

**LEGISLATIVE COUNCIL BRIEF**  
**ELECTORAL LEGISLATION**  
**(MISCELLANEOUS AMENDMENTS) (NO. 2) BILL 2015**

**INTRODUCTION**

At the meeting of the Executive Council on 8 December 2015, the Council ADVISED and the Chief Executive ORDERED that the Electoral Legislation (Miscellaneous Amendments) (No. 2) Bill 2015 (“Bill”), at A **Annex A**, should be introduced into the Legislative Council (“LegCo”).

2. The Bill seeks to amend various pieces of electoral legislation to make necessary technical amendments to –

- (a) align certain deadlines for filing election returns (“ERs”)<sup>1</sup>;
- (b) update the electorate of the Election Committee (“EC”) subsectors and the corresponding Legislative Council (“LegCo”) functional constituencies (“FCs”); and
- (c) align the electoral arrangements of the EC subsector elections and the Chief Executive (“CE”) election with the other public elections.

**JUSTIFICATIONS**

**(A) Aligning the deadlines for filing ERs**

3. At present, in accordance with the existing provisions in relevant legislation, candidates returned from uncontested constituencies (“uncontested candidates”) in public elections such as the LegCo election are required to submit their ERs earlier than candidates from contested constituencies (“contested candidates”) of the same election<sup>2</sup>. At the LegCo

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<sup>1</sup> Under the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554), each candidate must lodge with the appropriate authority an election return setting out the candidate’s election expenses at the election; and all election donations received by or on behalf of the candidate in connection with the election.

<sup>2</sup> For example, according to section 37(2) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap.

Panel on Constitutional Affairs (“CA Panel”) meeting of 23 April 2014, a Member expressed that in the LegCo election, uncontested candidates who had conducted joint promotion with contested candidates might face difficulties in verifying and apportioning the relevant election expenses with the candidates who were still busily contesting in the election. That Member considered that it would be time-consuming and costly for uncontested candidates to seek relief from the Court to extend the submission deadline for their ERs and asked the Government to consider extending the deadline for submitting their ERs in such circumstances.

4. We saw merits in aligning the deadlines for submitting ERs for both contested and uncontested candidates such that all candidates in the same LegCo election would be subject to the same and later ER submission deadline. By the same token, we further propose extending the proposal to the District Councils, the EC, the Heung Yee Kuk, Rural Representatives, and the Chairman or Vice-Chairman or members of the Executive Committee of Rural Committees, as well as by-elections involving more than one vacancy, where candidates may also encounter similar situations in preparing their ERs.

5. Indeed, apart from the case of uncontested candidates, there are other scenarios which may result in different deadlines for filing ERs by candidates in the same election, namely, termination of the proceedings for part of the election or failure of part of the election. We therefore propose in the Bill that the drafting approach should be to align the period for all candidates in the same election to submit ERs to one later ER submission deadline. The above proposal involves amending the relevant provisions of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) (“ECICO”) to extend the ER submission deadline (and thereby the period allowed for submission of claim for financial assistance), while ensuring that the period allowed for public inspection of the relevant ERs would not be shortened as a result of implementing this proposal.

## **(B) Updating the electorate of the EC subsectors and the corresponding FCs**

6. In preparation for the 2016 EC subsector elections and in keeping with the established practice, we have reviewed the delineation of the

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554), in the case of the LegCo election, the candidate must ensure that his/her ER is submitted not later than 60 days after the date of publication of the result of the election. As the election results of uncontested constituencies must be published in the Gazette within 14 days of the expiry of the nomination period in accordance with the law, that date of publication will be a few weeks earlier than the date when the election results of contested constituencies are published.

B

electorate of all EC subsectors in consultation with relevant bureau / departments and made reference to the recent updating exercise for the delineation of the electorate of LegCo FCs<sup>3</sup>. We propose making only necessary technical amendments to the legislation concerning the electorate of the ECSSs as set out at **Annex B**, on the basis of applying the same electoral arrangements of the 4<sup>th</sup> term CE in 2012 and maintaining the original delineation of the subsectors concerned intact. These technical amendments are to include one new body<sup>4</sup>, change the name of eleven bodies, and remove seven bodies which have ceased operation since the last updating exercise<sup>5</sup>. Corresponding amendments would also be made to the relevant LegCo FCs which have the same electorate.

### **(C) Aligning the electoral arrangements of the EC subsector elections and the CE election with the other public elections**

7. In 2014, we made some technical amendments for improving the clarity of the relevant provisions and refining the procedural requirements in the electoral laws for the LegCo, the District Council, and the Rural Representative elections, in the light of the experience gained from previous elections. The amendments were included in the Electoral Legislation (Miscellaneous Amendments) Bill 2014, which was passed by LegCo on 10 July 2014.

8. In preparation for the 2016 EC subsector elections and the 2017 CE election, we propose to introduce similar amendments to align the electoral arrangements of the EC subsector elections and the CE election with those of the other public elections.

9. The proposed amendments would be made to the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541 sub. leg. B), the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541 sub. leg. I), the Electoral Procedure (Chief Executive Election) Regulation (Cap. 541 sub. leg. J), the Electronic Transactions

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<sup>3</sup> Relevant updates to the electorate for FCs were included in the Electoral Legislation (Miscellaneous Amendments) Bill 2015, which was passed and enacted in July 2015. The updates only involved necessary technical amendments to the electorates.

<sup>4</sup> “Body” in this paper refers to (a) “umbrella organisations”, i.e. bodies for which their members (which may be natural persons or corporates) are electors; and/or (b) “specified bodies”, i.e. corporates which are electors.

<sup>5</sup> The last updating exercise was done in early 2015 alongside with other technical amendments in preparation for the 2016 LegCo election.

(Exclusion) Order (Cap. 553 sub. leg. B), the Chief Executive Election Ordinance (Cap. 569) (“CEEO”) and its subsidiary legislation, namely the Election Committee (Appeals) Regulation (Cap. 569 sub. leg. A) and the Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) (Regulation) (Cap. 569 sub. leg. B). The amendments concerned are as follows—

| <b>Proposed amendments</b>  | <b>Details</b>   |
|---|--|
| (a) Extension of electoral deadlines in case of inclement weather                                 | To introduce specific provisions to clarify that a statutory deadline for voter registration and electoral procedural matter which falls on a working day should be extended to the following working day (which is not an inclement weather warning day) when a gale warning or black rainstorm warning is in force at any time during ordinary business hours on the day of the deadline. This would compensate for the time lost for completing the relevant acts or proceedings. |
| (b) Clarification of an election agent’s authority to act on behalf of a candidate                | To clarify that an election agent can only perform the acts which the candidate may do under Cap. 541 sub. leg. I and Cap. 541 sub. leg. J, hence excluding the signing of election returns which is stipulated in Cap. 554.   |
| (c) Clarification of delivery methods of certain electoral documents                              | To clarify the means of delivery of notice of appointment and notice of revocation of appointment of election/election expense/polling/counting agent and application for allocation to a special polling station, and to add electronic mail as means of delivery of the above notices and some other notices.  |
| (d) Improvement to the provisions about postponement or adjournment of an election, poll or count | To align the fallback period for holding an election, poll or count to 14 days in case it is necessary to postpone an election or adjourn a poll or count due to riot, open violence or other occurrence of public danger; a typhoon or other climatic condition of a serious nature; or an occurrence which appears to be a material  |

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|   | irregularity.<br>To include an express provision to cover postponement of an election or adjournment of poll or count owing to occurrence of public health danger.   |
| (e) Other technical amendments                  |  |
| (i) Ordinary business hours                     | To amend the definition of “ordinary business hours” so that Saturday mornings (other than general holidays) during the period from the date of gazettal of an election notice or a by-election notice to the date of gazettal of election result are regarded as “ordinary business hours”. Outside that period, the term does not cover Saturday mornings.   |
| (ii) Gazetting of polling and counting stations | To specify the deadline (at least 10 days before polling day) for publishing a list of polling stations and counting stations in the Gazette and indicating on the list the special polling stations; to refine the wording about designation of special polling stations; and to advance the deadline for the Returning Officer to give notice to candidates about place(s) of counting of votes from at least one working day before polling day to at least 10 days before polling day. |
| (iii) Others                                    | To remove references to repealed provisions and rectify minor textual errors.  |

## THE BILL

10. The main provisions are summarised below –

- (a) **Part 1** sets out the short title of the Bill;
- (b) **Part 2** amends the ECICO to align deadlines for filing ERs;
- (c) **Part 3** amends the Legislative Council Ordinance (Cap. 542) and the Schedule to the CEEO to update the electorate of certain FCs and EC subsectors;

- (d) **Part 4** amends various pieces of electoral legislation to extend certain deadlines in case of inclement weather;
- (e) **Part 5** amends various pieces of legislation to clarify delivery methods of certain electoral documents;
- (f) **Part 6** amends various pieces of electoral legislation to make improvements to the provisions about postponement or adjournment of an election, poll or count;
- (g) **Part 7** amends Cap. 541 sub. leg. I and Cap. 541 sub. leg. J to clarify an election agent's authority to act on behalf of a candidate; and
- (h) **Parts 8 to 9** contain certain minor or technical amendments to Cap. 541 sub. leg. I and Cap. 541 sub. leg. J.

C The existing provisions being amended are at **Annex C**.

## **LEGISLATIVE TIMETABLE**

11. The legislative timetable is as follows –

|   |                  |
|---|------------------|
| Publication in the Gazette  | 11 December 2015 |
| First reading and commencement of<br>Second Reading debate                | 16 December 2015 |
| Resumption of Second Reading debate,<br>Committee Stage and Third Reading | To be notified   |

## **IMPLICATIONS OF THE PROPOSALS**

12. The Bill is in conformity with the Basic Law, including the provisions concerning human rights. The proposed amendments will not affect the current binding effect of the Ordinances and subsidiary legislation which the Bill seeks to amend. The proposal has no financial, economic, civil service, productivity, environmental, sustainability, gender or family implications.

## **PUBLIC CONSULTATION**

13. We consulted the CA Panel on the contents of the Bill on 19 October 2015. Members did not express objection to our proposals.

## **PUBLICITY**

14. A spokesperson will be made available to address media enquiries, if any.

## **ENQUIRY**

15. Any enquiry on this brief can be addressed to Mr Ryan Chiu, Principal Assistant Secretary for Constitutional and Mainland Affairs, at 2810 2852.

**Constitutional and Mainland Affairs Bureau**  
**9 December 2015**

**Electoral Legislation (Miscellaneous Amendments) (No. 2) Bill 2015**

**Contents**

| Clause   | Page |
|--|------|
| <b>Part 1</b>  |      |
| <b>Preliminary</b>   |      |
| 1. Short title .....   | 1    |
| <b>Part 2</b>  |      |
| <b>Amendments Relating to Lodging of Election Returns</b>  |      |
| 2. Elections (Corrupt and Illegal Conduct) Ordinance amended .....   | 2    |
| 3. Section 5A amended (effect of inclement weather warning on date and period) .....                         | 2    |
| 4. Section 36 repealed (interpretation: Part 6) .....  | 2    |
| 5. Section 37 amended (candidate to lodge election return with appropriate authority) .....                  | 2    |
| 6. Section 41 amended (appropriate authority to keep election returns).....                                  | 7    |
| 7. Section 50 added.....   | 8    |
| 50. Transitional provision for Electoral Legislation (Miscellaneous Amendments) (No. 2) Ordinance 2015 ..... | 8    |

**Part 3**

| Clause  | Page |
|---|------|
| <b>Amendments Relating to Composition of Legislative Council Functional Constituencies and Election Committee Subsector</b> |      |
| <b>Division 1—Enactments Amended</b>  |      |
| 8. Enactments amended .....   | 10   |
| <b>Division 2—Amendments to Legislative Council Ordinance (Cap. 542)</b>  |      |
| 9. Section 20E amended (composition of the education functional constituency).....  | 10   |
| 10. Section 20U amended (composition of the financial services functional constituency).....                                | 10   |
| 11. Schedule 1 amended (composition of the agriculture and fisheries functional constituency).....                          | 11   |
| 12. Schedule 1A amended (composition of the transport functional constituency).....   | 11   |
| 13. Schedule 1B amended (composition of the sports, performing arts, culture and publication functional constituency).....  | 11   |
| <b>Division 3—Amendments to Chief Executive Election Ordinance (Cap. 569)</b>   |      |
| 14. Schedule, section 2 amended (how Election Committee is to be constituted).....  | 13   |

**Part 4**

|  |  |
|--|--|
| <b>Amendments Relating to Effect of Inclement Weather on Date and Period</b> |  |
| <b>Division 1—Enactments Amended</b>   |  |

| Clause   | Page |
|--|------|
| 15. Enactments amended .....   | 14   |
| <b>Division 2—Amendment to Electoral Affairs Commission (Registration)<br/>(Electors for Legislative Council Functional Constituencies) (Voters for<br/>Election Committee Subsectors) (Members of Election Committee) Regulation<br/>(Cap. 541 sub. leg. B)</b> |      |
| 16. Section 2A amended (effect of inclement weather warning<br>on date and period) .....   | 14   |
| <b>Division 3—Amendments to Electoral Affairs Commission (Electoral<br/>Procedure) (Election Committee) Regulation (Cap. 541 sub. leg. I)</b>  |      |
| 17. Section 1A added.....  | 14   |
| 1A. Effect of inclement weather warning on date and<br>period.....   | 15   |
| 18. Section 5 amended (Chief Electoral Officer to determine<br>nomination period) .....  | 17   |
| 19. Section 24 amended (Returning Officer to send to other<br>candidates notice of particulars of election agent).....   | 17   |
| 20. Schedule 1 amended (postponement and adjournment of<br>subsector elections).....   | 17   |
| <b>Division 4—Amendment to Electoral Procedure (Chief Executive Election)<br/>Regulation (Cap. 541 sub. leg. J)</b>  |      |
| 21. Section 2A added.....  | 18   |
| 2A. Effect of inclement weather warning on date and<br>period.....   | 18   |

| Clause   | Page |
|--|------|
| <b>Division 5—Amendments to Chief Executive Election Ordinance (Cap. 569)</b>                        |      |
| 22. Section 2 amended (interpretation).....  | 20   |
| 23. Section 2A added.....  | 20   |
| 2A. Effect of inclement weather warning on date and<br>period.....                                   | 20   |
| 24. Section 15 amended (nomination period).....  | 22   |
| 25. Section 31 amended (winning candidate to declare he is not a<br>member of political party) ..... | 22   |
| 26. Section 34 amended (period within which election petition<br>and appeal must be lodged) .....    | 23   |
| 27. Schedule, section 1A amended (effect of inclement weather<br>warning on date) .....              | 23   |
| <b>Division 6—Amendments to Election Committee (Appeals) Regulation (Cap.<br/>569 sub. leg. A)</b>   |      |
| 28. Section 2 amended (interpretation).....  | 24   |
| 29. Section 2A added.....  | 24   |
| 2A. Effect of inclement weather warning on date and<br>period.....                                   | 24   |
| 30. Section 5 amended (fixing of hearing and notifying appellant<br>thereof) .....                   | 26   |
| 31. Section 10 amended (review of rulings by Revising Officer).....                                  | 27   |
| <b>Division 7—Amendments to Election Committee (Registration) (Voters for</b>                        |      |

| Clause  | Page |
|---|------|
| <b>Subsectors) (Members of Election Committee) (Appeals) Regulation (Cap. 569 sub. leg. B)</b>  |      |
| 32. Section 2A amended (effect of inclement weather warning on date and period) .....   | 27   |
| 33. Section 3 amended (fixing of hearing and notifying appellant thereof) .....   | 28   |
| 34. Section 5 amended (Electoral Registration Officer to be notified of rulings) .....  | 29   |
| 35. Section 7 amended (review of rulings by Revising Officer).....  | 30   |
| <b>Part 5</b>   |      |
| <b>Amendments Relating to Documents for Appointment of Various Agents and Delivery of Documents</b>   |      |
| <b>Division 1—Enactments Amended</b>  |      |
| 36. Enactments amended .....  | 31   |
| <b>Division 2—Amendments to Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541 sub. leg. I)</b>     |      |
| 37. Section 23 amended (candidate may appoint election agent) .....   | 31   |
| 38. Section 25 amended (authorization of election expense agent to incur election expenses at or in connection with subsector election) ..... | 32   |
| 39. Section 33 amended (Chief Electoral Officer may allocate special polling stations) .....  | 32   |

| Clause   | Page |
|--|------|
| 40. Section 42 amended (candidates may appoint polling agents) .....   | 33   |
| 41. Section 64 amended (candidates may appoint counting agents).....   | 35   |
| 42. Section 95 amended (publication and display of notices, etc.).....   | 36   |
| <b>Division 3—Amendments to Electoral Procedure (Chief Executive Election) Regulation (Cap. 541 sub. leg. J)</b> |      |
| 43. Section 12 amended (appointment of election agent).....  | 37   |
| 44. Section 14 amended (provisions applicable to appointment of agents).....                                     | 38   |
| 45. Section 25 amended (polling agents).....   | 38   |
| 46. Section 44 amended (appointment of counting agent).....  | 41   |
| 47. Section 72 amended (manner of giving notice) .....   | 42   |
| <b>Division 4—Amendments to Electronic Transactions (Exclusion) Order (Cap. 553 sub. leg. B)</b>                 |      |
| 48. Schedule 1 amended (provisions excluded from application of section 5 of Ordinance) .....                    | 43   |
| 49. Schedule 2 amended (provisions excluded from application of section 6 of Ordinance) .....                    | 43   |
| <b>Part 6</b>  |      |
| <b>Amendments Relating to Postponement or Adjournment of Election, Poll or Counting</b>                          |      |
| <b>Division 1—Enactments Amended</b>   |      |

| Clause  | Page |
|---|------|
| 50. Enactments amended .....  | 45   |
| <b>Division 2—Amendments to Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541 sub. leg. I)</b>                 |      |
| 51. Schedule 1, section 1 amended (postponement of subsector election and adjournment of poll or counting of votes in respect of subsector election)..... | 45   |
| 52. Schedule 1, section 2 amended (adjournment of poll at particular polling station).....  | 45   |
| 53. Schedule 1, section 6 amended (appointment of date by Commission for subsector election, polling or counting after postponement or adjournment) ..... | 46   |
| <b>Division 3—Amendments to Electoral Procedure (Chief Executive Election) Regulation (Cap. 541 sub. leg. J)</b>  |      |
| 54. Section 65 amended (resumption of postponed or adjourned polling or counting) .....   | 46   |
| <b>Division 4—Amendments to Chief Executive Election Ordinance (Cap. 569)</b>   |      |
| 55. Section 21 amended (postponement or adjournment of polling or counting of votes).....   | 47   |
| 56. Schedule, section 24 amended (when holding of a subsector election can be postponed or adjourned) .....   | 48   |
| <b>Part 7</b>   |      |
| <b>Amendments Relating to Election Agent’s Authority to Act on Behalf of Candidate</b>  |      |

| Clause  | Page |
|---|------|
| <b>Division 1—Enactments Amended</b>  |      |
| 57. Enactments amended .....  | 49   |
| <b>Division 2—Amendment to Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541 sub. leg. I)</b>  |      |
| 58. Section 23 amended (candidate may appoint election agent) .....   | 49   |
| <b>Division 3—Amendment to Electoral Procedure (Chief Executive Election) Regulation (Cap. 541 sub. leg. J)</b>                           |      |
| 59. Section 12 amended (appointment of election agent).....   | 49   |
| <b>Part 8</b>   |      |
| <b>Amendments Relating to Notices Designating Polling Stations and Counting Stations, etc.</b>  |      |
| <b>Division 1—Enactments Amended</b>  |      |
| 60. Enactments amended .....  | 50   |
| <b>Division 2—Amendments to Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541 sub. leg. I)</b> |      |
| 61. Section 28 amended (Chief Electoral Officer to designate polling stations and counting stations).....                                 | 50   |
| 62. Section 29 amended (Chief Electoral Officer to designate some polling stations as special polling stations) .....                     | 50   |
| 63. Section 63 amended (Returning Officer to give notice of time and place of counting of votes to candidates).....                       | 51   |
| <b>Division 3—Amendments to Electoral Procedure (Chief Executive Election)</b>  |      |

| Clause  | Page |
|---|------|
| <b>Regulation (Cap. 541 sub. leg. J)</b>  |      |
| 64. Section 18 amended (designation of polling station and counting station) .....  | 51   |
| 65. Section 43 amended (determination and notice of time of counting of votes) .....  | 52   |
| <b>Part 9</b>   |      |
| <b>Other Technical Amendments</b>   |      |
| <b>Division 1—Enactments Amended</b>  |      |
| 66. Enactments amended .....  | 53   |
| <b>Division 2—Amendments to Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541 sub. leg. I)</b> |      |
| 67. Section 1 amended (interpretation).....   | 53   |
| 68. Section 67 amended (what constitutes offence at counting station) .....   | 54   |
| 69. Section 101 amended (offence of false declaration).....   | 54   |
| <b>Division 3—Amendments to Electoral Procedure (Chief Executive Election) Regulation (Cap. 541 sub. leg. J)</b>                          |      |
| 70. Section 2 amended (interpretation).....   | 55   |
| 71. Section 24 amended (order in no canvassing zone and no staying zone).....   | 55   |

# A BILL

## To

Amend various electoral legislation and the Electronic Transactions (Exclusion) Order to change the period for lodging election returns; to make technical amendments concerning the lists of persons comprising certain Legislative Council functional constituencies and an Election Committee subsector, effect of inclement weather, documents relating to appointment of various agents, means of delivery of documents, postponement or adjournment of election, poll or counting, election agent's authority and designation of polling and counting stations; and to make other minor amendments that do not affect the substance of the electoral systems.

Enacted by the Legislative Council.

## Part 1

### Preliminary

**1. Short title**

This Ordinance may be cited as the Electoral Legislation (Miscellaneous Amendments) (No. 2) Ordinance 2015.

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**Part 2****Amendments Relating to Lodging of Election Returns**

2. **Elections (Corrupt and Illegal Conduct) Ordinance amended**  
The Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) is amended as set out in this Part.
3. **Section 5A amended (effect of inclement weather warning on date and period)**
- (1) Section 5A(2)—  
**Repeal**  
“, 37(2)(a)(i)(A), (B) or (C) or (ii)(A), (B) or (C)”.
- (2) Section 5A(3), after “section 34(7)”—  
**Add**  
“, 37(1A), (1B), (1D), (1F), (1H), (1J), (1L) or (1N)”.
4. **Section 36 repealed (interpretation: Part 6)**  
Section 36—  
**Repeal the section.**
5. **Section 37 amended (candidate to lodge election return with appropriate authority)**
- (1) After section 37(1)—  
**Add**  
“(1A) For an election to elect the Chief Executive, the candidate must ensure that the return is lodged before the expiry of the period of 30 days after the date on which—

- (a) the result of the election is published in the Gazette; or
- (b) the proceedings for the election are declared to have been terminated.
- (1B) For an election to membership of the Legislative Council, the candidate must ensure that the return is lodged before the expiry of the period of 60 days after—
- (a) if the election is held for 2 or more constituencies—the date on which the election becomes settled in relation to all of the constituencies; or
- (b) if the election is held for only 1 constituency—the date on which the election becomes settled in relation to the constituency.
- (1C) For the purposes of subsection (1B), an election is settled in relation to a constituency on the date on which any of the following events occurs in relation to the constituency, or, if more than one of the following events occurs in relation to the constituency, on the date on which the last of those events occurs—
- (a) the result of the election is notified in the Gazette;
- (b) the proceedings for the election are declared to have been terminated;
- (c) the election is declared to have failed.
- (1D) For an election to membership of the Election Committee, the candidate must ensure that the return is lodged before the expiry of the period of 30 days after—
- (a) if, according to a notice published under section 4 of the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541 sub. leg. I), the election is one of the subsector

- elections that are to be held on the same date—the date on which the subsector elections become settled or, if the subsector elections become settled on different dates, the last of those dates; or
- (b) in any other case—the date on which the election becomes settled.
- (1E) For the purposes of subsection (1D), an election is settled on the date on which any of the following events occurs in relation to the election—
- (a) the result of the election is notified in the Gazette;
- (b) a declaration that no candidate was validly nominated is made.
- (1F) For an election to membership of any District Council, the candidate must ensure that the return is lodged before the expiry of the period of 30 days after—
- (a) if the election is held for 2 or more constituencies in relation to 1 or more District Councils—the date on which the election becomes settled in relation to all of the constituencies; or
- (b) if the election is held for only 1 constituency—the date on which the election becomes settled in relation to the constituency.
- (1G) For the purposes of subsection (1F), an election is settled in relation to a constituency on the date on which any of the following events occurs in relation to the constituency—
- (a) the result of the election is notified in the Gazette;
- (b) the proceedings for the election are declared to have been terminated;

- (c) the election is declared to have failed.
- (1H) For an election relating to the Heung Yee Kuk, the candidate must ensure that the return is lodged before the expiry of the period of 30 days after—
- (a) if the election is held for 2 or more vacancies—the date on which the election becomes settled in relation to all of the vacancies; or
- (b) if the election is held for only 1 vacancy—the date on which the election becomes settled in relation to the vacancy.
- (1I) For the purposes of subsection (1H), an election is settled in relation to a vacancy on the date on which any of the following events occurs in relation to the vacancy—
- (a) the result of the election is announced by the returning officer for the election;
- (b) the election is declared to be invalid.
- (1J) For an election relating to a Rural Committee, the candidate must ensure that the return is lodged before the expiry of the period of 30 days after—
- (a) if the election is held for 2 or more offices—the date on which the election becomes settled in relation to all of the offices; or
- (b) if the election is held for only 1 office—the date on which the election becomes settled in relation to the office.
- (1K) For the purposes of subsection (1J), an election is settled in relation to an office on the date on which any of the following events occurs in relation to the office—

- (a) the result of the election is announced by the returning officer for the election;
  - (b) the proceedings for the election are declared to have been terminated;
  - (c) the election is declared to have failed.
- (1L) For a Rural Representative election for a Rural Area, the candidate must ensure that the return is lodged before the expiry of the period of 30 days after—
- (a) if, according to a notice under section 20(3)(b) of the Rural Representative Election Ordinance (Cap. 576) or section 6 of the Electoral Procedure (Rural Representative Election) Regulation (Cap. 541 sub. leg. L), the election is one of the Rural Representative elections in relation to the same Rural Committee that are to be held on the same date—the date on which the Rural Representative elections become settled or, if the Rural Representative elections become settled on different dates, the last of those dates; or
  - (b) in any other case—the date on which the election becomes settled.
- (1M) For the purposes of subsection (1L), an election is settled on the date on which any of the following events occurs in relation to the election, or, if more than one of the following events occurs in relation to the election, on the date on which the last of those events occurs—
- (a) the result of the election is notified in the Gazette;
  - (b) the proceedings for the election are declared to have been terminated;
  - (c) the election is declared to have failed.

- (1N) Despite subsections (1A), (1B), (1D), (1F), (1H), (1J) and (1L), the return may be lodged within any extended period allowed by the Court under section 40.”
- (2) Section 37(2)—
- Repeal paragraph (a).**
- (3) After section 37(3)—
- Add**
- “(4) In this section—
- Rural Representative election** (鄉郊代表選舉) means a rural ordinary election as defined by section 2(1) of the Rural Representative Election Ordinance (Cap. 576) or a rural by-election as defined by that section;
- subsector election** (界別分組選舉) has the meaning given by section 1(1) of the Schedule to the Chief Executive Election Ordinance (Cap. 569) (as read together with section 1(2)(b) of that Schedule).”
6. **Section 41 amended (appropriate authority to keep election returns)**
- Section 41(6)—
- Repeal**
- everything after “ending with”
- Substitute**
- “—
- (a) for an election referred to in section 37(1A), (1D), (1F), (1H), (1J) or (1L)—the 30th day before the first anniversary of the date of the deadline for lodging the relevant election return under that section (disregarding any order made by the Court under section 40); or

- (b) for an election referred to in section 37(1B)—the 60th day before the first anniversary of the date of the deadline for lodging the relevant election return under that section (disregarding any order made by the Court under section 40).”.

**7. Section 50 added**

After section 49—

**Add**

**“50. Transitional provision for Electoral Legislation (Miscellaneous Amendments) (No. 2) Ordinance 2015**

If the poll of an election—

- (a) is held on a date before the commencement date of the Electoral Legislation (Miscellaneous Amendments) (No. 2) Ordinance 2015 ( of 2015) (*amending Ordinance*);
- (b) would have been held on a date before that commencement date if the election were contested; or
- (c) would have been held on a date before that commencement date but for—
- (i) any postponement or adjournment;
- (ii) the termination of the proceedings for the election;
- (iii) the failure of the election; or
- (iv) the invalidity of the election,

the amendments to sections 5A, 37 and 41, and the repeal of section 36, made by the amending Ordinance do not apply to the election, and the provisions of this Ordinance in force immediately before that commencement date continue to

apply to the election as if the amending Ordinance had not been enacted.”.

### Part 3

## Amendments Relating to Composition of Legislative Council Functional Constituencies and Election Committee Subsector

### Division 1—Enactments Amended

#### 8. Enactments amended

The enactments specified in Divisions 2 and 3 are amended as set out in those Divisions.

### Division 2—Amendments to Legislative Council Ordinance (Cap. 542)

#### 9. Section 20E amended (composition of the education functional constituency)

(1) Section 20E(b)(xix)—

**Repeal**

“and”.

(2) After section 20E(b)(xix)—

**Add**

“(xx) Board of Governors of the Gratia Christian College; and”.

#### 10. Section 20U amended (composition of the financial services functional constituency)

Section 20U(1)(c), Chinese text—

**Repeal**

“香港”.

#### 11. Schedule 1 amended (composition of the agriculture and fisheries functional constituency)

Schedule 1—

**Repeal item 45.**

#### 12. Schedule 1A amended (composition of the transport functional constituency)

(1) Schedule 1A—

**Repeal items 115, 122, 138, 147, 159 and 162.**

(2) Schedule 1A, item 200—

**Repeal**

“Hing Taxi Radio Service General”

**Substitute**

“Star Taxi Operators”.

#### 13. Schedule 1B amended (composition of the sports, performing arts, culture and publication functional constituency)

(1) Schedule 1B, English text, Part 3, item 9—

**Repeal**

“HK Film Directors’ Guild Ltd”

**Substitute**

“Hong Kong Film Directors’ Guild Limited”.

(2) Schedule 1B, English text, Part 3, item 22—

**Repeal**

“Ltd”

**Substitute**

- “Limited”.
- (3) Schedule 1B, English text, Part 3, item 33—  
**Repeal**  
 “PEN”  
**Substitute**  
 “P.E.N.”.
- (4) Schedule 1B, English text, Part 3, item 34—  
**Repeal**  
 “Ltd”  
**Substitute**  
 “Limited”.
- (5) Schedule 1B, English text, Part 3, item 39—  
**Repeal**  
 “Ltd”  
**Substitute**  
 “Limited”.
- (6) Schedule 1B, English text, Part 3, item 42—  
**Repeal**  
 “Ltd”  
**Substitute**  
 “Limited”.
- (7) Schedule 1B, English text, Part 3, item 45—  
**Repeal**  
 “Co. Ltd”  
**Substitute**  
 “Company Limited”.

- (8) Schedule 1B, English text, Part 3, item 56—  
**Repeal**  
 “(HK) Ltd”  
**Substitute**  
 “(Hong Kong) Limited”.
- (9) Schedule 1B, Part 3, item 61—  
**Repeal**  
 “Videotage”  
**Substitute**  
 “Videotage Limited”.

### **Division 3—Amendments to Chief Executive Election Ordinance (Cap. 569)**

14. **Schedule, section 2 amended (how Election Committee is to be constituted)**
- (1) The Schedule, section 2, Table 5, item 5, column 3, paragraph (2)(s)—  
**Repeal the full stop**  
**Substitute a semicolon.**
- (2) The Schedule, section 2, Table 5, item 5, column 3, after paragraph (2)(s)—  
**Add**  
 “(t) the Board of Governors of the Gratia Christian College.”.

## Part 4

### Amendments Relating to Effect of Inclement Weather on Date and Period

#### Division 1—Enactments Amended

##### 15. Enactments amended

The enactments specified in Divisions 2 to 7 are amended as set out in those Divisions.

##### Division 2—Amendment to Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541 sub. leg. B)

##### 16. Section 2A amended (effect of inclement weather warning on date and period)

Section 2A—

Repeal subsection (8).

##### Division 3—Amendments to Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541 sub. leg. I)

##### 17. Section 1A added

After section 1—

Add

#### “1A. Effect of inclement weather warning on date and period

(1) In this section—

*gale warning* (烈風警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62);

*inclement weather warning day* (惡劣天氣警告日) means a working day on which a gale warning or a rainstorm warning is in force at any time during ordinary business hours;

*rainstorm warning* (暴雨警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62);

*working day* (工作日) means—

- (a) any Monday, Tuesday, Wednesday, Thursday or Friday other than a general holiday;
- (b) in relation to a nomination or supplementary nomination for the religious subsector, a Saturday (other than a general holiday) during the period between—
  - (i) the date of publication of a notice under section 3(1) or (2) in respect of the nomination or supplementary nomination; and
  - (ii) the date of the declaration made under section 7(8) of the Schedule to the Chief Executive Election Ordinance (Cap. 569);
- (c) in relation to a subsector election, a Saturday (other than a general holiday) during the period between—

- (i) the date of publication of a notice under section 4(1) or (2) in respect of the subsector election; and
  - (ii) the date of publication of the result of the subsector election under section 35 of the Schedule to the Chief Executive Election Ordinance (Cap. 569) or the date of the declaration made under section 25 of that Schedule, as may be appropriate.
- (2) If—
- (a) a date is prescribed in this Regulation (whether by reference to a specific day of a specific month or to a day otherwise ascertainable under this Regulation) or is fixed under this Regulation;
  - (b) an act is required or permitted by a provision of this Regulation to be done not later than, or on or before, the date or on the date; and
  - (c) the date falls on an inclement weather warning day, the next working day which is not an inclement weather warning day, following the date is taken to be prescribed or fixed in relation to the act instead for the provision.
- (3) If—
- (a) a period is prescribed in or fixed under this Regulation;
  - (b) an act is required or permitted by a provision of this Regulation to be done in, during or within the period; and
  - (c) the last day of the period falls on an inclement weather warning day,

the period is extended, in relation to the act, to end on the next working day which is not an inclement weather warning day, following the day mentioned in paragraph (c), and the provision has effect accordingly.

(4) Subsections (2) and (3) are subject to Schedule 1.”

**18. Section 5 amended (Chief Electoral Officer to determine nomination period)**

After section 5(3)—

**Add**

“(4) Despite subsection (3), the nomination period may end during the period of 12 days before the date on which the relevant subsector election is to be held if the nomination period is extended under section 1A(3).”

