 800 members, who must be Hong Kong permanent residents.

(2) The membership of the Election Committee (other than ex-officio members) is to be determined in accordance with the procedures specified in this Schedule.

- (3) The members of the Election Committee are to be representative of 4 sectors, with each sector being represented by 200 members.
- (4) The sectors are to be composed of the subsectors specified in Tables 1, 2, 3 and 4.
- (5) The composition of the subsectors is as follows-
- (a) except in the case of the higher education and education subsectors, the social welfare subsector and the tourism and hotel subsectors, the composition of a subsector specified in Table 1, 2 or 3 which has the same name as that of a functional constituency is to be the same as that of the functional constituency;
 - (b) each of the subsectors specified in column 2 of Table 4 is to be composed of the persons described in column 3 of that Table in relation to the subsector;
 - (c) the Hong Kong Chinese Enterprises Association, tourism, hotel, Chinese medicine, higher education, education, Employers' Federation of Hong Kong and social welfare subsectors are to be composed as shown in Table 5; and
 - (d) the religious subsector is to be composed as described in Part 3.
- (6) Subject to subsection (7), for the purpose of constituting the Election Committee, each subsector is allocated the number of members specified in the relevant Table in respect of the subsector.
- (7) The Election Committee is constituted in the following manner-
- (a) the number of members allocated to the religious subsector is to be nominated by that subsector in accordance with Part 3;
 - (b) subject to subsection (9), the number of members allocated to the subsectors specified in Tables 1, 2 and 3 (except those allocated to the religious subsector), and items 3, 4, 5 and 6 of Table 4 are to be elected by the relevant subsectors in accordance with Part 4; and
 - (c) subject to subsection (8), the number of members allocated to the subsector specified-
 - (i) in item 1 of Table 4 is to be filled by the persons holding office as Hong Kong deputies to the National People's Congress; and
 - (ii) in item 2 of Table 4 is to be filled by the persons holding office as the Members of the Legislative Council, who are registered as ex-officio members of the Election Committee in, and whose names have not been removed from, the final register of members of the Election Committee.
- (8) Subject to section 41, the Electoral Registration Officer shall, in compiling an interim register of members of the Election Committee under section 40(1) after the publication of results of the subsector ordinary elections, register- (Amended 10 of 2006 s. 21)
- (a) the persons holding office on the date of those subsector ordinary elections (or the last of those dates, if different dates are specified for those subsector ordinary elections) as Hong Kong deputies to the National People's Congress; and
 - (b) the persons holding office on the date of those subsector ordinary elections (or the last of those dates, if different dates are specified for those subsector ordinary elections) as the Members of the Legislative Council, (except those persons who are not Hong Kong permanent residents) as ex-officio members of the Election Committee, in accordance with the EAC Regulations.
- (9) (a) Subject to paragraph (b), the number of members allocated to the sports, performing arts, culture and publication subsector is to be divided equally among the 4 sub-subsectors constituting that subsector, namely sports, performing arts, culture and publication sub-subsectors.

- (b) If the number of members cannot be allocated equally as an integer, the sub-subsectors are to be allocated the largest possible integer, and the remaining number is to be allocated according to the number of voters of the sub-subsectors such that the sub-subsector having the greatest number of voters is allocated a seat first until all the seats are allocated.

TABLE 1

FIRST SECTOR

Item	Subsector	Number of members
1.	Catering	11
2.	Commercial (first)	12
3.	Commercial (second)	12
4.	Employers' Federation of Hong Kong	11
5.	Finance	12
6.	Financial services	12
7.	Hong Kong Chinese Enterprises Association	11
8.	Hotel	11
9.	Import and export	12
10.	Industrial (first)	12
11.	Industrial (second)	12
12.	Insurance	12
13.	Real estate and construction	12
14.	Textiles and garment	12
15.	Tourism	12
16.	Transport	12
17.	Wholesale and retail	12

TABLE 2

SECOND SECTOR

Item	Subsector	Number of members
1.	Accountancy	20
2.	Architectural, surveying and planning	20
3.	Chinese medicine	20
4.	Education	20

5.	Engineering	20
6.	Health services	20
7.	Higher education	20
8.	Information technology	20
9.	Legal	20
10.	Medical	20

TABLE 3

THIRD SECTOR

Item	Subsector	Number of members
1.	Agriculture and fisheries	40
2.	Labour	40
3.	Religious	40
4.	Social welfare	40
5.	Sports, performing arts, culture and publication	40

TABLE 4

FOURTH SECTOR

Item	Subsector	Constituents	Number of members
1.	National People's Congress ("NPC")	Hong Kong deputies to the NPC.	36
2.	Legislative Council	Members of the Legislative Council.	60
3.	Chinese People's Political Consultative Conference ("CPPCC")	Hong Kong members of the National Committee of the CPPCC.	41
4.	Heung Yee Kuk	Chairman and Vice-Chairmen of the Heung Yee Kuk and the Ex-Officio, Special and Co-opted Councillors of the Full Council of the Heung Yee Kuk.	21
5.	Hong Kong and Kowloon District Councils	Members of the Hong Kong and Kowloon District Councils.	21
6.	New Territories District Councils	Members of the New Territories District Councils.	21

TABLE 5

COMPOSITION OF SUBSECTORS REFERRED TO IN SECTION 2(5)(c)

(Subsectors without an equivalent functional constituency)

Item	Subsector	Constituents
1.	Hong Kong Chinese Enterprises Association	Members of the Hong Kong Chinese Enterprises Association entitled to vote at general meetings of the Association.
2.	Tourism	<p>(1A) Travel industry members of the body known immediately before 1 April 2001 as the Hong Kong Tourist Association, entitled immediately before that date, under the constitution of that body in force immediately before that date, to vote at general meetings of that body. (Added 25 of 2003 s. 56)</p> <p>(1) Members of the Travel Industry Council of Hong Kong entitled to vote at general meetings of the Council.</p> <p>(2) Members of The Board of Airline Representatives in Hong Kong. (Replaced 25 of 2003 s. 56. Amended 10 of 2006 s. 32)</p>
3.	Hotel	<p>(1) Members of the Hong Kong Hotels Association entitled to vote at general meetings of the Association.</p> <p>(2) Members of the Federation of Hong Kong Hotel Owners Limited entitled to vote at general meetings of the Federation. (Amended 10 of 2006 s. 32)</p>
4.	Chinese medicine	<p>Members of-</p> <p>(1) The Hong Kong Association of Traditional Chinese Medicine Limited;</p> <p>(2) International General Chinese Herbalists and Medicine Professionals Association Limited;</p> <p>(3) Sin-Hua Herbalists' and Herb Dealers' Promotion Society Limited;</p> <p>(4) Society of Practitioners of Chinese Herbal Medicine Limited;</p> <p>(5) The Hong Kong T.C.M. Orthopaedic and Traumatic Association Limited; (Replaced 25 of 2003 s. 56)</p> <p>(6) The Hong Kong Federation of China of Traditional Chinese Medicine;</p> <p>(7) Hong Kong Acupuncturists Association;</p> <p>(8) Hong Kong Chinese Herbalists Association Limited;</p>

- (9) Association of Hong Kong & Kowloon Practitioners of Chinese Medicine, Limited;
- (10) Hong Kong Chinese Overseas Physician Association,
- who are Chinese medicine practitioners entitled to vote at the general meetings of the respective bodies. (Amended 10 of 2006 s. 32)
5. Higher education
- (1) Full-time academic staff engaged in teaching or research and administrative staff of equivalent rank in-
- (a) institutions of higher education funded through the University Grants Committee;
- (b) approved post secondary colleges registered under the Post Secondary Colleges Ordinance (Cap 320);
- (c) technical colleges established under the Vocational Training Council Ordinance (Cap 1130);
- (d) The Hong Kong Academy for Performing Arts;
- (e) The Open University of Hong Kong; (Amended 25 of 2003 s. 56)
- (f) the School of Continuing and Professional Education of the City University of Hong Kong; (Added 25 of 2003 s. 56)
- (g) the School of Continuing Education of the Hong Kong Baptist University; (Added 25 of 2003 s. 56)
- (h) the Lingnan Institute of Further Education of the Lingnan University; (Added 25 of 2003 s. 56)
- (i) the School of Continuing Studies of The Chinese University of Hong Kong; (Added 25 of 2003 s. 56)
- (j) the Division of Continuing Professional Education of The Hong Kong Institute of Education; (Added 25 of 2003 s. 56)
- (k) the School of Professional Education and Executive Development of The Hong Kong Polytechnic University; (Added 25 of 2003 s. 56)
- (l) the HKUST College of Lifelong Learning Limited; (Added 25 of 2003 s. 56)
- (m) the HKU School of Professional and Continuing Education. (Added 25 of 2003 s. 56)
- (2) Members of-

- (a) the Council of the University of Hong Kong;
- (b) the Council of The Chinese University of Hong Kong;
- (c) the Council of The Hong Kong University of Science and Technology;
- (d) the Council of the City University of Hong Kong;
- (e) the Council of The Hong Kong Polytechnic University;
- (f) the Council of The Hong Kong Academy for Performing Arts;
- (g) the Council of The Open University of Hong Kong;
- (h) the Vocational Training Council; (Amended 10 of 2006 s. 32)
- (i) the Council of The Hong Kong Institute of Education;
- (j) the Council of the Hong Kong Baptist University;
- (k) the Council of Lingnan University;
- (l) the Board of Governors of the Hong Kong Shue Yan College; (Amended 25 of 2003 s. 56)
- (m) the Board of Governors of the Caritas Francis Hsu College. (Added 25 of 2003 s. 56)

6. Education

- (1) Registered teachers registered under the Education Ordinance (Cap 279).
- (2) Permitted teachers engaged in full-time employment in schools registered or provisionally registered under the Education Ordinance (Cap 279).
- (3) Teachers and principals of schools entirely maintained and controlled by the Government.
- (4) Persons whose principal or only employment is that of full-time teaching with the following bodies-
 - (a) technical institutes, industrial training centres and skills centres established under the Vocational Training Council Ordinance (Cap 1130);
 - (b) industrial training centres established under the Industrial Training (Construction Industry) Ordinance (Cap 317);

- (c) industrial training centres established under the Industrial Training (Clothing Industry) Ordinance (Cap 318);
 - (d) Hong Chi Association-Hong Chi Pinehill Advanced Training Centre; (Replaced 25 of 2003 s. 56)
 - (e) Caritas Lok Mo Integrated Vocational Training Centre of Caritas-Hong Kong incorporated under the Caritas-Hong Kong Incorporation Ordinance (Cap 1092). (Replaced 25 of 2003 s. 56. Amended 10 of 2006 s. 32)
 - (5) Registered managers of schools registered under the Education Ordinance (Cap 279).
- 7. Employers' Federation of Hong Kong
 - Members of the Employers' Federation of Hong Kong entitled to vote at general meetings of the Federation.
- 8. Social welfare
 - (1) Social workers registered under the Social Workers Registration Ordinance (Cap 505).
 - (2) Corporate members of the Hong Kong Council of Social Service entitled to vote at general meetings of the Council.
 - (3) Exempted societies within the meaning of the Societies Ordinance (Cap 151) that have been operating with paid employees to provide service on a regular basis in accordance with the following aims for a period of 12 months immediately before making the application for registration as a voter-
 - (a) to promote the co-ordination and improvement of social service activities;
 - (b) to develop resources, such as manpower, funds and data, for social service activities; or
 - (c) to promote public understanding of social service needs and the role of the voluntary agencies in meeting those needs,
 - and which publish their annual reports and audited accounts or certified accounts with regard to annual income and expenditure.

- (4) Non-profit making companies registered under the Companies Ordinance (Cap 32) that have been operating with paid employees to provide service on a regular basis in accordance with the following aims for a period of 12 months immediately before making the application for registration as a voter-
- (a) to promote the co-ordination and improvement of social service activities;
 - (b) to develop resources, such as manpower, funds and data, for social service activities; or
 - (c) to promote public understanding of social service needs and the role of the voluntary agencies in meeting those needs,
- and which publish their annual reports and audited accounts or certified accounts with regard to annual income and expenditure.

3. Resignation of member of Election Committee

(1) If a member of the Election Committee representing the subsector specified in item 3 of Table 4 in section 2 ceases to be a Hong Kong member of the National Committee of the Chinese People's Political Consultative Conference, he is deemed to have resigned from the membership of the Election Committee unless-

- (a) the cessation is due to the expiry of the term of office of the National Committee of the Chinese People's Political Consultative Conference; and
- (b) he is a Hong Kong member of the National Committee of the Chinese People's Political Consultative Conference when the immediately following term of office of that Committee commences. (Replaced 10 of 2006 s. 6)

(1A) If a member of the Election Committee representing the subsector specified in item 4 of Table 4 in section 2 ceases to be the Chairman or a Vice-Chairman of the Heung Yee Kuk or a Councillor of the Full Council of the Heung Yee Kuk, he is deemed to have resigned from the membership of the Election Committee unless-

- (a) the cessation is due to the expiry of his term of office as the Chairman or a Vice-Chairman of the Heung Yee Kuk or a Councillor of the Full Council of the Heung Yee Kuk (as the case may be); and
- (b) he is the Chairman or a Vice-Chairman of the Heung Yee Kuk or a Councillor of the Full Council of the Heung Yee Kuk immediately after the cessation. (Added 10 of 2006 s. 6)

(1B) If a member of the Election Committee representing the subsector specified in item 5 of Table 4 in section 2 ceases to be a member of a District Council specified in item 1, 2, 3, 4, 5, 6, 7, 8 or 9 of Schedule 2 to the District Councils Ordinance (Cap 547), he is deemed to have resigned from the membership of the Election Committee unless-

- (a) the cessation is due to the expiry of his term of office as a member of such District Council; and
- (b) he is a member of such District Council immediately after the cessation.

(Added 10 of 2006 s. 6)

(1C) If a member of the Election Committee representing the subsector specified in item 6 of Table 4 in section 2 ceases to be a member of a District Council specified in item 10, 11, 12, 13, 14, 15, 16, 17 or 18 of Schedule 2 to the District Councils Ordinance (Cap 547), he is deemed to have resigned from the membership of the Election Committee unless-

- (a) the cessation is due to the expiry of his term of office as a member of such District Council; and
 - (b) he is a member of such District Council immediately after the cessation.
- (Added 10 of 2006 s. 6)

(2) If-

- (a) a person is a member of the Election Committee (other than an ex-officio member); and
- (b) the Electoral Registration Officer, by adding the person's name to the final register of members of the Election Committee, registers the person as an ex-officio member of the Committee under section 41(3),

the person is deemed to have resigned, on the date of the publication under section 41(4) of a notice to the effect that the person's name has been so added, from the membership referred to in paragraph (a).

(3) A member of the Election Committee (other than an ex-officio member) may resign from the membership by giving written notice of resignation to the Electoral Registration Officer.

(4) A notice of resignation is not effective unless it is signed by the member concerned.

(5) A notice of resignation takes effect-

- (a) on the date on which the notice is received by the Electoral Registration Officer; or
- (b) if a later date is specified in the notice, on that later date.

4. Electoral Registration Officer to compile and publish provisional register

(1) The Electoral Registration Officer shall compile and publish in accordance with the EAC Regulations a provisional register of members of the Election Committee within 14 days after the making of a vacancy declaration. (Amended 10 of 2006 s. 31)

(2) The Electoral Registration Officer is not required to compile and publish a provisional register of members of the Election Committee under subsection (1) if- (Amended 10 of 2006 s. 31)

- (a) the vacancy declaration is made within 12 months after the date of the making of another vacancy declaration; or (Amended 10 of 2006 s. 31)
- (b) the election to fill the vacancy referred to in the vacancy declaration is to be held on a date that falls outside the term of office of the Election Committee.

(3) A provisional register of members of the Election Committee is to be based on the existing final register of members of the Election Committee.

(4) In compiling a provisional register of members of the Election Committee, the Electoral Registration Officer shall-

- (a) after scrutinizing the existing final register of members of the Election Committee, strike out the names and other relevant particulars of those persons (other than ex-officio members) whom the Electoral Registration Officer is satisfied on reasonable grounds as, on the date of the making of the relevant vacancy declaration- (Amended 10 of 2006 s. 31)
 - (i) being dead;

- (ii) having resigned, or being deemed to have resigned, from the Election Committee under section 3; or
- (iii) having ceased to be registered or eligible to be registered, or having been disqualified from being registered, under the Legislative Council Ordinance (Cap 542) as an elector for a geographical constituency; and
- (b) enter the names and other relevant particulars of those persons on an omissions list.