**19. Section 24 amended (Returning Officer to send to other candidates notice of particulars of election agent)**

Section 24(4)—

**Repeal**

“period of 5 days”

**Substitute**

“notice period”.

**20. Schedule 1 amended (postponement and adjournment of subsector elections)**

Schedule 1—

**Repeal**

“[ss. 63”

**Substitute**

“[ss. 1A, 63”.

**Division 4—Amendment to Electoral Procedure (Chief Executive Election) Regulation (Cap. 541 sub. leg. J)**

**21. Section 2A added**

Part 1, after section 2—

**Add**

**“2A. Effect of inclement weather warning on date and period**

(1) In this section—

*gale warning* (烈風警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62);

*inclement weather warning day* (惡劣天氣警告日) means a working day on which a gale warning or a rainstorm warning is in force at any time during ordinary business hours;

*rainstorm warning* (暴雨警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62);

*working day* (工作日) means—

- (a) any Monday, Tuesday, Wednesday, Thursday or Friday other than a general holiday;
- (b) a Saturday (other than a general holiday) during the period between—
  - (i) the date of publication of a notice under section 3 in respect of an election; and
  - (ii) the date of publication of the result of the election under the Election Ordinance or the date of the declaration of the termination of

the proceedings for the election under that Ordinance, as may be appropriate.

(2) If—

- (a) a date is prescribed in this Regulation (whether by reference to a specific day of a specific month or to a day otherwise ascertainable under this Regulation) or is fixed under this Regulation;
- (b) an act is required or permitted by a provision of this Regulation to be done not later than, or on or before, the date or on the date; and
- (c) the date falls on an inclement weather warning day, the next working day which is not an inclement weather warning day, following the date is taken to be prescribed or fixed in relation to the act instead for the provision.

(3) If—

- (a) a period is prescribed in or fixed under this Regulation;
- (b) an act is required or permitted by a provision of this Regulation to be done in, during or within the period; and
- (c) the last day of the period falls on an inclement weather warning day,

the period is extended, in relation to the act, to end on the next working day which is not an inclement weather warning day, following the day mentioned in paragraph (c), and the provision has effect accordingly.

(4) Subsections (2) and (3) are subject to section 65.”

### Division 5—Amendments to Chief Executive Election Ordinance (Cap. 569)

#### 22. Section 2 amended (interpretation)

(1) Section 2(1), English text, definition of *subsector election*—

**Repeal the semicolon**

**Substitute a full stop.**

(2) Section 2(1)—

**Repeal the definition of *working day*.**

#### 23. Section 2A added

Part 1, after section 2—

**Add**

##### “2A. Effect of inclement weather warning on date and period

(1) In this section—

*gale warning* (烈風警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62);

*inclement weather warning day* (惡劣天氣警告日) means a working day on which a gale warning or a rainstorm warning is in force at any time during the ordinary business hours;

*ordinary business hours* (通常辦公時間) means the hours—

- (a) between 9 a.m. and 5 p.m. on any Monday, Tuesday, Wednesday, Thursday or Friday (other than a general holiday); and
- (b) between 9 a.m. and 12 noon on a Saturday (other than a general holiday) during the period between—

(i) the date of publication of a notice under section 3 of the Electoral Procedure (Chief Executive Election) Regulation (Cap. 541 sub. leg. J) in respect of an election; and

(ii) the date of publication of the result of the election under this Ordinance or the date of the declaration of the termination of the proceedings for the election under this Ordinance, as may be appropriate;

*rainstorm warning* (暴雨警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62);

*working day* (工作日) means—

(a) any Monday, Tuesday, Wednesday, Thursday or Friday other than a general holiday;

(b) a Saturday (other than a general holiday) during the period between—

(i) the date of publication of a notice under section 3 of the Electoral Procedure (Chief Executive Election) Regulation (Cap. 541 sub. leg. J) in respect of an election; and

(ii) the date of publication of the result of the election under this Ordinance or the date of the declaration of the termination of the proceedings for the election under this Ordinance, as may be appropriate.

(2) If the last day of the nomination period fixed under section 15 falls on an inclement weather warning day, the nomination period is extended to end on the next working day which is not an inclement weather warning

day, following that last day, and that section has effect accordingly.

(3) If—

(a) a person is required by section 18 or 31 to do an act within a period; and

(b) the last day of the period falls on an inclement weather warning day,

the period is extended, in relation to the act, to end on the next working day which is not an inclement weather warning day, following the day mentioned in paragraph (b), and that section has effect accordingly.”

**24. Section 15 amended (nomination period)**

(1) Section 15(1)—

**Repeal**

“and the time at which the nomination period terminates”.

(2) Section 15—

**Repeal subsection (3).**

(3) At the end of section 15—

**Add**

“(4) Despite subsection (2), the nomination period may end during the period of 21 days before the polling date if the nomination period is extended under section 2A(2).”.

**25. Section 31 amended (winning candidate to declare he is not a member of political party)**

(1) Section 31(2), English text, definition of *political party*, paragraph (b)—

**Repeal the full stop**

**Substitute a semicolon.**

(2) Section 31(2)—

**Add in alphabetical order**

“*working day* (工作日) has the meaning given by section 2A(1).”.

**26. Section 34 amended (period within which election petition and appeal must be lodged)**

After section 34(2)—

**Add**

“(3) In this section—

*working day* (工作日) means any day other than—

(a) a general holiday;

(b) a black rainstorm warning day as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1); or

(c) a gale warning day as defined by that section.”.

**27. Schedule, section 1A amended (effect of inclement weather warning on date)**

(1) The Schedule, section 1A, heading, after “**date**”—

**Add**

“**and period**”.

(2) The Schedule, after section 1A(2)—

**Add**

“(3) If—

(a) the Electoral Registration Officer is required by section 40(3A)(b) to do an act on a date; and

(b) the date falls on an inclement weather warning day, that section has effect as if it required the Officer to do the act on the next working day which is not an inclement weather warning day, following the date.

(4) If—

- (a) the Electoral Registration Officer is required by section 4(1) or 40 to do an act within a period; and
- (b) the last day of the period falls on an inclement weather warning day,

the period is extended, in relation to the act, to end on the next working day which is not an inclement weather warning day, following the day mentioned in paragraph (b), and that section has effect accordingly.”.

### Division 6—Amendments to Election Committee (Appeals) Regulation (Cap. 569 sub. leg. A)

#### 28. Section 2 amended (interpretation)

Section 2(1)—

##### Add in alphabetical order

“*working day* (工作日) means any Monday, Tuesday, Wednesday, Thursday or Friday other than a general holiday;”.

#### 29. Section 2A added

After section 2—

##### Add

#### “2A. Effect of inclement weather warning on date and period

(1) In this section—

*gale warning* (烈風警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62);

*inclement weather warning day* (恶劣天氣警告日) means a working day on which a gale warning or a rainstorm warning is in force at any time during ordinary business hours of the office of a Revising Officer;

*rainstorm warning* (暴雨警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62).

(2) If—

- (a) a date is prescribed in this Regulation (whether by reference to a specific day of a specific month or to a day otherwise ascertainable under this Regulation) or is fixed under this Regulation;
- (b) an act is required or permitted by a provision of this Regulation to be done not later than, or on or before, the date or on the date; and

(c) the date falls on an inclement weather warning day, the next working day which is not an inclement weather warning day, following the date is taken to be prescribed or fixed in relation to the act instead for the provision.

(3) If—

- (a) a period is prescribed in or fixed under this Regulation;
- (b) an act is required or permitted by a provision of this Regulation to be done in, during or within the period; and
- (c) the last day of the period falls on an inclement weather warning day,

the period is extended, in relation to the act, to end on the next working day which is not an inclement weather warning day, following the day mentioned in paragraph (c), and the provision has effect accordingly.

- (4) If the last day of the period referred to in section 5(3) or (4) falls on an inclement weather warning day, section 8 has effect as if the reference to the expiry of that period in section 8 were substituted by a reference to the next working day which is not an inclement weather warning day, following that last day.
- (5) Subsections (2) and (3) are subject to sections 5(5) and 10(2A)."

**30. Section 5 amended (fixing of hearing and notifying appellant thereof)**

After section 5(4)—

**Add**

- "(5) Despite subsections (3) and (4) and sections 6(1)(b) and (2)(b) and 9, if—
- (a) the date fixed under subsection (1)(a) for a hearing—
- (i) is the last day of the period referred to in subsection (3) or (4); or
- (ii) is postponed under section 2A to or beyond the last day of the period mentioned in subparagraph (i); and
- (b) the deadline for making representations in writing to the Revising Officer under this section is postponed under section 2A to that hearing day,
- the Revising Officer may, in his or her discretion, postpone the hearing to the next working day which is

not an inclement weather warning day, following the postponed deadline.

- (6) In this section—

*inclement weather warning day* (惡劣天氣警告日) has the meaning given by section 2A(1)."

**31. Section 10 amended (review of rulings by Revising Officer)**

- (1) After section 10(2)—

**Add**

"(2A) Despite subsection (2), if the conditions under section 5(5)(a)(i) or (ii) and (b) are met, the period for a review of the ruling in respect of the appeal notice or written representation in question is extended to end on the next working day which is not an inclement weather warning day, following the postponed deadline for the making of representations in writing to the Revising Officer specified in section 5(5) in relation to that appeal notice or written representation."

- (2) After section 10(3)—

**Add**

"(4) In this section—

*inclement weather warning day* (惡劣天氣警告日) has the meaning given by section 2A(1)."

**Division 7—Amendments to Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation (Cap. 569 sub. leg. B)**

**32. Section 2A amended (effect of inclement weather warning on date and period)**

- (1) Section 2A(4), Table 1, column 2—

**Repeal**

“5(aa)”

**Substitute**

“5(1)(aa)”.

- (2) Section 2A(4), Table 1, column 2—

**Repeal**

“5(ab)”

**Substitute**

“5(1)(ab)”.

- (3) Section 2A(8), Table 3, column 2—

**Repeal**

“5(aa)”

**Substitute**

“5(1)(aa)”.

- (4) Section 2A(8), Table 3, column 2—

**Repeal**

“5(ab)”

**Substitute**

“5(1)(ab)”.

- (5) Section 2A—

**Repeal subsection (10).**

**33. Section 3 amended (fixing of hearing and notifying appellant thereof)**

- (1) Section 3(5)—

**Repeal**

“not later than the twentieth day”

**Substitute**

“within the period of 20 days”.

- (2) Section 3(5A)—

**Repeal**

“(3) and (4)”

**Substitute**

“(3), (4) and (5)”.

- (3) Section 3(5A)(a)(i)—

**Repeal**

“or (4)(ab), (b) or (c)(i) or (ii)”

**Substitute**

“, (4)(ab), (b) or (c)(i) or (ii) or (5)”.

**34. Section 5 amended (Electoral Registration Officer to be notified of rulings)**

- (1) Section 5—

**Renumber the section as section 5(1).**

- (2) Section 5(1)(a)—

**Repeal**

“not later than the third working day”

**Substitute**

“on a date at least 3 days (excluding any general holiday)”.

- (3) After section 5(1)—

**Add**

- “(2) Despite subsection (1)(f), if a hearing is postponed under section 2A or 3(5A) and concluded on a date later than the twentieth day after the date of publication mentioned

in that subsection, the Revising Officer may give notification under that subsection on or before the next working day which is not an inclement weather warning day, following the date on which the hearing is concluded.

(3) In this section—

*inclement weather warning day* (惡劣天氣警告日) has the meaning given by section 2A(1);

*working day* (工作日) has the meaning given by section 2A(1).”.

35. **Section 7 amended (review of rulings by Revising Officer)**

After section 7(2C)—

**Add**

“(2D) A ruling made or reviewed after the twentieth day after the date of publication of the relevant Election Committee provisional register as referred to in section 3(5) because of an extension under subsection (2A) is deemed, for section 37(1E) of the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541 sub. leg. B), to be made not later than the twentieth day after that date.”.

**Part 5**

**Amendments Relating to Documents for Appointment of Various Agents and Delivery of Documents**

**Division 1—Enactments Amended**

36. **Enactments amended**

The enactments specified in Divisions 2, 3 and 4 are amended as set out in those Divisions.

**Division 2—Amendments to Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541 sub. leg. I)**

37. **Section 23 amended (candidate may appoint election agent)**

(1) Section 23(13)—

**Repeal**

“in the specified form.”

**Substitute**

“—

(a) in the specified form; and

(b) delivered to the Returning Officer by hand, by electronic mail, by facsimile transmission or (except a notice of an appointment or a revocation of appointment made on polling day) by post.”.

(2) Section 23(15)(d)—

**Repeal**

“lodged with”

**Substitute**

“delivered by hand, by post, by electronic mail or by facsimile transmission to”.

- (3) Section 23(17)—

**Repeal**

“lodged” (wherever appearing)

**Substitute**

“made”.

**38. Section 25 amended (authorization of election expense agent to incur election expenses at or in connection with subsector election)**

- (1) Section 25—

**Repeal subsection (6)**

**Substitute**

“(6) A copy of the authorization may be served by hand, by post, by electronic mail or by facsimile transmission.”.

- (2) Section 25—

**Repeal subsection (9A)**

**Substitute**

“(9A) The notice of revocation may be served by hand, by post, by electronic mail or by facsimile transmission.”.

**39. Section 33 amended (Chief Electoral Officer may allocate special polling stations)**

- Section 33(2)(a)(ii)—

**Repeal**

“or sent by post”

**Substitute**

“, by post, by electronic mail”.

**40. Section 42 amended (candidates may appoint polling agents)**

- (1) Section 42(5)—

**Repeal**

everything after “appointment”

**Substitute**

“to the Chief Electoral Officer at least 7 days before polling day.”.

- (2) After section 42(5)—

**Add**

“(5AA) A notice of appointment given under subsection (5) must be delivered by hand, by post, by electronic mail or by facsimile transmission.”.

- (3) Section 42(5A)(d)—

**Repeal**

everything before “Commissioner”

**Substitute**

“(d) the appointment of a polling agent for a dedicated polling station situated in a prison is not effective unless—

- (i) a notice of appointment is given in accordance with subsection (5); and

- (ii) the”.

- (4) Section 42(5B)—

**Repeal**

“the Commissioner of Correctional Services may, on an application lodged under that subsection during the week before polling day,”

**Substitute**

“even though a notice of appointment is given during the week before polling day, the Commissioner of Correctional Services may still”.

- (5) Section 42(5B)(b), English text—

**Repeal**

“application is lodged”

**Substitute**

“notice of appointment is given”.

- (6) Section 42(7)—

**Repeal**

“The”

**Substitute**

“Subject to subsection (5A)(d), the”.

- (7) Section 42(9)—

**Repeal**

“Presiding Officer.”

**Substitute**

“Presiding Officer of the polling station in accordance with subsection (11) or (11A).”.

- (8) Section 42(11)—

**Repeal**

everything after “must be”

**Substitute**

“delivered to the Chief Electoral Officer by hand, by post, by electronic mail or by facsimile transmission.”.

- (9) Section 42(11A)(a)—

**Repeal**

everything after “must be”

**Substitute**

“delivered to the Presiding Officer of the polling station by the candidate, or the election agent of the candidate, in person; or”.

- (10) Section 42(11A)(b)—

**Repeal**

everything after “must be”

**Substitute**

“delivered to the Chief Electoral Officer by hand, by electronic mail or by facsimile transmission.”.

**41. Section 64 amended (candidates may appoint counting agents)**

- (1) Section 64(5)(a)—

**Repeal**

“1 week”

**Substitute**

“7 days”.

- (2) After section 64(5)—

**Add**

“(5A) A notice of appointment given under subsection (5)(a) must be delivered by hand, by post, by electronic mail or by facsimile transmission.”.

- (3) Section 64(9)—

**Repeal**

“Officer.”

**Substitute**

“Officer in accordance with subsection (10A) or (11).”

- (4) After section 64(10)—

**Add**

“(10A) If the notice of revocation is given before polling day, it must be delivered to the Returning Officer by hand, by post, by electronic mail or by facsimile transmission.”

- (5) Section 64(11)—

**Repeal**

everything after “must be”

**Substitute**

“delivered to the Returning Officer by the candidate, or the election agent of the candidate, in person.”

**42. Section 95 amended (publication and display of notices, etc.)**

- (1) Section 95(2)—

**Repeal**

“sent by post”

**Substitute**

“by post, by electronic mail”.

- (2) Section 95(2)—

**Repeal paragraph (c).**

- (3) Section 95(2)(f)—

**Repeal**

“papers;”

**Substitute**

“papers; and”.

- (4) Section 95(2)—

**Repeal paragraphs (g) and (h).**

- (5) Section 95(3)—

**Repeal**

“post”

**Substitute**

“post, by electronic mail”.

**Division 3—Amendments to Electoral Procedure (Chief Executive Election) Regulation (Cap. 541 sub. leg. J)**

**43. Section 12 amended (appointment of election agent)**

- (1) Section 12(3)(h)—

**Repeal**

“lodged with”

**Substitute**

“delivered by hand, by post, by electronic mail or by facsimile transmission to”.

- (2) Section 12(3B)—

**Repeal**

“lodged” (wherever appearing)

**Substitute**

“made”.

**44. Section 14 amended (provisions applicable to appointment of agents)****(1) Section 14(3)—****Repeal paragraph (a)****Substitute**

“(a) be delivered to the Returning Officer by hand, by electronic mail, by facsimile transmission or (except a notice of an appointment made on the polling date) by post;”.

**(2) Section 14(5)—****Repeal paragraph (a)****Substitute**

“(a) delivered to the Returning Officer by hand, by electronic mail, by facsimile transmission or (except a notice of a revocation of appointment made on the polling date) by post;”.

**45. Section 25 amended (polling agents)****(1) Section 25(4)—****Repeal**

everything after “agent”

**Substitute**

“is effective only if a notice of appointment is delivered to—

- (a) the Chief Electoral Officer by hand, by post, by electronic mail or by facsimile transmission at least 7 days before the polling date; or

- (b) the Presiding Officer of the polling station by the candidate, or the election agent of the candidate, in person on the polling date.”.

**(2) Section 25(4A)—****Repeal**

everything before “Commissioner”

**Substitute**

“(4A) Despite subsections (1) and (4), the appointment of a polling agent for a dedicated polling station situated in a prison is not effective unless—

- (a) a notice of appointment is given in accordance with subsection (4)(a); and  
(b) the”.

**(3) Section 25(4B)—****Repeal**

“the Commissioner of Correctional Services may, on an application lodged under that subsection during the week before the polling date,”

**Substitute**

“even though a notice of appointment is given during the week before the polling date, the Commissioner of Correctional Services may still”.

**(4) Section 25(4B)(b), English text—****Repeal**

“application is lodged”

**Substitute**

“notice of appointment is given”.

**(5) Section 25(5)—**

**Repeal paragraph (a).**

- (6) Section 25(6)—

**Repeal**

everything after “agent”

**Substitute**

“may be revoked by giving a notice of revocation to the Chief Electoral Officer or the Presiding Officer of the polling station in accordance with subsection (7A) or (7B).”

- (7) Section 25—

**Repeal subsection (6A).**

- (8) Section 25(7)—

**Repeal paragraph (a).**

- (9) After section 25(7)—

**Add**

“(7A) If the notice of revocation is given before the polling date, it must be delivered to the Chief Electoral Officer by hand, by post, by electronic mail or by facsimile transmission.

(7B) If the notice of revocation is given on the polling date—

- (a) (if the polling station for which the polling agent is appointed is not a dedicated polling station situated in a prison) it must be delivered to the Presiding Officer of the polling station by the candidate, or the election agent of the candidate, in person; or
- (b) (if the polling station for which the polling agent is appointed is a dedicated polling station situated in a prison) it must be delivered to the Chief Electoral Officer by hand, by electronic mail or by facsimile transmission.”

- (10) Section 25—

**Repeal subsection (10).****46. Section 44 amended (appointment of counting agent)**

- (1) Section 44(3)—

**Repeal**

everything after “agent”

**Substitute**

“is effective only if a notice of appointment is delivered to the Returning Officer—

- (a) by hand, by post, by electronic mail or by facsimile transmission at least 7 days before the polling date; or
- (b) by the candidate, or the election agent of the candidate, in person on the polling date.”

- (2) Section 44(4)—

**Repeal paragraph (a).**

- (3) Section 44—

**Repeal subsection (5)****Substitute**

“(5) If the appointment of a counting agent is revoked, the candidate must give notice of the revocation to the Returning Officer in accordance with subsection (6A) or (6B).”

- (4) Section 44(6)—

**Repeal paragraph (a).**

- (5) After section 44(6)—

**Add**

“(6A) If the notice of revocation is given before the polling date, it must be delivered to the Returning Officer by hand, by post, by electronic mail or by facsimile transmission.

(6B) If the notice of revocation is given on the polling date, it must be delivered to the Returning Officer by the candidate, or the election agent of the candidate, in person.”.

(6) Section 44—

**Repeal subsection (9).**

**47. Section 72 amended (manner of giving notice)**

(1) Section 72(1)—

**Repeal**

“sent by hand, by post”

**Substitute**

“delivered by hand, by post, by electronic mail”.

(2) Section 72(1)—

**Repeal paragraphs (b), (c), (h) and (i).**

(3) Section 72(1)(j)—

**Repeal**

“lots);”

**Substitute**

“lots); or”.

(4) Section 72(1)(k)—

**Repeal the semicolon**

**Substitute a full stop.**

(5) Section 72(1)—

**Repeal paragraphs (l) and (m).**

**Division 4—Amendments to Electronic Transactions  
(Exclusion) Order (Cap. 553 sub. leg. B)**

**48. Schedule 1 amended (provisions excluded from application of section 5 of Ordinance)**

(1) Schedule 1, item 59B—

**Repeal everything in column 3**

**Substitute**

“Section 42(8) and (10) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Presiding Officer on polling day) and section 64(8) and (10) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Returning Officer on polling day)”.

(2) Schedule 1, item 59C—

**Repeal everything in column 3**

**Substitute**

“Section 4(1), section 9(2), section 25(5) and (7) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Presiding Officer on the polling date), section 44(4) and (6) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Returning Officer on the polling date) and section 80(2)”.

**49. Schedule 2 amended (provisions excluded from application of section 6 of Ordinance)**

(1) Schedule 2, item 18B—

**Repeal everything in column 3****Substitute**

“Section 7(4), section 8(6) and (7), section 17(2), section 42(8) and (10) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Presiding Officer on polling day), section 64(8) and (10) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Returning Officer on polling day) and section 99(2)(b)”.

- (2) Schedule 2, item 18C—

**Repeal everything in column 3****Substitute**

“Section 4(1), section 9(2), section 25(5) and (7) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Presiding Officer on the polling date), section 44(4) and (6) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Returning Officer on the polling date) and section 80(2)”.

**Part 6****Amendments Relating to Postponement or Adjournment of Election, Poll or Counting****Division 1—Enactments Amended****50. Enactments amended**

The enactments specified in Divisions 2, 3 and 4 are amended as set out in those Divisions.

**Division 2—Amendments to Electoral Affairs Commission  
(Electoral Procedure) (Election Committee) Regulation  
(Cap. 541 sub. leg. I)**

**51. Schedule 1, section 1 amended (postponement of subsector election and adjournment of poll or counting of votes in respect of subsector election)**

Schedule 1, section 1(3)(b)—

**Repeal**

“other occurrence of public danger”

**Substitute**

“any danger to public health or safety”.

**52. Schedule 1, section 2 amended (adjournment of poll at particular polling station)**

Schedule 1, section 2(2)(b)—

**Repeal**

“other occurrence of public danger”

**Substitute**

“any danger to public health or safety”.

53. **Schedule 1, section 6 amended (appointment of date by Commission for subsector election, polling or counting after postponement or adjournment)**

Schedule 1, section 6—

**Repeal subsection (3)**

**Substitute**

“(3) A date appointed under this section must not be later than 14 days after the date on which the postponed subsector election or the adjourned poll or counting would have been held.”.

**Division 3—Amendments to Electoral Procedure (Chief Executive Election) Regulation (Cap. 541 sub. leg. J)**

54. **Section 65 amended (resumption of postponed or adjourned polling or counting)**

(1) Section 65(1)—

**Repeal**

“the prescribed period”

**Substitute**

“14 days”.

(2) Section 65(2)(a)—

**Repeal**

“the prescribed period”

**Substitute**

“14 days”.

(3) Section 65(3)—

**Repeal**

“the prescribed period”

**Substitute**

“14 days”.

(4) Section 65(4)—

**Repeal**

“the prescribed period”

**Substitute**

“14 days”.

(5) Section 65—

**Repeal subsection (5).**

**Division 4—Amendments to Chief Executive Election Ordinance (Cap. 569)**

55. **Section 21 amended (postponement or adjournment of polling or counting of votes)**

(1) Section 21(1)—

**Repeal**

“occurrence of public danger”

**Substitute**

“danger to public health or safety”.

(2) Section 21(2)—

**Repeal**

“occurrence of public danger”

**Substitute**

“danger to public health or safety”.

**56. Schedule, section 24 amended (when holding of a subsector election can be postponed or adjourned)**

(1) The Schedule, section 24(1)—

**Repeal**

“other occurrence of public danger”

**Substitute**

“danger to public health or safety”.

(2) The Schedule, section 24(2)—

**Repeal**

“other occurrence of public danger”

**Substitute**

“danger to public health or safety”.

(3) The Schedule, section 24(4)—

**Repeal**

“14 days from”

**Substitute**

“14 days after”.

**Part 7**

**Amendments Relating to Election Agent’s Authority to Act on Behalf of Candidate**

**Division 1—Enactments Amended**

**57. Enactments amended**

The enactments specified in Divisions 2 and 3 are amended as set out in those Divisions.

**Division 2—Amendment to Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541 sub. leg. I)**

**58. Section 23 amended (candidate may appoint election agent)**

Section 23(14), before “in connection”—

**Add**

“under this Regulation”.

**Division 3—Amendment to Electoral Procedure (Chief Executive Election) Regulation (Cap. 541 sub. leg. J)**

**59. Section 12 amended (appointment of election agent)**

Section 12(3), before “in connection”—

**Add**

“under this Regulation”.

## Part 8

### Amendments Relating to Notices Designating Polling Stations and Counting Stations, etc.

#### Division 1—Enactments Amended

##### 60. Enactments amended

The enactments specified in Divisions 2 and 3 are amended as set out in those Divisions.

#### Division 2—Amendments to Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541 sub. leg. I)

##### 61. Section 28 amended (Chief Electoral Officer to designate polling stations and counting stations)

Section 28(1), after “Gazette”—

###### Add

“at least 10 days before polling day”.

##### 62. Section 29 amended (Chief Electoral Officer to designate some polling stations as special polling stations)

(1) Section 29—

###### Repeal subsection (1)

###### Substitute

“(1) If the polling station or polling stations designated by the Chief Electoral Officer for a subsector would be difficult of access for persons with a disability, the Chief Electoral Officer must designate one or more polling

stations as special polling station or stations to be used for voting by them.”.

(2) Section 29—

###### Repeal subsection (3)

###### Substitute

“(3) In a notice published under section 28(1), the Chief Electoral Officer must indicate—

- (a) the special polling stations (if any); and
- (b) the subsector or subsectors for which a particular special polling station is designated.”.

##### 63. Section 63 amended (Returning Officer to give notice of time and place of counting of votes to candidates)

Section 63(4)—

###### Repeal

“1 working day”

###### Substitute

“10 days”.

#### Division 3—Amendments to Electoral Procedure (Chief Executive Election) Regulation (Cap. 541 sub. leg. J)

##### 64. Section 18 amended (designation of polling station and counting station)

Section 18(1), after “Gazette”—

###### Add

“at least 10 days before the polling date”.

65. **Section 43 amended (determination and notice of time of counting of votes)**

Section 43(4)(c)—

**Repeal**

“one clear working day”

**Substitute**

“10 days”.

**Part 9**

**Other Technical Amendments**

**Division 1—Enactments Amended**

66. **Enactments amended**

The enactments specified in Divisions 2 and 3 are amended as set out in those Divisions.

**Division 2—Amendments to Electoral Affairs Commission  
(Electoral Procedure) (Election Committee) Regulation  
(Cap. 541 sub. leg. I)**

67. **Section 1 amended (interpretation)**

Section 1(1)—

**Repeal the definition of *ordinary business hours***

**Substitute**

“*ordinary business hours* (通常辦公時間) means the hours—

- (a) between 9 a.m. and 5 p.m. on any Monday, Tuesday, Wednesday, Thursday or Friday (other than a general holiday);
- (b) in relation to a nomination or supplementary nomination for the religious subsector, between 9 a.m. and 12 noon on a Saturday (other than a general holiday) during the period between—
  - (i) the date of publication of a notice under section 3(1) or (2) in respect of the nomination or supplementary nomination; and

- (ii) the date of the declaration made under section 7(8) of the Schedule to the Chief Executive Election Ordinance (Cap. 569); and
- (c) in relation to a subsector election, between 9 a.m. and 12 noon on a Saturday (other than a general holiday) during the period between—
  - (i) the date of publication of a notice under section 4(1) or (2) in respect of the subsector election; and
  - (ii) the date of publication of the result of the subsector election under section 35 of the Schedule to the Chief Executive Election Ordinance (Cap. 569) or the date of the declaration made under section 25 of that Schedule, as may be appropriate;”.

**68. Section 67 amended (what constitutes offence at counting station)**

Section 67, Chinese text, heading—

**Repeal**

“投票站”

**Substitute**

“點票站”.

**69. Section 101 amended (offence of false declaration)**

Section 101(4)—

**Repeal**

“sections 14 and 26 of, and sections 9, 18 and 30”

**Substitute**

“section 14 of, and sections 9 and 18”.

**Division 3—Amendments to Electoral Procedure (Chief Executive Election) Regulation (Cap. 541 sub. leg. J)**

**70. Section 2 amended (interpretation)**

Section 2(1)—

**Repeal the definition of *ordinary business hours***

**Substitute**

“*ordinary business hours* (通常辦公時間) means the hours—

- (a) between 9 a.m. and 5 p.m. on any Monday, Tuesday, Wednesday, Thursday or Friday (other than a general holiday); and
- (b) between 9 a.m. and 12 noon on a Saturday (other than a general holiday) during the period between—
  - (i) the date of publication of a notice under section 3 in respect of an election; and
  - (ii) the date of publication of the result of the election under the Election Ordinance or the date of the declaration of the termination of the proceedings for the election under that Ordinance, as may be appropriate;”.

**71. Section 24 amended (order in no canvassing zone and no staying zone)**

Section 24(3A), English text—

**Repeal**

“polling day”

**Substitute**

“the polling date”.

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**Explanatory Memorandum**

This Bill introduces amendments to various pieces of electoral legislation and the Electronic Transactions (Exclusion) Order (Cap. 553 sub. leg. B) for the purposes set out in the long title of the Bill. The Bill comprises 9 Parts.

2. Part 1 sets out the short title.
3. Part 2 contains amendments to the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) concerning the period for lodging election returns. Currently, under section 37 of that Ordinance, an election return must be lodged before the expiry of a 30-day period or 60-day period (depending on the type of the election in question) after the date on which any of the following events occurs—
  - (a) the result of the election is published;
  - (b) the election proceedings are declared to have been terminated;
  - (c) the election is declared to have failed.

Part 2 amends that Ordinance to allow a longer period for lodging election returns in some circumstances. The general rule is if an election is held (or elections that are to be held on the same date are held) for 2 or more constituencies, vacancies or offices, the 30-day or 60-day period will only start to run after the latest date on which any of the abovementioned events occurs in relation to any of those constituencies, vacancies or offices.

4. Part 3 updates the lists of persons comprising certain functional constituencies of the Legislative Council and the higher education subsector of the Election Committee.
5. Part 4 contains technical amendments that deal with the effect of an inclement weather warning (defined to include a tropical cyclone warning and a rainstorm warning) on dates and periods prescribed

in several pieces of electoral legislation. The general rule is if a working day is prescribed or is otherwise fixed as a deadline for an act and an inclement weather warning is in force at any time during the ordinary business hours on that day (*inclement weather warning day*), the deadline is to be postponed to the next working day which is not an inclement weather warning day. If a prescribed period ends on an inclement weather warning day, the period is to be extended to end on the next working day which is not an inclement weather warning day.

6. Part 5 contains technical amendments concerning the documents for the appointment of election agents, election expense agents, polling agents and counting agents and for revocation of the appointment, mainly relating to the mode of delivery of the documents (including allowing delivery by electronic mail). It also contains amendments to allow delivery of other documents by electronic mail.
7. Part 6 introduces technical amendments to clarify that an election, poll or counting of votes can be postponed or adjourned if there is an occurrence which endangers public health or safety. It also contains amendments concerning the date on which the postponed or adjourned election, poll or counting of votes is to be held.
8. Part 7 introduces technical amendments to clarify that an election agent appointed by a candidate under a Regulation only has the authority to act on behalf of the candidate under the Regulation.
9. Part 8 introduces technical amendments relating to notices designating polling stations and counting stations, etc.
10. Part 9 contains several minor or technical amendments that do not affect the substance of the electoral systems.