(5) As soon as practicable after complying with subsection (4), the Electoral Registration Officer shall publish-

- (a) in the Gazette; and
- (b) in such other publications (if any) as are prescribed by the EAC Regulations,

a notice to the effect that the names and other relevant particulars of persons who are no longer eligible to have their names included in the final register of members of the Election Committee have been entered on an omissions list and specifying the times and the place at which the omissions list may be inspected.

(6) The Electoral Registration Officer shall, for the period prescribed for the purposes of this subsection by the EAC Regulations-

- (a) keep the omissions list at that Officer's office; and
- (b) during the ordinary business hours of that office, make that list available for inspection by members of the public, free of charge.

(7) In this section-

"existing final register of members of the Election Committee" (現有選舉委員會正式委員登記冊) means the final register of members of the Election Committee that is in effect under section 43 on the date of the making of the relevant vacancy declaration; (Replaced 10 of 2006 s. 31)

"vacancy declaration" (空缺宣布) means a declaration under section 5 of this Ordinance. (Replaced 25 of 2003 s. 56)

(Amended 10 of 2006 s. 31)

5. Supplementary nomination or subsector by-election to be held to fill vacancy in membership of Election Committee

(1) As soon as practicable after the Electoral Registration Officer has published a provisional register of members of the Election Committee, the Electoral Affairs Commission-

- (a) shall ascertain the number of members representing each subsector (other than a subsector specified in items 1 and 2 of Table 4 in section 2) on the Election Committee; and
- (b) if the number of members so ascertained as representing a subsector is less than the number of members allocated to the subsector in accordance with section 2(6), shall, in accordance with the EAC Regulations, arrange for a supplementary nomination (in the case of the religious subsector) or a subsector by-election (in the case of any other subsector) to be held to fill the vacancy among the members representing the subsector on the Election Committee.

(2) When making an ascertainment under subsection (1)(a), the Electoral Affairs Commission shall have regard to-

- (a) the provisional register of members of the Election Committee; and
- (b) the determinations of the Revising Officer on the appeals, if any, made under section 48 against the decisions of the Electoral Registration Officer in

relation to the register.

PART 3

RELIGIOUS SUBSECTOR

6. **Composition of the religious subsector**

(1) The religious subsector is to be composed of the following bodies (referred to in this Part as "the designated bodies")-

- (a) Catholic Diocese of Hong Kong;
- (b) Chinese Muslim Cultural and Fraternal Association;
- (c) Hong Kong Christian Council;
- (d) The Hong Kong Taoist Association;
- (e) The Confucian Academy; and
- (f) The Hong Kong Buddhist Association.

(2) The Chief Executive in Council may, by order published in the Gazette, distribute the number of members allocated to the religious subsector among the designated bodies.

7. **Nomination of members by the religious subsector**

(1) Subject to subsection (7), each designated body may nominate a number of persons selected by it as members representing the religious subsector on the Election Committee for a new term of office of the Committee.

(2) If-

- (a) the Electoral Affairs Commission is required to arrange for a supplementary nomination to fill a vacancy among the members representing the religious subsector on the Election Committee; and
- (b) the vacancy is due to the number of members from a designated body representing the religious subsector on the Election Committee being less than the assigned number for the body,

the designated body may nominate a number of persons selected by it to fill the vacancy.

(3) The process of nomination under subsection (1) or (2) (other than the selection of nominees) shall be carried out in accordance with the EAC Regulations.

(4) If-

- (a) the number of persons nominated by a designated body under subsection (1) exceeds the assigned number for the body; or
- (b) the number of persons nominated by a designated body under subsection (2) exceeds the number of vacancies to be filled,

subject to subsection (6), the body shall-

- (c) indicate which of the nominees are to be given preference in making up the assigned number or in filling the vacancy; and
- (d) then rank the excess nominees, if more than one, in order of priority.

(5) If the Returning Officer determines that any of the nominees to be given preference under subsection (4) is not validly nominated, the assigned number is to be made up or the vacancy is to be filled from the excess nominees (subject to their being validly nominated) in their order of priority.

(6) If-

- (a) the number of persons nominated by a designated body under subsection (1) exceeds the assigned number for the body; or
- (b) the number of persons nominated by a designated body under subsection (2)

exceeds the number of vacancies to be filled, but the body does not indicate preference under subsection (4) or the number of nominees to whom preference is given is less than the assigned number for that body or the number of vacancies to be filled, the Returning Officer shall determine which nominees of that body (subject to their being validly nominated) are to make up the assigned number or to fill the vacancy by drawing lots. The nominees on whom the lot falls are to become members of the Election Committee.

(7) The number of nominees to become members of the Election Committee from each designated body cannot exceed the assigned number for that body.

(8) The Returning Officer shall declare the nominees who become the members of the Election Committee as such members in accordance with the EAC Regulations.

(9) In this section-
"assigned number" (獲配席位數目), in relation to a designated body, means the number specified in an order made under section 6(2) for that body.

8. Who is qualified for selection as a nominee

- (1) A person is eligible to be selected as a nominee under section 7 if the person-
 - (a) is both registered and eligible to be registered under the Legislative Council Ordinance (Cap 542) as an elector for a geographical constituency, and is not disqualified from being so registered; and
 - (b) has a substantial connection with the religious subsector.
- (2) A person is not eligible to be selected as a nominee under section 7(1) if the person-
 - (a) is a Hong Kong deputy to the National People's Congress or a Member of the Legislative Council (whether or not the person is an ex-officio member of the Election Committee); or
 - (b) is a candidate at a subsector ordinary election.
- (3) A person is not eligible to be selected as a nominee under section 7(2) if the person-
 - (a) is a member of the Election Committee; or
 - (b) is a candidate at a subsector by-election, the nomination period for which coincides or partly coincides with the period during which the nomination under that section is to be made.
- (4) A person who is selected as a nominee by a designated body as a member representing the religious subsector on the Election Committee is not eligible to be selected by another designated body as such a member if the period during which the nominations are to be made coincides or partly coincides.

9. When a person is disqualified from being a nominee

- A person is disqualified from being a nominee under section 7 if the person-
- (a) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either-
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
 - (b) on the date of nomination, is serving a sentence of imprisonment;
 - (c) without limiting paragraph (a), where the nomination is made within 3 years after the date of the person's conviction, is or has been convicted-

- (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
- (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
- (iii) of any offence prescribed by the EAC Regulations;
- (d) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental incapacity, of managing and administering his property and affairs; or
- (e) is a member of the armed forces of the People's Republic of China or any other country or territory.

10. **Application of the Elections (Corrupt and Illegal Conduct) Ordinance**

The Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554) applies, with any necessary modifications, to and in relation to the selection and nomination of persons to be members of the Election Committee under section 7 in the same way as it applies to and in relation to a subsector election and so applies as if the persons selected or nominated were candidates at a subsector election.

PART 4

SUBSECTOR ELECTION

Division 1-Preliminary

11. **Interpretation**

- (1) In this Part, unless the context otherwise requires-
- "authorized representative" (獲授權代表), in relation to a corporate voter, means the person authorized by the corporate voter to cast its vote at a subsector election;
- "corporate voter" (團體投票人) means a body that is a voter for a subsector;
- "District Council ordinary election" (區議會一般選舉) means elections to elect persons to fill the vacancies caused by the expiration of the term of office of the elected members of District Councils; (Added 33 of 2002 s. 11)
- "existing functional constituencies final register" (現有功能界別正式選民登記冊) means the final register of electors for functional constituencies compiled under section 32(1) or (1A) of the Legislative Council Ordinance (Cap 542) that is in effect on the date of registration of voters for the subsectors; (Amended 33 of 2002 s. 11)
- "existing geographical constituencies final register" (現有地方選區正式選民登記冊) means the final register of electors for geographical constituencies compiled under section 32(1) or (1A) of the Legislative Council Ordinance (Cap 542) that is in effect on the date of registration of voters for the subsectors; (Amended 33 of 2002 s. 11)
- "existing subsector final register" (現有界別分組正式投票人登記冊), in relation to-
- (a) the compilation of a subsector provisional register to be compiled and published not later than 30 November 2001, means the subsector final register that was compiled and published under section 10 of Schedule 2 to the Legislative Council Ordinance (Cap 542) in force immediately before the commencement of section 73 of this Ordinance;

- (b) the compilation of any other subsector provisional register, means the subsector final register that is in effect under section 15 at the time the subsector provisional register is compiled;

"subsector" (界別分組) means a subsector referred to in section 2(7)(b);

"subsector final register" (界別分組正式投票人登記冊) means the final register to be compiled and published under section 14(1)(b) or (1A)(b); (Amended 33 of 2002 s. 11)

"subsector provisional register" (界別分組臨時投票人登記冊) means the provisional register to be compiled and published under section 14(1)(a) or (1A)(a); (Amended 33 of 2002 s. 11)

"voter" (投票人) means a person whose name is registered in a subsector final register and who is eligible to be so registered and is not disqualified from being so registered or from voting at a subsector election.

(2) The results of subsector ordinary elections that are declared on different dates are, for the purposes of this Schedule, taken to have been declared on the later or latest of those dates.

Division 2-Registration of voters

12. Who is eligible to be registered as a voter

(1) Subject to this section-

(a) a person is eligible to be registered as a voter for a subsector with the same name as a functional constituency (other than the education subsector, the social welfare subsector and the tourism subsector) if-

(i) the person is eligible to be registered as an elector for that functional constituency and has made an application to be so registered; or

(ii) the person-

(A) is registered for that functional constituency in the existing functional

constituencies final register; and

(B) is eligible to be, and is not disqualified from being, registered as an elector for that functional constituency; and

(b) a person is eligible to be registered as a voter for a subsector specified in Table 5 in section 2 (other than the higher education and education subsectors, the social welfare subsector and the tourism and hotel subsectors) if-

(i) the person-

(A) is a person specified opposite to that subsector in column 3 of Table 5 in section 2; and

(B) where the person is a natural person, is eligible to be registered as an elector under Part V of the Legislative Council Ordinance (Cap 542) for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency; or

(ii) the person-

(A) is registered for that subsector in the existing subsector final register; and

(B) is eligible to be, and is not disqualified from being, registered as a

voter for that subsector.

(2) A person is eligible to be registered as a voter for the sports, performing arts, culture and publication subsector subject to the following conditions-

- (a) a person who is registered, or applies to be registered, as an elector for the sports, performing arts, culture and publication functional constituency by virtue of being a person described in section 20V(1)(a) or (b) of, or Part 1 of Schedule 1B or item 40, 41, 43, 50, 54 or 59 of Part 3 of Schedule 1B to, the Legislative Council Ordinance (Cap 542) may be registered only as a voter for the sports sub-subsector; (Amended 25 of 2003 s. 56)
- (b) a person who is registered, or applies to be registered, as an elector for the sports, performing arts, culture and publication functional constituency by virtue of being a person described in section 20V(1)(i), (ka) or (kb) of, or item 1, 2, 3, 5, 9, 16, 17, 23, 24, 34, 39, 42, 45, 52, 55, 56, 57, 63 or 64 of Part 3 of Schedule 1B to, the Legislative Council Ordinance (Cap 542) may be registered only as a voter for the performing arts sub-subsector; (Amended 25 of 2003 s. 56)
- (c) a person who is registered, or applies to be registered, as an elector for the sports, performing arts, culture and publication functional constituency by virtue of being a person described in section 20V(1)(d) or (e) of, or Part 2 of Schedule 1B or item 6, 7, 10, 11, 13, 14, 19, 20, 22, 26, 27, 31, 33, 35, 37, 38, 48, 53, 58, 61 or 62 of Part 3 of Schedule 1B to, the Legislative Council Ordinance (Cap 542) may be registered only as a voter for the culture sub-subsector; and
- (d) a person who is registered, or applies to be registered, as an elector for the sports, performing arts, culture and publication functional constituency by virtue of being a person described in section 20V(1)(g), (h), (j) or (k) of, or item 15, 21, 28, 30, 32, 36 or 51 of Part 3 of Schedule 1B to, the Legislative Council Ordinance (Cap 542) may be registered only as a voter for the publication sub-subsector.

(3) A person is eligible to be registered as a voter for the higher education subsector if the person-

- (a) is a person described in section 20E(a), (aa) or (b) of the Legislative Council Ordinance (Cap 542) and has made an application to be registered for the education functional constituency; or
 - (b) is registered for the education functional constituency in the existing functional constituencies final register, and is eligible to be registered as an elector for that functional constituency by virtue of being a person described in section 20E(a), (aa) or (b) of the Legislative Council Ordinance (Cap 542). (Amended 25 of 2003 s. 56)
- (4) A person is eligible to be registered as a voter for the education subsector if-
- (a) the person is a person described in section 20E(c), (d), (e), (f) or (g) of the Legislative Council Ordinance (Cap 542) and has made an application to be registered for the education functional constituency; or
 - (b) the person is registered for the education functional constituency in the existing functional constituencies final register, and is eligible to be registered as an elector for that functional constituency by virtue of being a person described in section 20E(c), (d), (e), (f) or (g) of the Legislative Council Ordinance (Cap 542).
- (5) A person is eligible to be registered as a voter for the social welfare subsector if-
- (a) the person is a person described in section 20M of the Legislative Council Ordinance (Cap 542) and has made an application to be registered for the

- social welfare functional constituency;
- (b) the person is registered for the social welfare functional constituency in the existing functional constituencies final register, and is eligible to be registered as an elector for that functional constituency by virtue of being a person described in section 20M of the Legislative Council Ordinance (Cap 542);
- (c) the person is a person described in paragraph (2), (3) or (4) of item 8 of Table 5 in section 2 and has made an application to be registered for the social welfare subsector; or
- (d) the person-
 - (i) is registered for the social welfare subsector in the existing subsector final register by virtue of being a person described in paragraph (2), (3) or (4) of item 8 of Table 5 in section 2; and
 - (ii) is not disqualified from being registered as a voter for that subsector.
- (6) A person is eligible to be registered as a voter for the tourism subsector if the person-
 - (a) is a person described in section 20O(aa), (b) or (c) of the Legislative Council Ordinance (Cap 542) and has made an application to be registered for the tourism functional constituency; or
 - (b) is registered for the tourism functional constituency in the existing functional constituencies final register, and is eligible to be registered as an elector for that functional constituency by virtue of being a person described in section 20O(aa), (b) or (c) of the Legislative Council Ordinance (Cap 542). (Amended 25 of 2003 s. 56)
- (7) A person is eligible to be registered as a voter for the hotel subsector if-
 - (a) the person is a person described in section 20O(d) or (e) of the Legislative Council Ordinance (Cap 542) and has made an application to be registered for the tourism functional constituency; or
 - (b) the person is registered for the tourism functional constituency in the existing functional constituencies final register, and is eligible to be registered as an elector for that functional constituency by virtue of being a person described in section 20O(d) or (e) of the Legislative Council Ordinance (Cap 542).
- (8) A person is eligible to be registered as a voter for the Hong Kong and Kowloon District Councils subsector if the person is a person described opposite to that subsector in column 3 of Table 4 in section 2 and has made an application to be registered for the District Council functional constituency.
- (9) A person is eligible to be registered as a voter for the New Territories District Councils subsector if the person is a person described opposite to that subsector in column 3 of Table 4 in section 2 and has made an application to be registered for the District Council functional constituency.
- (10) Subject to this section-
 - (a) a person who is registered or applies to be registered as an elector for a functional constituency with the same name as a subsector, cannot, subject to paragraph (b), be registered only as an elector for that functional constituency and not as a voter for the subsector;
 - (b) a person who is registered or applies to be registered as a voter for a subsector with the same name as a functional constituency, cannot be registered only as a voter for that subsector and not as an elector for the functional constituency;
 - (c) a person who is registered, or has made an application to be registered, as an elector for a functional constituency with the same name as a subsector may be registered only as a voter for that subsector (whether or not the person is eligible to be registered as a voter for any other subsector), except that, if the

person is eligible to be registered as a voter for any other subsector specified in item 3 of Table 4, or item 1, 4, 7 or 8 (by virtue of subsection (5)(c) or (d)) of Table 5, in section 2, the person may choose to be registered as a voter in the first-mentioned subsector or in that other subsector; and

- (d) a person who ceases to be eligible to be registered as an elector for a functional constituency with the same name as a subsector ceases to be eligible to be registered as a voter for that subsector, but may, subject to paragraph (a) and subsection (12), apply to be registered as a voter for any other subsector for which the person is eligible to be registered as a voter.