**Proposed Technical Amendments to the Electorate of Election Committee Subsectors  
and Corresponding Functional Constituencies of the Legislative Council**

**(1) Proposed inclusion of bodies**

| Reference in Chief Executive Election Ordinance (Cap. 569) (“CEEEO”) and Legislative Council Ordinance (Cap. 542) (“LCO”) | Name of Organisation / Company  | Remarks  |
|---|---|--|
| <b><u>Higher Education subsector / Education FC</u></b>   |   |  |
| Item 5 of Table 5 of Schedule to CEEEO; and Section 20E of LCO  | Members of the Board of Governors of the Gratia Christian College<br>宏恩基督教學院校董會成員 | <ul style="list-style-type: none"> <li>Members of the Board of Governors of approved post secondary colleges registered under the Post Secondary Colleges Ordinance (Cap. 320) are eligible for registration as electors.</li> <li>The Gratia Christian College is a post secondary college recently registered under the Post Secondary Colleges Ordinance (Cap. 320).</li> </ul> |

**(2) Proposed update of name of bodies**

| Reference in LCO   | Name in LCO  | Proposed Name                                   | Remarks  |
|--|--|---|--|
| <b><u>Transport</u></b>  |  |   |  |
| Item 200 of Schedule 1A  | Sun Hing Taxi Radio Service<br>General Association<br>新興台的士從業員聯會 | Sun Star Taxi Operators Association<br>新星的士同業聯會 | The listed body has changed its name.  |
| <b><u>Financial Services</u></b>                               |  |   |  |
| Section 20U(1)(c)  | 香港金銀業貿易場   | 金銀業貿易場  | To tally the Chinese name of the organisation with its record under the Societies Ordinance. |
| <b><u>Sports, Performing Arts, Culture and Publication</u></b> |  |   |  |
| Item 61, Part 3 of Schedule 1B                                 | Videotage<br>錄影太奇  | Videotage Limited<br>錄影太奇有限公司                   | The listed body has changed its name.  |
| Item 9, Part 3 of Schedule 1B                                  | HK Film Directors' Guild Ltd                                     | Hong Kong Film Directors' Guild Limited         | To tally the name of the listed body with its record in the Companies Registry.              |
| Item 22, Part 3 of Schedule 1B                                 | Hong Kong Festival Fringe Ltd.                                   | Hong Kong Festival Fringe Limited               | To tally the name of the listed body with its record in the Companies Registry.              |
| Item 33, Part 3 of Schedule 1B                                 | Hong Kong PEN (English) Centre                                   | Hong Kong P.E.N. (English) Centre               | To tally the name of the listed body with its record under the Societies Ordinance.          |

| Reference in LCO               | Name in LCO                                 | Proposed Name                                       | Remarks   |
|--------------------------------|---|---|---|
| Item 34, Part 3 of Schedule 1B | Hong Kong Performing Artistes Guild Ltd     | Hong Kong Performing Artistes Guild Limited         | To tally the name of the listed body with its record in the Companies Registry. |
| Item 39, Part 3 of Schedule 1B | Hong Kong Screen Writers' Guild Ltd         | Hong Kong Screen Writers' Guild Limited             | To tally the name of the listed body with its record in the Companies Registry. |
| Item 42, Part 3 of Schedule 1B | Hong Kong Stuntman Association Ltd          | Hong Kong Stuntman Association Limited              | To tally the name of the listed body with its record in the Companies Registry. |
| Item 45, Part 3 of Schedule 1B | Hong Kong United Arts Entertainment Co. Ltd | Hong Kong United Arts Entertainment Company Limited | To tally the name of the listed body with its record in the Companies Registry. |
| Item 56, Part 3 of Schedule 1B | Society of Film Editors (HK) Ltd            | Society of Film Editors (Hong Kong) Limited         | To tally the name of the listed body with its record in the Companies Registry. |

### (3) Proposed deletion of bodies

| Reference in LCO                        | Name of Organisation / Company  | Remarks  |
|---|---|--|
| <b><u>Transport</u></b>                 |   |  |
| Item 115 of Schedule 1A                 | Private Hire Car for Young Children Association Ltd.<br>學童私家小巴協會有限公司  | The listed body has been dissolved and ceased operation. |
| Item 122 of Schedule 1A                 | Abbo Taxi Owners' Association Limited<br>環保的士車主聯會有限公司                 | The listed body has been dissolved and ceased operation. |
| Item 128 of Schedule 1A                 | Taxi Drivers & Operators Association Ltd.<br>的士司機從業員總會有限公司            | The listed body has been dissolved and ceased operation. |
| Item 147 of Schedule 1A                 | United Radio Taxi & Goods Vehicle Association Ltd.<br>聯合無線電的士貨車聯會有限公司 | The listed body has been dissolved and ceased operation. |
| Item 159 of Schedule 1A                 | Yik Sun Radiocabs Operators Association Ltd<br>益新電召客車聯會有限公司           | The listed body has been dissolved and ceased operation. |
| Item 162 of Schedule 1A                 | Rights of Taxi Owners and Drivers Association Limited<br>的士權益協會有限公司   | The listed body has been dissolved and ceased operation. |
| <b><u>Agriculture and Fisheries</u></b> |   |  |
| Item 45 of Schedule 1                   | Sai Kung Fishermen Association Limited<br>西貢漁民互助會有限公司                 | The listed body has been dissolved and ceased operation. |

|          |     |   |                |              |
|----------|-----|---|----------------|--------------|
| Chapter: | 554 | Elections (Corrupt and Illegal Conduct) Ordinance | Gazette Number | Version Date |
|----------|-----|---|----------------|--------------|

|          |    |  |            |            |
|----------|----|--|------------|------------|
| Section: | 5A | Effect of inclement weather warning on date and period | 12 of 2014 | 18/07/2014 |
|----------|----|--|------------|------------|

(1) In this section—

***gale warning*** (烈風警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap 62);

***inclement weather warning day*** (惡劣天氣警告日) means a working day on which a gale warning or a rainstorm warning is in force at any time during the ordinary business hours of the office of the appropriate returning officer or the appropriate authority, as may be appropriate;

***rainstorm warning*** (暴雨警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap 62);

***working day*** (工作日) means any Monday, Tuesday, Wednesday, Thursday or Friday other than a general holiday.

(2) If—

(a) an act is required by section 34(3) or (4), 37(2)(a)(i)(A), (B) or (C) or (ii)(A), (B) or (C) or 37A(6)(a) to be done not later than or within a specified number of days after—

(i) an event; or

(ii) a date on which an event occurs; and

(b) the last day of those days falls on an inclement weather warning day, the act may, despite that section, be done on the next working day, which is not an inclement weather warning day, following that last day.

(3) If the date on which the period under section 34(7) or 41(6) ends falls on an inclement weather warning day, the period is extended to end on the next working day, which is not an inclement weather warning day, following the date, and that section has effect accordingly.

(Added 12 of 2014 s. 22)

|          |     |   |                |              |
|----------|-----|---|----------------|--------------|
| Chapter: | 554 | Elections (Corrupt and Illegal Conduct) Ordinance | Gazette Number | Version Date |
|----------|-----|---|----------------|--------------|

|          |    |                        |           |            |
|----------|----|------------------------|-----------|------------|
| Section: | 36 | Interpretation: Part 6 | 5 of 2014 | 01/04/2015 |
|----------|----|------------------------|-----------|------------|

For the purposes of this Part, the date on which the result of an election is published is-

(a) in the case of an election to elect the Chief Executive, the date on which the result of the election is published in the Gazette; and (Amended 21 of 2001 s. 81)

(b) in the case of an election to membership of the Legislative Council, the Election Committee or a District Council, the date on which the result of the election is notified in the Gazette; and

(c) in the case of an election relating to the Heung Yee Kuk or a Rural Committee, the date on which the result of the election is announced by the returning officer for the election; and

(d) in the case of an election to elect a Rural Representative for a Rural Area, the date on which the result of the election is notified in the Gazette. (Amended 2 of 2003 s. 68; 5 of 2014 s. 71)

|          |     |   |                |              |
|----------|-----|---|----------------|--------------|
| Chapter: | 554 | Elections (Corrupt and Illegal Conduct) Ordinance | Gazette Number | Version Date |
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| Section: | 37 | Candidate to lodge election return with appropriate authority | E.R. 2 of 2012 | 02/08/2012 |
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(1) Each candidate at an election must lodge with the appropriate authority an election return setting out-

(a) the candidate's election expenses at the election; and

(b) all election donations received by or on behalf of the candidate in connection with the election.

(2) The candidate must ensure that the return-

(a) is lodged-

(i) in the case of an election to elect a Member of the Legislative Council for any constituency-

(A) not later than 60 days after the date of publication of the result of the election; and

(B) if the proceedings for the election have been terminated under the relevant electoral law, not later than 60 days after the declaration of the termination of the election proceedings; and

- (C) if the election has failed under the relevant electoral law, not later than 60 days after the declaration of the failure of the election,  
or within such extended period as may be allowed by the Court under section 40; and
- (ii) in any other case-
  - (A) not later than 30 days after the date of publication of the result of the election; and
  - (B) if the proceedings for the election have been terminated under the relevant electoral law, not later than 30 days after the declaration of the termination of the election proceedings; and
  - (C) if the election has failed under the relevant electoral law, not later than 30 days after the declaration of the failure of the election,  
or within such extended period as may be allowed by the Court under section 40; and (Replaced 25 of 2003 s. 55)
- (b) is accompanied-
  - (i) in the case of each election expense of \$100 or more, by an invoice and a receipt giving particulars of the expenditure; and
  - (ii) in the case of each election donation of more than \$1000 or, in the case of an election donation consisting of goods or a service, of more than \$1000 in value, by a copy of the receipt issued to the donor giving particulars of the donor and the donation; and
  - (iii) where an election donation or part of an election donation that was received by or on behalf of the candidate in connection with the election was not used for that purpose was disposed of in accordance with section 19, by a copy of the receipt given by the recipient of the donation or part; and
  - (iv) where an election donation or part of an election donation that was received by or on behalf of the candidate in connection with the election was not used for that purpose was not disposed of in accordance with section 19(3), by an explanation setting out the reason why it was not disposed of in accordance with that section; and
  - (v) by a declaration in a form provided or specified by the appropriate authority verifying the contents of the return.
- (3) For the purposes of subsection (2), an invoice and a receipt for an election expense may be included in the same document.

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| Chapter: | 554 | Elections (Corrupt and Illegal Conduct) Ordinance             | Gazette Number | Version Date |
| Section: | 37  | Candidate to lodge election return with appropriate authority | E.R. 2 of 2012 | 02/08/2012   |

- (1) Each candidate at an election must lodge with the appropriate authority an election return setting out-
  - (a) the candidate's election expenses at the election; and
  - (b) all election donations received by or on behalf of the candidate in connection with the election.
- (2) The candidate must ensure that the return-
  - (a) is lodged-
    - (i) in the case of an election to elect a Member of the Legislative Council for any constituency-
      - (A) not later than 60 days after the date of publication of the result of the election; and
      - (B) if the proceedings for the election have been terminated under the relevant electoral law, not later than 60 days after the declaration of the termination of the election proceedings; and
      - (C) if the election has failed under the relevant electoral law, not later than 60 days after the declaration of the failure of the election,  
or within such extended period as may be allowed by the Court under section 40; and
    - (ii) in any other case-
      - (A) not later than 30 days after the date of publication of the result of the election; and
      - (B) if the proceedings for the election have been terminated under the relevant electoral law, not later than 30 days after the declaration of the termination of the election proceedings; and
      - (C) if the election has failed under the relevant electoral law, not later than 30 days after the declaration of the failure of the election,  
or within such extended period as may be allowed by the Court under section 40; and (Replaced 25 of 2003 s. 55)
  - (b) is accompanied-

- (i) in the case of each election expense of \$100 or more, by an invoice and a receipt giving particulars of the expenditure; and
  - (ii) in the case of each election donation of more than \$1000 or, in the case of an election donation consisting of goods or a service, of more than \$1000 in value, by a copy of the receipt issued to the donor giving particulars of the donor and the donation; and
  - (iii) where an election donation or part of an election donation that was received by or on behalf of the candidate in connection with the election was not used for that purpose was disposed of in accordance with section 19, by a copy of the receipt given by the recipient of the donation or part; and
  - (iv) where an election donation or part of an election donation that was received by or on behalf of the candidate in connection with the election was not used for that purpose was not disposed of in accordance with section 19(3), by an explanation setting out the reason why it was not disposed of in accordance with that section; and
  - (v) by a declaration in a form provided or specified by the appropriate authority verifying the contents of the return.
- (3) For the purposes of subsection (2), an invoice and a receipt for an election expense may be included in the same document.

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| Chapter: | 554 | Elections (Corrupt and Illegal Conduct) Ordinance | Gazette Number | Version Date |
|----------|-----|---|----------------|--------------|

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| Section: | 41 | Appropriate authority to keep election returns | E.R. 2 of 2012 | 02/08/2012 |
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- (1) The appropriate authority must keep at the office of the authority— (Amended 18 of 2011 s. 48)
  - (a) all election returns lodged with the authority under section 37; and
  - (b) all copies of election returns lodged with the authority under section 37A.
- (2) The appropriate authority must, during the relevant period, ensure that copies of the documents kept under subsection (1) are made available for inspection by any person who, during the authority's business hours, asks to inspect any of the documents.
- (3) If a person asks for a copy of a document or part of a document kept under subsection (1), the appropriate authority must provide the person with such a copy, subject to payment of a copying fee not exceeding an amount calculated in accordance with a rate fixed in accordance with subsection (4).
- (4) The appropriate authority is required, by notice published in the Gazette, to fix a rate for the purposes of subsection (3). The fixing of the rate is subject to the approval of the Financial Secretary. Such a notice is not subsidiary legislation for the purposes of the Interpretation and General Clauses Ordinance (Cap 1).
- (5) After the end of the relevant period, the appropriate authority may arrange for the documents kept by the authority under subsection (1) to be destroyed, but if, during that period, a candidate who has lodged any of the documents with the authority asks for it to be returned to the candidate, the authority must comply with the request.
- (6) For the purposes of this section, the relevant period, in relation to a document lodged with the appropriate authority, is the period beginning with the time when the document is lodged with the authority and ending with the first anniversary of the date on which the result of the relevant election is published.

(Amended 18 of 2011 s. 48)

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| Chapter: | 542 | Legislative Council Ordinance | Gazette Number | Version Date |
|----------|-----|-------------------------------|----------------|--------------|

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| Section: | 20E | Composition of the education functional constituency | 14 of 2015 | 17/07/2015 |
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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 institutions which—
  - (i) offer post secondary education leading to the award of any qualification entered into the Qualifications Register established under the Accreditation of Academic and Vocational Qualifications Ordinance (Cap 592); and
  - (ii) are set up by—
    - (A) an institution of higher education funded through the University Grants Committee;
    - (B) The Hong Kong Academy for Performing Arts; or
    - (C) The Open University of Hong Kong; and (Replaced 14 of 2015 s. 4)
- (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 University; (Amended 25 of 2003 s. 8; 7 of 2008 s. 2)
  - (xiii) Board of Governors of the Caritas Institute of Higher Education; (Added 25 of 2003 s. 8. Amended 11 of 2012 s. 32; 14 of 2015 s. 4)
  - (xiv) Board of Governors of the Chu Hai College of Higher Education; (Added 14 of 2015 s. 4)
  - (xv) Board of Governors of the Centennial College; (Added 14 of 2015 s. 4)
  - (xvi) Board of Governors of the Tung Wah College; (Added 14 of 2015 s. 4)
  - (xvii) Board of Governors of the Hang Seng Management College; (Added 14 of 2015 s. 4)
  - (xviii) Board of Governors of the Hong Kong Nang Yan College of Higher Education; (Added 14 of 2015 s. 4)
  - (xix) Board of Governors of the HKCT Institute of Higher Education; and (Added 14 of 2015 s. 4)
- (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 repealed Industrial Training (Construction Industry) Ordinance (Cap 317) and maintained under the Construction Industry Council Ordinance (Cap 587); (Amended 12 of 2006 s. 84)
  - (iia) industrial training centres established under the Construction Industry Council Ordinance (Cap 587); (Added 12 of 2006 s. 84)
  - (iii) industrial training centres established under the Industrial Training (Clothing Industry) Ordinance (Cap 318);
  - (iv) Hong Chi Association-Hong Chi Pinehill Integrated Vocational Training Centre; (Replaced 25 of 2003 s. 8. Amended 2 of 2011 s. 6)
  - (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)

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| Chapter: | 542 | Legislative Council Ordinance                                 | Gazette Number | Version Date |
| Section: | 20U | Composition of the financial services functional constituency | E.R. 2 of 2012 | 02/08/2012   |

Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

- (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)

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| Chapter:  | 542 | Legislative Council Ordinance  | Gazette Number               | Version Date |
| Schedule: | 1   | Composition of the Agriculture and Fisheries Functional Constituency | 2 of 2011; G.N. 5176 of 2012 | 01/10/2012   |

[section 20B]

Item

Body

1. Aberdeen Fishermen Friendship Association. (Amended 10 of 2006 s. 34)
2. The Ap Lei Chau Fishermen's Credit Co-operative Society, Unlimited.
3. The Castle Peak Fishermen's Credit Co-operative Society, Unlimited.
4. The Castle Peak Mechanized Trawler Fishermen's Credit Co-operative Society, Unlimited.
5. Cheung Chau Fisheries Joint Association.
6. Cheung Chau Fishermen's Welfare Promotion Association.
7. The Fanling Kwun Ti Village Farmers' Irrigation Co-operative Society, Ltd.
8. Fish Farming and Stuff Association.

9. Fisherman's Association of Po Toi Island.
10. Fishery Development Association (Hong Kong) Limited.
11. Fraternal Association of The Floating Population of Hong Kong.
12. The Guild of Graziers.
13. Hang Hau Grazier Association.
14. Hong Kong and Kowloon Fishermen Association Ltd.
15. Hong Kong & Kowloon Floating Fishermen Welfare Promotion Association.
16. Hong Kong Fisheries Development Association. (Amended 10 of 2006 s. 34)
17. Hong Kong Fishermen's Association.
18. Hong Kong Fishing Vessel Owners Association, Ltd.
19. Hong Kong Florists Association.
20. Hong Kong Graziers Union.
21. Hong Kong Liner & Gill Netting Fisherman Association. (Amended 10 of 2006 s. 34)
22. Hong Kong Livestock Industry Association.
23. Hong Kong N.T. Fish Culture Association.
24. Hong Kong N.T. Poultry (Geese & Ducks) Mutual Association. (Amended 10 of 2006 s. 34)
25. Hong Kong Netting, Cultivation and Fisherman Association.
26. (Repealed 2 of 2011 s. 32)
27. Hong Kong Off-shore Fishermen's Association.
28. (Repealed 11 of 2012 s. 35)
29. The Lam Ti Agricultural Credit Co-operative Society, Limited.
30. Lamma Island Lo Dik Wan Aquaculture Association.
31. (Repealed 25 of 2003 s. 43)
32. Lau Fau Shan Oyster Industry Association, New Territories.
33. Ma Wan Fisheries Rights Association Ltd.
34. The Mui Wo Agricultural Products Marketing & Credit Co-operative Society, Ltd.
35. Mui Wo Fishermen Fraternity Society.
36. N.T. Oyster and Aquatic Products United Association.
37. The New Territories Chicken Breeders Association, Ltd.
38. The New Territories Fishermen Fraternity Association Ltd.
39. New Territories Florist Association, Ltd.
40. North District Florists Association.
41. Outlying Islands Mariculture Association (Cheung Chau).
42. Peng Chau Fishermen Association Ltd.
43. Quality Broiler Development Association.
44. (Repealed 25 of 2003 s. 43)
45. Sai Kung Fishermen Association Limited.
46. Sai Kung (North) Sham Wan Marine Fish Culture Business Association.
47. Sai Kung Po Toi O Fish Culture Business Association.
48. Sai Kung Tai Tau Chau Fish Culture Business Association.
49. Sai Kung Tai Wu Kok Fishermen's Association.
50. The Sha Tau Kok Marine Fish Culture Association. (Amended 10 of 2006 s. 34)
51. The Sha Tau Kok Small Long Liner and Gill Net Fishermen's Credit Co-operative Society, Unlimited.
52. The Shan Tong Vegetable Marketing Co-operative Society, Ltd.
53. Shatin Ah Kung Kok Fishermen Welfare Association.
54. Shatin Florists Association.
55. The Shau Kei Wan Deep Sea Capture Fishermen's Credit Co-operative Society, Unlimited.
56. Shau Kei Wan Fishermen Friendship Association.
57. The Shau Kei Wan Pair Trawler Fishermen's Credit Co-operative Society, Unlimited.
58. The Shau Kei Wan Trawler Fishermen's Credit Co-operative Society, Unlimited.
59. (Repealed 7 of 2008 s. 6)
60. Tai O Fishermen (Coastal Fishery) Association.
61. The Tai O Sha Chai Min Fishermen's Credit Co-operative Society, Unlimited.
62. The Tai Po Fishermen's Credit Co-operative Society, Unlimited.
63. Tai Po Florists and Horticulturists Association.

64. (Repealed 10 of 2006 s. 46)
65. The Tai Po Purse Seiner and Small Long Liner Fishermen's Credit Co-operative Society, Unlimited.
66. The Tsing Lung Tau Hand Liner Fishermen's Credit Co-operative Society, Unlimited.
67. The Tsuen Wan Fishermen's Credit Co-operative Society, Unlimited.
68. The Tuen Mun Mechanized Fishing Boat Fishermen's Credit Co-operative Society, Unlimited. (Replaced 25 of 2003 s. 43)
69. Tuen Mun Agricultural Association.
70. Tung Lung Chau Mariculture Association.
71. The Hong Kong Branch of the World's Poultry Science Association. (Replaced 7 of 2008 s. 6)
72. (Repealed 10 of 2006 s. 46)
73. Yuen Long Agriculture Productivity Association. (Amended 10 of 2006 s. 34)
74. Yung Shue Au Marine Fish Culture Business Association.
75. (Repealed 25 of 2003 s. 43)
76. Tsing Yi Residents Association. (Replaced 10 of 2006 s. 34)
77. 荃灣葵青居民聯會(漁民組).
78. 荃灣葵青漁民會.
79. The Shau Kei Wan Stern Trawler Fishermen's Credit Co-operative Society, Unlimited. (Added 25 of 2003 s. 43)
80. Sustainable Ecological Ethical Development Foundation Limited. (Added 25 of 2003 s. 43. Amended 2 of 2011 s. 32)
81. N.T. North District Fishermen's Association. (Added 25 of 2003 s. 43)
82. Tai Po Off Shore Fishermen's Association. (Added 25 of 2003 s. 43)
83. Aberdeen Fisherwomen Association. (Added 25 of 2003 s. 43)
- (Replaced 48 of 1999 s. 43)

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| Chapter:  | 542 | Legislative Council Ordinance                        | Gazette Number | Version Date |
| Schedule: | 1A  | Composition of the Transport Functional Constituency | 14 of 2015     | 17/07/2015   |

[section 20D]

| Item | Body   |
|------|--|
| 1.   | Parking Management and Consultancy Services Limited. (Replaced 7 of 2008 s. 7)               |
| 2.   | Airport Authority Hong Kong.   |
| 3.   | (Repealed 25 of 2003 s. 44)  |
| 4.   | Hong Kong Driver's Training Association. (Replaced 14 of 2015 s. 11)                         |
| 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.   | (Repealed 14 of 2015 s. 11)  |
| 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 Merchants Association, Limited. (Replaced 7 of 2008 s. 7)                |
| 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 Vehicles, Omnibuses and Minibuses Instructors Association Limited.  
(Replaced 11 of 2012 s. 36)
36. Hong Kong & Kowloon Motor Boats & Tug Boats Association Limited. (Replaced 11 of 2012 s. 36)
37. Hong Kong & Kowloon Radio Car Owners Association Ltd.
38. Hong Kong and Kowloon Rich Radio Car Service Centre Association Ltd.
39. (Repealed 14 of 2015 s. 11)
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 Instructors' Association. (Replaced 11 of 2012 s. 36)
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 Taxi Owners' Association Limited. (Replaced 14 of 2015 s. 11)
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.  
(Repealed 14 of 2015 s. 11)
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. Institute of Seatransport. (Amended 14 of 2015 s. 11)

75. Institute of Transport Administration (Hong Kong, China). (Amended 11 of 2012 s. 36)
76. Kowloon Fung Wong Public Light Bus Merchants & Workers' Association Ltd.
77. The Kowloon Motor Bus Company (1933) Limited. (Amended 2 of 2011 s. 33)
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. (Repealed 7 of 2008 s. 7)
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. (Repealed 14 of 2015 s. 11)
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 Lantau 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. (Repealed 2 of 2011 s. 33)
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. Taxi Association Limited. (Replaced 7 of 2008 s. 7)
135. Tate's Cairn Tunnel Company Limited. (Replaced 7 of 2008 s. 7)
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. Transport Infrastructure Management Limited. (Replaced 7 of 2008 s. 7)
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. (Repealed 2 of 2011 s. 33)
146. United Friendship Taxi Owners & Drivers Association Ltd.
147. United Radio Taxi & Goods Vehicle Association Ltd.
148. (Repealed 14 of 2015 s. 11)
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. Shun Tak-China Travel Macau Ferries Limited. (Replaced 14 of 2015 s. 11)
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. Logistics Industry & Container Truck Drivers Union. (Replaced 14 of 2015 s. 11)
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. (Repealed 11 of 2012 s. 36)
198. Worldwide Flight Services, Inc. (Added 25 of 2003 s. 44)
199. NT Taxi Operations Union. (Added 2 of 2011 s. 33)
200. Sun Hing Taxi Radio Service General Association. (Added 2 of 2011 s. 33)
201. Taxi & P.L.B. Concern Group. (Added 2 of 2011 s. 33)
202. Tai Wo Motors Limited. (Added 2 of 2011 s. 33)
203. Tuen Mun District Tourists and Passengers Omnibus Operators Association Limited. (Added 2 of 2011 s. 33)
204. Tsuen Wan District Tourists and Passengers Omnibus Operators Association Limited. (Added 2 of 2011 s. 33)
205. Yuen Long District Tourists and Passengers Omnibus Operators Association Limited. (Added 2 of 2011 s. 33)
206. Kowloon District Tourists and Passengers Omnibus Operators Association Limited. (Added 2 of 2011 s. 33)
207. Hong Kong District Tourists and Passengers Omnibus Operators Association Limited. (Added 2 of 2011 s. 33)
208. Sino Parking Services Limited. (Added 2 of 2011 s. 33)
209. Urban Parking Limited. (Added 2 of 2011 s. 33)
210. Greater Lucky (HK) Company Limited. (Added 2 of 2011 s. 33)
211. China Hongkong and Macau Boundary Crossing Bus Association Limited. (Added 2 of 2011 s. 33)
212. Ground Support Engineering Limited. (Added 2 of 2011 s. 33)
213. Cathay Pacific Services Limited. (Added 2 of 2011 s. 33)
214. Cathay Pacific Catering Services (H.K.) Limited. (Added 2 of 2011 s. 33)
215. LSG Lufthansa Service Hong Kong Limited. (Added 2 of 2011 s. 33)
216. Gate Gourmet Hong Kong, Limited. (Added 2 of 2011 s. 33)
217. ECO Aviation Fuel Services Limited. (Added 2 of 2011 s. 33)
218. Hong Kong Aircraft Engineering Company Limited. (Added 2 of 2011 s. 33)
219. China Aircraft Services Limited. (Added 2 of 2011 s. 33)
220. Dah Chong Hong – Dragonair Airport GSE Service Limited. (Added 2 of 2011 s. 33)
221. Jardine Air Terminal Services Limited. (Added 2 of 2011 s. 33)
222. Service Managers Association. (Added 2 of 2011 s. 33)
223. Driving Instructors Association. (Added 2 of 2011 s. 33)
224. The Chamber of Hong Kong Logistics Industry Limited. (Added 2 of 2011 s. 33)
225. New Horizon School of Motoring Limited. (Added 2 of 2011 s. 33)
226. Leinam School of Motoring Limited. (Added 2 of 2011 s. 33)
227. TIML MOM Limited. (Added 14 of 2015 s. 11)
228. Hong Kong Taxi Association. (Added 14 of 2015 s. 11)

(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 | 14 of 2015     | 17/07/2015   |

[section 20V]

### Part 1

#### District Sports Associations

| Item | Body  |
|------|---|
| 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 and Sports Council Limited. (Replaced 7 of 2008 s. 8)                  |
| 6.   | Kwai Tsing District Sports Association Limited. (Replaced 7 of 2008 s. 8)                               |
| 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 Limited. (Amended 2 of 2011 s. 34)                                    |
| 10.  | Sai Kung District Sports Association Ltd.   |
| 11.  | Sha Tin Sports Association Ltd.   |
| 12.  | Sham Shui Po Sports Association Limited. (Amended 2 of 2011 s. 34)                                      |
| 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.  | Yaumatei 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 Limited. (Amended 14 of 2015 s. 12)                            |
| 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.    | The Hong Kong Intellectual Property Society Limited. (Replaced 7 of 2008 s. 8)                      |
| 28.    | Hong Kong Journalists Association.  |
| 29.    | (Repealed 25 of 2003 s. 45)   |
| 30.    | (Repealed 7 of 2008 s. 8)   |
| 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. The New Territories Regional Sports Association. (Replaced 11 of 2012 s. 37)
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. The Hong Kong Swimming Teachers' Association Limited. (Amended 2 of 2011 s. 34)
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)
65. Hong Kong Sports Institute Limited. (Added 7 of 2008 s. 8)
66. The Federation of Motion Film Producers of Hong Kong Limited. (Added 14 of 2015 s. 12)  
(Added 48 of 1999 s. 43)

|          |     |                                    |                |              |
|----------|-----|------------------------------------|----------------|--------------|
| Chapter: | 569 | Chief Executive Election Ordinance | Gazette Number | Version Date |
|----------|-----|------------------------------------|----------------|--------------|

|           |  |          |            |            |
|-----------|--|----------|------------|------------|
| Schedule: |  | Schedule | 14 of 2015 | 17/07/2015 |
|-----------|--|----------|------------|------------|

[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 3 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;

**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;

**the regulations** (《規例》) means regulations made under section 46 of this Ordinance.

(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—
- (aa) **electd member** (民選議員) means a person who is elected to be an elected member under Part V of the District Councils Ordinance (Cap 547); (Added 1 of 2011 s. 8)
  - (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.

#### 1A. Effect of inclement weather warning on date

(1) In this section—

**gale warning** (烈風警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap 62);

**inclement weather warning day** (惡劣天氣警告日) means a working day on which a gale warning or a rainstorm warning is in force at any time during the ordinary business hours of the office of the Electoral

Registration Officer;

*rainstorm warning* (暴雨警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap 62);

*working day* (工作日) means any Monday, Tuesday, Wednesday, Thursday or Friday other than a general holiday.

(2) If—

(a) the Electoral Registration Officer is required by section 14 to do an act not later than a date; and

(b) the date falls on an inclement weather warning day,

that section has effect in relation to the act as if it requires the Officer to do the act not later than the next working day, which is not an inclement weather warning day, following the date.

(Added 12 of 2014 s. 23)

## Part 2

### Membership of Election Committee

#### 2. How Election Committee is to be constituted

- (1) The Election Committee is to consist of 1200 members, who must be Hong Kong permanent residents. (Amended 1 of 2011 s. 9)
- (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 300 members. (Amended 1 of 2011 s. 9)
- (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                                  | 17                |
| 2.   | Commercial (first)                        | 18                |
| 3.   | Commercial (second)                       | 18                |
| 4.   | Employers' Federation of Hong Kong        | 16                |
| 5.   | Finance                                   | 18                |
| 6.   | Financial services                        | 18                |
| 7.   | Hong Kong Chinese Enterprises Association | 16                |
| 8.   | Hotel                                     | 17                |
| 9.   | Import and export                         | 18                |
| 10.  | Industrial (first)                        | 18                |
| 11.  | Industrial (second)                       | 18                |
| 12.  | Insurance                                 | 18                |
| 13.  | Real estate and construction              | 18                |
| 14.  | Textiles and garment                      | 18                |
| 15.  | Tourism                                   | 18                |
| 16.  | Transport                                 | 18                |
| 17.  | Wholesale and retail                      | 18                |

(Amended 1 of 2011 s. 9)

**Table 2**

**Second Sector**

| Item | Subsector  | Number of members |
|------|--|-------------------|
| 1.   | Accountancy                                      | 30                |
| 2.   | Architectural, surveying, planning and landscape | 30                |
| 3.   | Chinese medicine                                 | 30                |
| 4.   | Education  | 30                |
| 5.   | Engineering                                      | 30                |
| 6.   | Health services                                  | 30                |
| 7.   | Higher education                                 | 30                |

|     |                        |    |
|-----|------------------------|----|
| 8.  | Information technology | 30 |
| 9.  | Legal                  | 30 |
| 10. | Medical                | 30 |

(Amended 1 of 2011 s. 9; 14 of 2015 s. 15)

**Table 3**

**Third Sector**

| Item | Subsector  | Number of members |
|------|--|-------------------|
| 1.   | Agriculture and fisheries                        | 60                |
| 2.   | Labour   | 60                |
| 3.   | Religious  | 60                |
| 4.   | Social welfare                                   | 60                |
| 5.   | Sports, performing arts, culture and publication | 60                |

(Amended 1 of 2011 s. 9)

**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.  | 70                |
| 3.   | Chinese People's Political Consultative Conference ("CPPCC") | Hong Kong members of the National Committee of the CPPCC.  | 51                |
| 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. | 26                |
| 5.   | Hong Kong and Kowloon District Councils                      | Elected members of the Hong Kong and Kowloon District Councils.  | 57                |
| 6.   | New Territories District Councils                            | Elected members of the New Territories District Councils.  | 60                |

(Amended 1 of 2011 s. 9)

**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                                   | (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)

- (1) Members of the Travel Industry Council of Hong Kong entitled to vote at general meetings of the Council.
  - (2) Members of The Board of Airline Representatives in Hong Kong. (Replaced 25 of 2003 s. 56. Amended 10 of 2006 s. 32)
3. Hotel
  - (1) Members of the Hong Kong Hotels Association entitled to vote at general meetings of the Association.
  - (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)
4. Chinese medicine
  - (1) Members of—
    - (a) The Hong Kong Association of Traditional Chinese Medicine Limited;
    - (b) International General Chinese Herbalists and Medicine Professionals Association Limited;
    - (c) Sin-Hua Herbalists' and Herb Dealers' Promotion Society Limited;
    - (d) Society of Practitioners of Chinese Herbal Medicine Limited;
    - (e) The Hong Kong T.C.M. Orthopaedic and Traumatic Association Limited;
    - (f) The Hong Kong Federation of China of Traditional Chinese Medicine;
    - (g) Hong Kong Acupuncturists Association;
    - (h) Hong Kong Chinese Herbalists Association Limited;
    - (i) Association of Hong Kong & Kowloon Practitioners of Chinese Medicine, Limited;
    - (j) Hong Kong Chinese Medicine Practitioners Association Limited,who are Chinese medicine practitioners entitled to vote at the general meetings of the respective bodies. (Replaced 1 of 2011 s. 9)
  - (2) Registered Chinese medicine practitioners registered under the Chinese Medicine Ordinance (Cap 549). (Added 1 of 2011 s. 9)
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; 14 of 2015 s. 15)
    - (f)-(m) (Repealed 14 of 2015 s. 15)
  - (1A) Full-time academic staff engaged in teaching or

research and administrative staff of equivalent rank in the institutions which—

- (a) offer post secondary education leading to the award of any qualification entered into the Qualifications Register established under the Accreditation of Academic and Vocational Qualifications Ordinance (Cap. 592); and
  - (b) are set up by—
    - (i) an institution of higher education funded through the University Grants Committee;
    - (ii) The Hong Kong Academy for Performing Arts; or
    - (iii) The Open University of Hong Kong. (Added 14 of 2015 s. 15)
- (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 University; (Amended 25 of 2003 s. 56; 7 of 2008 s. 10)
  - (m) the Board of Governors of the Caritas Institute of Higher Education; (Added 25 of 2003 s. 56. Amended 11 of 2012 s. 39; 14 of 2015 s. 15)
    - (n) the Board of Governors of the Chu Hai College of Higher Education; (Added 14 of 2015 s. 15)
    - (o) the Board of Governors of the Centennial College; (Added 14 of 2015 s. 15)
    - (p) the Board of Governors of the Tung Wah College; (Added 14 of 2015 s. 15)
    - (q) the Board of Governors of the Hang Seng Management College; (Added 14 of 2015 s. 15)
    - (r) the Board of Governors of the Hong Kong Nang Yan College of Higher Education; (Added 14 of 2015 s. 15)
    - (s) the Board of Governors of the HKCT Institute of Higher Education. (Added 14 of 2015 s.