(11) Subject to this section-

- (a) a person who-
 - (i) is a person described opposite to the Hong Kong and Kowloon District Councils subsector in column 3 of Table 4 in section 2; and
 - (ii) is registered or applies to be registered as an elector for the District Council functional constituency, cannot, subject to paragraph (c), be registered only as an elector for District Council functional constituency and not as a voter for the Hong Kong and Kowloon District Councils subsector;
- (b) a person who-
 - (i) is a person described opposite to the New Territories District Councils subsector in column 3 of Table 4 in section 2; and
 - (ii) is registered or applies to be registered as an elector for the District Council functional constituency, cannot, subject to paragraph (d), be registered only as an elector for the District Council functional constituency and not as a voter for the New Territories District Councils subsector;
- (c) a person who is registered or applies to be registered as a voter for the Hong Kong and Kowloon District Councils subsector cannot be registered only as a voter for that subsector and not as an elector for the District Council functional constituency;
- (d) a person who is registered or applies to be registered as a voter for the New Territories District Councils subsector cannot be registered only as a voter for that subsector and not as an elector for the District Council functional constituency;
- (e) a person who is registered, or has made an application to be registered, as an elector for the District Council functional constituency may be registered only as a voter-
 - (i) for the Hong Kong and Kowloon District Councils subsector if the person is a person described opposite to that subsector in column 3 of Table 4 in section 2; or
 - (ii) for the New Territories District Councils subsector if the person is a person described opposite to that subsector in column 3 of Table 4 in section 2,

(whether or not the person is eligible to be registered as a voter for any other subsector) except that, if the person is eligible to be registered as a voter for any other subsector specified in item 3 of Table 4, or item 1 or 4 of Table 5, in section 2, the person may choose to be registered as a voter in the subsector referred to in subparagraph (i) or (ii), as the case may be, or in that other subsector; and

- (f) a person who ceases to be eligible to be registered as an elector for the District Council functional constituency ceases to be eligible to be registered as a

voter for the Hong Kong and Kowloon District Councils subsector or the New Territories District Councils subsector, but may, subject to subsections (10)(a) and (12), apply to be registered as a voter for any other subsector for which the person is eligible to be registered as a voter.

(12) A person who would, but for this subsection, be eligible to be registered as a voter for 2 or more subsectors may, subject to subsection (10), be registered as a voter for only one of those subsectors of the person's choice.

(13) A person who is registered, or applies to be registered, as an elector for the education functional constituency by virtue of being a person described in section 20E(a), (aa) or (b) of the Legislative Council Ordinance (Cap 542) may be registered only as a voter for the higher education subsector. (Amended 25 of 2003 s. 56)

(14) A person who is registered, or applies to be registered, as an elector for the education functional constituency by virtue of being a person described in section 20E(c), (d), (e), (f) or (g) of the Legislative Council Ordinance (Cap 542) may be registered only as a voter for the education subsector.

(15) A person who is eligible to be registered as a voter for both the education subsector and the higher education subsector, may only be registered as a voter for the higher education subsector.

(16) A person who is registered, or applies to be registered, as an elector for the tourism functional constituency by virtue of being a person described in section 20O(aa), (b) or (c) of the Legislative Council Ordinance (Cap 542) may be registered only as a voter for the tourism subsector. (Amended 25 of 2003 s. 56)

(17) A person who is registered, or applies to be registered, as an elector for the tourism functional constituency by virtue of being a person described in section 20O(d) or (e) of the Legislative Council Ordinance (Cap 542) may be registered only as a voter for the hotel subsector.

(18) A person who is eligible to be registered as a voter for both the tourism subsector and the hotel subsector, may only be registered as a voter for the hotel subsector.

(19) A person described in column 3 of Table 4 in section 2 in relation to the subsector specified in item 3 of that Table, who-

- (a) is eligible to be registered as an elector under Part V of the Legislative Council Ordinance (Cap 542) for a geographical constituency and has made an application to be so registered; or
- (b) is registered in the existing geographical constituencies final register, and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency,

is eligible to be registered as a voter in that subsector.

(20) A member of a body specified in item 1, 2, 3, 7 or 8 of column 3 of Table 5 in section 2 is not eligible to be registered as a voter for the relevant subsector, unless immediately before that member applies for registration as a voter-

- (a) if the member is a corporate member of a body-
 - (i) that member has been a member of that body for at least 12 months; and
 - (ii) that member has been operating for at least 12 months; or
- (b) if the member is a natural person, the person has been a member of that body for at least 12 months.

13. Corporate voter to have authorized representative

(1) A corporate voter is required to select one eligible person to be its authorized representative for the purpose of casting its vote at a subsector election.

(2) A person is eligible to be an authorized representative of a corporate voter for a

subsector only if the person-

- (a) is-
 - (i) registered as an elector for a geographical constituency; or
 - (ii) eligible to be registered as an elector for a geographical constituency and has applied to be so registered;
- (b) has a substantial connection with the corporate voter;
- (c) is not registered or has not made an application to be registered as a voter for the subsector; and
- (d) is not disqualified from registration or voting under section 31 or 53 of the Legislative Council Ordinance (Cap 542).

(3) A person who is an authorized representative of a corporate voter is not eligible to be selected as the authorized representative of another corporate voter.

(4) A person cannot act as an authorized representative of a corporate voter unless the person is registered as such a representative by the Electoral Registration Officer.

(5) A corporate voter may from time to time replace its authorized representative, but only in the circumstances and manner prescribed by the EAC Regulations. The replacement does not have effect until it is registered by the Electoral Registration Officer.

(6) An application may be made to the Electoral Registration Officer for the purposes of subsection (1) or (5) in accordance with the EAC Regulations by the corporate voter concerned. The application shall be in writing and be in a form specified under section 45.

(7) The Electoral Registration Officer may refuse an application made under subsection (6) only on the ground that the authorized representative specified in the application is ineligible to be, or is disqualified from being, such a representative.

14. Electoral Registration Officer to compile and publish a register of voters

(1) The Electoral Registration Officer shall compile and publish in accordance with the EAC Regulations-

- (a) not later than 15 June in each year other than a year in which a District Council ordinary election is to be held, a provisional register of voters for subsectors; and
- (b) not later than 25 July in each year other than a year in which a District Council ordinary election is to be held, a final register of voters for subsectors. (Amended 33 of 2002 s. 11)

(1A) The Electoral Registration Officer shall compile and publish in accordance with the EAC Regulations-

- (a) not later than 15 August in each year in which a District Council ordinary election is to be held, a provisional register of voters for subsectors; and
- (b) not later than 25 September in each year in which a District Council ordinary election is to be held, a final register of voters for subsectors. (Added 33 of 2002 s. 11)

(2) The Electoral Registration Officer may amend a subsector provisional register or subsector final register so as to rectify any clerical or printing error or any incorrect name or address of a person who is recorded in the register.

(3) A subsector provisional register is to be based on the existing subsector final register. (Amended 10 of 2006 s. 31)

(4) In compiling a subsector provisional register, the Electoral Registration Officer shall-

- (a) after scrutinizing the register on which the subsector provisional register is to be based, strike out the names and other relevant particulars of those persons

whom the Electoral Registration Officer is satisfied on reasonable grounds as being no longer eligible to have their names included in the subsector final register;

- (b) enter the names and other relevant particulars of those persons on an omissions list; and
- (c) add to the register the names and other relevant particulars of those persons who have made applications for registration since the date prescribed for the purposes of this paragraph by the EAC Regulations and who are eligible to have their names included in the subsector final register.

(5) As soon as practicable after complying with subsection (4), the Electoral Registration Officer shall publish-

- (a) in the Gazette; and
- (b) in such other publications (if any) as are prescribed by the EAC Regulations,

a notice to the effect that the names and other relevant particulars of persons who are no longer eligible to have their names included in the subsector final register have been entered on an omissions list and specifying the times and the place at which the omissions list may be inspected.

(6) The Electoral Registration Officer shall, for the period prescribed for the purposes of this subsection by the EAC Regulations-

- (a) keep the omissions list at that Officer's office; and
- (b) during the ordinary business hours of that office, make that list available for inspection by members of the public, free of charge.

15. When subsector final register is to take effect

A subsector final register takes effect on the date of its publication and continues to have effect until the publication of the next subsector final register.

Division 3-Conduct of subsector elections

16. When a subsector ordinary election is to be held

(1) A subsector ordinary election is to be held on the date specified by the Chief Executive. The Chief Executive shall give notice of that date in the Gazette.

(2) The Chief Executive may specify different dates to hold different subsector ordinary elections.

17. Who is eligible to be nominated as a candidate at a subsector election

(1) A person is eligible to be nominated as a candidate at a subsector election for a subsector only if the person-

- (a) has reached 18 years of age;
- (b) is both registered and eligible to be registered for a geographical constituency; and
- (c) either-
 - (i) is both registered and eligible to be registered as a voter for that subsector; or
 - (ii) satisfies the Returning Officer for the subsector that the person has a substantial connection with the subsector.

(2) A person is not eligible to be nominated as a candidate at a subsector ordinary

election if the person is-

- (a) a nominee of a designated body under section 7(1); or
- (b) a Hong Kong deputy to the National People's Congress or a Member of the Legislative Council (whether or not the person is an ex-officio member of the Election Committee).

(3) A person is not eligible to be nominated as a candidate at a subsector by-election if-

- (a) the person is a nominee of a designated body under section 7(2) and the period during which the nomination under that section is to be made and the nomination period for the by-election coincide or partly coincide; or
- (b) the person is a member of the Election Committee.

18. When a person is disqualified from being a subsector candidate

A person is disqualified from being nominated as a candidate at a subsector election and from being elected as a member of the Election Committee if the person-

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a geographical constituency;
- (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either-
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;
- (e) without limiting paragraph (c), where the subsector election is to be held or is held within 3 years after the date of the person's conviction, is or has been convicted-
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (f) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental incapacity, of managing and administering his property and affairs; or
- (g) is a member of the armed forces of the People's Republic of China or any other country or territory.

18A. When a person is disqualified from being a candidate for 4 subsectors in the Fourth Sector

- (1) This section is without prejudice to section 18.
- (2) A person is disqualified from-
 - (a) being nominated as a candidate at a subsector election for the subsector specified in item 3 of Table 4 in section 2; or
 - (b) being elected as a member of the Election Committee representing that subsector,

if he is not a Hong Kong member of the National Committee of the Chinese People's Political

Consultative Conference.

(3) A person is disqualified from-

- (a) being nominated as a candidate at a subsector election for the subsector specified in item 4 of Table 4 in section 2; or
- (b) being elected as a member of the Election Committee representing that subsector,

if he is not the Chairman or a Vice-Chairman of the Heung Yee Kuk or a Councillor of the Full Council of the Heung Yee Kuk.

(4) A person is disqualified from-

- (a) being nominated as a candidate at a subsector election for the subsector specified in item 5 of Table 4 in section 2; or
- (b) being elected as a member of the Election Committee representing that subsector,

if he is not a member of a District Council specified in item 1, 2, 3, 4, 5, 6, 7, 8 or 9 of Schedule 2 to the District Councils Ordinance (Cap 547).

(5) A person is disqualified from-

- (a) being nominated as a candidate at a subsector election for the subsector specified in item 6 of Table 4 in section 2; or
- (b) being elected as a member of the Election Committee representing that subsector,

if he is not a member of a District Council specified in item 10, 11, 12, 13, 14, 15, 16, 17 or 18 of Schedule 2 to the District Councils Ordinance (Cap 547).

(Added 10 of 2006 s. 6)

19. Candidate to lodge deposit

(1) A person is validly nominated as a candidate for a subsector at a subsector election only if a deposit has, in the manner prescribed by the EAC Regulations, been lodged with the Returning Officer for the subsector concerned by or on behalf of the person.

(2) The deposit is to be of such an amount as prescribed by the regulations for the purposes of this section and is to be disposed of as provided by the regulations.

20. Person not to be nominated for more than one subsector

A person who is nominated as a candidate for a subsector at a subsector election is not eligible to be nominated as a candidate at another subsector election that is to be held on the same day or if the nomination periods for the elections coincide or partly coincide.

21. Withdrawal of candidature

(1) A candidate for a subsector election may withdraw the candidate's candidature at any time before the close of nominations.

(2) The withdrawal of such a candidate's candidature has effect only if it is in writing signed by the candidate and complies with the EAC Regulations.

22. Who are validly nominated candidates for subsector election

(1) The Returning Officer for a subsector shall, as soon as practicable after receiving a nomination form that complies with the EAC Regulations, decide in accordance with those

Regulations whether or not a person is validly nominated as a candidate at the subsector election.

(2) The Returning Officer for a subsector shall, in accordance with the EAC Regulations, publish a notice stating which persons are validly nominated as candidates at the subsector election.

23. Death or disqualification of a validly nominated candidate before date of subsector election

(1) If, after the Returning Officer has made a decision under section 22(1) that a candidate is validly nominated for a subsector election, but before the date of the subsector election, proof is given to the satisfaction of the Returning Officer that the candidate has died, that Officer shall, in accordance with the EAC Regulations, give notice of the death.

(2) If a notice under section 22(2) has been published, the Returning Officer shall also, in accordance with the EAC Regulations-

- (a) publicly declare that the candidate under subsection (1) has died; and
- (b) further declare which candidates are validly nominated for the subsector election.

(3) Subsections (1) and (2) do not apply if the Returning Officer has publicly declared under section 25(1) that the candidate was duly elected as a member of the Election Committee.

(4) If, after the Returning Officer has made a decision under section 22(1) that a candidate is validly nominated for a subsector election, but before the date of the subsector election, proof is given to the satisfaction of the Returning Officer that the candidate is disqualified from being nominated as a candidate for a subsector election, the Returning Officer shall, in accordance with the EAC Regulations, vary the decision to the effect that the candidate is not validly nominated. If the Returning Officer so varies the decision, that Officer shall, in accordance with those Regulations, give notice of the variation of the decision.

(5) If a notice under section 22(2) has been published, the Returning Officer shall also, in accordance with the EAC Regulations-

- (a) publicly declare that the decision has been varied; and
- (b) further declare which candidates are validly nominated for the subsector election.

(6) Subsections (4) and (5) do not apply if the Returning Officer has publicly declared under section 25(1) that the candidate was duly elected as a member of the Election Committee.

24. When holding of a subsector election can be postponed or adjourned

(1) The Electoral Affairs Commission may by order direct the postponement of a subsector election if, before that election is held, the Commission is of the opinion that the election is likely to be obstructed, disrupted, undermined or seriously affected by riot or open violence or any other occurrence of public danger.

(2) The Electoral Affairs Commission may by order direct the adjournment of the polling or counting of votes for a subsector election if, during the polling or counting of votes in respect of that election, the Commission is of the opinion that the polling or counting is likely to be or is being obstructed, disrupted, undermined or seriously affected by riot or open violence or any other occurrence of public danger.

(3) The Returning Officer or Returning Officers concerned shall give effect to a direction under this section as soon as practicable after being notified of it.

(4) If the subsector election, or polling or counting of votes at the subsector election, is directed to be postponed or adjourned under this section, the Electoral Affairs Commission shall specify a date for the holding of the subsector election, or the polling or counting, in place of the postponed subsector election or the adjourned polling or counting. The Electoral Affairs Commission shall give notice of that date in the Gazette. That date is to be not later than 14 days from the date on which the election, polling or counting of votes would have taken place but for the direction.

25. What is to happen if insufficient number of candidates is nominated for a subsector

(1) If-

(a) after the close of nominations of candidates for a subsector ordinary election, no more candidates have been validly nominated than the number of members allocated to the subsector; or

(b) after the close of nominations of candidates for a subsector by-election, no more candidates have been validly nominated than the number of members to be returned at the by-election,

the Returning Officer concerned shall, in accordance with the EAC Regulations, publicly declare the candidates for the subsector to be duly elected as members of the Election Committee representing the subsector.

(2) If, after the close of nominations of candidates for a subsector election, no candidate was validly nominated, the Returning Officer concerned shall, by notice published in the Gazette, declare that no candidate was validly nominated for the subsector election.

(3) If-

(a) after the close of nominations of candidates for a subsector ordinary election, the number of candidates validly nominated was less than the number of members allocated to the subsector; or

(b) after the close of nominations of candidates for a subsector by-election, the number of candidates validly nominated was less than the number of members to be returned at the by-election,

the Returning Officer concerned shall, by notice published in the Gazette, declare that the number of members of the Election Committee returned at the subsector election for the subsector is less than the number of members to be returned at the election.

26. Death or disqualification of a validly nominated candidate before declaration of election result

(1) If, on or after the date of a subsector election but before declaring the result of the subsector election, proof is given to the satisfaction of the Returning Officer concerned that a validly nominated candidate for the subsector election has died or is disqualified from being elected, the proceedings for the subsector election are to begin (if they have not begun) or to continue (if they have begun) as if the death or disqualification had not occurred.