- 15)
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 repealed Industrial Training (Construction Industry) Ordinance (Cap 317) and maintained under the Construction Industry Council Ordinance (Cap 587); (Amended 12 of 2006 s. 84)
    - (ba) industrial training centres established under the Construction Industry Council Ordinance (Cap 587); (Added 12 of 2006 s. 84)
    - (c) industrial training centres established under the Industrial Training (Clothing Industry) Ordinance (Cap 318);
    - (d) Hong Chi Association-Hong Chi Pinehill Integrated Vocational Training Centre; (Replaced 18 of 2011 s. 52)
    - (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 622), or a former Companies Ordinance as defined by section 2(1) of the Companies Ordinance (Cap 622), 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— (Amended 28 of 2012 ss. 912 & 920)

- (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.

**2A.** (Omitted as expired—E.R. 1 of 2013)

### **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 5 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, 59 or 65 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; 7 of 2008 s. 10)
- (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, 64 or 66 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; 14 of 2015 s. 16)
- (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-sector; 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, 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-sector. (Amended 7 of 2008 s. 10)

(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 is eligible to be registered as an elector for the District Council (first) functional constituency. (Amended 1 of 2011 s. 11)

(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 is eligible to

be registered as an elector for the District Council (first) functional constituency. (Amended 1 of 2011 s. 11)

(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 is eligible to be registered as a voter for the Hong Kong and Kowloon District Councils subsector may be registered only as a voter for that subsector; (Replaced 1 of 2011 s. 11)
- (b) a person who is eligible to be registered as a voter for the New Territories District Councils subsector may be registered only as a voter for that subsector; (Replaced 1 of 2011 s. 11)
- (c) a person who—
  - (i) is eligible to be registered as a voter for the Hong Kong and Kowloon District Councils subsector or the New Territories District Councils subsector; and
  - (ii) would, but for this paragraph, be eligible to be registered as a voter for any subsector other than the 2 subsectors referred to in subparagraph (i),may be registered only as a voter for the Hong Kong and Kowloon District Councils subsector or the New Territories District Councils subsector, as the case may be; (Replaced 1 of 2011 s. 11)
- (d) a person who 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 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; (Replaced 1 of 2011 s. 11)
- (e) 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 eligible to be registered as an elector for the District Council (first) functional constituency, cannot, subject to paragraph (g), be registered only as an elector for the District Council (first) functional constituency and not as a voter for the Hong Kong and Kowloon District Councils subsector; (Replaced 1 of 2011 s. 11)
- (f) 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 eligible to be registered as an elector for the District Council (first) functional constituency, cannot, subject to paragraph (h), be registered only as an elector for the District Council (first) functional constituency and not as a voter for the New Territories District Councils subsector; (Replaced 1 of 2011 s. 11)
- (g) a person who is eligible 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 (first) functional constituency; and (Added 1 of 2011 s. 11)
- (h) a person who is eligible 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 (first) functional constituency. (Added 1 of 2011 s. 11)

- (12) A person who would, but for this subsection, be eligible to be registered as a voter for 2 or more subsectors (other than the Hong Kong and Kowloon District Councils subsector and the New Territories District Councils subsector) may, subject to subsection (10), be registered as a voter for only one of those subsectors of the person's choice. (Amended 1 of 2011 s. 11)
- (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 5 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.
- (21) A consular post to which any privilege or immunity is accorded under the Consular Relations Ordinance (Cap 557) is not eligible to be registered as a voter for any subsector. (Added 1 of 2011 s. 11)
- (22) An organization to which section 2 of the International Organizations and Diplomatic Privileges Ordinance (Cap 190) applies or an international organization defined in section 2 of the International Organizations (Privileges and Immunities) Ordinance (Cap 558) is not eligible to be registered as a voter for any subsector. (Added 1 of 2011 s. 11)

### **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 1 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 (Amended 12 of 2014 s. 171)
  - (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 1 August in each year in which a District Council ordinary election is to be held, a provisional register of voters for subsectors; and (Amended 12 of 2014 s. 171)
  - (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)
- (1B) Despite subsections (1) and (1A), as soon as practicable after the District Council ordinary election in 2011, the Electoral Registration Officer must, in accordance with the EAC Regulations—
  - (a) compile the subsector final register for the Hong Kong and Kowloon District Councils subsector by—
    - (i) striking out the names and other relevant particulars of all voters from the existing subsector final register; and
    - (ii) registering in the subsector final register all persons who are elected as members 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) under Part V of that Ordinance as voters of the subsector;
  - (b) compile the subsector final register for the New Territories District Councils subsector by—
    - (i) striking out the names and other relevant particulars of all voters from the existing subsector final register; and
    - (ii) registering in the subsector final register all persons who are elected as members 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) under Part V of that Ordinance as voters of the subsector;
  - (c) if the persons referred to in paragraphs (a)(ii) and (b)(ii) are registered as voters in any subsector other than the Hong Kong and Kowloon District Councils subsector and the New Territories District Councils subsector, strike out their names and other relevant particulars from the subsector final register for that subsector to the effect that they are no longer registered as voters for that subsector. (Added 1 of 2011 s. 12)
- (1C) The Electoral Registration Officer must, as soon as practicable after complying with subsection (1B), publish in accordance with the EAC Regulations the subsector final register in which there is any addition or removal of names and other relevant particulars of voters. (Added 1 of 2011 s. 12)
- (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 the person is not elected as 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) under Part V of that Ordinance in the District Council ordinary election held immediately before the relevant subsector election or in any District Council by-election for that District Council after the ordinary election. (Amended 1 of 2011 s. 13)
- (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 the person is not elected as 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) under Part V of that Ordinance in the District Council ordinary election held immediately before the relevant subsector election or in any District Council by-election for that District Council after the ordinary election. (Amended 1 of 2011 s. 13)  
(Added 10 of 2006 s. 6)

## **18B. Election as District Council member does not affect nomination made earlier**

- (1) This subsection applies to a case in which—
  - (a) a person who is registered as a voter for any subsector other than the Hong Kong and Kowloon District Councils subsector and the New Territories District Councils subsector has subscribed the nomination paper of a candidate for that subsector in a subsector election; and
  - (b) after the subscription of the nomination paper but before the subsector election the person is elected as a member of a District Council under Part V of the District Councils Ordinance (Cap 547).
- (2) In a case to which subsection (1) applies—
  - (a) the validity of the subscription of the nomination paper is not affected by the person's election; and
  - (b) the person is disqualified—
    - (i) if the election is a subsector ordinary election, from subscribing the nomination paper of any candidate for the Hong Kong and Kowloon District Councils subsector or the New Territories District Councils subsector in that election; or
    - (ii) if the election is a subsector by-election, from subscribing the nomination paper of any candidate for the Hong Kong and Kowloon District Councils subsector or the New Territories District Councils subsector in any by-election for any subsector held during the term of the District Council for which the person is elected,unless the candidate nominated by the person meets any description in subsection (3).
- (3) The descriptions are—
  - (a) the candidate withdraws candidature under section 21;
  - (b) the Returning Officer decides under section 22(1) or 23(4) that the candidate is not validly nominated;
  - (c) the Returning Officer has given a notice of death in respect of the candidate under section 23(1).

(Added 1 of 2011 s. 14)

## **18C. Candidate for other subsectors cannot stand for District Councils subsector election even though elected as District Council member**

- (1) This subsection applies to a case in which—
  - (a) a person who is registered as a voter for any subsector other than the Hong Kong and Kowloon District Councils subsector and the New Territories District Councils subsector is nominated as a candidate for that subsector in a subsector election; and
  - (b) after the nomination but before the subsector election the person is elected as a member of a District Council under Part V of the District Councils Ordinance (Cap 547).
- (2) In a case to which subsection (1) applies—
  - (a) the validity of the nomination of the person for the subsector is not affected by the person's election; and
  - (b) the person is, whether or not returned at the election, disqualified—
    - (i) if the election is a subsector ordinary election, from being nominated as a candidate for the election in the Hong Kong and Kowloon District Councils subsector or the New Territories District Councils subsector; or
    - (ii) if the election is a subsector by-election, from being nominated as a candidate for the Hong Kong and Kowloon District Councils subsector by-election or the New Territories District Councils subsector by-election held during the term of the District Council for which the person is elected.

(Added 1 of 2011 s. 14)

## **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)-(d) (Repealed 7 of 2009 s. 4)

- (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.
- (2A) A letter sent under subsection (1) by a candidate who is validly nominated at a subsector election—
  - (a) may contain information on any other candidate who is also validly nominated at that election; and
  - (b) is, if it contains any information mentioned in paragraph (a), not to be regarded, for the purposes of subsection (1), as being sent by that other candidate. (Added 18 of 2011 s. 35)
- (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— (Amended 10 of 2006 s. 21; 1 of 2011 s. 15)
  - (a) if the polling for the subsector ordinary elections for all subsectors is held on the same day, an interim register of members of the Election Committee within 7 days after the results of the elections are published under section 35; or
  - (b) if the polling for the subsector ordinary elections for different subsectors is held on different days, the relevant parts of an interim register of members of the Election Committee within 7 days after the results of the relevant elections are published under section 35. (Amended 1 of 2011 s. 15)
- (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)**

(Amended E.R. 2 of 2012)

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|----------|------|--|----------------|--------------|
| Chapter: | 541B | Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation | Gazette Number | Version Date |
|----------|------|--|----------------|--------------|

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| Section: | 2A | Effect of inclement weather warning on date and period | 12 of 2014 | 18/07/2014 |
|----------|----|--|------------|------------|

(1) In this section—

***gale warning*** (烈風警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap 62);

***inclement weather warning day*** (惡劣天氣警告日) means a working day on which a gale warning or a rainstorm warning is in force at any time during the ordinary business hours of the Office;

***Office*** (有關辦事處) means—

- (a) the office of the Electoral Registration Officer; or
- (b) for sections 35(5) and 36(5), the office of a Revising Officer;

***rainstorm warning*** (暴雨警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap 62);

***working day*** (工作日) means any Monday, Tuesday, Wednesday, Thursday or Friday other than a general holiday.

(2) If—

- (a) a date is prescribed in this Regulation (whether by reference to a specific day of a specific month or to a day otherwise ascertainable under this Regulation) or is fixed under this Regulation;
- (b) an act is required or permitted by a provision of this Regulation to be done not later than, or on or before, the date or on the date; and
- (c) the date falls on an inclement weather warning day, the next working day, which is not an inclement weather warning day, following the date is taken to be prescribed or fixed in relation to the act instead for the provision.

(3) If—

- (a) a period is prescribed in or fixed under this Regulation;
- (b) an act is required or permitted by a provision of this Regulation to be done in, during or within the period; and
- (c) the last day of the period falls on an inclement weather warning day, the period is extended, in relation to the act, to end on the next working day, which is not an inclement weather warning day, following the day mentioned in paragraph (c), and the provision has effect accordingly.

(4) If—

- (a) a date is prescribed by reference to a specific day of a specific month in a provision (***former provision***) specified in column 1 of Table 1;
- (b) the same date is prescribed in the provision or provisions specified opposite to the former provision in column 2 of Table 1; and
- (c) the date falls on an inclement weather warning day in a year, the next working day, which is not an inclement weather warning day, following the date is taken to be prescribed in relation to that year instead for the provision or provisions and the former provision.

Table 1

| <u>Column 1</u>      | <u>Column 2</u>                       |
|----------------------|---------------------------------------|
| section 19(1)(a)(i)  | sections 19(4)(b) and 33(10)(a)(i)(A) |
| section 19(1)(a)(ii) | sections 19(4)(c) and 33(10)(a)(i)(B) |
| section 29(1)(a)(i)  | sections 35(5)(a) and 36(5)(a)        |
| section 29(1)(a)(ii) | sections 35(5)(b) and 36(5)(b)        |
| section 29(3)(a)(i)  | section 26(5)(b)(ii)(A)               |
| section 29(3)(b)(ii) | section 26(5)(b)(i) and (ii)(B)       |

(5) Subsections (6) and (7) apply if—

- (a) a date is prescribed by reference to a specific day of a specific month in a provision (***former provision***)

specified in column 1 of Table 2;

- (b) another date which is the day following the date mentioned in paragraph (a) is prescribed in the provisions specified opposite to the former provision in column 2 of Table 2; and
- (c) the date mentioned in paragraph (a) falls on an inclement weather warning day in a year.

Table 2

| <u>Column 1</u>      | <u>Column 2</u>  |
|----------------------|--|
| section 19(1)(a)(i)  | sections 27(1)(c)(i)(B)(II)(aa) and (ii)(B)(II)(aa) and 28(1)(a)(i)(B)(II)(aa) and (ii)(B)(II)(aa)                                 |
| section 19(1)(a)(ii) | sections 27(1)(c)(i)(B)(I) and (II)(bb) and (ii)(B)(I) and (II)(bb) and 28(1)(a)(i)(B)(I) and (II)(bb) and (ii)(B)(I) and (II)(bb) |

- (6) The next working day, which is not an inclement weather warning day, following the date mentioned in subsection (5)(a) is taken to be prescribed in relation to the year instead for the former provision.
- (7) The day following the working day mentioned in subsection (6) is taken to be prescribed in relation to the year instead for the provisions specified in subsection (5)(b).
- (8) This section does not apply in relation to provisions in this Regulation to the extent that they relate to an Election Committee register or Election Committee omissions list.

(12 of 2014 s. 4)

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| Chapter: | 541I | Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation | Gazette Number | Version Date |
|----------|------|--|----------------|--------------|

|          |   |  |                  |            |
|----------|---|--|------------------|------------|
| Section: | 5 | Chief Electoral Officer to determine nomination period | L.N. 210 of 2001 | 12/10/2001 |
|----------|---|--|------------------|------------|

- (1) Subject to subsections (2) and (3), the nomination period is to be determined by the Chief Electoral Officer.
- (2) The nomination period must not begin earlier than the date on which the subsector election notice is published in the Gazette. The nomination period must not be less than 7 days.
- (3) The nomination period must end not less than 12 days before the date on which the relevant subsector election is to be held.

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| Chapter: | 541I | Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation | Gazette Number | Version Date |
|----------|------|--|----------------|--------------|

|          |    |   |                  |            |
|----------|----|---|------------------|------------|
| Section: | 24 | Returning Officer to send to other candidates notice of particulars of election agent | L.N. 210 of 2001 | 12/10/2001 |
|----------|----|---|------------------|------------|

- (1) The Returning Officer must send to the candidates for a subsector, a notice containing the particulars of the election agents of the other candidates for that subsector.
- (2) If a replacement is appointed for an election agent, the Returning Officer must send a notice of the particulars of the replacement to the other candidates for the relevant subsector.
- (3) The Returning Officer must send a notice under subsection (1) within 5 days after the expiry of the relevant nomination period.
- (4) If the appointment of the election agent is made after the period of 5 days referred to in subsection (3), or if a replacement is appointed under section 23(11), the Returning Officer must send a notice of the particulars as soon as practicable after that Officer receives notice of the appointment or replacement, as the case may be.
- (5) The Returning Officer must also display in a prominent place outside that Officer's office, a notice of the particulars of the election agents.
- (6) A notice under this section must be in the specified form.
- (7) A notice required to be sent to a candidate under subsection (1) may be sent to the election agent of the candidate instead of to the candidate.

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| Chapter: | 541I | Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation | Gazette Number | Version Date |
|----------|------|--|----------------|--------------|

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|-----------|---|---|------------------|------------|
| Schedule: | 1 | POSTPONEMENT AND ADJOURNMENT OF SUBSECTOR ELECTIONS | L.N. 210 of 2001 | 12/10/2001 |
|-----------|---|---|------------------|------------|

[sections 63 & 88]

#### **1. Postponement of subsector election and adjournment of poll or counting of votes in respect of subsector election**

- (1) If, during or before a subsector election, it appears to the Commission that the subsector election is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (3), the Commission may postpone the subsector election by making a declaration under section 3.
- (2) If, at any time during the poll or the counting of votes in respect of a subsector election, it appears to the Commission that the poll at all the polling stations, or the counting of votes at all the counting stations, for the subsector concerned is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (3), the Commission may adjourn the poll at all the polling stations, or the counting of votes at all the counting stations, for that subsector by making a declaration under section 3.

- (3) The occurrences for the purposes of subsections (1) and (2) are-
  - (a) a typhoon or other climatic condition of a serious nature;
  - (b) riot, open violence or other occurrence of public danger; or
  - (c) an occurrence which appears to the Commission to be a material irregularity relating to the subsector election, the poll or the counting of votes.

## **2. Adjournment of poll at particular polling station**

(1) If, at any time during a poll in respect of a subsector election, it appears to the Presiding Officer that the poll at the polling station is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (2), the Presiding Officer may adjourn the poll at that polling station by making a declaration under section 3.

- (2) The occurrences for the purposes of subsection (1) are-
  - (a) a typhoon or other climatic condition of a serious nature;
  - (b) riot, open violence or other occurrence of public danger; or
  - (c) an occurrence which appears to the Presiding Officer to be a material irregularity relating to the subsector election or the poll.

## **3. How declaration for purposes of sections 1 and 2 is to be made and what it is to contain**

(1) A declaration for the purposes of sections 1 and 2 is to be made by a notice published in the Gazette. If publication in the Gazette is not practicable in the circumstances, the notice may be published by other means determined by the Commission.

- (2) The declaration must contain the following as may be appropriate in each case-
  - (a) a description (by name or otherwise) of the subsector election that is being postponed or in respect of which the poll or the counting of votes is being adjourned;
  - (b) the fact that the subsector election is being postponed;
  - (c) the fact that the poll or the counting of votes is being adjourned;
  - (d) a statement as to whether the poll or the counting of votes is being adjourned at all the polling stations or counting stations;
  - (e) a statement as to whether the poll or the counting of votes is being adjourned at a single polling station or counting station or certain polling stations or counting stations; and
  - (f) a description (by name or otherwise) of the polling stations or counting stations at which the poll or the counting of votes is being adjourned.

## **4. Procedure after adjournment of poll**

(1) If a poll is adjourned under this Schedule or section 24 of the Schedule to the Chief Executive Election Ordinance (Cap 569), the procedure specified in this section is to be complied with.

(2) The Presiding Officer must, in the presence of the persons, if any, who are present within the polling station, secure the ballot boxes and their contents in a manner that Officer thinks fit. Then, without sorting, separating or counting the ballot papers or counting the votes, that Officer must deliver the secured ballot boxes together with any un-issued ballot papers, unused ballot papers or spoilt ballot papers, and the marked copies of the subsector final register to the Returning Officer.

(3) If it is not practicable to make delivery to the Returning Officer, the Presiding Officer must deposit the secured ballot boxes, and the other materials referred to in subsection (2), in a safe place within the polling station. If there is no safe place within the polling station, that Officer must deposit them in a safe place within a police station or a public building close to the polling station. If there is no such police station or public building, that Officer must deposit them in a secure building (which may even be a residential building) close to the polling station. If there is no police station, public building or secure building close to the polling station, that Officer must deposit the ballot boxes and materials in a safe place within any other police station or public building or, in the absence of such a station or building, in a safe place in any other building (which may even be a residential building).

(4) If the ballot boxes and other materials are delivered to the Returning Officer, that Officer must take such steps as determined by the Commission (generally or in a particular case) for the purpose of ensuring their safety and

security. The Returning Officer must remain in charge of them and be responsible for their safety and security until polling in respect of the adjourned poll commences.

(5) If a poll is adjourned under this Schedule or section 24 of the Schedule to the Chief Executive Election Ordinance (Cap 569), the polling hours appointed for the resumed poll must be such that the total time allowed for polling (that is the aggregate of the polling hours which had been spent at the time the poll was adjourned and the polling hours appointed for the resumed poll) is not less than the total time that would have been allowed for polling had the poll not been adjourned.

#### **5. Procedure after adjournment of counting of votes**

(1) If the counting of votes is adjourned under this Schedule or section 24 of the Schedule to the Chief Executive Election Ordinance (Cap 569), or if the counting of votes is adjourned due to the adjournment of a poll under this Schedule, the Returning Officer must comply with this section.

(2) The Returning Officer must take steps to cease the counting of votes. Then, that Officer must in the presence of the persons, if any, who are present within the counting station, deposit the ballot boxes (whether opened or un-opened) and receptacles, if any, together with the ballot papers (whether the votes recorded on which are counted or not), any un-issued ballot papers, tendered ballot papers, ballot paper account, verification of the ballot paper account or re-verification of the ballot paper account, and any other relevant subsector election materials, in a safe place within the counting station. If there is no safe place within the counting station, that Officer must deposit them in a safe place within a police station or a public building close to the counting station. If there is no such police station or public building, that Officer must deposit them in a secure building (which may even be a residential building) close to the counting station. If there is no police station, public building or secure building close to the counting station, that Officer must deposit the subsector election materials in a safe place within any other police station or public building or in the absence of such a station or building, in a safe place in any other building (which may even be a residential building).

(3) The subsector election materials must remain in the charge of the Returning Officer. That Officer is to be responsible for their safety and security until the adjourned counting is resumed under section 63(6) of this Regulation.

(4) In this section, "Returning Officer" (選舉主任) means a Returning Officer specified by the Chief Electoral Officer for the purposes of this section.

#### **6. Appointment of date by Commission for subsector election, polling or counting after postponement or adjournment**

(1) If a subsector election is postponed under this Schedule, the Commission is to, as soon as practicable after the postponement, appoint a date for holding a subsector election.

(2) If the poll or the counting of votes is adjourned under this Schedule, the Commission is to, as soon as practicable after the adjournment, appoint a date for holding the poll or the counting of votes.

(3) If the postponement or adjournment is due to a reason referred to in section 1(3)(a) or (b) or 2(2)(a) or (b), the appointed date must not be later than 14 days after the date on which the postponed subsector election or the adjourned poll or counting would have been held. If the postponement or adjournment is due to the reason referred to in section 1(3)(c) or 2(2)(c), the appointed date must not be later than 2 days after the date on which the postponed subsector election or adjourned poll or counting would have been held.

(4) In each case referred to in sections 1 and 2, the Commission is to, in the relevant notice making the declaration, specify the date appointed under this section to hold the relevant subsector election, the poll or the counting of votes, as the case may require.

(5) If it is not practicable to specify the date in the notice of declaration, the Commission is to specify it in a notice published in the Gazette soon after the publication of a notice of declaration. If such publication is not practicable in the circumstances, the date must be specified in a notice published by some other means the Commission considers appropriate.

|          |     |                                    |                |              |
|----------|-----|------------------------------------|----------------|--------------|
| Chapter: | 569 | Chief Executive Election Ordinance | Gazette Number | Version Date |
|----------|-----|------------------------------------|----------------|--------------|

|          |   |                |                |            |
|----------|---|----------------|----------------|------------|
| Section: | 2 | Interpretation | E.R. 1 of 2012 | 09/02/2012 |
|----------|---|----------------|----------------|------------|

(1) In this Ordinance, unless the context otherwise requires-

**Acting Chief Executive** (署理行政長官) means any public officer assuming the duties of the Chief Executive pursuant to Article 53 of the Basic Law;

**candidate** (候選人) means a candidate who is determined to be validly nominated under section 17;

**Chief Electoral Officer** (總選舉事務主任) means the Chief Electoral Officer appointed under section 9 of the Electoral Affairs Commission Ordinance (Cap 541);

**Chief Executive** (行政長官) means the Chief Executive of the Hong Kong Special Administrative Region;

**Court** (原訟法庭) means the Court of First Instance;

**EAC Regulations** (《選管會規例》) means regulations made under section 7 of the Electoral Affairs Commission Ordinance (Cap 541);

**election** (選舉) means an election held under section 6;

**Election Committee** (選舉委員會) means the Election Committee constituted under section 8;

**election petition** (選舉呈請、選舉呈請書) means an election petition lodged under section 33(1);

**Electoral Affairs Commission** (選舉管理委員會) means the Electoral Affairs Commission established by section 3 of the Electoral Affairs Commission Ordinance (Cap 541);

**electoral officer** (選舉事務人員) means-

- (a) the Returning Officer;
- (b) the Chief Electoral Officer;
- (c) an Assistant Returning Officer appointed under section 41(3);
- (d) the Electoral Registration Officer appointed under section 44 of the Schedule;
- (e) an Assistant Electoral Registration Officer appointed under section 44 of the Schedule;
- (f) a Revising Officer appointed under section 46 of the Schedule;
- (g) a Returning Officer appointed under section 47 of the Schedule;
- (h) an Assistant Returning Officer appointed under section 47 of the Schedule; or
- (i) any other person who is appointed under this Ordinance or the Electoral Affairs Commission Ordinance (Cap 541) to perform functions at or in connection with an election or a subsector election;

**final register of members of the Election Committee** (選舉委員會正式委員登記冊) means the register published under section 40(2), (3), (3A) or (4) of the Schedule; (Amended 10 of 2006 s. 20)

**function** (職能) includes a power and a duty;

**member of the Election Committee** (選舉委員) means a person whose name appears in the final register of members of the Election Committee;

**poll** (投票) means a poll conducted under section 23 or 24; (Amended 10 of 2006 s. 7)

**polling date** (投票日) means the date fixed in accordance with section 10 or 11 as the date of the poll at an election;

**prescribed public officer** (訂明公職人員) means any of the following-

- (a) the Chairman of the Public Service Commission;
- (b) the Commissioner and Deputy Commissioner of the Independent Commission Against Corruption and the holder of any other office under the Independent Commission Against Corruption Ordinance (Cap 204);
- (c) The Ombudsman and the holder of any appointment under section 6 of The Ombudsman Ordinance (Cap

397);

- (d) a member of the Electoral Affairs Commission;
- (e) the Chief Executive of the Hong Kong Monetary Authority and any member of the senior management of that Authority, including divisional heads, executive directors, managers and counsel employed by that Authority;
- (f) the Privacy Commissioner for Personal Data and any person employed or engaged by him under the Personal Data (Privacy) Ordinance (Cap 486);
- (g) the Chairperson of the Equal Opportunities Commission and any person employed or whose services are engaged by the Commission under the Sex Discrimination Ordinance (Cap 480);
- (h) any person holding an office, whether permanent or temporary, in a Government department or bureau and employed in the department or bureau;

**Returning Officer** (選舉主任) means the Returning Officer appointed under section 41(1);

**Revising Officer** (審裁官) has the meaning assigned to it by section 1(1) of the Schedule;

**subsector election** (界別分組選舉) has the meaning assigned to it by section 1 of the Schedule;

**working day** (工作日) means any day other than-

- (a) a public holiday;
  - (b) any day throughout or for part of which a black rainstorm warning is in force, and **black rainstorm warning** (黑色暴雨警告) means a warning issued by the Director of the Hong Kong Observatory of a heavy rainstorm in, or in the vicinity of, Hong Kong by the use of the heavy rainstorm signal commonly referred to as Black; and
  - (c) any day throughout or for part of which a gale warning is in force, and **gale warning** (烈風警告) means a warning of the occurrence of a tropical cyclone in, or in the vicinity of, Hong Kong by the use of any of the tropical cyclone warning signals commonly referred to as No. 8NW, 8SW, 8NE, 8SE, 9 or 10.
- (2) Any reference in this Ordinance to the performance of a function includes a reference to the exercise of a power or performance of a duty, as the case may be.

|          |     |                                    |                |              |
|----------|-----|------------------------------------|----------------|--------------|
| Chapter: | 569 | Chief Executive Election Ordinance | Gazette Number | Version Date |
|----------|-----|------------------------------------|----------------|--------------|

|          |    |                   |                |            |
|----------|----|-------------------|----------------|------------|
| Section: | 15 | Nomination period | E.R. 1 of 2012 | 09/02/2012 |
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- (1) The nomination period for candidature at an election and the time at which the nomination period terminates shall be fixed by the Chief Electoral Officer.
- (2) The nomination period-
  - (a) shall not be less than 14 days; and
  - (b) shall terminate on a day earlier than the 21 days before the polling date.
- (3) The time at which the nomination period terminates shall for the purposes of this Ordinance be regarded as the close of nominations.

|          |     |                                    |                |              |
|----------|-----|------------------------------------|----------------|--------------|
| Chapter: | 569 | Chief Executive Election Ordinance | Gazette Number | Version Date |
|----------|-----|------------------------------------|----------------|--------------|

|          |    |  |                |            |
|----------|----|--|----------------|------------|
| Section: | 31 | Winning candidate to declare he is not a member of political party | E.R. 1 of 2012 | 09/02/2012 |
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- (1) A person declared under section 28 as elected at an election shall, within 7 working days after the declaration-
  - (a) publicly make a statutory declaration to the effect that he is not a member of any political party; and
  - (b) lodge with the Returning Officer a written undertaking to the effect that he will not, if appointed as the Chief Executive-
    - (i) become a member of any political party; or
    - (ii) do any act that has the effect of subjecting himself to the discipline of any political party, during his term of office as the Chief Executive.

(2) In this section-

***political party*** (政黨) means-

- (a) a political body or organization (whether operating in Hong Kong or elsewhere) which purports to be a political party; or
- (b) a body or organization the principal function or main object of which is to promote or prepare a candidate for election as a member of the Legislative Council or any District Council.

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|----------|-----|---|----------------|--------------|
| Chapter: | 569 | Chief Executive Election Ordinance                              | Gazette Number | Version Date |
| Section: | 34  | Period within which election petition and appeal must be lodged | E.R. 1 of 2012 | 09/02/2012   |

- (1) An election petition questioning an election must be lodged within 7 working days after the day on which the result of the election is declared under section 22(1AB) or 28. (Amended 10 of 2006 s. 16)
- (2) Notwithstanding section 24 of the Hong Kong Court of Final Appeal Ordinance (Cap 484), a notice of a motion for the purposes of an application for leave to appeal to the Court of Final Appeal under section 22(1)(c) of that Ordinance shall be filed within 7 working days after the day on which the relevant judgment of the Court is handed down, and the applicant shall give the opposite party 3 days notice of his intended application at any time during the period of 7 working days.

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|-----------|-----|------------------------------------|----------------|--------------|
| Chapter:  | 569 | Chief Executive Election Ordinance | Gazette Number | Version Date |
| Schedule: |     | Schedule                           | 14 of 2015     | 17/07/2015   |

[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 3 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;

**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;

**the regulations** (《規例》) means regulations made under section 46 of this Ordinance.

- (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—

(aa) *elected member* (民選議員) means a person who is elected to be an elected member under Part V of the District Councils Ordinance (Cap 547); (Added 1 of 2011 s. 8)

(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.

## 1A. Effect of inclement weather warning on date

(1) In this section—

*gale warning* (烈風警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap 62);

*inclement weather warning day* (惡劣天氣警告日) means a working day on which a gale warning or a rainstorm warning is in force at any time during the ordinary business hours of the office of the Electoral Registration Officer;

*rainstorm warning* (暴雨警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap 62);

*working day* (工作日) means any Monday, Tuesday, Wednesday, Thursday or Friday other than a general holiday.

- (2) If—
- (a) the Electoral Registration Officer is required by section 14 to do an act not later than a date; and
  - (b) the date falls on an inclement weather warning day,
- that section has effect in relation to the act as if it requires the Officer to do the act not later than the next working day, which is not an inclement weather warning day, following the date.
- (Added 12 of 2014 s. 23)

## Part 2

### Membership of Election Committee

#### 2. How Election Committee is to be constituted

- (1) The Election Committee is to consist of 1200 members, who must be Hong Kong permanent residents. (Amended 1 of 2011 s. 9)
- (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 300 members. (Amended 1 of 2011 s. 9)
- (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                                  | 17                |
| 2.   | Commercial (first)                        | 18                |
| 3.   | Commercial (second)                       | 18                |
| 4.   | Employers' Federation of Hong Kong        | 16                |
| 5.   | Finance                                   | 18                |
| 6.   | Financial services                        | 18                |
| 7.   | Hong Kong Chinese Enterprises Association | 16                |
| 8.   | Hotel                                     | 17                |
| 9.   | Import and export                         | 18                |
| 10.  | Industrial (first)                        | 18                |
| 11.  | Industrial (second)                       | 18                |
| 12.  | Insurance                                 | 18                |
| 13.  | Real estate and construction              | 18                |
| 14.  | Textiles and garment                      | 18                |
| 15.  | Tourism                                   | 18                |
| 16.  | Transport                                 | 18                |
| 17.  | Wholesale and retail                      | 18                |

(Amended 1 of 2011 s. 9)

**Table 2**

**Second Sector**

| Item | Subsector  | Number of members |
|------|--|-------------------|
| 1.   | Accountancy                                      | 30                |
| 2.   | Architectural, surveying, planning and landscape | 30                |
| 3.   | Chinese medicine                                 | 30                |
| 4.   | Education  | 30                |
| 5.   | Engineering                                      | 30                |
| 6.   | Health services                                  | 30                |
| 7.   | Higher education                                 | 30                |
| 8.   | Information technology                           | 30                |
| 9.   | Legal  | 30                |
| 10.  | Medical  | 30                |

(Amended 1 of 2011 s. 9; 14 of 2015 s. 15)

**Table 3**

### Third Sector

| Item | Subsector  | Number of members |
|------|--|-------------------|
| 1.   | Agriculture and fisheries                        | 60                |
| 2.   | Labour   | 60                |
| 3.   | Religious  | 60                |
| 4.   | Social welfare                                   | 60                |
| 5.   | Sports, performing arts, culture and publication | 60                |

(Amended 1 of 2011 s. 9)

**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.  | 70                |
| 3.   | Chinese People's Political Consultative Conference ("CPPCC") | Hong Kong members of the National Committee of the CPPCC.  | 51                |
| 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. | 26                |
| 5.   | Hong Kong and Kowloon District Councils                      | Elected members of the Hong Kong and Kowloon District Councils.  | 57                |
| 6.   | New Territories District Councils                            | Elected members of the New Territories District Councils.  | 60                |

(Amended 1 of 2011 s. 9)

**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                                   | (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)<br>(1) Members of the Travel Industry Council of Hong Kong entitled to vote at general meetings of the Council.<br>(2) Members of The Board of Airline Representatives in |

- Hong Kong. (Replaced 25 of 2003 s. 56. Amended 10 of 2006 s. 32)
3. Hotel
    - (1) Members of the Hong Kong Hotels Association entitled to vote at general meetings of the Association.
    - (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)
  4. Chinese medicine
    - (1) Members of—
      - (a) The Hong Kong Association of Traditional Chinese Medicine Limited;
      - (b) International General Chinese Herbalists and Medicine Professionals Association Limited;
      - (c) Sin-Hua Herbalists' and Herb Dealers' Promotion Society Limited;
      - (d) Society of Practitioners of Chinese Herbal Medicine Limited;
      - (e) The Hong Kong T.C.M. Orthopaedic and Traumatic Association Limited;
      - (f) The Hong Kong Federation of China of Traditional Chinese Medicine;
      - (g) Hong Kong Acupuncturists Association;
      - (h) Hong Kong Chinese Herbalists Association Limited;
      - (i) Association of Hong Kong & Kowloon Practitioners of Chinese Medicine, Limited;
      - (j) Hong Kong Chinese Medicine Practitioners Association Limited,
 who are Chinese medicine practitioners entitled to vote at the general meetings of the respective bodies. (Replaced 1 of 2011 s. 9)
    - (2) Registered Chinese medicine practitioners registered under the Chinese Medicine Ordinance (Cap 549). (Added 1 of 2011 s. 9)
  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; 14 of 2015 s. 15)
      - (f)-(m) (Repealed 14 of 2015 s. 15)
    - (1A) Full-time academic staff engaged in teaching or research and administrative staff of equivalent rank in the institutions which—
      - (a) offer post secondary education leading to the award of any qualification entered into the Qualifications Register established under the Accreditation of Academic and Vocational

- Qualifications Ordinance (Cap. 592); and
- (b) are set up by—
  - (i) an institution of higher education funded through the University Grants Committee;
  - (ii) The Hong Kong Academy for Performing Arts; or
  - (iii) The Open University of Hong Kong. (Added 14 of 2015 s. 15)
- (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 University; (Amended 25 of 2003 s. 56; 7 of 2008 s. 10)
  - (m) the Board of Governors of the Caritas Institute of Higher Education; (Added 25 of 2003 s. 56. Amended 11 of 2012 s. 39; 14 of 2015 s. 15)
  - (n) the Board of Governors of the Chu Hai College of Higher Education; (Added 14 of 2015 s. 15)
  - (o) the Board of Governors of the Centennial College; (Added 14 of 2015 s. 15)
  - (p) the Board of Governors of the Tung Wah College; (Added 14 of 2015 s. 15)
  - (q) the Board of Governors of the Hang Seng Management College; (Added 14 of 2015 s. 15)
  - (r) the Board of Governors of the Hong Kong Nang Yan College of Higher Education; (Added 14 of 2015 s. 15)
  - (s) the Board of Governors of the HKCT Institute of Higher Education. (Added 14 of 2015 s. 15)
- (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).

6. Education

- (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 repealed Industrial Training (Construction Industry) Ordinance (Cap 317) and maintained under the Construction Industry Council Ordinance (Cap 587); (Amended 12 of 2006 s. 84)
    - (ba) industrial training centres established under the Construction Industry Council Ordinance (Cap 587); (Added 12 of 2006 s. 84)
    - (c) industrial training centres established under the Industrial Training (Clothing Industry) Ordinance (Cap 318);
    - (d) Hong Chi Association-Hong Chi Pinehill Integrated Vocational Training Centre; (Replaced 18 of 2011 s. 52)
    - (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 622), or a former Companies Ordinance as defined by section 2(1) of the

Companies Ordinance (Cap 622), 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— (Amended 28 of 2012 ss. 912 & 920)

- (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.

2A. (Omitted as expired—E.R. 1 of 2013)

### 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 5 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, 59 or 65 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; 7 of 2008 s. 10)
- (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, 64 or 66 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; 14 of 2015 s. 16)
- (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, 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.

(Amended 7 of 2008 s. 10)

- (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 is eligible to be registered as an elector for the District Council (first) functional constituency. (Amended 1 of 2011 s. 11)
- (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 is eligible to be registered as an elector for the District Council (first) functional constituency. (Amended 1 of 2011 s. 11)
- (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 is eligible to be registered as a voter for the Hong Kong and Kowloon District Councils subsector may be registered only as a voter for that subsector; (Replaced 1 of 2011 s. 11)
- (b) a person who is eligible to be registered as a voter for the New Territories District Councils subsector may be registered only as a voter for that subsector; (Replaced 1 of 2011 s. 11)
- (c) a person who—
  - (i) is eligible to be registered as a voter for the Hong Kong and Kowloon District Councils subsector or the New Territories District Councils subsector; and
  - (ii) would, but for this paragraph, be eligible to be registered as a voter for any subsector other than the 2 subsectors referred to in subparagraph (i),may be registered only as a voter for the Hong Kong and Kowloon District Councils subsector or the New Territories District Councils subsector, as the case may be; (Replaced 1 of 2011 s. 11)
- (d) a person who 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 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; (Replaced 1 of 2011 s. 11)
- (e) 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 eligible to be registered as an elector for the District Council (first) functional constituency, cannot, subject to paragraph (g), be registered only as an elector for the District Council (first) functional constituency and not as a voter for the Hong Kong and Kowloon District Councils subsector; (Replaced 1 of 2011 s. 11)
- (f) 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 eligible to be registered as an elector for the District Council (first) functional constituency, cannot, subject to paragraph (h), be registered only as an elector for the District Council (first) functional constituency and not as a voter for the New Territories District Councils subsector; (Replaced 1 of 2011 s. 11)
- (g) a person who is eligible 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 (first) functional constituency; and (Added 1 of 2011 s. 11)
- (h) a person who is eligible 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 (first) functional constituency. (Added 1 of 2011 s. 11)

(12) A person who would, but for this subsection, be eligible to be registered as a voter for 2 or more subsectors (other than the Hong Kong and Kowloon District Councils subsector and the New Territories District Councils subsector) may, subject to subsection (10), be registered as a voter for only one of those subsectors of the person's choice. (Amended 1 of 2011 s. 11)

(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 5 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.
- (21) A consular post to which any privilege or immunity is accorded under the Consular Relations Ordinance (Cap 557) is not eligible to be registered as a voter for any subsector. (Added 1 of 2011 s. 11)
- (22) An organization to which section 2 of the International Organizations and Diplomatic Privileges Ordinance (Cap 190) applies or an international organization defined in section 2 of the International Organizations (Privileges and Immunities) Ordinance (Cap 558) is not eligible to be registered as a voter for any subsector. (Added 1 of 2011 s. 11)

### **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 1 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 (Amended 12 of 2014 s. 171)
  - (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 1 August in each year in which a District Council ordinary election is to be held, a provisional register of voters for subsectors; and (Amended 12 of 2014 s. 171)
  - (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)
- (1B) Despite subsections (1) and (1A), as soon as practicable after the District Council ordinary election in 2011, the Electoral Registration Officer must, in accordance with the EAC Regulations—
  - (a) compile the subsector final register for the Hong Kong and Kowloon District Councils subsector by—
    - (i) striking out the names and other relevant particulars of all voters from the existing subsector final register; and
    - (ii) registering in the subsector final register all persons who are elected as members 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) under Part V of that Ordinance as voters of the subsector;
  - (b) compile the subsector final register for the New Territories District Councils subsector by—
    - (i) striking out the names and other relevant particulars of all voters from the existing subsector final register; and
    - (ii) registering in the subsector final register all persons who are elected as members 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) under Part V of that Ordinance as voters of the subsector;
  - (c) if the persons referred to in paragraphs (a)(ii) and (b)(ii) are registered as voters in any subsector other than the Hong Kong and Kowloon District Councils subsector and the New Territories District Councils subsector, strike out their names and other relevant particulars from the subsector final register for that subsector to the effect that they are no longer registered as voters for that subsector. (Added 1 of 2011 s. 12)
- (1C) The Electoral Registration Officer must, as soon as practicable after complying with subsection (1B), publish in accordance with the EAC Regulations the subsector final register in which there is any addition or removal of names and other relevant particulars of voters. (Added 1 of 2011 s. 12)
- (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 the person is not elected as 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) under Part V of that Ordinance in the District Council ordinary election held immediately before the relevant subsector election or in any District Council by-election for that District Council after the ordinary election. (Amended 1 of 2011 s. 13)
- (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 the person is not elected as 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) under Part V of that Ordinance in the District Council ordinary election held immediately before the relevant subsector election or in any District Council by-election for that District Council after the ordinary election. (Amended 1 of 2011 s. 13)

(Added 10 of 2006 s. 6)

**18B. Election as District Council member does not affect nomination made earlier**

- (1) This subsection applies to a case in which—
  - (a) a person who is registered as a voter for any subsector other than the Hong Kong and Kowloon District Councils subsector and the New Territories District Councils subsector has subscribed the nomination paper of a candidate for that subsector in a subsector election; and
  - (b) after the subscription of the nomination paper but before the subsector election the person is elected as

a member of a District Council under Part V of the District Councils Ordinance (Cap 547).

- (2) In a case to which subsection (1) applies—
- (a) the validity of the subscription of the nomination paper is not affected by the person's election; and
  - (b) the person is disqualified—
    - (i) if the election is a subsector ordinary election, from subscribing the nomination paper of any candidate for the Hong Kong and Kowloon District Councils subsector or the New Territories District Councils subsector in that election; or
    - (ii) if the election is a subsector by-election, from subscribing the nomination paper of any candidate for the Hong Kong and Kowloon District Councils subsector or the New Territories District Councils subsector in any by-election for any subsector held during the term of the District Council for which the person is elected,unless the candidate nominated by the person meets any description in subsection (3).
- (3) The descriptions are—
- (a) the candidate withdraws candidature under section 21;
  - (b) the Returning Officer decides under section 22(1) or 23(4) that the candidate is not validly nominated;
  - (c) the Returning Officer has given a notice of death in respect of the candidate under section 23(1).
- (Added 1 of 2011 s. 14)

**18C. Candidate for other subsectors cannot stand for District Councils subsector election even though elected as District Council member**

- (1) This subsection applies to a case in which—
- (a) a person who is registered as a voter for any subsector other than the Hong Kong and Kowloon District Councils subsector and the New Territories District Councils subsector is nominated as a candidate for that subsector in a subsector election; and
  - (b) after the nomination but before the subsector election the person is elected as a member of a District Council under Part V of the District Councils Ordinance (Cap 547).
- (2) In a case to which subsection (1) applies—
- (a) the validity of the nomination of the person for the subsector is not affected by the person's election; and
  - (b) the person is, whether or not returned at the election, disqualified—
    - (i) if the election is a subsector ordinary election, from being nominated as a candidate for the election in the Hong Kong and Kowloon District Councils subsector or the New Territories District Councils subsector; or
    - (ii) if the election is a subsector by-election, from being nominated as a candidate for the Hong Kong and Kowloon District Councils subsector by-election or the New Territories District Councils subsector by-election held during the term of the District Council for which the person is elected.
- (Added 1 of 2011 s. 14)

**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)-(d) (Repealed 7 of 2009 s. 4)
  - (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.
- (2A) A letter sent under subsection (1) by a candidate who is validly nominated at a subsector election—
  - (a) may contain information on any other candidate who is also validly nominated at that election; and
  - (b) is, if it contains any information mentioned in paragraph (a), not to be regarded, for the purposes of subsection (1), as being sent by that other candidate. (Added 18 of 2011 s. 35)
- (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— (Amended 10 of 2006 s. 21; 1 of 2011 s. 15)
  - (a) if the polling for the subsector ordinary elections for all subsectors is held on the same day, an interim register of members of the Election Committee within 7 days after the results of the elections are published under section 35; or

- (b) if the polling for the subsector ordinary elections for different subsectors is held on different days, the relevant parts of an interim register of members of the Election Committee within 7 days after the results of the relevant elections are published under section 35. (Amended 1 of 2011 s. 15)
- (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)**

(Amended E.R. 2 of 2012)

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|----------|------|---|----------------|--------------|
| Chapter: | 569A | ELECTION COMMITTEE (APPEALS) REGULATION | Gazette Number | Version Date |
|----------|------|---|----------------|--------------|

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|----------|---|----------------|------------------|------------|
| Section: | 2 | Interpretation | L.N. 103 of 2006 | 13/05/2006 |
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- (1) In this Regulation, unless the context otherwise requires-

"appeal notice" (上訴通知書) means an appeal notice lodged by a person under section 3;

"appellant" (上訴人) means a person who-

- (a) lodges an appeal notice to a Revising Officer to appeal against the result of a subsector election under section 3; or
- (b) submits a written representation to a Revising Officer to object to the registration of a declared

member as a member of the Election Committee in the final register under section 4;

"Assistant Electoral Registration Officer" (助理選舉登記主任) means an Assistant Electoral Registration Officer appointed under section 44(1) of the Schedule to the Ordinance;

"Assistant Returning Officer" (助理選舉主任) means an Assistant Returning Officer appointed under section 47(1) of the Schedule to the Ordinance;

"declared member" (獲宣布委員) means a nominee who is declared by the Returning Officer as a member of the Election Committee under section 7 of the Schedule to the Ordinance;

"designated body" (指定團體) means a designated body referred to in section 6 of the Schedule to the Ordinance;

"Electoral Registration Officer" (選舉登記主任) has the meaning assigned to it by section 1(1) of the Schedule to the Ordinance;

"final register" (正式委員登記冊) means a register published under section 40(2), (3) or (4) of the Schedule to the Ordinance; (10 of 2006 s. 22)

"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;

"interim register" (暫行委員登記冊) means a register published under section 40(1) of the Schedule to the Ordinance; (10 of 2006 s. 22)

"nominee" (獲提名人) means a nominee referred to in section 7 of the Schedule to the Ordinance;

"Returning Officer" (選舉主任) has the meaning assigned to it by section 1(1) of the Schedule to the Ordinance;

"sub-sector by-election" (小組補選) has the meaning assigned to it by section 1(1) of the Schedule to the Ordinance;

"sub-sector ordinary election" (小組一般選舉) has the meaning assigned to it by section 1(1) of the Schedule to the Ordinance;

"written representation" (書面申述) means a written representation referred to in section 4.

(2) In this Regulation, all references to "subsector election" shall, in respect of the sports, performing arts, culture and publication subsector, mean "sub-sector ordinary election" or "sub-sector by-election".

(3) In the Schedule, "subsector ordinary election" (界別分組一般選舉) and "subsector by-election" (界別分組補選) have the meaning assigned respectively to them by section 1(1) of the Schedule to the Ordinance.

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|----------|------|---|------------------|--------------|
| Chapter: | 569A | ELECTION COMMITTEE (APPEALS) REGULATION           | Gazette Number   | Version Date |
| Section: | 5    | Fixing of hearing and notifying appellant thereof | L.N. 103 of 2006 | 13/05/2006   |

(1) Where the Revising Officer receives an appeal notice or a written representation, as the case may be, he shall, as soon as practicable-

- (a) subject to subsections (3) and (4), fix a date, time and place for holding a hearing as regards the appeal notice or the written representation, as the case may be; and
- (b) send by post a notice under subsection (2)-
  - (i) to the appellant concerned at the address furnished as his address in the appeal notice or the written representation, as the case may be; and
  - (ii) (A) in the case of an appeal notice, to the person whose election is questioned; or

(B) in the case of a written representation, to the declared member concerned.

- (2) A notice for the purposes of subsection (1)(b) shall-
- (a) state that a hearing is to be held as regards the appeal notice or the written representation, as the case may be;
  - (b) specify the date, time and place fixed under subsection (1)(a) for such hearing;
  - (c) state that the appellant or the person whose election is questioned or the declared member concerned, as the case may be-
    - (i) may appear in person at the hearing and make representations to the Revising Officer regarding the appeal notice or the written representation, as the case may be;
    - (ii) may be represented at the hearing by a legal practitioner, or by any other person authorized in writing by the appellant or the person whose election is questioned or the declared member concerned (as the case may be) who may make representations on his behalf; or
    - (iii) whether or not he appears or is represented, may make representations in writing regarding the appeal notice or the written representation, as the case may be, and submit them, by post or by hand, at an address (which shall be specified in the notice) to reach the Revising Officer on a date at least 1 clear day before the date fixed for the hearing;
  - (d) in the case of a notice sent to an appellant, state that-
    - (i) in the case of an appeal notice, if the appellant-
      - (A) does not appear at the hearing;
      - (B) is not represented at the hearing by a legal practitioner or any other person authorized in writing by the appellant; and
      - (C) does not make representations in writing regarding his appeal notice to be received by the Revising Officer on a date at least 1 clear day before the date of the hearing,
 the result of the subsector election to which the appeal notice relates shall stand;
    - (ii) in the case of a written representation, if the Electoral Registration Officer does not make representations to the Revising Officer at the hearing and if the appellant-
      - (A) does not appear at the hearing;
      - (B) is not represented at the hearing by a legal practitioner or any other person authorized in writing by the appellant; and
      - (C) does not make representations in writing regarding his written representation to be received by the Revising Officer on a date at least 1 clear day before the date of the hearing,
 the decision of the Electoral Registration Officer in relation to the registration to which the written representation relates shall stand.

(3) The date fixed under subsection (1)(a) as regards an appeal notice shall be a date during the period beginning immediately after the date on which the result of the subsector election to which the appeal notice relates is published in the Gazette ("publication date") and ending on a date not later than 20 days after the publication date.

(4) The date fixed under subsection (1)(a) as regards a written representation shall be a date during the period beginning immediately after the date on which the interim register or final register concerned is published ("publication date") and ending on a date not later than 20 days after the publication date. (10 of 2006 s. 24)

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|----------|------|---|----------------|--------------|
| Chapter: | 569A | ELECTION COMMITTEE (APPEALS) REGULATION | Gazette Number | Version Date |
|----------|------|---|----------------|--------------|

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|----------|----|---------------------------------------|------------------|------------|
| Section: | 10 | Review of rulings by Revising Officer | L.N. 196 of 2001 | 16/11/2001 |
|----------|----|---------------------------------------|------------------|------------|

(1) Subject to subsection (2), the Revising Officer may, on his own initiative or for good cause shown by the Electoral Registration Officer, the Returning Officer, the appellant, the person whose election is questioned or the declared member concerned, as the case may be, review any ruling made under section 6, and for that purpose may rehear the matter wholly or in part and reverse or confirm his previous ruling.

(2) A ruling made under section 6 during the period referred to in section 5(3) and (4) may only be reviewed during the period referred to in section 5(3) and (4) respectively.

(3) In the case where the Revising Officer decides to review any ruling made under section 6, he shall determine the procedure for such review.

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| Chapter: | 569B | Election Committee (Registration) (Voters for Subsectors) | Gazette Number | Version Date |
|----------|------|---|----------------|--------------|

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|  |  | (Members of Election Committee) (Appeals) Regulation |  |  |
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| Section: | 2A | Effect of inclement weather warning on date and period | 12 of 2014 | 18/07/2014 |
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(1) In this section—

***gale warning*** (烈風警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap 62);

***inclement weather warning day*** (惡劣天氣警告日) means a working day on which a gale warning or a rainstorm warning is in force at any time during the ordinary business hours of the office of a Revising Officer;

***rainstorm warning*** (暴雨警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap 62);

***working day*** (工作日) means any Monday, Tuesday, Wednesday, Thursday or Friday other than a general holiday.

(2) If—

- (a) a date is prescribed in this Regulation (whether by reference to a specific day of a specific month or to a day otherwise ascertainable under this Regulation) or is fixed under this Regulation;
- (b) an act is required or permitted by a provision of this Regulation to be done not later than, or on or before, the date or on the date; and
- (c) the date falls on an inclement weather warning day, the next working day, which is not an inclement weather warning day, following the date is taken to be prescribed or fixed in relation to the act instead for the provision.

(3) If—

- (a) a period is prescribed in or fixed under this Regulation;
- (b) an act is required or permitted by a provision of this Regulation to be done in, during or within the period; and
- (c) the last day of the period falls on an inclement weather warning day, the period is extended, in relation to the act, to end on the next working day, which is not an inclement weather warning day, following the day mentioned in paragraph (c), and the provision has effect accordingly.

(4) If—

- (a) a date is prescribed by reference to a specific day of a specific month in a provision (***former provision***) specified in column 1 of Table 1;
- (b) the same date is prescribed in the provision or provisions specified opposite to the former provision in column 2 of Table 1; and
- (c) the date falls on an inclement weather warning day in a year, the next working day, which is not an inclement weather warning day, following the date is taken to be prescribed in relation to that year instead for the provision or provisions and the former provision.

Table 1

| <u>Column 1</u>                   | <u>Column 2</u>                                  |
|-----------------------------------|--|
| section 29(1)(a)(i) of Cap 541B   | sections 3(4)(c)(i), 5(aa) and 7(2)(aa)          |
| section 29(1)(a)(ii) of Cap 541B  | sections 3(4)(b) and (c)(ii), 5(ab) and 7(2)(ab) |
| section 32(2)(ab)(i) of Cap 541B  | section 3(4)(c)(i)                               |
| section 32(2)(ab)(ii) of Cap 541B | section 3(4)(b) and (c)(ii)                      |

In this Table—

***Cap 541B*** stands for the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee)

Regulation (Cap 541 sub. leg. B).

- (5) Subsections (6) and (7) apply if—
- (a) a date is prescribed by reference to a specific day of a specific month in a provision (*former provision*) specified in column 1 of Table 2;
  - (b) another date which is the day following the date mentioned in paragraph (a) is prescribed in the provision specified opposite to the former provision in column 2 of Table 2; and
  - (c) the date mentioned in paragraph (a) falls on an inclement weather warning day in a year.

Table 2

| <u>Column 1</u>                   | <u>Column 2</u> |
|-----------------------------------|-----------------|
| section 32(2)(ab)(i) of Cap 541B  | section 3(4)(b) |
| section 32(2)(ab)(ii) of Cap 541B | section 3(4)(c) |

In this Table—

**Cap 541B** stands for the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap 541 sub. leg. B).

- (6) The next working day, which is not an inclement weather warning day, following the date mentioned in subsection (5)(a) is taken to be prescribed in relation to the year instead for the former provision.
- (7) The day following the working day mentioned in subsection (6) is taken to be prescribed in relation to the year instead for the provision specified in subsection (5)(b).
- (8) If in any year a day specified in column 1 of Table 3 falls on an inclement weather warning day, the provision or provisions specified opposite to the day in column 2 of Table 3 have effect in relation to that year as if the reference to that day in that provision or those provisions is substituted by a reference to the next working day, which is not an inclement weather warning day, following that day.

Table 3

| <u>Column 1</u>                        | <u>Column 2</u>               |
|--|-------------------------------|
| the eighth day before the polling date | section 3(3)(a) and (b)       |
| 8 September                            | section 3(3)(b)(i) and (ii)   |
| 8 July                                 | section 3(3)(b)(iii) and (iv) |
| 11 September                           | sections 5(aa) and 7(2)(aa)   |
| 11 July                                | sections 5(ab) and 7(2)(ab)   |

- (9) Subsections (2) and (3) are subject to sections 3(5A) and 7(2A).
- (10) This section does not apply in relation to provisions in this Regulation to the extent that they relate to an Election Committee register.

(12 of 2014 s. 24)

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| Chapter: | 569B | Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation | Gazette Number | Version Date |
|----------|------|--|----------------|--------------|

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|----------|---|---|------------|------------|
| Section: | 3 | Fixing of hearing and notifying appellant thereof | 12 of 2014 | 18/07/2014 |
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- (1) Where the Revising Officer receives a copy of a notice of appeal or a notice of claim or a notice of objection from the Electoral Registration Officer, the Revising Officer shall, as soon as practicable-
- (a) subject to subsections (3), (4) and (5), fix a date, time and place for holding a hearing as regards the appeal or the claim or the objection to which the notice relates; and
  - (b) send by registered post, a notice under subsection (2)- (L.N. 27 of 2003)
    - (i) to the appellant concerned to the address furnished as his address in the notice of appeal or the notice of claim or the notice of objection, as the case may be; and
    - (ii) in the case of a notice of objection, in addition to the appellant, to the person in respect of whom the objection is made.
- (2) A notice for the purposes of subsection (1)(b) shall-
- (a) state that a hearing is to be held as regards the notice of appeal or the notice of claim or the notice of objection, as the case may be;
  - (b) specify the date, time and place fixed under subsection (1)(a) for such hearing;
  - (c) state that the appellant or the person in respect of whom the objection is made, as the case may be-
    - (i) may appear in person at the hearing and make representations to the Revising Officer regarding the appeal or claim or objection concerned, as the case may be;
    - (ii) may be represented at such hearing by a legal practitioner or any other person (authorized in writing by the appellant or the person in respect of whom the objection is made, as may be appropriate) who may make representations on his behalf; or
    - (iii) whether or not he appears or is represented, may make representations in writing regarding the appeal or claim or objection concerned and submit them, by post or by hand, at an address (which shall be specified in the notice) to reach the Revising Officer before the date fixed for the hearing; and (L.N. 243 of 2001)
  - (d) in the case of a notice sent to an appellant, state that if the Electoral Registration Officer does not make representations to the Revising Officer at the hearing and if the appellant-
    - (i) does not appear at the hearing;
    - (ii) is not represented by a legal practitioner or any other person (authorized in writing by the appellant) at the hearing; and
    - (iii) does not make representations in writing regarding the appeal or claim or objection concerned to be received by the Revising Officer before the date of the hearing, (L.N. 243 of 2001)
the decision of the Electoral Registration Officer to which the notice of appeal or the notice of claim or the notice of objection (as the case may be) relates, shall stand.
- (3) Where a copy of a notice of appeal is received by the Revising Officer-
- (a) on a date not later than the eighth day before the polling date for the subsector concerned, the date fixed under subsection (1)(a) as regards that notice shall be a date within a period of 21 days beginning from 25 days before such polling date; and (L.N. 243 of 2001)
  - (b) on a date later than the eighth day before the polling date for the subsector concerned, the date fixed under subsection (1)(a) as regards that notice shall be- (L.N. 243 of 2001; L.N. 27 of 2003)
    - (i) where the copy of the notice is so received on or before 8 September in a District Council election year, a date within a period of 28 days ending on 11 September in that year;
    - (ii) where the copy of the notice is so received after 8 September in a District Council election year, a date within a period of 27 days ending on 11 July in the next following year;
    - (iii) where the copy of the notice is so received on or before 8 July in any year which is not a District Council election year, a date within a period of 27 days ending on 11 July in that year; or
    - (iv) where the copy of the notice is so received after 8 July in any year which is not a District Council election year-
      - (A) a date within a period of 28 days ending on 11 September in the next following year, if that following year is a District Council election year; or
      - (B) a date within a period of 27 days ending on 11 July in the next following year, if that following year is not a District Council election year. (L.N. 27 of 2003)
- (4) Where a copy of a notice of claim or a notice of objection as regards an entry, or registration, in a subsector register, is received by the Revising Officer-
- (a) (Repealed 1 of 2011 s. 16)

- (ab) during the period beginning on 3 July 2014 and ending on 2 September 2015, the date fixed under subsection (1)(a) as regards that notice must be a date between 1 August 2015 and 11 September 2015 (both dates inclusive); (12 of 2014 s. 172)
- (b) during the period beginning on 3 September in any year subsequent to 2014, if that subsequent year is a District Council election year, and ending on 2 July in the year following that subsequent year, the date fixed under subsection (1)(a) as regards that notice shall be a date between 1 June and 11 July (both dates inclusive) in that following year; or
- (c) during the period beginning on 3 July in any year subsequent to 2014, if that subsequent year is not a District Council election year, and- (12 of 2014 s. 172)
  - (i) ending on 2 September in the year following that subsequent year, if that following year is a District Council election year, the date fixed under subsection (1)(a) as regards that notice shall be a date between 1 August and 11 September (both dates inclusive) in that following year; or
  - (ii) ending on 2 July in the year following that subsequent year, if that following year is not a District Council election year, the date fixed under subsection (1)(a) as regards that notice shall be a date between 1 June and 11 July (both dates inclusive) in that following year,

which date so fixed in accordance with paragraph (b) or (c)(i) or (ii), as the case may be, shall not be earlier than the third day after the day on which the copy of the notice is so received. (L.N. 27 of 2003; 1 of 2011 s. 16; 12 of 2014 s. 172)

- (5) Where a copy of a notice of claim or a notice of objection as regards an entry, or registration, in an Election Committee register, is received by the Revising Officer not later than the tenth day after the date of publication of the relevant Election Committee provisional register, the date fixed under subsection (1)(a) as regards that notice shall be a date not later than the twentieth day after that date of publication, which date so fixed shall not be earlier than the third day after the day on which the copy of the notice is received.

(5A) Despite subsections (3) and (4) and section 6, if-

- (a) the date fixed under subsection (1)(a) for a hearing-
  - (i) is the last day of the period specified in subsection (3)(a) or (b)(i), (ii), (iii) or (iv)(A) or (B) or (4)(ab), (b) or (c)(i) or (ii); or
  - (ii) is postponed under section 2A to or beyond the last day of the period mentioned in subparagraph (i); and

(b) the deadline for the making of representations in writing to the Revising Officer under this section is postponed under section 2A to that hearing day, the Revising Officer may, in his or her discretion, postpone the hearing to the next working day, which is not an inclement weather warning day, following that postponed deadline. (12 of 2014 s. 25)

(6) As regards any notice of appeal or notice of claim or notice of objection-

- (a) in the case where the Electoral Registration Officer does not make representations to the Revising Officer at the hearing and the appellant-
  - (i) does not appear at the hearing;
  - (ii) is not represented by a legal practitioner or any other person (authorized in writing by the appellant) at the hearing; and
  - (iii) does not make representations in writing regarding the appeal or claim or objection concerned to be received by the Revising Officer before the date of the hearing, (L.N. 243 of 2001) the decision of the Electoral Registration Officer to which the notice of appeal or the notice of claim or the notice of objection (as the case may be) relates, shall stand; or
- (b) in any other case, the Revising Officer shall make a ruling either allowing or dismissing the appeal or the claim or the objection, as the case may be, to which that notice relates.

(7) In this section-

**inclement weather warning day** (惡劣天氣警告日) has the meaning given by section 2A(1);

**working day** (工作日) has the meaning given by section 2A(1). (12 of 2014 s. 25)

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|----------|------|---|----------------|--------------|
| Chapter: | 569B | Election Committee (Registration) (Voters for Subsectors)<br>(Members of Election Committee) (Appeals) Regulation | Gazette Number | Version Date |
|----------|------|---|----------------|--------------|

|          |   |  |            |            |
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| Section: | 5 | Electoral Registration Officer to be notified of rulings | 12 of 2014 | 18/07/2014 |
|----------|---|--|------------|------------|

The Revising Officer shall, as regards those hearings held pursuant to section 3 and concluded-

- (aa) during the period beginning on 1 August in a District Council election year and ending on 11 September in that year, notify the Electoral Registration Officer on or before 17 September in that year; (L.N. 27 of 2003; 12 of 2014 s. 173)
- (ab) during the period beginning on 1 June in any year which is not a District Council election year and ending on 11 July in that year, notify the Electoral Registration Officer on or before 17 July in that year; (L.N. 27 of 2003; 12 of 2014 s. 173)
- (a) during the period referred to in section 3(3)(a), notify the Electoral Registration Officer not later than the third working day before the polling date for the subsector concerned; (12 of 2014 s. 26)
- (b) during the period referred to in section 3(3)(b)(ii), (iii) or (iv)(B), as the case may be, notify the Electoral Registration Officer not later than 17 July in the same year; (L.N. 27 of 2003; 12 of 2014 s. 26)
- (c) during the period referred to in section 3(3)(b)(i) or (iv)(A), as the case may be, notify the Electoral Registration Officer not later than 17 September in the same year; or (L.N. 27 of 2003; 12 of 2014 s. 26)
- (d)-(e) (Repealed L.N. 27 of 2003)
- (f) not later than the twentieth day after the date of publication of the relevant Election Committee provisional register as referred to in section 3(5), notify the Electoral Registration Officer not later than the twenty-first day after that date of publication,

in relation to each notice of appeal or notice of claim or notice of objection concerned, that the decision of the Electoral Registration Officer shall stand pursuant to section 3(6)(a), or of the ruling of the Revising Officer under section 3(6)(b), as may be appropriate.