(2) If-

(a) after the counting of votes is finished, the candidate referred to in subsection (1) is found to be successful at the subsector election; and

(b) there is no other candidate at the subsector election who can be returned under section 29(9) for the subsector in place of that candidate,

the Returning Officer concerned shall, in accordance with the EAC Regulations, declare that-

- (c) no candidate is returned at the subsector election; or
- (d) (where more than one member of the Election Committee are to be returned at the subsector election and there are other candidates returned at the subsector election) the number of members of the Election Committee returned at the subsector election for the subsector is less than the number of members to be returned at the election.

27. How subsector election is to be conducted

- (1) At every contested subsector election-
 - (a) a poll is to be taken for the subsector; and
 - (b) voting at the poll is to be by secret ballot.
- (2) The poll is to be conducted in accordance with the EAC Regulations.
- (3) The Returning Officer appointed for a subsector is responsible for supervising a subsector election for the subsector in accordance with this Schedule, the Electoral Affairs Commission Ordinance (Cap 541) and the EAC Regulations.

28. Who is entitled to vote at a subsector election

- (1) A person is entitled to vote at a subsector election only if the person is registered as a voter for the subsector concerned.
- (2) A person registered as a voter for a subsector may not be prevented from voting at a subsector election only because the person's name should not have been included in the subsector final register prepared for the subsector.
- (3) A corporate voter may vote at a subsector election only by its authorized representative.

29. System of voting and counting of votes

- (1) Voting and counting of votes at a poll referred to in section 27 is to be conducted in accordance with the simple or relative majority system of election (otherwise known as the "first past the post" system of voting).
- (2) At a subsector ordinary election, a voter may vote for as many candidates as the number of members allocated to the subsector concerned and no more.
- (3) At a subsector by-election, a voter may vote for as many candidates as the number of members to be returned at the by-election and no more.
- (4) If a subsector ordinary election is contested by more candidates than the number of members allocated to the subsector, the candidates to be elected for the subsector are those who obtain the greatest number of votes at the election and then the next greatest and so on until the required number of members is elected.
- (5) If a subsector by-election is contested by more candidates than the number of members to be returned at the by-election-
 - (a) in the case of a single vacancy, the candidate to be elected for the subsector is the one who obtains the greatest number of votes at the by-election; and
 - (b) in the case of more than one vacancy, the candidates to be elected for the subsector are those who obtain the greatest number of votes at the by-election and then the next greatest and so on until the required number of members is elected.
- (6) If, after the counting is finished at a subsector election, a member is still to be returned for the subsector and the most successful candidates remaining have an equal number of votes, the Returning Officer shall determine the result of the election by drawing

lots. The candidate on whom the lot falls is to be returned at the subsector election.

(7) As soon as practicable after determining the result of a subsector election, the Returning Officer concerned shall, in accordance with the EAC Regulations, publicly declare as elected the candidates who were successful at the subsector election.

(8) Despite subsection (7), if, before declaring the result of a subsector election, proof is given to the satisfaction of the Returning Officer that the candidate or a candidate who was successful at the subsector election has died or is disqualified from being elected, that Officer shall not declare that candidate as elected.

(9) If there is another candidate or there are other candidates at the subsector election who has not or have not been returned for the subsector, the candidate is to be returned or the candidate who obtains the greatest number of votes is to be returned (subject to that candidate's being not disqualified from being elected) in place of the deceased or disqualified candidate. In that case, the Returning Officer concerned shall publicly declare the candidate so returned to be elected.

30. When a voter is disqualified from voting at subsector election

(1) A person registered as a voter for a subsector is disqualified from voting at a subsector election for that subsector, if the person-

- (a) has ceased to be eligible to be registered as a voter for that subsector;
- (b) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either-
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (c) on the date of the relevant subsector election, is serving a sentence of imprisonment;
- (d) without limiting paragraph (b), where the subsector election is to be held or is held within 3 years after the date of the person's conviction, is or has been convicted-
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (e) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental incapacity, of managing and administering his property and affairs; or
- (f) is a member of the armed forces of the People's Republic of China or any other country or territory.

(2) This section applies to an authorized representative of a corporate voter in the same way as it applies to a voter who is a natural person.

31. Consequences of non-compliance with requirements of this Schedule

In any proceedings brought to question the validity of a subsector election, the Revising Officer shall not declare the election to be invalid only because of-

- (a) a failure to comply with the regulations or with the EAC Regulations; or
- (b) a mistake in the use of a form specified under this Schedule or under the

Electoral Affairs Commission Ordinance (Cap 541),
if the Revising Officer is satisfied on reasonable grounds that the conduct of the election was in accordance with the principles laid down in this Schedule and the Electoral Affairs Commission Ordinance (Cap 541) and that the failure to comply or mistake did not affect the result of the election.

32. Misnomer or inaccuracy not to affect operation of election document

(1) A misnomer or inaccurate description of a person, a person's identity document or place specified in a document to which this section applies does not limit the full operation of the document with respect to that person, identity document or place if the description of the person, identity document or place is such as to be commonly understood.

(2) This section applies to a subsector provisional register, a subsector final register, a nomination paper, ballot paper, notice or other document prepared for the purposes of a subsector election.

(3) In this section-
"identity document" (身分證明文件) means-

- (a) an identity card issued to a person under the Registration of Persons Ordinance (Cap 177);
- (b) a document issued to a person under regulations in force under that Ordinance certifying that the person is exempt from being required to register under that Ordinance; or
- (c) any other document issued to a person that is acceptable to the Electoral Registration Officer as proof of the person's identity.

33. Subsector election to be presumed valid

Every subsector election is presumed to be valid, unless it is questioned by means of an appeal lodged with a Revising Officer within the period during which an appeal can be made to a Revising Officer under section 39 and the Officer, on the hearing of an appeal, determines that the election is invalid.

34. Subsector election not to be questioned only because of defect in appointment of electoral officer

A subsector election is not to be questioned only because of a defect in the appointment of an electoral officer who is responsible for conducting the subsector election.

35. Returning Officer to publish result of subsector election

- (1) The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the Election Committee at a subsector election.
- (2) The publication of a notice shall be in accordance with the EAC Regulations.

36. Offences by Returning Officers and others with respect to conduct of subsector election

(1) Any person holding office as a Returning Officer or an Assistant Returning Officer at a subsector election who neglects or refuses to perform the functions of that office in relation to such an election commits an offence and is liable on conviction to a fine at level 2.

(2) A prosecution for an offence under this section may be brought only with the consent of the Secretary for Justice.

(3) A person is not to be liable to conviction under this section unless the complaint or information alleging the offence is laid within 3 months after the date of the alleged commission of the offence.

37. Voter not to be required to disclose how vote was cast

(1) A voter who is asked to disclose the name of, or any particulars relating to, the subsector candidate for whom the voter voted at a subsector election is not required to answer the question.

(2) A person shall not, without lawful authority, require or purport to require a voter at a subsector election to disclose the name of, or any particulars relating to, a subsector candidate for whom the voter voted at the subsector election.

(3) A person who contravenes subsection (2) commits an offence and is liable on conviction to a fine at level 2.

(4) In this section, "voter" (投票人) includes an authorized representative of a corporate voter.

Division 4-Miscellaneous

38. Subsector candidates entitled to send letters to voters free of postage

(1) A validly nominated candidate at a subsector election is entitled to send free of postage one letter addressed to each voter whose name appears in the subsector final register for the subsector for which the candidate is nominated.

(2) Each such letter is to relate to the election concerned and is to comply with all requirements and limitations (if any) prescribed by the EAC Regulations.

(3) The cost to the Postmaster General of enabling subsector candidates to exercise their entitlements under this section is a charge on, and is to be met from, the general revenue.

39. Subsector election may be questioned only by appeal to Revising Officer

(1) A person claiming to be a candidate at a subsector election may appeal against the result to a Revising Officer in accordance with the regulations.

(2) An appeal under subsection (1) may be lodged only during the period of 7 days following the date on which the Returning Officer has published in the Gazette the result being appealed against.

(3) Any person whose election is questioned by an appeal under this section and the Returning Officer in respect of the subsector election concerned may be made a respondent to the appeal.

(4) At the hearing of the appeal, the appellant is entitled to appear in person and,

whether or not the appellant appears in person, to be represented by a legal practitioner or any other person.

(5) At the end of a hearing, the Revising Officer shall determine whether the person whose election is questioned was or was not duly elected.

(6) The determination of the Revising Officer on such an appeal is final.

PART 5

INTERIM REGISTER AND FINAL REGISTER OF MEMBERS OF ELECTION COMMITTEE

(Amended 10 of 2006 s. 21)

40. **Electoral Registration Officer to compile and publish interim register and final register**

(Amended 10 of 2006 s. 21)

(1) The Electoral Registration Officer shall compile and publish in accordance with the EAC Regulations an interim register of members of the Election Committee within 7 days after the results of the subsector ordinary elections are published under section 35. (Amended 10 of 2006 s. 21)

(2) The Electoral Registration Officer shall compile and publish in accordance with the EAC Regulations a final register of members of the Election Committee within 7 days after the result of a subsector by-election is published under section 35. (Amended 10 of 2006 s. 21)

(3) The Electoral Registration Officer shall also compile and publish in accordance with the EAC Regulations a final register of members of the Election Committee within 7 days after a nominee under section 7(2) is declared as a member of the Election Committee under section 7, unless the period during which the nomination under section 7(2) is to be made and the nomination period for a subsector by-election coincide or partly coincide.

(3A) The Electoral Registration Officer shall-

- (a) compile in accordance with the EAC Regulations a final register of members of the Election Committee on the basis of the interim register of members of the Election Committee, incorporating any amendment made under section 41 or 42; and
- (b) publish the final register in accordance with the EAC Regulations on the date on which the Election Committee is constituted. (Added 10 of 2006 s. 21)

(4) If-

- (a) the Electoral Registration Officer has compiled and published a provisional register of members of the Election Committee under section 4;
- (b) the Electoral Affairs Commission has ascertained under section 5(1)(a) the number of members representing each subsector (other than a subsector specified in items 1 and 2 of Table 4 in section 2) on the Election Committee; and
- (c) the number of members representing each subsector on the Election Committee so ascertained is equal to the number of members allocated to the subsector in accordance with section 2(6),

the Electoral Registration Officer shall, as soon as practicable after the Electoral Affairs Commission's ascertainment, publish in accordance with the EAC Regulations the provisional register as a final register of members of the Election Committee.

41. **Electoral Registration Officer to amend interim register or final register**

to give effect to change in ex-officio membership

(Amended 10 of 2006 s. 21)

(1) The Electoral Registration Officer may from time to time amend the interim register of members of the Election Committee or final register of members of the Election Committee in accordance with this section and the EAC Regulations to give effect to any change in the ex-officio membership of the Election Committee.

(2) If a person is registered as an ex-officio member of the Election Committee-

(a) by virtue of being a person referred to in section 2(7)(c)(i), and subsequently that person ceases to be a Hong Kong deputy to the National People's Congress, that person ceases to be an ex-officio member of the Election Committee and the Electoral Registration Officer shall, subject to subsection (3), remove that person's name from the interim register of members of the Election Committee or final register of members of the Election Committee;

or

(b) by virtue of being a person referred to in section 2(7)(c)(ii), and subsequently that person ceases to be a Member of the Legislative Council, that person ceases to be an ex-officio member of the Election Committee and the Electoral Registration Officer shall, subject to subsection (3), remove that person's name from the interim register of members of the Election Committee or final register of members of the Election Committee.

(3) The Electoral Registration Officer shall register as ex-officio members of the Election Committee-

(a) persons who become Hong Kong deputies to the National People's Congress; and

(b) persons who become Members of the Legislative Council,

from time to time (except those persons who are not Hong Kong permanent residents) in accordance with the EAC Regulations.

(4) If the Electoral Registration Officer adds names to or removes names from the interim register or final register of members of the Election Committee under this section, that Officer shall, as soon as practicable after the addition or removal, publish, in accordance with the EAC Regulations, a notice to the effect that names have been so added or removed.

(Amended 10 of 2006 s. 21)

42. Electoral Registration Officer may amend register

(1) The Electoral Registration Officer may amend a provisional register, interim register or final register of members of the Election Committee so as to rectify any clerical or printing error or any incorrect name or address of a person who is recorded in the register.

(2) If a Revising Officer directs the Electoral Registration Officer to incorporate into the interim register of members of the Election Committee or final register of members of the Election Committee the Revising Officer's determination on an appeal under section 39 or 48, the Electoral Registration Officer shall also amend the register to effect the direction.

(3) If the Electoral Registration Officer amends the interim register of members of the Election Committee or final register of members of the Election Committee under subsection (2), that Officer shall, as soon as practicable after the amendment, publish, in accordance with the EAC Regulations, a notice of the amendment.

(Amended 10 of 2006 s. 21)

43. When final register is to take effect

(1) During the term of office of the Election Committee, a final register of members of the Election Committee is to-

- (a) have effect as amended from time to time in accordance with sections 41 and 42 and the EAC Regulations after its publication; and
- (b) cease to have effect on the publication of the next final register of members of the Election Committee.

(2) If names have been removed from or added to the final register of members of the Election Committee under section 41(2) or (3), or the register has been amended under section 42(2), the register as amended is to take effect on the date of the publication of the notice under section 41(4) or 42(3).

PART 6

MISCELLANEOUS

44. Appointment of Electoral Registration Officer and assistants

(1) The Chief Executive shall appoint an Electoral Registration Officer and such number of Assistant Electoral Registration Officers as appears to the Chief Executive to be necessary for the purposes of registering persons as members of the Election Committee and as voters at subsector elections.

(2) The Electoral Registration Officer has such functions as are conferred or imposed on that Officer by or under this Schedule.

(3) An Assistant Electoral Registration Officer may, with the authority of the Electoral Registration Officer, perform the functions of Electoral Registration Officer.

(4) The Secretary for Constitutional and Mainland Affairs shall publish in the Gazette a notice of the appointment of a person as Electoral Registration Officer and the Officer's address. (Amended L.N. 130 of 2007)

(5) The executive authorities of the Government shall ensure that the Electoral Registration Officer is provided with such staff as that Officer requires in order to perform that Officer's functions under this Schedule.

(6) Expenses properly incurred by the Electoral Registration Officer in the performance of that Officer's functions under this Schedule or the Electoral Affairs Commission Ordinance (Cap 541) are a charge on, and are payable from, the general revenue.

45. Electoral Registration Officer may specify forms

The Electoral Registration Officer may specify the form of any application, notice, return, record or other document required for the purposes of this Schedule.

46. Appointment of Revising Officer

(1) The Chief Justice may appoint any magistrate, or any legal officer within the meaning of the Legal Officers Ordinance (Cap 87), to be a Revising Officer for the purposes of this Schedule.

(2) If no appointment is made under subsection (1), the Registrar of the High Court is taken to be a Revising Officer.

(3) A Revising Officer has such functions as are conferred or imposed on the Officer by or under this Schedule.

(4) A Revising Officer has, when performing the Officer's functions, the powers and immunities of a magistrate under sections 21, 22, 99, 125 and 126 of the Magistrates Ordinance (Cap 227).

47. Appointment of Returning Officers and assistants

(1) The Electoral Affairs Commission shall appoint for each subsector a Returning Officer and such number of Assistant Returning Officers as appears to the Commission to be necessary to enable members of the Election Committee (other than ex-officio members) to be returned for the subsector.

(2) A Returning Officer has such functions as are conferred or imposed on that Officer by or under this Schedule.

(3) An Assistant Returning Officer may, with the authority of the Returning Officer concerned, perform the functions of Returning Officer.

(4) The Electoral Affairs Commission shall publish in the Gazette a notice of the appointment of a Returning Officer and that Officer's address.

(5) The executive authorities of the Government shall ensure that each Returning Officer is provided with such staff as that Officer requires in order to perform that Officer's functions under this Schedule.

(6) Expenses properly incurred by a Returning Officer in the performance of that Officer's functions under this Schedule or the Electoral Affairs Commission Ordinance (Cap 541) are a charge on, and are payable from, the general revenue.

48. Right of appeal to Revising Officer against decisions of Electoral Registration Officer

(1) A person who is dissatisfied with a decision of the Electoral Registration Officer made for the purposes of this Schedule may appeal against the decision to a Revising Officer.

(2) The determination of a Revising Officer on such an appeal is final.

(3) The Electoral Registration Officer, or an Assistant Electoral Registration Officer, is required to appear as the respondent at the hearing of the appeal.

(4) At the hearing of the appeal, the appellant or any other person concerned in the appeal is entitled to appear in person and, whether or not the appellant appears in person, to be represented by a legal practitioner or any other person.

49. (Repealed 10 of 2006 s. 31)