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|----------|------|--|----------------|--------------|
| Chapter: | 569B | Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation | Gazette Number | Version Date |
|----------|------|--|----------------|--------------|

|          |   |                                       |            |            |
|----------|---|---------------------------------------|------------|------------|
| Section: | 7 | Review of rulings by Revising Officer | 12 of 2014 | 18/07/2014 |
|----------|---|---------------------------------------|------------|------------|

- (1) The Revising Officer may, subject to subsection (2), and on his own initiative or for good cause shown by the Electoral Registration Officer or the appellant or the person in respect of whom the objection is made, review any ruling made under section 3(6)(b), and for that purpose may rehear the matter wholly or in part and reverse or confirm his previous ruling.
- (2) A ruling under section 3(6)(b) made-
  - (aa) during the period beginning on 1 August in a District Council election year and ending on 11 September in that year may only be reviewed during that period; (L.N. 27 of 2003; 12 of 2014 s. 174)
  - (ab) during the period beginning on 1 June in any year which is not a District Council election year and ending on 11 July in that year may only be reviewed during that period; (L.N. 27 of 2003; 12 of 2014 s. 174)
  - (a) during the period referred to in section 3(3)(a) may only be reviewed during that period; (12 of 2014 s. 27)
  - (b) during the period referred to in- (12 of 2014 s. 27)
    - (i) section 3(3)(b)(ii) may only be reviewed during that period;
    - (ii) section 3(3)(b)(iii) may only be reviewed during that period; or
    - (iii) section 3(3)(b)(iv)(B) may only be reviewed during that period; (L.N. 27 of 2003)
  - (c) during the period referred to in- (12 of 2014 s. 27)
    - (i) section 3(3)(b)(i) may only be reviewed during that period; or
    - (ii) section 3(3)(b)(iv)(A) may only be reviewed during that period; or (L.N. 27 of 2003)
  - (d)-(e) (Repealed L.N. 27 of 2003)
  - (f) not later than the twentieth day after the date of publication of the relevant Election Committee provisional register as referred to in section 3(5) may only be reviewed during the period of 20 days after that date of publication.
- (2A) Despite subsection (2), if the conditions under section 3(5A)(a)(i) or (ii) and (b) are met, the period for a review of the ruling in respect of the appeal, claim or objection in question is extended to the next working day, which is not an inclement weather warning day, following the postponed deadline for the making of representations in writing to the Revising Officer specified in section 3(5A) in relation to that appeal, claim or objection. (12 of

2014 s. 27)

- (2B) A ruling made or reviewed after 11 September in a District Council election year because of an extension under subsection (2A) is deemed, for sections 35(5)(a) and 36(5)(a) of the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap 541 sub. leg. B), to be made on 11 September in that year. (12 of 2014 s. 27)
- (2C) A ruling made or reviewed after 11 July in a year which is not a District Council election year because of an extension under subsection (2A) is deemed, for sections 35(5)(b) and 36(5)(b) of the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap 541 sub. leg. B), to be made on 11 July in that year. (12 of 2014 s. 27)
- (3) In the case where the Revising Officer decides to review any ruling made under section 3(6)(b), he shall determine the procedure for such review.
- (4) In this section-

**inclement weather warning day** (惡劣天氣警告日) has the meaning given by section 2A(1);

**working day** (工作日) has the meaning given by section 2A(1). (12 of 2014 s. 27)

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|----------|------|--|----------------|--------------|
| Chapter: | 541I | Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation | Gazette Number | Version Date |
|----------|------|--|----------------|--------------|

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| Section: | 23 | Candidate may appoint election agent | L.N. 210 of 2009 | 30/10/2009 |
|----------|----|--------------------------------------|------------------|------------|

- (1) Each candidate may appoint one person as his or her election agent.
- (2) Only a holder of an identity card who has attained the age of 18 years may be appointed as an election agent.
- (3) A candidate who appoints an election agent must give notice of the appointment to the Returning Officer.
- (4) The appointment of an election agent is not effective until notice of the appointment is received by the Returning Officer.
- (5) A notice of appointment must be in writing and state the name, identity card number and address of the election agent.
- (6) A notice of appointment must be signed by the candidate.
- (7) A candidate cannot have more than one election agent at any one time.
- (8) If the appointment of an election agent is revoked, the candidate must give notice of the revocation to the Returning Officer.
- (9) A notice of revocation must be in writing and be signed by the candidate.
- (10) The revocation of the appointment of an election agent is not effective until notice of the revocation is received by the Returning Officer.
- (11) If at any time an election agent dies or the appointment of an election agent is revoked, the candidate may appoint a replacement.
- (12) The appointment of a replacement must be in accordance with the requirements of this section.
- (13) A notice of appointment or a notice of revocation under this section must be in the specified form.
- (14) Subject to subsection (15), an election agent may do all things which a candidate may do in connection with a subsector election. Any such act of the election agent is effective as if it had been done by the candidate in person.
- (15) An election agent may not-
- (a) do anything a candidate is required to do under section 8;
  - (b) withdraw the candidate's candidature; (L.N. 132 of 2009)
  - (c) authorize any person for the purposes of section 25; (L.N. 132 of 2009)
  - (d) subject to paragraph (e), be present in a dedicated polling station situated in a prison unless, on an application in the specified form lodged with the Chief Electoral Officer at least one week before polling day, the Commissioner of Correctional Services consents to his or her presence; or (L.N. 132 of 2009)
  - (e) be present in a dedicated polling station situated in a maximum security prison. (L.N. 132 of 2009)
- (16) The Commissioner of Correctional Services must not give consent to an election agent under subsection

(15)(d) in respect of a polling station if a polling agent has been appointed under section 42 by the same candidate for that polling station. (L.N. 132 of 2009)

(17) Despite subsection (15)(d), the Commissioner of Correctional Services may, on an application lodged under that subsection during the week before polling day, give consent under that subsection if the Commissioner is satisfied that—

- (a) a voter in custody or an authorized representative in custody who is entitled to vote for the relevant subsector at a dedicated polling station situated in a prison is admitted or transferred to the prison during that week; and
- (b) the application is lodged without undue delay after the admission or transfer. (L.N. 132 of 2009)

(18) If the Commissioner of Correctional Services refuses to give consent under subsection (15)(d), the Commissioner must notify the candidate or the election agent as soon as practicable. (L.N. 132 of 2009)

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|----------|------|--|----------------|--------------|
| Chapter: | 541I | Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation | Gazette Number | Version Date |
|----------|------|--|----------------|--------------|

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| Section: | 25 | Authorization of election expense agent to incur election expenses at or in connection with subsector election | L.N. 75 of 2011 | 08/07/2011 |
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- (1) Only a person who has attained the age of 18 years may be authorized as an election expense agent to incur election expenses at or in connection with a subsector election.
- (2) An authorization of such an election expense agent must be in writing and in the specified form and state the name, identity document number and address of the person authorized.
- (3) The authorization must specify the maximum amount of election expenses that the election expense agent is authorized to incur.
- (4) The authorization must be signed by the candidate making the authorization and the person authorized.
- (5) A copy of the authorization must be served-
  - (a) on the Returning Officer; or
  - (b) if the Returning Officer has not been appointed, on the Chief Electoral Officer.
- (6) Service of a copy of the authorization may be effected by delivery by hand, by post or by facsimile transmission. (L.N. 75 of 2011)
- (7) The Returning Officer or the Chief Electoral Officer, as the case may be, is to regard an authorization of an election expense agent to incur election expenses at or in connection with a subsector election as being effective, for any purpose related to the subsector election for which the authorization is relevant, only when a copy of the authorization has been served on the relevant Officer.
- (8) If the authorization of an election expense agent to incur election expenses at or in connection with a subsector election has been revoked, a written notice of the revocation must be served as soon as possible- (L.N. 75 of 2011)
  - (a) on the Returning Officer; or
  - (b) if the Returning Officer has not been appointed, on the Chief Electoral Officer. (L.N. 75 of 2011)
- (9) The notice of revocation must be in the specified form and signed by the candidate who made the authorization.
- (9A) Service of the notice of revocation may be effected by delivery by hand, by post or by facsimile transmission. (L.N. 75 of 2011)
- (10) If the authorization of an election expense agent to incur election expenses at or in connection with a subsector election has been revoked, the Returning Officer or the Chief Electoral Officer, as the case may be, is to regard the revocation as being effective, for any purpose related to the subsector election for which the revocation is relevant, only when the notice of revocation has been served on the relevant Officer. (L.N. 75 of 2011)

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| Chapter: | 541I | Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation | Gazette Number | Version Date |
|----------|------|--|----------------|--------------|

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| Section: | 33 | Chief Electoral Officer may allocate special polling stations | L.N. 210 of 2001 | 12/10/2001 |
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(1) A voter or authorized representative who claims to be a person with a disability and that access to the polling station which is allocated to him or her under section 30 is difficult for him or her due to the disability, may

apply to the Chief Electoral Officer to vote at the special polling station designated for the subsector for which he or she is entitled to vote.

(2) An application under subsection (1) must reach the Chief Electoral Officer at least 3 days before polling day. The application-

- (a) may be-
  - (i) made in writing; and
  - (ii) delivered by hand or sent by post or by facsimile transmission; or
- (b) may be made orally by telephone.

(3) On receiving an application under subsection (1), the Chief Electoral Officer must, if satisfied that the application is well founded, allocate to the voter or authorized representative an appropriate special polling station to cast the vote he or she is entitled to cast at the subsector election to which the application relates.

(4) The Chief Electoral Officer must inform the applicant in a manner that Officer considers appropriate, the result of the application, as soon as practicable.

(5) When the Chief Electoral Officer allocates a special polling station to a voter or authorized representative under this section, that Officer must, as soon as practicable, notify, in a manner that Officer considers appropriate-

- (a) the Returning Officer;
- (b) the Presiding Officer of the special polling station; and
- (c) the Presiding Officer of the polling station previously allocated to the voter or authorized representative,

of the name, identity document number and residential address (as they appear in the subsector final register) of the voter or authorized representative.

(6) The Chief Electoral Officer must notify the persons referred to in subsection (5) of the subsector for which the voter or authorized representative is entitled to vote.

(7) The Chief Electoral Officer may, if that Officer considers it appropriate to do so in the circumstances, allocate to a voter or authorized representative an alternative special polling station, in addition to or in substitution of the special polling station allocated under subsection (3), to cast the vote he or she is entitled to cast at the subsector election.

(8) As soon as practicable after having allocated to a voter or authorized representative an alternative special polling station under subsection (7), the Chief Electoral Officer must, in a manner that Officer considers appropriate-

- (a) notify-
  - (i) the voter or authorized representative; and
  - (ii) the persons referred to in subsection (5), of the alternative special polling station; and
- (b) notify-
  - (i) the persons referred to in subsection (5); and
  - (ii) the Presiding Officer of the alternative special polling station, of the name, identity document number and residential address (as they appear in the subsector final register) of the voter or authorized representative and the subsector for which the voter or authorized representative is entitled to vote.

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| Chapter: | 541I | Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation | Gazette Number | Version Date |
|----------|------|--|----------------|--------------|

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| Section: | 42 | Candidates may appoint polling agents | L.N. 75 of 2011 | 08/07/2011 |
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- (1) A candidate may appoint persons to attend at polling stations on his or her behalf for any purpose connected with the conduct of a poll, in accordance with this section.
- (2) Polling agents may be appointed by a candidate to attend only at the polling stations used for polling for the subsector for which the candidate is standing for election.
- (3) A candidate may appoint a maximum of 2 polling agents for one polling station.
- (4) Only a holder of an identity card who has attained the age of 18 years may be appointed as a polling agent.
- (5) A candidate who appoints a polling agent must give notice of the appointment either to the Chief Electoral Officer to reach that Officer at least 1 week before polling day or on polling day, to the Presiding Officer of the polling station for which the polling agent is appointed.

- (5A) Despite subsections (1), (3) and (5)—
- (a) subject to paragraphs (b) and (c), only one polling agent may be appointed by a candidate for a dedicated polling station situated in a prison;
  - (b) no polling agent may be appointed by a candidate for a dedicated polling station situated in a prison if the Commissioner of Correctional Services has consented under section 23(15)(d) to the presence of the election agent of that candidate in that polling station;
  - (c) no polling agent may be appointed for a dedicated polling station situated in a maximum security prison; and
  - (d) without affecting subsection (7), the appointment of a polling agent for a dedicated polling station situated in a prison is not effective unless, on an application in the specified form lodged with the Chief Electoral Officer at least one week before polling day, the Commissioner of Correctional Services consents to the appointment. (L.N. 132 of 2009)
- (5B) Despite subsection (5A)(d), the Commissioner of Correctional Services may, on an application lodged under that subsection during the week before polling day, give consent under that subsection if the Commissioner is satisfied that—
- (a) a voter in custody or an authorized representative in custody who is entitled to vote for the relevant subsector at a dedicated polling station situated in a prison is admitted or transferred to the prison during that week; and
  - (b) the application is lodged without undue delay after the admission or transfer. (L.N. 132 of 2009)
- (5C) If the Commissioner of Correctional Services refuses to give consent under subsection (5A)(d), the Commissioner must notify the candidate or the election agent of the candidate as soon as practicable. (L.N. 132 of 2009)
- (6) A notice appointing a polling agent for a polling station other than a dedicated polling station situated in a prison must, if it is not given under subsection (5), be delivered on the polling day to the Presiding Officer of the polling station— (L.N. 132 of 2009)
- (a) by the candidate in person; or
  - (b) by the election agent of the candidate, in person.
- (7) The appointment of a polling agent is not effective until notice of the appointment is received by the Chief Electoral Officer or the Presiding Officer, as may be appropriate.
- (8) A notice of appointment must be in writing and in the specified form. It must state the name, identity card number and address of the polling agent. It must be signed by the candidate.
- (9) If the appointment of a polling agent is revoked, the candidate must give notice of the revocation to the Chief Electoral Officer or the Presiding Officer.
- (10) A notice of revocation must be in writing and in the specified form. It must be signed by the candidate.
- (11) If notice of revocation is given before polling day, it must be given to the Chief Electoral Officer. (L.N. 75 of 2011)
- (11A) If the notice of revocation is given on the polling day—
- (a) (if the polling station for which the polling agent is appointed is not a dedicated polling station situated in a prison) it must be given to the Presiding Officer of the polling station; or
  - (b) (if the polling station for which the polling agent is appointed is a dedicated polling station situated in a prison) it must be given to the Chief Electoral Officer. (L.N. 75 of 2011)
- (12) The revocation of the appointment of a polling agent is not effective until notice of the revocation is received by the Chief Electoral Officer or the Presiding Officer, as may be appropriate.

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| Chapter: | 541I | Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation | Gazette Number | Version Date |
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| Section: | 64 | Candidates may appoint counting agents | L.N. 114 of 2006 | 14/07/2006 |
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- (1) A candidate may appoint persons to attend at a counting station to observe the counting of the votes for the subsector contested by the candidate, in accordance with this section.
- (2) The Commission is to determine the maximum number of counting agents a candidate may appoint.
- (3) Only a holder of an identity card who has attained the age of 18 years may be appointed as a counting agent.

- (4) A candidate must give notice of appointment of counting agent to the Returning Officer.
- (5) A notice of appointment must be given to the Returning Officer-
  - (a) at least 1 week before polling day; or (L.N. 114 of 2006)
  - (b) on polling day.
- (6) If notice of appointment is given on polling day, it must be delivered to the Returning Officer-
  - (a) by the candidate in person; or
  - (b) by the election agent of the candidate, in person.
- (7) The appointment of a counting agent is not effective until notice of the appointment is received by the Returning Officer.
- (8) A notice of appointment must be in writing and in the specified form. It must state the name, identity card number and address of the counting agent. It must be signed by the candidate.
- (9) If the appointment of a counting agent is revoked, the candidate must give notice of the revocation to the Returning Officer.
- (10) A notice of revocation must be in writing and in the specified form. It must be signed by the candidate.
- (11) If notice of revocation is given on polling day, it must be given in accordance with subsection (6).
- (12) The revocation of the appointment of a counting agent is not effective until notice of the revocation is received by the Returning Officer.

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| Chapter: | 541I | Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation | Gazette Number | Version Date |
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| Section: | 95 | Publication and display of notices, etc. | E.R. 2 of 2012 | 02/08/2012 |
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- (1) The Returning Officer or the Presiding Officer may publish or display a notice, determination, or other writing under this Regulation in a manner that Officer thinks fit except where specific provision is made for the publication or display in this Regulation. (L.N. 114 of 2006)
- (2) The following notices or notifications may be delivered by hand, sent by post or by facsimile transmission-
  - (a) notice of the decision of the Returning Officer as to whether a person is validly nominated as a candidate;
  - (b) notice of a declaration that a candidate has died or that the decision of the Returning Officer has been varied to the effect that a candidate is not validly nominated;
  - (c) notice of the appointment or notice of revocation of the appointment of an election agent (other than a notice given on polling day);
  - (d) notice to Returning Officers and to candidates of the determination of a no canvassing zone and a no staying zone;
  - (e) notice to Returning Officers and to candidates of the variation before polling day of a no canvassing zone or a no staying zone;
  - (f) notice to candidates of the arrangements for the drawing of lots to determine the order of appearance of candidates on the ballot papers;
  - (g) notice of the appointment or notice of revocation of the appointment of a polling agent (other than a notice given on polling day);
  - (h) notice of the appointment or notice of revocation of the appointment of a counting agent (other than a notice given on polling day); and
  - (i) notice to candidates of the time and place for the counting of votes.
- (3) Notice of variation of a no canvassing zone or a no staying zone on the polling day or notice of the resumption of the counting of votes after an adjourned poll or counting may be given orally if notice by hand, by post or by facsimile transmission is not practicable or is not suitable in the circumstances.

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| Chapter: | 541J | Electoral Procedure (Chief Executive Election) Regulation | Gazette Number | Version Date |
|----------|------|---|----------------|--------------|

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| Section: | 12 | Appointment of election agent | E.R. 1 of 2012 | 09/02/2012 |
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- (1) A candidate may appoint one person as his election agent. (L.N. 209 of 2006)
- (2) Only a holder of an identity card who has attained the age of 18 years may be appointed as an election agent.
- (3) An election agent appointed by a candidate may do all things which the candidate may do or is required to do in

connection with an election except-

- (a) making a declaration referred to in section 16(7) of the Election Ordinance or section 4(1)(b);
  - (b) signing on a nomination form as the candidate being nominated;
  - (c) signing on a notice of withdrawal of candidature referred to in section 19 of the Election Ordinance as the candidate;
  - (d) appointing an election agent under subsection (1);
  - (e) appointing an election expense agent under section 13;
  - (f) without prejudice to section 13, incurring election expenses on behalf of the candidate; (L.N. 133 of 2009)
  - (g) revoking the appointment of an election agent or election expense agent under section 14(4); (L.N. 133 of 2009)
  - (h) subject to paragraph (i), being present in a dedicated polling station situated in a prison unless, on an application in the specified form lodged with the Chief Electoral Officer at least one week before the polling date, the Commissioner of Correctional Services consents to his presence; or (L.N. 133 of 2009)
  - (i) being present in a dedicated polling station situated in a maximum security prison. (L.N. 133 of 2009; L.N. 197 of 2009)
- (3A) The Commissioner of Correctional Services must not give consent to an election agent under subsection (3)(h) in respect of a polling station if a polling agent has been appointed under section 25 by the same candidate for that polling station. (L.N. 133 of 2009)
- (3B) Despite subsection (3)(h), the Commissioner of Correctional Services may, on an application lodged under that subsection during the week before the polling date, give consent under that subsection if he is satisfied that—
- (a) an elector in custody who is entitled to vote at a dedicated polling station situated in a prison is admitted or transferred to the prison during that week; and
  - (b) the application is lodged without undue delay after the admission or transfer. (L.N. 133 of 2009)
- (3C) If the Commissioner of Correctional Services refuses to give consent under subsection (3)(h), he must notify the candidate or the election agent as soon as practicable. (L.N. 133 of 2009)
- (4) Subject to subsection (3), any act which purports to be done by an election agent in his capacity as such on behalf of the candidate who appointed him shall be as effective as if it had been done by the candidate in person.
- (5) A notice under section 15(1), 23(2) or (4), 31(4) or 43(3) given to the election agent of a candidate shall be regarded as having been given to the candidate.

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| Chapter: | 541J | Electoral Procedure (Chief Executive Election) Regulation | Gazette Number | Version Date |
| Section: | 14   | Provisions applicable to appointment of agents            | E.R. 1 of 2012 | 09/02/2012   |

- (1) In this section-
- (a) **agent** (代理人) means an election agent or election expense agent;
  - (b) a reference to the Returning Officer shall be construed as a reference to the Chief Electoral Officer if the Returning Officer has not been appointed.
- (2) An appointment of an agent shall be effected by giving a notice of appointment to the Returning Officer.
- (3) A notice of appointment shall-
- (a) be given by the candidate;
  - (b) be in specified form;
  - (c) state the name and address of the agent;
  - (d) (in the case of an election agent) state the identity card number of the agent; and
  - (e) be signed by the candidate and the agent.
- (4) The appointment of an agent may be revoked by giving a notice of revocation to the Returning Officer.
- (5) A notice of revocation shall be-
- (a) given by the candidate;
  - (b) in specified form; and
  - (c) signed by the candidate.
- (6) If an agent dies or the appointment of an agent is revoked, the candidate may, subject to this Part, appoint another person as an agent to replace the first-mentioned agent.
- (7) The appointment of or revocation of the appointment of an agent is not effective until the notice of appointment or notice of revocation, as the case may be, is received by the Returning Officer.

- (8) The Returning Officer shall display in a prominent place immediately outside his office a notice of the particulars of the election agents.
- (9) All notices of appointment of election expense agent given by any candidate under subsection (2) shall be made available for inspection by the public-
  - (a) free of charge;
  - (b) at an office of the Returning Officer specified by him; and
  - (c) during ordinary business hours,
 until the end of the period during which the copy of the election return lodged by the candidate is available for inspection under section 41 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554).

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|----------|------|---|----------------|--------------|
| Chapter: | 541J | Electoral Procedure (Chief Executive Election) Regulation | Gazette Number | Version Date |
|----------|------|---|----------------|--------------|

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| Section: | 25 | Polling agents | E.R. 1 of 2012 | 09/02/2012 |
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- (1) A candidate may appoint- (L.N. 133 of 2009)
  - (a) not more than 3 persons as the candidate's polling agents for the main polling station; and
  - (b) one person as the candidate's polling agent for each dedicated polling station not situated in a maximum security prison. (L.N. 209 of 2006; L.N. 133 of 2009)
- (1A) Despite subsection (1)-
  - (a) no polling agent may be appointed by a candidate for a dedicated polling station situated in a prison if the Commissioner of Correctional Services has consented under section 12(3)(h) to the presence of the election agent of that candidate in that polling station;
  - (b) no polling agent may be appointed for a dedicated polling station situated in a maximum security prison. (L.N. 133 of 2009)
- (2) A polling agent appointed by a candidate may attend at the polling station on behalf of the candidate for any purpose connected with the conduct of a poll.
- (3) Only a holder of an identity card who has attained the age of 18 years may be appointed as a polling agent.
- (4) An appointment of a polling agent shall be effected by giving a notice of appointment to the Chief Electoral Officer. (L.N. 133 of 2009)
- (4A) Without affecting subsection (9), the appointment of a polling agent for a dedicated polling station situated in a prison is not effective unless, on an application in the specified form lodged with the Chief Electoral Officer at least one week before the polling date, the Commissioner of Correctional Services consents to the appointment. (L.N. 133 of 2009)
- (4B) Despite subsection (4A), the Commissioner of Correctional Services may, on an application lodged under that subsection during the week before the polling date, give consent under that subsection if he is satisfied that-
  - (a) an elector in custody who is entitled to vote at a dedicated polling station situated in a prison is admitted or transferred to the prison during that week; and
  - (b) the application is lodged without undue delay after the admission or transfer. (L.N. 133 of 2009)
- (4C) If the Commissioner of Correctional Services refuses to give consent under subsection (4A), he must notify the candidate or his election agent as soon as practicable. (L.N. 133 of 2009)
- (5) A notice of appointment shall-
  - (a) be given by the candidate;
  - (b) be in specified form;
  - (c) state the name, identity card number and address of the polling agent; and
  - (d) be signed by the candidate and the polling agent.
- (6) The appointment of a polling agent for a polling station (other than a dedicated polling station situated in a prison) may be revoked by giving a notice of revocation to the Chief Electoral Officer or the Presiding Officer of the polling station. (L.N. 133 of 2009; L.N. 76 of 2011)
- (6A) The appointment of a polling agent for a dedicated polling station situated in a prison may be revoked by giving a notice of revocation to the Chief Electoral Officer. (L.N. 76 of 2011)
- (7) A notice of revocation shall be-
  - (a) given by the candidate;
  - (b) in specified form; and
  - (c) signed by the candidate.

- (8) If the appointment of a polling agent is revoked, the candidate may, subject to this section, appoint another person as a polling agent to replace the first-mentioned agent.
- (9) The appointment of or revocation of the appointment of a polling agent is not effective until the notice of appointment or notice of revocation, as the case may be, is received by the Chief Electoral Officer or the Presiding Officer.
- (10) A notice under subsection (4) which is not given before the 7 days before the polling date shall be delivered by the candidate or his election agent on the polling date to the Presiding Officer.

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| Chapter: | 541J | Electoral Procedure (Chief Executive Election) Regulation | Gazette Number | Version Date |
|----------|------|---|----------------|--------------|

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| Section: | 44 | Appointment of counting agent | E.R. 1 of 2012 | 09/02/2012 |
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- (1) A candidate may appoint not more than 2 persons as his counting agents to observe the counting of the votes. (L.N. 209 of 2006)
- (2) Only a holder of an identity card who has attained the age of 18 years may be appointed as a counting agent.
- (3) An appointment of a counting agent shall be effected by giving a notice of appointment to the Returning Officer.
- (4) A notice of appointment shall-
  - (a) be given by the candidate;
  - (b) be in specified form;
  - (c) state the name, identity card number and address of the counting agent; and
  - (d) be signed by the candidate and the counting agent.
- (5) The appointment of a counting agent may be revoked by giving a notice of revocation to the Returning Officer.
- (6) A notice of revocation shall be-
  - (a) given by the candidate;
  - (b) in specified form; and
  - (c) signed by the candidate.
- (7) If the appointment of a counting agent is revoked, the candidate may, subject to this section, appoint another person as a counting agent to replace the first-mentioned agent.
- (8) The appointment of or revocation of the appointment of a counting agent is not effective until the notice of appointment or notice of revocation, as the case may be, is received by the Returning Officer.
- (9) A notice under subsection (3) which is not given before the 7 days preceding the polling date shall be delivered by the candidate or his election agent on the polling date to the Returning Officer. (L.N. 209 of 2006)

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| Chapter: | 541J | Electoral Procedure (Chief Executive Election) Regulation | Gazette Number | Version Date |
|----------|------|---|----------------|--------------|

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| Section: | 72 | Manner of giving notice | E.R. 1 of 2012 | 09/02/2012 |
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- (1) Notices under the following provisions may be sent by hand, by post or by facsimile transmission-
  - (a) section 7(1) (determination of validity of nomination);
  - (b) section 14(2) (appointment of election agents or election expense agents);
  - (c) section 14(4) (revocation of appointment of election agents or election expense agents);
  - (d) section 15(1) (notice to candidates of the appointment of election agents);
  - (e) section 19(1) (polling notice);
  - (f) section 23(2) (boundary of the no canvassing zone and no staying zone);
  - (g) section 23(4) (variation of the no canvassing zone and no staying zone);
  - (h) section 25(4) (appointment of polling agents);
  - (i) section 25(6) or (6A) (revocation of appointment of polling agents); (L.N. 76 of 2011)
  - (j) section 31(4) (allocation of candidate numbers by drawing of lots);
  - (k) section 43(3) (time and place of the counting of votes);
  - (l) section 44(3) (appointment of counting agents); or
  - (m) section 44(5) (revocation of appointment of counting agents).
- (2) A notice under section 23(4) may be given orally if sending it in accordance with subsection (1) is not

practicable or is not suitable in the circumstances.

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| Chapter:  | 553B | Electronic Transactions (Exclusion) Order                      | Gazette Number | Version Date |
| Schedule: | 1    | Provisions Excluded from Application of Section 5 of Ordinance | 5 of 2014      | 01/04/2015   |

[section 2]

| Item   | Enactment  | Provision  |
|--------|--|--|
| 1.     | (Repealed 16 of 2004 s. 16)                                      |  |
| 2-4.   | (Repealed L.N. 36 of 2003)                                       |  |
| 5.     | Contracts for Employment Outside Hong Kong Ordinance (Cap 78)    | Sections 5(1) and 6 (L.N. 156 of 2013)   |
| 6.     | (Repealed L.N. 36 of 2003)                                       |  |
| 7.     | (Repealed L.N. 54 of 2010)                                       |  |
| 8.     | Immigration Ordinance (Cap 115)                                  | Sections 2AB(2)(a), 2AC(2)(a), 5(6) and (7) and 6(1) and (2) (L.N. 36 of 2003) |
| 9.     | Buildings Ordinance (Cap 123)                                    | Sections 17(1)(Column B), 20(2) and 21(2) (L.N. 90 of 2012)                    |
| 10.    | Building (Administration) Regulations (Cap 123 sub. leg. A)      | Regulations 6(1) and 11 (L.N. 90 of 2012)                                      |
| 11.    | Building (Planning) Regulations (Cap 123 sub. leg. F)            | Regulations 51(1) and 64(1) and (2) (L.N. 90 of 2012)                          |
| 12-14. | (Repealed L.N. 90 of 2012)                                       |  |
| 15-17. | (Repealed L.N. 152 of 2006)                                      |  |
| 18.    | Town Planning Ordinance (Cap 131)                                | Sections 16(2), 17(1) and 24(1)  |
| 19.    | Commercial Bathhouses Regulation (Cap 132 sub. leg. I)           | Section 5(1)   |
| 20.    | Food Business Regulation (Cap 132 sub. leg. X)                   | Section 32(1)  |
| 21.    | Frozen Confections Regulation (Cap 132 sub. leg. AC)             | Section 18(1)  |
| 22.    | Milk Regulation (Cap 132 sub. leg. AQ)                           | Section 15(1)  |
| 23.    | Offensive Trades Regulation (Cap 132 sub. leg. AX)               | Section 9(2)   |
| 24.    | (Repealed L.N. 152 of 2006)                                      |  |
| 25.    | Public Cemeteries Regulation (Cap 132 sub. leg. BI)              | Section 5(a)   |
| 26.    | Slaughterhouses Regulation (Cap 132 sub. leg. BU)                | Section 10(1)  |
| 27.    | Swimming Pools Regulation (Cap 132 sub. leg. CA)                 | Section 5(1)   |
| 28.    | Places of Public Entertainment Regulations (Cap 172 sub. leg. A) | Regulations 3(1), 5(1) and (2) and 162(1), (3), (4) and (5)                    |
| 29.    | Births and Deaths Registration Ordinance (Cap 174)               | Sections 12(2)(b)(i) and (c)(i) and 12A(b)(i) and (c)(i) (8 of 2006 s. 50)     |
| 30.    | Registration of Persons Regulations (Cap 177 sub. leg. A)        | Regulation 4(1) and (1B)(a)  |
| 31.    | Marriage Reform Ordinance (Cap 178)                              | Section 9(4)(a)  |
| 32.    | Marriage Ordinance (Cap 181)                                     | Section 14(1)  |
| 33.    | Aerial Ropeways (Safety) Ordinance (Cap 211)                     | Section 7  |
| 34-36. | (Repealed L.N. 152 of 2006)                                      |  |
| 37.    | (Repealed L.N. 36 of 2003)                                       |  |
| 38.    | Reserved Commodities (Control of Imports,                        | Regulations 11(2) and 12(2)  |

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|        | Exports and Reserve Stocks) Regulations (Cap 296 sub. leg. A)   |  |
| 39.    | (Repealed L.N. 152 of 2006)   |  |
| 40.    | (Repealed L.N. 215 of 2007)   |  |
| 41-43. | (Repealed L.N. 152 of 2006)   |  |
| 44.    | Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap 374 sub. leg. E)                               | Regulations 12R(1), 17(2) and 20(1) (25 of 2005 s. 41; L.N. 152 of 2006)   |
| 45.    | (Repealed L.N. 90 of 2012)  |  |
| 46.    | Land Drainage (Consent and Approval) Regulation (Cap 446 sub. leg. A)   | Sections 3(1) and (2) and 4  |
| 47-48. | (Repealed L.N. 215 of 2007)   |  |
| 49-50. | (Repealed L.N. 152 of 2006)   |  |
| 51.    | New Territories Land Exchange Entitlements (Redemption) Ordinance (Cap 495)   | Section 5(1) and (2) (L.N. 152 of 2006)  |
| 52.    | Environmental Impact Assessment Ordinance (Cap 499)   | Sections 5(1) and (2), 6(2) and 7(1)(a) (L.N. 84 of 2009; L.N. 90 of 2012)   |
| 53.    | (Repealed L.N. 152 of 2006)   |  |
| 54.    | (Repealed 12 of 2014 s. 51)   |  |
| 55.    | (Repealed 12 of 2014 s. 51)   |  |
| 56.    | Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) Regulation (Cap 541 sub. leg. C) | Sections 5(13) and 8(2)  |
| 57.    | Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap 541 sub. leg. D)             | Section 42(11) and (13) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Presiding Officer on polling day) and section 66(7) and (10) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Returning Officer or the Presiding Officer, as may be appropriate, on polling day) (12 of 2014 s. 51) |
| 58.    | Electoral Affairs Commission (Nominations Advisory Committees (District Councils)) Regulation (Cap 541 sub. leg. E)   | Sections 5(8) and 8(2)   |
| 59.    | Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap 541 sub. leg. F)               | Section 45(8) and (10) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Presiding Officer on polling day), section 66(6) and (9) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Presiding Officer on polling day) and section 102(4) (12 of 2014 s. 51)                                    |
| 59A.   | Electoral Affairs Commission (Nominations Advisory Committees (Election Committee)) Regulation (Cap 541 sub. leg. H)  | Sections 6(13) and 9(2) (L.N. 268 of 2001)   |
| 59B.   | Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap 541 sub. leg. I)              | Sections 23(5) and (9), 25(2), 42(8) and (10) and 64(8) and (10) (L.N. 268 of 2001)  |
| 59C.   | Electoral Procedure (Chief Executive Election) Regulation (Cap 541 sub. leg. J)                                       | Sections 4(1), 9(2), 14(3) and (5), 25(5) and (7), 44(4) and (6) and 80(2) (L.N. 282 of 2001; 11 of 2012 s. 23)  |
| 60.    | Legislative Council Ordinance (Cap 542)   | Sections 13(1), 14(1), 38(3), 40(1)(b) and 42(2) (21 of 2001 s. 75; 12 of 2014 s. 51)  |
| 61.    | Registration of Electors (Appeals) Regulation (Cap 542 sub. leg. B)   | Section 2(1) and (2)(c)  |

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| 62.    | (Repealed L.N. 268 of 2001)  |   |
| 63.    | District Councils Ordinance (Cap 547)  | Sections 15(1), 23(1), 25(1), 34(1)(b), 35(2) and 63(1) and Schedule 5, section 2   |
| 64.    | Election (Corrupt and Illegal Conduct) Ordinance (Cap 554)   | Sections 37(1) and (2) and 37A(4) and (6) (L.N. 167 of 2000; 18 of 2011 s. 50)  |
| 65.    | Chief Executive Election Ordinance (Cap 569)   | Sections 16(2) and (7), 31(1), 33(1) and 34(2) and the Schedule, sections 3(3) and 21(2) (21 of 2001 s. 75; 12 of 2014 s. 51) |
| 66.    | Election Committee (Appeals) Regulation (Cap 569 sub. leg. A)  | Sections 4(1) and 5(1) and (2)(c) (L.N. 268 of 2001)  |
| 67.    | Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation (Cap 569 sub. leg. B) | Section 3(1) and (2)(c) (L.N. 268 of 2001)  |
| 68.    | Rural Representative Election Ordinance (Cap 576)  | Sections 8(1), 10(1), 24 and 26(2) (2 of 2003 s. 68) (5 of 2014 s. 2)   |
| 69-70. | (Repealed L.N. 152 of 2006)  |   |
| 71.    | (Repealed L.N. 215 of 2007)  |   |
| 72.    | Arbitration Ordinance (Cap 609)  | Sections 26(1), 31(7), 32(1)(a) and (3), 33(1), 50, 52, 54(1), 66(2), 67(1), 74(2) and 102(a) (17 of 2010 s. 112)             |

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| Chapter:  | 553B | Electronic Transactions (Exclusion) Order                      | Gazette Number | Version Date |
| Schedule: | 2    | Provisions Excluded from Application of Section 6 of Ordinance | 5 of 2014      | 01/04/2015   |

[section 3]

| Item | Enactment  | Provision   |
|------|--|---|
| 1.   | Contracts for Employment Outside Hong Kong Ordinance (Cap 78)  | Section 5(1) (L.N. 156 of 2013)   |
| 2.   | (Repealed L.N. 36 of 2003)   |   |
| 3.   | Immigration Ordinance (Cap 115)  | Section 5(4)(b) and (5)(a)(ii) and (b)(ii)  |
| 4.   | (Repealed 15 of 2004 s. 62)  |   |
| 5.   | Building (Administration) Regulations (Cap 123 sub. leg. A)  | Regulation 12(1), (2), (3) and (5) (15 of 2004 s. 62; L.N. 90 of 2012)                  |
| 6.   | Registration of Persons Regulations (Cap 177 sub. leg. A)  | Regulation 4(1)   |
| 7.   | Marriage Ordinance (Cap 181)   | Section 6   |
| 8.   | Legitimacy Ordinance (Cap 184)   | Schedule, paragraph 1   |
| 9.   | Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap 374 sub. leg. E)  | Regulation 17(2) (L.N. 152 of 2006)   |
| 10.  | (Repealed L.N. 90 of 2012)   |   |
| 11.  | Land Drainage (Consent and Approval) Regulation (Cap 446 sub. leg. A)  | Section 6   |
| 12.  | (Repealed L.N. 152 of 2006)  |   |
| 13.  | Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap 541 sub. leg. A)   | Sections 14(2) and 15(6) (L.N. 261 of 2000)   |
| 14.  | Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap 541 sub. leg. B) | Sections 30(2), 31(7) and 31A(2) (L.N. 261 of 2000; L.N. 268 of 2001; 12 of 2014 s. 52) |

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| 15.    | Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) Regulation (Cap 541 sub. leg. C) | Section 5(4)  |
| 16.    | Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap 541 sub. leg. D)             | Section 10(7) and (8), section 11(7) and (8), section 20(2), section 42(11) and (13) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Presiding Officer on polling day) and section 66(7) and (10) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Returning Officer or the Presiding Officer, as may be appropriate, on polling day) (12 of 2014 s. 52) |
| 17.    | Electoral Affairs Commission (Nominations Advisory Committees (District Councils)) Regulation (Cap 541 sub. leg. E)   | Section 5(2)  |
| 18.    | Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap 541 sub. leg. F)               | Section 12(7) and (8), section 20(2), section 45(8) and (10) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Presiding Officer on polling day), section 66(6) and (9) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Presiding Officer on polling day) and section 102(4) (12 of 2014 s. 52)   |
| 18A.   | Electoral Affairs Commission (Nominations Advisory Committees (Election Committee)) Regulation (Cap 541 sub. leg. H)  | Section 6(4) (L.N. 268 of 2001)   |
| 18B.   | Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap 541 sub. leg. I)              | Sections 7(4), 8(6) and (7), 17(2), 23(6) and (9), 25(4) and (9), 42(8) and (10), 64(8) and (10) and 99(2)(b) (L.N. 268 of 2001; 11 of 2012 s. 24)  |
| 18C.   | Electoral Procedure (Chief Executive Election) Regulation (Cap 541 sub. leg. J)                                       | Sections 4(1), 9(2), 14(3) and (5), 25(5) and (7), 44(4) and (6) and 80(2) (L.N. 282 of 2001; 11 of 2012 s. 24)   |
| 19.    | Legislative Council Ordinance (Cap 542)   | Sections 13(2), 14(2), 40(2) and 42(2) (21 of 2001 s. 76)   |
| 20.    | District Councils Ordinance (Cap 547)   | Sections 15(2), 23(2), 25(2), 35(2) and 63(2)   |
| 21.    | (Repealed L.N. 156 of 2013)   |   |
| 22.    | Chief Executive Election Ordinance (Cap 569)  | Sections 16(3) and (8) and 33(2) and the Schedule, sections 3(4) and 21(2) (21 of 2001 s. 76)   |
| 23.    | Election Committee (Appeals) Regulation (Cap 569 sub. leg. A)   | Section 3(2) (L.N. 268 of 2001)   |
| 24.    | Rural Representative Election Ordinance (Cap 576)   | Sections 8(2), 10(2), 24 and 26(2) (2 of 2003 s. 68; 5 of 2014 s. 2)  |
| 25-26. | (Repealed L.N. 152 of 2006)   |   |
| 27.    | (Repealed L.N. 215 of 2007)   |   |
| 28.    | Arbitration Ordinance (Cap 609)   | Section 67(1) (17 of 2010 s. 112)   |

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|----------|------|--|----------------|--------------|
| Chapter: | 541I | Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation | Gazette Number | Version Date |
|----------|------|--|----------------|--------------|

|           |   |   |                  |            |
|-----------|---|---|------------------|------------|
| Schedule: | 1 | POSTPONEMENT AND ADJOURNMENT OF SUBSECTOR ELECTIONS | L.N. 210 of 2001 | 12/10/2001 |
|-----------|---|---|------------------|------------|

[sections 63 & 88]

**1. Postponement of subsector election and adjournment of poll or counting of votes in respect of subsector election**

(1) If, during or before a subsector election, it appears to the Commission that the subsector election is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (3), the Commission may postpone the subsector election by making a declaration under section 3.

(2) If, at any time during the poll or the counting of votes in respect of a subsector election, it appears to the Commission that the poll at all the polling stations, or the counting of votes at all the counting stations, for the subsector concerned is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (3), the Commission may adjourn the poll at all the polling stations, or the counting of votes at all the counting stations, for that subsector by making a declaration under section 3.

- (3) The occurrences for the purposes of subsections (1) and (2) are-
- (a) a typhoon or other climatic condition of a serious nature;
  - (b) riot, open violence or other occurrence of public danger; or
  - (c) an occurrence which appears to the Commission to be a material irregularity relating to the subsector election, the poll or the counting of votes.

**2. Adjournment of poll at particular polling station**

(1) If, at any time during a poll in respect of a subsector election, it appears to the Presiding Officer that the poll at the polling station is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (2), the Presiding Officer may adjourn the poll at that polling station by making a declaration under section 3.

- (2) The occurrences for the purposes of subsection (1) are-
- (a) a typhoon or other climatic condition of a serious nature;
  - (b) riot, open violence or other occurrence of public danger; or
  - (c) an occurrence which appears to the Presiding Officer to be a material irregularity relating to the subsector election or the poll.

**3. How declaration for purposes of sections 1 and 2 is to be made and what it is to contain**

(1) A declaration for the purposes of sections 1 and 2 is to be made by a notice published in the Gazette. If publication in the Gazette is not practicable in the circumstances, the notice may be published by other means determined by the Commission.

- (2) The declaration must contain the following as may be appropriate in each case-
- (a) a description (by name or otherwise) of the subsector election that is being postponed or in respect of which the poll or the counting of votes is being adjourned;
  - (b) the fact that the subsector election is being postponed;
  - (c) the fact that the poll or the counting of votes is being adjourned;
  - (d) a statement as to whether the poll or the counting of votes is being adjourned at all the polling stations or counting stations;
  - (e) a statement as to whether the poll or the counting of votes is being adjourned at a single polling station or counting station or certain polling stations or counting stations; and
  - (f) a description (by name or otherwise) of the polling stations or counting stations at which the poll or the

counting of votes is being adjourned.

#### **4. Procedure after adjournment of poll**

(1) If a poll is adjourned under this Schedule or section 24 of the Schedule to the Chief Executive Election Ordinance (Cap 569), the procedure specified in this section is to be complied with.

(2) The Presiding Officer must, in the presence of the persons, if any, who are present within the polling station, secure the ballot boxes and their contents in a manner that Officer thinks fit. Then, without sorting, separating or counting the ballot papers or counting the votes, that Officer must deliver the secured ballot boxes together with any un-issued ballot papers, unused ballot papers or spoilt ballot papers, and the marked copies of the subsector final register to the Returning Officer.

(3) If it is not practicable to make delivery to the Returning Officer, the Presiding Officer must deposit the secured ballot boxes, and the other materials referred to in subsection (2), in a safe place within the polling station. If there is no safe place within the polling station, that Officer must deposit them in a safe place within a police station or a public building close to the polling station. If there is no such police station or public building, that Officer must deposit them in a secure building (which may even be a residential building) close to the polling station. If there is no police station, public building or secure building close to the polling station, that Officer must deposit the ballot boxes and materials in a safe place within any other police station or public building or, in the absence of such a station or building, in a safe place in any other building (which may even be a residential building).

(4) If the ballot boxes and other materials are delivered to the Returning Officer, that Officer must take such steps as determined by the Commission (generally or in a particular case) for the purpose of ensuring their safety and security. The Returning Officer must remain in charge of them and be responsible for their safety and security until polling in respect of the adjourned poll commences.

(5) If a poll is adjourned under this Schedule or section 24 of the Schedule to the Chief Executive Election Ordinance (Cap 569), the polling hours appointed for the resumed poll must be such that the total time allowed for polling (that is the aggregate of the polling hours which had been spent at the time the poll was adjourned and the polling hours appointed for the resumed poll) is not less than the total time that would have been allowed for polling had the poll not been adjourned.

#### **5. Procedure after adjournment of counting of votes**

(1) If the counting of votes is adjourned under this Schedule or section 24 of the Schedule to the Chief Executive Election Ordinance (Cap 569), or if the counting of votes is adjourned due to the adjournment of a poll under this Schedule, the Returning Officer must comply with this section.

(2) The Returning Officer must take steps to cease the counting of votes. Then, that Officer must in the presence of the persons, if any, who are present within the counting station, deposit the ballot boxes (whether opened or un-opened) and receptacles, if any, together with the ballot papers (whether the votes recorded on which are counted or not), any un-issued ballot papers, tendered ballot papers, ballot paper account, verification of the ballot paper account or re-verification of the ballot paper account, and any other relevant subsector election materials, in a safe place within the counting station. If there is no safe place within the counting station, that Officer must deposit them in a safe place within a police station or a public building close to the counting station. If there is no such police station or public building, that Officer must deposit them in a secure building (which may even be a residential building) close to the counting station. If there is no police station, public building or secure building close to the counting station, that Officer must deposit the subsector election materials in a safe place within any other police station or public building or in the absence of such a station or building, in a safe place in any other building (which may even be a residential building).

(3) The subsector election materials must remain in the charge of the Returning Officer. That Officer is to be responsible for their safety and security until the adjourned counting is resumed under section 63(6) of this Regulation.

(4) In this section, "Returning Officer" (選舉主任) means a Returning Officer specified by the Chief Electoral Officer for the purposes of this section.

#### **6. Appointment of date by Commission for subsector election, polling or counting after postponement**

## **or adjournment**

(1) If a subsector election is postponed under this Schedule, the Commission is to, as soon as practicable after the postponement, appoint a date for holding a subsector election.

(2) If the poll or the counting of votes is adjourned under this Schedule, the Commission is to, as soon as practicable after the adjournment, appoint a date for holding the poll or the counting of votes.

(3) If the postponement or adjournment is due to a reason referred to in section 1(3)(a) or (b) or 2(2)(a) or (b), the appointed date must not be later than 14 days after the date on which the postponed subsector election or the adjourned poll or counting would have been held. If the postponement or adjournment is due to the reason referred to in section 1(3)(c) or 2(2)(c), the appointed date must not be later than 2 days after the date on which the postponed subsector election or adjourned poll or counting would have been held.

(4) In each case referred to in sections 1 and 2, the Commission is to, in the relevant notice making the declaration, specify the date appointed under this section to hold the relevant subsector election, the poll or the counting of votes, as the case may require.

(5) If it is not practicable to specify the date in the notice of declaration, the Commission is to specify it in a notice published in the Gazette soon after the publication of a notice of declaration. If such publication is not practicable in the circumstances, the date must be specified in a notice published by some other means the Commission considers appropriate.

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|----------|------|--|----------------|--------------|
| Chapter: | 541I | Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation | Gazette Number | Version Date |
|----------|------|--|----------------|--------------|

|           |   |   |                  |            |
|-----------|---|---|------------------|------------|
| Schedule: | 1 | POSTPONEMENT AND ADJOURNMENT OF SUBSECTOR ELECTIONS | L.N. 210 of 2001 | 12/10/2001 |
|-----------|---|---|------------------|------------|

[sections 63 & 88]

### **1. Postponement of subsector election and adjournment of poll or counting of votes in respect of subsector election**

(1) If, during or before a subsector election, it appears to the Commission that the subsector election is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (3), the Commission may postpone the subsector election by making a declaration under section 3.

(2) If, at any time during the poll or the counting of votes in respect of a subsector election, it appears to the Commission that the poll at all the polling stations, or the counting of votes at all the counting stations, for the subsector concerned is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (3), the Commission may adjourn the poll at all the polling stations, or the counting of votes at all the counting stations, for that subsector by making a declaration under section 3.

(3) The occurrences for the purposes of subsections (1) and (2) are-

- (a) a typhoon or other climatic condition of a serious nature;
- (b) riot, open violence or other occurrence of public danger; or
- (c) an occurrence which appears to the Commission to be a material irregularity relating to the subsector election, the poll or the counting of votes.

### **2. Adjournment of poll at particular polling station**

(1) If, at any time during a poll in respect of a subsector election, it appears to the Presiding Officer that the poll at the polling station is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (2), the Presiding Officer may adjourn the poll at that polling station by making a declaration under section 3.

(2) The occurrences for the purposes of subsection (1) are-

- (a) a typhoon or other climatic condition of a serious nature;
- (b) riot, open violence or other occurrence of public danger; or

- (c) an occurrence which appears to the Presiding Officer to be a material irregularity relating to the subsector election or the poll.

**3. How declaration for purposes of sections 1 and 2 is to be made and what it is to contain**

(1) A declaration for the purposes of sections 1 and 2 is to be made by a notice published in the Gazette. If publication in the Gazette is not practicable in the circumstances, the notice may be published by other means determined by the Commission.

(2) The declaration must contain the following as may be appropriate in each case-

- (a) a description (by name or otherwise) of the subsector election that is being postponed or in respect of which the poll or the counting of votes is being adjourned;
- (b) the fact that the subsector election is being postponed;
- (c) the fact that the poll or the counting of votes is being adjourned;
- (d) a statement as to whether the poll or the counting of votes is being adjourned at all the polling stations or counting stations;
- (e) a statement as to whether the poll or the counting of votes is being adjourned at a single polling station or counting station or certain polling stations or counting stations; and
- (f) a description (by name or otherwise) of the polling stations or counting stations at which the poll or the counting of votes is being adjourned.

**4. Procedure after adjournment of poll**

(1) If a poll is adjourned under this Schedule or section 24 of the Schedule to the Chief Executive Election Ordinance (Cap 569), the procedure specified in this section is to be complied with.

(2) The Presiding Officer must, in the presence of the persons, if any, who are present within the polling station, secure the ballot boxes and their contents in a manner that Officer thinks fit. Then, without sorting, separating or counting the ballot papers or counting the votes, that Officer must deliver the secured ballot boxes together with any un-issued ballot papers, unused ballot papers or spoilt ballot papers, and the marked copies of the subsector final register to the Returning Officer.

(3) If it is not practicable to make delivery to the Returning Officer, the Presiding Officer must deposit the secured ballot boxes, and the other materials referred to in subsection (2), in a safe place within the polling station. If there is no safe place within the polling station, that Officer must deposit them in a safe place within a police station or a public building close to the polling station. If there is no such police station or public building, that Officer must deposit them in a secure building (which may even be a residential building) close to the polling station. If there is no police station, public building or secure building close to the polling station, that Officer must deposit the ballot boxes and materials in a safe place within any other police station or public building or, in the absence of such a station or building, in a safe place in any other building (which may even be a residential building).

(4) If the ballot boxes and other materials are delivered to the Returning Officer, that Officer must take such steps as determined by the Commission (generally or in a particular case) for the purpose of ensuring their safety and security. The Returning Officer must remain in charge of them and be responsible for their safety and security until polling in respect of the adjourned poll commences.

(5) If a poll is adjourned under this Schedule or section 24 of the Schedule to the Chief Executive Election Ordinance (Cap 569), the polling hours appointed for the resumed poll must be such that the total time allowed for polling (that is the aggregate of the polling hours which had been spent at the time the poll was adjourned and the polling hours appointed for the resumed poll) is not less than the total time that would have been allowed for polling had the poll not been adjourned.

**5. Procedure after adjournment of counting of votes**

(1) If the counting of votes is adjourned under this Schedule or section 24 of the Schedule to the Chief Executive Election Ordinance (Cap 569), or if the counting of votes is adjourned due to the adjournment of a poll under this Schedule, the Returning Officer must comply with this section.

(2) The Returning Officer must take steps to cease the counting of votes. Then, that Officer must in the presence of the persons, if any, who are present within the counting station, deposit the ballot boxes (whether opened

or un-opened) and receptacles, if any, together with the ballot papers (whether the votes recorded on which are counted or not), any un-issued ballot papers, tendered ballot papers, ballot paper account, verification of the ballot paper account or re-verification of the ballot paper account, and any other relevant subsector election materials, in a safe place within the counting station. If there is no safe place within the counting station, that Officer must deposit them in a safe place within a police station or a public building close to the counting station. If there is no such police station or public building, that Officer must deposit them in a secure building (which may even be a residential building) close to the counting station. If there is no police station, public building or secure building close to the counting station, that Officer must deposit the subsector election materials in a safe place within any other police station or public building or in the absence of such a station or building, in a safe place in any other building (which may even be a residential building).

(3) The subsector election materials must remain in the charge of the Returning Officer. That Officer is to be responsible for their safety and security until the adjourned counting is resumed under section 63(6) of this Regulation.

(4) In this section, "Returning Officer" (選舉主任) means a Returning Officer specified by the Chief Electoral Officer for the purposes of this section.

**6. Appointment of date by Commission for subsector election, polling or counting after postponement or adjournment**

(1) If a subsector election is postponed under this Schedule, the Commission is to, as soon as practicable after the postponement, appoint a date for holding a subsector election.

(2) If the poll or the counting of votes is adjourned under this Schedule, the Commission is to, as soon as practicable after the adjournment, appoint a date for holding the poll or the counting of votes.

(3) If the postponement or adjournment is due to a reason referred to in section 1(3)(a) or (b) or 2(2)(a) or (b), the appointed date must not be later than 14 days after the date on which the postponed subsector election or the adjourned poll or counting would have been held. If the postponement or adjournment is due to the reason referred to in section 1(3)(c) or 2(2)(c), the appointed date must not be later than 2 days after the date on which the postponed subsector election or adjourned poll or counting would have been held.

(4) In each case referred to in sections 1 and 2, the Commission is to, in the relevant notice making the declaration, specify the date appointed under this section to hold the relevant subsector election, the poll or the counting of votes, as the case may require.

(5) If it is not practicable to specify the date in the notice of declaration, the Commission is to specify it in a notice published in the Gazette soon after the publication of a notice of declaration. If such publication is not practicable in the circumstances, the date must be specified in a notice published by some other means the Commission considers appropriate.

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|----------|------|--|----------------|--------------|
| Chapter: | 541I | Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation | Gazette Number | Version Date |
|----------|------|--|----------------|--------------|

|           |   |   |                  |            |
|-----------|---|---|------------------|------------|
| Schedule: | 1 | POSTPONEMENT AND ADJOURNMENT OF SUBSECTOR ELECTIONS | L.N. 210 of 2001 | 12/10/2001 |
|-----------|---|---|------------------|------------|

[sections 63 & 88]

**1. Postponement of subsector election and adjournment of poll or counting of votes in respect of subsector election**

(1) If, during or before a subsector election, it appears to the Commission that the subsector election is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (3), the Commission may postpone the subsector election by making a declaration under section 3.

(2) If, at any time during the poll or the counting of votes in respect of a subsector election, it appears to the Commission that the poll at all the polling stations, or the counting of votes at all the counting stations, for the

subsector concerned is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (3), the Commission may adjourn the poll at all the polling stations, or the counting of votes at all the counting stations, for that subsector by making a declaration under section 3.

- (3) The occurrences for the purposes of subsections (1) and (2) are-
  - (a) a typhoon or other climatic condition of a serious nature;
  - (b) riot, open violence or other occurrence of public danger; or
  - (c) an occurrence which appears to the Commission to be a material irregularity relating to the subsector election, the poll or the counting of votes.

## **2. Adjournment of poll at particular polling station**

(1) If, at any time during a poll in respect of a subsector election, it appears to the Presiding Officer that the poll at the polling station is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (2), the Presiding Officer may adjourn the poll at that polling station by making a declaration under section 3.

- (2) The occurrences for the purposes of subsection (1) are-
  - (a) a typhoon or other climatic condition of a serious nature;
  - (b) riot, open violence or other occurrence of public danger; or
  - (c) an occurrence which appears to the Presiding Officer to be a material irregularity relating to the subsector election or the poll.

## **3. How declaration for purposes of sections 1 and 2 is to be made and what it is to contain**

(1) A declaration for the purposes of sections 1 and 2 is to be made by a notice published in the Gazette. If publication in the Gazette is not practicable in the circumstances, the notice may be published by other means determined by the Commission.

- (2) The declaration must contain the following as may be appropriate in each case-
  - (a) a description (by name or otherwise) of the subsector election that is being postponed or in respect of which the poll or the counting of votes is being adjourned;
  - (b) the fact that the subsector election is being postponed;
  - (c) the fact that the poll or the counting of votes is being adjourned;
  - (d) a statement as to whether the poll or the counting of votes is being adjourned at all the polling stations or counting stations;
  - (e) a statement as to whether the poll or the counting of votes is being adjourned at a single polling station or counting station or certain polling stations or counting stations; and
  - (f) a description (by name or otherwise) of the polling stations or counting stations at which the poll or the counting of votes is being adjourned.

## **4. Procedure after adjournment of poll**

(1) If a poll is adjourned under this Schedule or section 24 of the Schedule to the Chief Executive Election Ordinance (Cap 569), the procedure specified in this section is to be complied with.

(2) The Presiding Officer must, in the presence of the persons, if any, who are present within the polling station, secure the ballot boxes and their contents in a manner that Officer thinks fit. Then, without sorting, separating or counting the ballot papers or counting the votes, that Officer must deliver the secured ballot boxes together with any un-issued ballot papers, unused ballot papers or spoilt ballot papers, and the marked copies of the subsector final register to the Returning Officer.

(3) If it is not practicable to make delivery to the Returning Officer, the Presiding Officer must deposit the secured ballot boxes, and the other materials referred to in subsection (2), in a safe place within the polling station. If there is no safe place within the polling station, that Officer must deposit them in a safe place within a police station or a public building close to the polling station. If there is no such police station or public building, that Officer must deposit them in a secure building (which may even be a residential building) close to the polling station. If there is no police station, public building or secure building close to the polling station, that Officer must deposit the ballot boxes and materials in a safe place within any other police station or public building or, in the absence of such a station or

building, in a safe place in any other building (which may even be a residential building).

(4) If the ballot boxes and other materials are delivered to the Returning Officer, that Officer must take such steps as determined by the Commission (generally or in a particular case) for the purpose of ensuring their safety and security. The Returning Officer must remain in charge of them and be responsible for their safety and security until polling in respect of the adjourned poll commences.

(5) If a poll is adjourned under this Schedule or section 24 of the Schedule to the Chief Executive Election Ordinance (Cap 569), the polling hours appointed for the resumed poll must be such that the total time allowed for polling (that is the aggregate of the polling hours which had been spent at the time the poll was adjourned and the polling hours appointed for the resumed poll) is not less than the total time that would have been allowed for polling had the poll not been adjourned.

## **5. Procedure after adjournment of counting of votes**

(1) If the counting of votes is adjourned under this Schedule or section 24 of the Schedule to the Chief Executive Election Ordinance (Cap 569), or if the counting of votes is adjourned due to the adjournment of a poll under this Schedule, the Returning Officer must comply with this section.

(2) The Returning Officer must take steps to cease the counting of votes. Then, that Officer must in the presence of the persons, if any, who are present within the counting station, deposit the ballot boxes (whether opened or un-opened) and receptacles, if any, together with the ballot papers (whether the votes recorded on which are counted or not), any un-issued ballot papers, tendered ballot papers, ballot paper account, verification of the ballot paper account or re-verification of the ballot paper account, and any other relevant subsector election materials, in a safe place within the counting station. If there is no safe place within the counting station, that Officer must deposit them in a safe place within a police station or a public building close to the counting station. If there is no such police station or public building, that Officer must deposit them in a secure building (which may even be a residential building) close to the counting station. If there is no police station, public building or secure building close to the counting station, that Officer must deposit the subsector election materials in a safe place within any other police station or public building or in the absence of such a station or building, in a safe place in any other building (which may even be a residential building).

(3) The subsector election materials must remain in the charge of the Returning Officer. That Officer is to be responsible for their safety and security until the adjourned counting is resumed under section 63(6) of this Regulation.

(4) In this section, "Returning Officer" (選舉主任) means a Returning Officer specified by the Chief Electoral Officer for the purposes of this section.

## **6. Appointment of date by Commission for subsector election, polling or counting after postponement or adjournment**

(1) If a subsector election is postponed under this Schedule, the Commission is to, as soon as practicable after the postponement, appoint a date for holding a subsector election.

(2) If the poll or the counting of votes is adjourned under this Schedule, the Commission is to, as soon as practicable after the adjournment, appoint a date for holding the poll or the counting of votes.

(3) If the postponement or adjournment is due to a reason referred to in section 1(3)(a) or (b) or 2(2)(a) or (b), the appointed date must not be later than 14 days after the date on which the postponed subsector election or the adjourned poll or counting would have been held. If the postponement or adjournment is due to the reason referred to in section 1(3)(c) or 2(2)(c), the appointed date must not be later than 2 days after the date on which the postponed subsector election or adjourned poll or counting would have been held.

(4) In each case referred to in sections 1 and 2, the Commission is to, in the relevant notice making the declaration, specify the date appointed under this section to hold the relevant subsector election, the poll or the counting of votes, as the case may require.

(5) If it is not practicable to specify the date in the notice of declaration, the Commission is to specify it in a notice published in the Gazette soon after the publication of a notice of declaration. If such publication is not practicable in the circumstances, the date must be specified in a notice published by some other means the Commission considers appropriate.

|          |      |   |                |              |
|----------|------|---|----------------|--------------|
| Chapter: | 541J | Electoral Procedure (Chief Executive Election) Regulation | Gazette Number | Version Date |
|----------|------|---|----------------|--------------|

|          |    |  |                |            |
|----------|----|--|----------------|------------|
| Section: | 65 | Resumption of postponed or adjourned polling or counting | E.R. 1 of 2012 | 09/02/2012 |
|----------|----|--|----------------|------------|

- (1) If a poll is postponed, the Commission shall appoint a date within the prescribed period after the date of the postponed poll as the new polling date.
- (2) If a poll is adjourned, the Commission shall appoint-
  - (a) a date within the prescribed period after the date of the adjourned poll as the date on which the polling shall resume; and
  - (b) subject to section 17(5), the polling hours for the resumed polling.
- (3) If the counting of the votes is postponed, the Commission shall appoint a date within the prescribed period after the date of the postponed counting as the date on which the counting shall be conducted.
- (4) If the counting of the votes is adjourned, the Commission shall appoint a date within the prescribed period after the date of the adjourned counting as the date on which the counting shall resume.
- (5) In subsections (1), (2), (3) and (4), **prescribed period** (訂明限期) means-
  - (a) 2 days in the case of an adjournment or postponement-
    - (i) under section 61(1) due to an occurrence referred to in section 61(1)(d); or
    - (ii) under section 61(2) due to an occurrence referred to in section 61(2)(d); or
  - (b) 14 days in any other case.
- (6) A date appointed under subsection (1), (2), (3) or (4) shall be published in the Gazette as soon as practicable after the appointment.

|          |     |                                    |                |              |
|----------|-----|------------------------------------|----------------|--------------|
| Chapter: | 569 | Chief Executive Election Ordinance | Gazette Number | Version Date |
|----------|-----|------------------------------------|----------------|--------------|

|          |    |   |                |            |
|----------|----|---|----------------|------------|
| Section: | 21 | Postponement or adjournment of polling or counting of votes | E.R. 1 of 2012 | 09/02/2012 |
|----------|----|---|----------------|------------|

- (1) The Electoral Affairs Commission may direct the postponement of a poll or the counting of votes in respect of a poll if, before the commencement of polling or counting, as the case may be, the Commission is of the opinion that the polling or counting, as the case may be, is likely to be obstructed, disrupted, undermined or seriously affected by riot or open violence or any occurrence of public danger.
- (2) The Electoral Affairs Commission may direct-
  - (a) the adjournment of a poll if, during the polling, the Commission is of the opinion that the poll; or
  - (b) the adjournment of the counting of votes in respect of a poll if, during the counting, the Commission is of the opinion that the counting, is likely to be or is being obstructed, disrupted, undermined or seriously affected by riot or open violence or any occurrence of public danger.
- (3) A member of the Election Committee who has cast a vote at a poll adjourned under subsection (2) is not entitled and shall not be allowed to cast a vote again at the resumed polling.
- (4) Subsection (3) ceases to apply if the poll proceeds to another round of voting.

|          |     |                                    |                |              |
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| Chapter: | 569 | Chief Executive Election Ordinance | Gazette Number | Version Date |
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|-----------|--|----------|------------|------------|
| Schedule: |  | Schedule | 14 of 2015 | 17/07/2015 |
|-----------|--|----------|------------|------------|

[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 3 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;

**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;

**the regulations** (《規例》) means regulations made under section 46 of this Ordinance.

- (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—
- (aa) **elected member** (民選議員) means a person who is elected to be an elected member under Part V of the District Councils Ordinance (Cap 547); (Added 1 of 2011 s. 8)
  - (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.

### 1A. Effect of inclement weather warning on date

(1) In this section—

*gale warning* (烈風警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap 62);

*inclement weather warning day* (惡劣天氣警告日) means a working day on which a gale warning or a rainstorm warning is in force at any time during the ordinary business hours of the office of the Electoral Registration Officer;

*rainstorm warning* (暴雨警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap 62);

*working day* (工作日) means any Monday, Tuesday, Wednesday, Thursday or Friday other than a general holiday.

(2) If—

(a) the Electoral Registration Officer is required by section 14 to do an act not later than a date; and

(b) the date falls on an inclement weather warning day,

that section has effect in relation to the act as if it requires the Officer to do the act not later than the next working day, which is not an inclement weather warning day, following the date.

(Added 12 of 2014 s. 23)

## Part 2

### Membership of Election Committee

#### 2. How Election Committee is to be constituted

- (1) The Election Committee is to consist of 1200 members, who must be Hong Kong permanent residents. (Amended 1 of 2011 s. 9)
- (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 300 members. (Amended 1 of 2011 s. 9)
- (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                                  | 17                |
| 2.   | Commercial (first)                        | 18                |
| 3.   | Commercial (second)                       | 18                |
| 4.   | Employers' Federation of Hong Kong        | 16                |
| 5.   | Finance                                   | 18                |
| 6.   | Financial services                        | 18                |
| 7.   | Hong Kong Chinese Enterprises Association | 16                |
| 8.   | Hotel                                     | 17                |

|     |                              |    |
|-----|------------------------------|----|
| 9.  | Import and export            | 18 |
| 10. | Industrial (first)           | 18 |
| 11. | Industrial (second)          | 18 |
| 12. | Insurance                    | 18 |
| 13. | Real estate and construction | 18 |
| 14. | Textiles and garment         | 18 |
| 15. | Tourism                      | 18 |
| 16. | Transport                    | 18 |
| 17. | Wholesale and retail         | 18 |

(Amended 1 of 2011 s. 9)

**Table 2**

**Second Sector**

| Item | Subsector  | Number of members |
|------|--|-------------------|
| 1.   | Accountancy                                      | 30                |
| 2.   | Architectural, surveying, planning and landscape | 30                |
| 3.   | Chinese medicine                                 | 30                |
| 4.   | Education  | 30                |
| 5.   | Engineering                                      | 30                |
| 6.   | Health services                                  | 30                |
| 7.   | Higher education                                 | 30                |
| 8.   | Information technology                           | 30                |
| 9.   | Legal  | 30                |
| 10.  | Medical  | 30                |

(Amended 1 of 2011 s. 9; 14 of 2015 s. 15)

**Table 3**

**Third Sector**

| Item | Subsector  | Number of members |
|------|--|-------------------|
| 1.   | Agriculture and fisheries                        | 60                |
| 2.   | Labour   | 60                |
| 3.   | Religious  | 60                |
| 4.   | Social welfare                                   | 60                |
| 5.   | Sports, performing arts, culture and publication | 60                |

(Amended 1 of 2011 s. 9)

**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.                       | 70                |
| 3.   | Chinese People's Political Consultative Conference ("CPPCC") | Hong Kong members of the National Committee of the CPPCC. | 51                |
| 4.   | Heung Yee Kuk  | Chairman and Vice-Chairmen of the                         | 26                |

|    |   |  |    |
|----|---|--|----|
|    |   | Heung Yee Kuk and the Ex-Officio, Special and Co-opted Councillors of the Full Council of the Heung Yee Kuk. |    |
| 5. | Hong Kong and Kowloon District Councils | Elected members of the Hong Kong and Kowloon District Councils.  | 57 |
| 6. | New Territories District Councils       | Elected members of the New Territories District Councils.  | 60 |

(Amended 1 of 2011 s. 9)

**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                                   | (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) |
|      |   | (1) Members of the Travel Industry Council of Hong Kong entitled to vote at general meetings of the Council.  |
|      |   | (2) Members of The Board of Airline Representatives in Hong Kong. (Replaced 25 of 2003 s. 56. Amended 10 of 2006 s. 32)   |
| 3.   | Hotel                                     | (1) Members of the Hong Kong Hotels Association entitled to vote at general meetings of the Association.  |
|      |   | (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)  |
| 4.   | Chinese medicine                          | (1) Members of—   |
|      |   | (a) The Hong Kong Association of Traditional Chinese Medicine Limited;  |
|      |   | (b) International General Chinese Herbalists and Medicine Professionals Association Limited;  |
|      |   | (c) Sin-Hua Herbalists' and Herb Dealers' Promotion Society Limited;  |
|      |   | (d) Society of Practitioners of Chinese Herbal Medicine Limited;  |
|      |   | (e) The Hong Kong T.C.M. Orthopaedic and Traumatic Association Limited;   |
|      |   | (f) The Hong Kong Federation of China of Traditional Chinese Medicine;  |
|      |   | (g) Hong Kong Acupuncturists Association;   |
|      |   | (h) Hong Kong Chinese Herbalists Association Limited;   |
|      |   | (i) Association of Hong Kong & Kowloon Practitioners of Chinese Medicine, Limited;  |

- (j) Hong Kong Chinese Medicine Practitioners Association Limited,  
who are Chinese medicine practitioners entitled to vote at the general meetings of the respective bodies. (Replaced 1 of 2011 s. 9)
- (2) Registered Chinese medicine practitioners registered under the Chinese Medicine Ordinance (Cap 549). (Added 1 of 2011 s. 9)
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; 14 of 2015 s. 15)
  - (f)-(m) (Repealed 14 of 2015 s. 15)
- (1A) Full-time academic staff engaged in teaching or research and administrative staff of equivalent rank in the institutions which—
- (a) offer post secondary education leading to the award of any qualification entered into the Qualifications Register established under the Accreditation of Academic and Vocational Qualifications Ordinance (Cap. 592); and
  - (b) are set up by—
    - (i) an institution of higher education funded through the University Grants Committee;
    - (ii) The Hong Kong Academy for Performing Arts; or
    - (iii) The Open University of Hong Kong. (Added 14 of 2015 s. 15)
- (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 University; (Amended 25 of 2003 s. 56; 7 of 2008 s. 10)
- (m) the Board of Governors of the Caritas Institute of Higher Education; (Added 25 of 2003 s. 56. Amended 11 of 2012 s. 39; 14 of 2015 s. 15)
- (n) the Board of Governors of the Chu Hai College of Higher Education; (Added 14 of 2015 s. 15)
- (o) the Board of Governors of the Centennial College; (Added 14 of 2015 s. 15)
- (p) the Board of Governors of the Tung Wah College; (Added 14 of 2015 s. 15)
- (q) the Board of Governors of the Hang Seng Management College; (Added 14 of 2015 s. 15)
- (r) the Board of Governors of the Hong Kong Nang Yan College of Higher Education; (Added 14 of 2015 s. 15)
- (s) the Board of Governors of the HKCT Institute of Higher Education. (Added 14 of 2015 s. 15)

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 repealed Industrial Training (Construction Industry) Ordinance (Cap 317) and maintained under the Construction Industry Council Ordinance (Cap 587); (Amended 12 of 2006 s. 84)
  - (ba) industrial training centres established under the Construction Industry Council Ordinance (Cap 587); (Added 12 of 2006 s. 84)
  - (c) industrial training centres established under the Industrial Training (Clothing Industry) Ordinance (Cap 318);
  - (d) Hong Chi Association-Hong Chi Pinehill Integrated Vocational Training Centre; (Replaced 18 of 2011 s. 52)
  - (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)

7. Employers' Federation of Hong Kong
8. Social welfare
- (5) Registered managers of schools registered under the Education Ordinance (Cap 279).  
Members of the Employers' Federation of Hong Kong entitled to vote at general meetings of the Federation.
- (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 622), or a former Companies Ordinance as defined by section 2(1) of the Companies Ordinance (Cap 622), 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— (Amended 28 of 2012 ss. 912 & 920)
- (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.

2A. (Omitted as expired—E.R. 1 of 2013)

### 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 5 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, 59 or 65 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; 7 of 2008 s. 10)
  - (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, 64 or 66 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; 14 of 2015 s. 16)
  - (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, 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. (Amended 7 of 2008 s. 10)
- (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 200(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 200(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 200(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 200(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 is eligible to be registered as an elector for the District Council (first) functional constituency. (Amended 1 of 2011 s. 11)
- (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 is eligible to be registered as an elector for the District Council (first) functional constituency. (Amended 1 of 2011 s. 11)
- (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 is eligible to be registered as a voter for the Hong Kong and Kowloon District Councils subsector may be registered only as a voter for that subsector; (Replaced 1 of 2011 s. 11)
  - (b) a person who is eligible to be registered as a voter for the New Territories District Councils subsector may be registered only as a voter for that subsector; (Replaced 1 of 2011 s. 11)
  - (c) a person who—
    - (i) is eligible to be registered as a voter for the Hong Kong and Kowloon District Councils subsector or the New Territories District Councils subsector; and
    - (ii) would, but for this paragraph, be eligible to be registered as a voter for any subsector other than the 2 subsectors referred to in subparagraph (i),
 may be registered only as a voter for the Hong Kong and Kowloon District Councils subsector or the New Territories District Councils subsector, as the case may be; (Replaced 1 of 2011 s. 11)
  - (d) a person who 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 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; (Replaced 1 of 2011 s. 11)
- (e) 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 eligible to be registered as an elector for the District Council (first) functional constituency, cannot, subject to paragraph (g), be registered only as an elector for the District Council (first) functional constituency and not as a voter for the Hong Kong and Kowloon District Councils subsector; (Replaced 1 of 2011 s. 11)
- (f) 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 eligible to be registered as an elector for the District Council (first) functional constituency, cannot, subject to paragraph (h), be registered only as an elector for the District Council (first) functional constituency and not as a voter for the New Territories District Councils subsector; (Replaced 1 of 2011 s. 11)
- (g) a person who is eligible 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 (first) functional constituency; and (Added 1 of 2011 s. 11)
- (h) a person who is eligible 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 (first) functional constituency. (Added 1 of 2011 s. 11)
- (12) A person who would, but for this subsection, be eligible to be registered as a voter for 2 or more subsectors (other than the Hong Kong and Kowloon District Councils subsector and the New Territories District Councils subsector) may, subject to subsection (10), be registered as a voter for only one of those subsectors of the person's choice. (Amended 1 of 2011 s. 11)
- (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 5 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.
- (21) A consular post to which any privilege or immunity is accorded under the Consular Relations Ordinance (Cap 557) is not eligible to be registered as a voter for any subsector. (Added 1 of 2011 s. 11)
- (22) An organization to which section 2 of the International Organizations and Diplomatic Privileges Ordinance (Cap 190) applies or an international organization defined in section 2 of the International Organizations (Privileges and Immunities) Ordinance (Cap 558) is not eligible to be registered as a voter for any subsector. (Added 1 of 2011 s. 11)

### **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 1 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 (Amended 12 of 2014 s. 171)
  - (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 1 August in each year in which a District Council ordinary election is to be held, a provisional register of voters for subsectors; and (Amended 12 of 2014 s. 171)
  - (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)
- (1B) Despite subsections (1) and (1A), as soon as practicable after the District Council ordinary election in 2011, the Electoral Registration Officer must, in accordance with the EAC Regulations—
- (a) compile the subsector final register for the Hong Kong and Kowloon District Councils subsector by—
    - (i) striking out the names and other relevant particulars of all voters from the existing subsector final register; and
    - (ii) registering in the subsector final register all persons who are elected as members 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) under Part V of that Ordinance as voters of the subsector;
- (b) compile the subsector final register for the New Territories District Councils subsector by—
    - (i) striking out the names and other relevant particulars of all voters from the existing subsector final register; and
    - (ii) registering in the subsector final register all persons who are elected as members 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) under Part V of that Ordinance as voters of the subsector;
  - (c) if the persons referred to in paragraphs (a)(ii) and (b)(ii) are registered as voters in any subsector other than the Hong Kong and Kowloon District Councils subsector and the New Territories District Councils subsector, strike out their names and other relevant particulars from the subsector final register for that subsector to the effect that they are no longer registered as voters for that subsector. (Added 1 of 2011 s. 12)
- (1C) The Electoral Registration Officer must, as soon as practicable after complying with subsection (1B), publish in accordance with the EAC Regulations the subsector final register in which there is any addition or removal of names and other relevant particulars of voters. (Added 1 of 2011 s. 12)
- (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 the person is not elected as 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) under Part V of that Ordinance in the District Council ordinary election held immediately before the relevant subsector election or in any District Council by-election for that District Council after the ordinary election. (Amended 1 of 2011 s. 13)

(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 the person is not elected as 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) under Part V of that Ordinance in the District Council ordinary election held immediately before the relevant subsector election or in any District Council by-election for that District Council after the ordinary election. (Amended 1 of 2011 s. 13)

(Added 10 of 2006 s. 6)

#### **18B. Election as District Council member does not affect nomination made earlier**

(1) This subsection applies to a case in which—

(a) a person who is registered as a voter for any subsector other than the Hong Kong and Kowloon District Councils subsector and the New Territories District Councils subsector has subscribed the nomination paper of a candidate for that subsector in a subsector election; and

(b) after the subscription of the nomination paper but before the subsector election the person is elected as a member of a District Council under Part V of the District Councils Ordinance (Cap 547).

(2) In a case to which subsection (1) applies—

(a) the validity of the subscription of the nomination paper is not affected by the person's election; and

(b) the person is disqualified—

(i) if the election is a subsector ordinary election, from subscribing the nomination paper of any candidate for the Hong Kong and Kowloon District Councils subsector or the New Territories District Councils subsector in that election; or

(ii) if the election is a subsector by-election, from subscribing the nomination paper of any candidate for the Hong Kong and Kowloon District Councils subsector or the New Territories District Councils subsector in any by-election for any subsector held during the term of the District Council for which the person is elected,

unless the candidate nominated by the person meets any description in subsection (3).

(3) The descriptions are—

(a) the candidate withdraws candidature under section 21;

(b) the Returning Officer decides under section 22(1) or 23(4) that the candidate is not validly nominated;

(c) the Returning Officer has given a notice of death in respect of the candidate under section 23(1).

(Added 1 of 2011 s. 14)

#### **18C. Candidate for other subsectors cannot stand for District Councils subsector election even though elected as District Council member**

(1) This subsection applies to a case in which—

(a) a person who is registered as a voter for any subsector other than the Hong Kong and Kowloon District Councils subsector and the New Territories District Councils subsector is nominated as a candidate for that subsector in a subsector election; and

(b) after the nomination but before the subsector election the person is elected as a member of a District

Council under Part V of the District Councils Ordinance (Cap 547).

- (2) In a case to which subsection (1) applies—
    - (a) the validity of the nomination of the person for the subsector is not affected by the person's election; and
    - (b) the person is, whether or not returned at the election, disqualified—
      - (i) if the election is a subsector ordinary election, from being nominated as a candidate for the election in the Hong Kong and Kowloon District Councils subsector or the New Territories District Councils subsector; or
      - (ii) if the election is a subsector by-election, from being nominated as a candidate for the Hong Kong and Kowloon District Councils subsector by-election or the New Territories District Councils subsector by-election held during the term of the District Council for which the person is elected.
- (Added 1 of 2011 s. 14)

#### **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)-(d) (Repealed 7 of 2009 s. 4)
  - (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.
- (2A) A letter sent under subsection (1) by a candidate who is validly nominated at a subsector election—
  - (a) may contain information on any other candidate who is also validly nominated at that election; and
  - (b) is, if it contains any information mentioned in paragraph (a), not to be regarded, for the purposes of subsection (1), as being sent by that other candidate. (Added 18 of 2011 s. 35)
- (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— (Amended 10 of 2006 s. 21; 1 of 2011 s. 15)
  - (a) if the polling for the subsector ordinary elections for all subsectors is held on the same day, an interim register of members of the Election Committee within 7 days after the results of the elections are published under section 35; or
  - (b) if the polling for the subsector ordinary elections for different subsectors is held on different days, the relevant parts of an interim register of members of the Election Committee within 7 days after the results of the relevant elections are published under section 35. (Amended 1 of 2011 s. 15)
- (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)**

(Amended E.R. 2 of 2012)

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|----------|------|--|----------------|--------------|
| Chapter: | 541I | ELECTORAL AFFAIRS COMMISSION (ELECTORAL PROCEDURE) (ELECTION COMMITTEE) REGULATION | Gazette Number | Version Date |
|----------|------|--|----------------|--------------|

|          |    |                                      |                  |            |
|----------|----|--------------------------------------|------------------|------------|
| Section: | 23 | Candidate may appoint election agent | L.N. 210 of 2009 | 30/10/2009 |
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- (1) Each candidate may appoint one person as his or her election agent.
- (2) Only a holder of an identity card who has attained the age of 18 years may be appointed as an election agent.
- (3) A candidate who appoints an election agent must give notice of the appointment to the Returning Officer.
- (4) The appointment of an election agent is not effective until notice of the appointment is received by the Returning Officer.
- (5) A notice of appointment must be in writing and state the name, identity card number and address of the election agent.
- (6) A notice of appointment must be signed by the candidate.
- (7) A candidate cannot have more than one election agent at any one time.
- (8) If the appointment of an election agent is revoked, the candidate must give notice of the revocation to the Returning Officer.
- (9) A notice of revocation must be in writing and be signed by the candidate.
- (10) The revocation of the appointment of an election agent is not effective until notice of the revocation is received by the Returning Officer.
- (11) If at any time an election agent dies or the appointment of an election agent is revoked, the candidate may appoint a replacement.
- (12) The appointment of a replacement must be in accordance with the requirements of this section.
- (13) A notice of appointment or a notice of revocation under this section must be in the specified form.
- (14) Subject to subsection (15), an election agent may do all things which a candidate may do in connection with a subsector election. Any such act of the election agent is effective as if it had been done by the candidate in person.
- (15) An election agent may not-
  - (a) do anything a candidate is required to do under section 8;
  - (b) withdraw the candidate's candidature; (L.N. 132 of 2009)
  - (c) authorize any person for the purposes of section 25; (L.N. 132 of 2009)
  - (d) subject to paragraph (e), be present in a dedicated polling station situated in a prison unless, on an application in the specified form lodged with the Chief Electoral Officer at least one week before polling day, the Commissioner of Correctional Services consents to his or her presence; or (L.N. 132 of 2009)
  - (e) be present in a dedicated polling station situated in a maximum security prison. (L.N. 132 of 2009)
- (16) The Commissioner of Correctional Services must not give consent to an election agent under subsection (15)(d) in respect of a polling station if a polling agent has been appointed under section 42 by the same candidate for

that polling station. (L.N. 132 of 2009)

(17) Despite subsection (15)(d), the Commissioner of Correctional Services may, on an application lodged under that subsection during the week before polling day, give consent under that subsection if the Commissioner is satisfied that—

- (a) a voter in custody or an authorized representative in custody who is entitled to vote for the relevant subsector at a dedicated polling station situated in a prison is admitted or transferred to the prison during that week; and
- (b) the application is lodged without undue delay after the admission or transfer. (L.N. 132 of 2009)

(18) If the Commissioner of Correctional Services refuses to give consent under subsection (15)(d), the Commissioner must notify the candidate or the election agent as soon as practicable. (L.N. 132 of 2009)

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|----------|------|---|----------------|--------------|
| Chapter: | 541J | Electoral Procedure (Chief Executive Election) Regulation | Gazette Number | Version Date |
|----------|------|---|----------------|--------------|

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| Section: | 12 | Appointment of election agent | E.R. 1 of 2012 | 09/02/2012 |
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- (1) A candidate may appoint one person as his election agent. (L.N. 209 of 2006)
- (2) Only a holder of an identity card who has attained the age of 18 years may be appointed as an election agent.
- (3) An election agent appointed by a candidate may do all things which the candidate may do or is required to do in connection with an election except-
  - (a) making a declaration referred to in section 16(7) of the Election Ordinance or section 4(1)(b);
  - (b) signing on a nomination form as the candidate being nominated;
  - (c) signing on a notice of withdrawal of candidature referred to in section 19 of the Election Ordinance as the candidate;
  - (d) appointing an election agent under subsection (1);
  - (e) appointing an election expense agent under section 13;
  - (f) without prejudice to section 13, incurring election expenses on behalf of the candidate; (L.N. 133 of 2009)
  - (g) revoking the appointment of an election agent or election expense agent under section 14(4); (L.N. 133 of 2009)
  - (h) subject to paragraph (i), being present in a dedicated polling station situated in a prison unless, on an application in the specified form lodged with the Chief Electoral Officer at least one week before the polling date, the Commissioner of Correctional Services consents to his presence; or (L.N. 133 of 2009)
  - (i) being present in a dedicated polling station situated in a maximum security prison. (L.N. 133 of 2009; L.N. 197 of 2009)
- (3A) The Commissioner of Correctional Services must not give consent to an election agent under subsection (3)(h) in respect of a polling station if a polling agent has been appointed under section 25 by the same candidate for that polling station. (L.N. 133 of 2009)
- (3B) Despite subsection (3)(h), the Commissioner of Correctional Services may, on an application lodged under that subsection during the week before the polling date, give consent under that subsection if he is satisfied that—
  - (a) an elector in custody who is entitled to vote at a dedicated polling station situated in a prison is admitted or transferred to the prison during that week; and
  - (b) the application is lodged without undue delay after the admission or transfer. (L.N. 133 of 2009)
- (3C) If the Commissioner of Correctional Services refuses to give consent under subsection (3)(h), he must notify the candidate or the election agent as soon as practicable. (L.N. 133 of 2009)
- (4) Subject to subsection (3), any act which purports to be done by an election agent in his capacity as such on behalf of the candidate who appointed him shall be as effective as if it had been done by the candidate in person.
- (5) A notice under section 15(1), 23(2) or (4), 31(4) or 43(3) given to the election agent of a candidate shall be regarded as having been given to the candidate.

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|----------|------|--|----------------|--------------|
| Chapter: | 541I | Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation | Gazette Number | Version Date |
|----------|------|--|----------------|--------------|

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| Section: | 28 | Chief Electoral Officer to designate polling stations and counting stations | L.N. 210 of 2009 | 30/10/2009 |
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(1) The Chief Electoral Officer must, in respect of a subsector election, designate, by notice published in the Gazette— (L.N. 132 of 2009)

- (a) one or more places as a polling station or polling stations for conducting a poll in respect of the election; and
- (b) one or more places as a counting station or counting stations for counting the votes. (L.N. 132 of 2009)

(1A) Without affecting subsection (1), the Chief Electoral Officer must designate one or more places as a dedicated polling station or dedicated polling stations at which voters in custody or authorized representatives in custody are allocated to vote. (L.N. 132 of 2009)

(2) The Chief Electoral Officer may designate under subsection (1)-

- (a) premises occupied by a Government department for official purposes ("Government building");
- (b) a structure, place or premises hired under subsection (3) or which is to be so hired;
- (c) any school in respect of which a grant is made out of the general revenue;
- (d) a building occupied by an organization, association or body in respect of which a grant is made out of the general revenue; or
- (e) any other structure, premises, whether permanent or temporary, mobile or otherwise, or place, which the Chief Electoral Officer considers suitable for a purpose specified in subsection (1).

(3) The Chief Electoral Officer may hire any structure, place or premises or a part of a structure, place or premises to designate as a polling station or a counting station.

(4) The Chief Electoral Officer may designate a place described in subsection (2) in addition to or in substitution of a place designated under this section as a polling station or a counting station. The Chief Electoral Officer must publish notice of such designation. The notice may be published in a manner that Officer thinks fit.

(5) The Chief Electoral Officer must ensure that there are sufficient polling stations and counting stations to enable polling and counting of votes to take place smoothly and efficiently.

(6) The Chief Electoral Officer must make available, at that Officer's office, for public inspection, a list of the polling stations and counting stations.

(7) The Chief Electoral Officer must, in the case of a polling station or a counting station which is not a Government building-

- (a) make good any damage caused; and
- (b) defray any expenses incurred by any person having control over the structure, place or premises,

due to their having been used as a polling station or a counting station.

(8) The Chief Electoral Officer may take such steps as that Officer considers appropriate, including taking out insurance, to insure against any risk of loss or damage that may arise due to or in connection with the use of any structure, place or premises as a polling station or a counting station.

(9) The Chief Electoral Officer may, in relation to more than one subsector election, designate one counting station for the counting of the votes cast at all the polling stations used for polling for the subsector elections concerned.

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|----------|------|--|----------------|--------------|
| Chapter: | 541I | Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation | Gazette Number | Version Date |
|----------|------|--|----------------|--------------|

|          |    |  |                  |            |
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| Section: | 29 | Chief Electoral Officer to designate some polling stations as special polling stations | L.N. 114 of 2006 | 14/07/2006 |
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(1) The Chief Electoral Officer must designate one or more polling stations to be used for voting by persons with a disability for whom access to other polling stations would be difficult. That Officer must specify the subsector or subsectors for which each special polling station is designated.

(2) Only a polling station which, in the opinion of the Chief Electoral Officer, is suitable for use by persons referred to in subsection (1) may be designated as a special polling station.

(2A) The Chief Electoral Officer may, for the purpose of subsection (1), designate as a special polling station any place which has been designated as a polling station under section 28. (L.N. 114 of 2006)

(3) At least 10 days before polling day, the Chief Electoral Officer must indicate the special polling stations on the list of polling stations. That Officer must also indicate on the list of polling stations the subsector or subsectors for which each special polling station is designated.

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|----------|------|--|----------------|--------------|
| Chapter: | 541I | Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation | Gazette Number | Version Date |
|----------|------|--|----------------|--------------|

|          |    |   |                  |            |
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| Section: | 63 | Returning Officer to give notice of time and place of counting of votes to candidates | L.N. 114 of 2006 | 14/07/2006 |
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(1) Subject to subsection (6), the Returning Officer is to determine the time at which the counting of the votes in respect of a subsector election is to begin.

(2) The time determined under subsection (1) must be a time after the poll has closed at all the polling stations at which polling for that subsector was conducted.

(3) The Returning Officer must give notice in writing to each candidate for a subsector of the time determined for the counting of the votes for that subsector to begin and the place at which the counting is to take place.

(4) Notice under subsection (3) must be given at least 1 working day before polling day. (L.N. 114 of 2006)

(5) If the poll for a subsector is adjourned under Schedule 1, the counting of the votes for that subsector is to stand postponed.

(6) If the counting of votes stands postponed under subsection (5), the Chief Electoral Officer is to determine a time for the counting to begin and the place at which it is to take place. The time must be after the adjourned poll for the subsector is resumed and after the close of that poll. The Returning Officer is to give notice to each candidate for the relevant subsector of the time and place.

(7) A notice required to be given to a candidate under this section may be given to the election agent or counting agent of the candidate instead of to the candidate.

|          |      |   |                |              |
|----------|------|---|----------------|--------------|
| Chapter: | 541J | Electoral Procedure (Chief Executive Election) Regulation | Gazette Number | Version Date |
|----------|------|---|----------------|--------------|

|          |    |   |                |            |
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| Section: | 18 | Designation of polling station and counting station | E.R. 1 of 2012 | 09/02/2012 |
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- (1) The Chief Electoral Officer shall designate, by notice published in the Gazette-
  - (a) a place as the main polling station for conducting a poll in respect of an election; (L.N. 133 of 2009)
  - (aa) one or more places as a dedicated polling station or dedicated polling stations at which electors in custody are allocated to vote; and (L.N. 133 of 2009)
  - (b) a place as the counting station for counting of the votes cast in the election.
- (2) The Chief Electoral Officer may designate under subsection (1)-
  - (a) any premises occupied by a Government department for official purposes; or
  - (b) any other premises hired under subsection (3).
- (3) The Chief Electoral Officer may hire any premises for use as a polling station or the counting station. (L.N. 133 of 2009)
- (4) If any premises hired under subsection (3) are used as a polling station or the counting station, the Chief Electoral Officer shall- (L.N. 133 of 2009)
  - (a) make good any damage to the premises; and
  - (b) defray any expenses incurred by any person having control over the premises, due to their having been so used.
- (5) The Chief Electoral Officer may take such steps as he considers appropriate, including taking out insurance, to insure against any risk of loss or damage that may arise due to or in connection with the use of any premises as a polling station or counting station. (L.N. 133 of 2009)
- (6) A designation under subsection (1) may be made by reference to a map or plan.

- (7) The Chief Electoral Officer shall display the relevant map or plan referred to in subsection (6)- (L.N. 133 of 2009)
- (a) in a prominent place immediately outside the main polling station;
  - (b) in a prominent place inside a dedicated polling station; and
  - (c) in a prominent place immediately outside the counting station. (L.N. 133 of 2009)

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|----------|------|---|----------------|--------------|
| Chapter: | 541J | Electoral Procedure (Chief Executive Election) Regulation | Gazette Number | Version Date |
|----------|------|---|----------------|--------------|

|          |    |   |                |            |
|----------|----|---|----------------|------------|
| Section: | 43 | Determination and notice of time of counting of votes | E.R. 1 of 2012 | 09/02/2012 |
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- (1) The Returning Officer shall determine the time at which the counting of the votes is to begin.
- (2) The time determined under subsection (1) shall be- (L.N. 209 of 2006)
  - (a) in the case of a contested election, a time after the close of the relevant round of voting at all polling stations; or
  - (b) in the case of an uncontested election, a time after the close of voting at all polling stations. (L.N. 209 of 2006; L.N. 133 of 2009)
- (3) Subject to subsection (5), the Returning Officer shall give notice in writing to each candidate or the election agent or any counting agent appointed by him of- (L.N. 209 of 2006)
  - (a) the address of the counting station; and
  - (b) the time determined under subsection (1).
- (4) Notice under subsection (3) shall be given-
  - (a) in the case of the counting of the votes for-
    - (i) a postponed poll; or
    - (ii) a poll on a date fixed under section 17(3),  
as soon as practicable after the determination of the time under subsection (1);
  - (b) in the case of a postponement or adjournment of the counting of the votes, as soon as practicable after the determination of the time under subsection (1); or
  - (c) in any other case, at least one clear working day before the time determined under subsection (1). (L.N. 209 of 2006)
- (5) If the Returning Officer considers that it is impracticable to give notice under subsection (3) of the time determined under subsection (1) in respect of the counting of the votes for the fourth or any subsequent round of voting, he may dispense with the notice and announce the time through radio or television broadcast.

|          |      |  |                |              |
|----------|------|--|----------------|--------------|
| Chapter: | 541I | Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation | Gazette Number | Version Date |
|----------|------|--|----------------|--------------|

|          |   |                |                |            |
|----------|---|----------------|----------------|------------|
| Section: | 1 | Interpretation | E.R. 2 of 2012 | 02/08/2012 |
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- (1) In this Regulation, unless the context otherwise requires-
 

**authorized representative** (獲授權代表) has the meaning assigned to it by section 11(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569);

**ballot paper account** (選票結算表) means a statement prepared under section 62;

**candidate** (候選人) means, subject to subsection (2), in relation to a particular subsector, a person who is a validly nominated candidate for that subsector;

**central counting station** (中央點票站) means a counting station designated under section 28(9) for the counting of the votes cast at all the polling stations used for polling for more than one subsector election;

**Chief Returning Officer (Subsectors)** (總選舉主任(界別分組)) means the Returning Officer designated as the Chief Returning Officer (Subsectors) under section 96;

**computer** (電腦), in relation to the counting of votes, includes any computer software that is programmed to count the votes cast at a subsector election so as to give an accurate result;

**counting agent** (監察點票代理人) means a person appointed as a counting agent under section 64;

**counting officer** (點票人員) means, in relation to a counting station, a person appointed under section 65 as a counting officer for that counting station;

**counting station** (點票站) means a place designated under section 28(1) for the counting of votes;

**counting zone** (點票區) means an area within a counting station assigned by the Chief Electoral Officer for the counting of the votes for a particular subsector;

**dedicated polling station** (專用投票站) means a place designated as a dedicated polling station under section 28(1A); (L.N. 132 of 2009)

**designated body** (指定團體) means a designated body within the meaning of Part 3 of the Schedule to the Chief Executive Election Ordinance (Cap 569);

**EC member** (選委會委員) means a member of the Election Committee;

**election advertisement** (選舉廣告), in relation to an election, means-

- (a) a publicly exhibited notice, leaflet, circular, bill, booklet, placard or poster;
- (b) a notice, leaflet, circular, bill, booklet, placard or poster delivered by hand or electronic transmission;
- (c) a public announcement made by radio or television or by video or cinematographic film; or
- (d) any other form of publication,

published for the purpose of promoting or prejudicing the election of a candidate or candidates at the election; (11 of 2012 s. 12)

**election agent** (選舉代理人) means a person appointed as an election agent under section 23;

**election expense agent** (選舉開支代理人) has the meaning assigned to it by section 2(1) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);

**election expenses** (選舉開支) has the meaning assigned to it by section 2(1) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554), but the reference to an election in that meaning is to be construed as the election referred to in section 4(1)(d) or (da) of that Ordinance; (11 of 2012 s. 12)

**geographical constituencies final register** (地方選區正式選民登記冊) means the final register of electors for geographical constituencies compiled under the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap 541 sub. leg. A) and which is in effect;

**head-dress** (頭飾) means anything which is worn on a person's head; (L.N. 114 of 2006)

**identity card** (身分證) has the meaning assigned to it by section 1A of the Registration of Persons Ordinance (Cap 177);

**identity document** (身分證明文件) means-

- (a) an identity card;
- (b) a document issued to a person under regulations in force under the Registration of Persons Ordinance (Cap 177) 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 as proof of the person's identity to the Electoral Registration Officer (as defined in section 1(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569));

**in custody** (受羈押), in relation to a person, means the person is-

- (a) serving a sentence of imprisonment;
- (b) detained by the Correctional Services Department on remand; or
- (c) otherwise detained by any law enforcement agency under any lawful authority; (L.N. 132 of 2009)

**law enforcement agency** (執法機關) means-

- (a) the Customs and Excise Department;
- (b) the Hong Kong Police Force;
- (c) the Immigration Department;
- (d) the Independent Commission Against Corruption; or
- (e) any other department of the Government any officer of which is empowered by any Ordinance to exercise a

power of arrest; (L.N. 132 of 2009)

**maximum security prison** (高度設防監獄) means a prison which is specified as a maximum security prison under rule 47A(1)(b) of the Prison Rules (Cap 234 sub. leg. A); (L.N. 132 of 2009)

**no canvassing zone** (禁止拉票區) means an area determined under section 40 to be an area in which canvassing for votes is prohibited;

**no staying zone** (禁止逗留區) means an area determined under section 40 to be an area in which staying or loitering is prohibited;

**nomination period** (提名期) means the period specified under section 4(3)(b);

**Nominations Advisory Committee** (提名顧問委員會) means a committee appointed under the Electoral Affairs Commission (Nominations Advisory Committees (Election Committee)) Regulation (Cap 541 sub. leg. H);

**notice appointing the subsector ordinary election day** (指定界別分組一般選舉日公告) means a notice by which a date is specified by the Chief Executive under section 16 of the Schedule to the Chief Executive Election Ordinance (Cap 569) to hold a subsector ordinary election;

**ordinary business hours** (通常辦公時間) means the hours-

- (a) between 9 a.m. and 12 noon on a Saturday that is not a general holiday; and
- (b) between 9 a.m. and 5 p.m. on any other day that is not a general holiday;

**political body** (政治性團體) has the meaning assigned to it by section 2(1) of the Societies Ordinance (Cap 151);

**polling agent** (監察投票代理人) means a person appointed as a polling agent under section 42;

**polling day** (投票日) means the date on which the poll is to be held in a subsector election;

**polling hours** (投票時間) means the hours for polling appointed under section 27;

**polling officer** (投票站人員) means, in relation to a polling station, a person appointed under section 34(2) as a polling officer for that polling station;

**polling station** (投票站) means a place designated as a polling station under section 28(1) and includes a dedicated polling station; (L.N. 132 of 2009)

**Presiding Officer** (投票站主任) means, in relation to a polling station, the person appointed under section 34(1) to preside at that polling station;

**religious subsector nomination form** (宗教界界別分組提名表格) means the specified form submitted under section 7 setting out the nominees to represent the religious subsector on the Election Committee;

**Returning Officer** (選舉主任) means a person holding office as a Returning Officer under section 47 of the Schedule to the Chief Executive Election Ordinance (Cap 569), 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;

**special polling station** (特別投票站) means a polling station designated as a special polling station under section 29;

**specified address** (指明地點) means, in relation to-

- (a) nominations or supplementary nominations for the religious subsector under section 7 of the Schedule to the Chief Executive Election Ordinance (Cap 569), the address specified under section 3(3)(c) as the address at which religious subsector nomination forms are to be submitted; and
- (b) nominations for a subsector election, the address specified under section 4(3)(c) as the address at which the subsector nomination forms are to be submitted;

**specified form** (指明表格、指明格式) means, in relation to a particular purpose of this Regulation, the form specified under section 97 for that purpose;

**spoilt ballot paper** (損壞的選票) means a spoilt ballot paper within the meaning of section 60;

**sub-subsector** (小組) means a sub-subsector referred to in section 2(9)(a) of the Schedule to the Chief Executive Election Ordinance (Cap 569);

**sub-subsector by-election** (小組補選) means an election to elect an EC member assigned to a sub-subsector who, under section 2(7)(b) and (9) of the Schedule to the Chief Executive Election Ordinance (Cap 569), 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 EC members assigned to a sub-subsector who, under section 2(7)(b) and (9) of the Schedule to the Chief Executive Election Ordinance (Cap 569), are to be elected by the sub-subsector, for a new term of office of the Election Committee;

**subsector** (界別分組) has, subject to subsection (3), the meaning assigned to it by section 1 of the Schedule to the Chief Executive Election Ordinance (Cap 569);

**subsector by-election** (界別分組補選) means an election to elect an EC member assigned to a subsector who, under section 2(7)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), is to be elected by the 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 election notice** (界別分組選舉公告) means a notice published under section 4(1) or (2);

**subsector final register** (界別分組正式投票人登記冊) means a final register of voters for subsectors compiled under the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap 541 sub. leg. B) and which is in effect;

**subsector nomination form** (界別分組提名表格) means the specified form submitted under section 8 to nominate a person as a candidate for a subsector election;

**subsector ordinary election** (界別分組一般選舉) means an election to elect those EC members assigned to a subsector who, under section 2(7)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), are to be elected by the subsector, for a new term of office of the Election Committee;

**tendered ballot paper** (重複的選票) means a tendered ballot paper within the meaning of section 58;

**unused ballot paper** (未用的選票) means an unused ballot paper within the meaning of section 59(2);

**validly nominated candidate** (獲有效提名的候選人) means-

- (a) subject to paragraph (b), a person whom the Returning Officer has decided under section 13 to be validly nominated;
- (b) in case a declaration under section 23(2)(b) or (5)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569) is made, a person who is stated to be validly nominated in the declaration;

**verification of the ballot paper account** (選票結算核實書) means the statement prepared under section 73(2)(a)(iv) or (3)(c) or 74(4)(c);

**voter** (投票人) has the meaning assigned to it by section 11(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

(2) In this Regulation-

- (a) in Part 2 (except section 25), **candidate** (候選人) includes a person who is being or has been nominated to stand for election at a subsector election; and
- (b) in section 25 and Part 7, **candidate** (候選人)- (11 of 2012 s. 12)
  - (i) means a person who stands nominated as a candidate at a subsector election; and
  - (ii) also means a person who, at any time before close of nominations for a subsector election, has publicly declared an intention to stand as a candidate at the subsector election.

(3) In this Regulation-

- (a) references to a "Returning Officer" are to be construed, in relation to a particular subsector, as the Returning

- Officer appointed for that subsector;
- (b) in respect of the sports, performing arts, culture and publication subsector-
- (i) references to "subsector", "subsector ordinary election" and "subsector by-election" mean "sub-subsector", "sub-subsector ordinary election" and "sub-subsector by-election" respectively and with any necessary modifications; and
- (ii) references to "subsector election" mean "sub-subsector ordinary election" and "sub-subsector by-election" with any necessary modifications; and
- (c) references to the counting of votes are to be construed as including, where appropriate, sorting, separation and counting of ballot papers.
- (4) In this Regulation, any provision which entitles or permits a candidate, an election agent, a polling agent or a counting agent to do anything in a polling station, counting station, counting zone or in relation to the counting of votes is to be construed as entitling or permitting the candidate or the agent to do it in a polling station, counting station, counting zone or in relation to the counting of the votes for the subsector for which the candidate is standing for election or for which the agent is appointed, as the case may require.

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|----------|------|--|----------------|--------------|
| Chapter: | 541I | Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation | Gazette Number | Version Date |
|----------|------|--|----------------|--------------|

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| Section: | 67 | What constitutes offence at counting station | L.N. 210 of 2001 | 12/10/2001 |
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(1) A person who, during the relevant period, films or takes photographs or makes any audio or video recording within a counting zone of a counting station without the express permission of-

- (a) (i) in the case of a central counting station, the Chief Returning Officer (Subsectors), or the Returning Officer in charge of the counting zone; or
- (ii) in the case of a counting station that is not a central counting station, the Returning Officer who supervises the counting station; or

(b) any member of the Commission,  
commits an offence.

(2) In subsection (1), "relevant period" (有關期間) means, in relation to a counting zone, the period commencing from the time, determined under section 63, at which the counting of votes is to begin at the zone and ending upon the completion of the counting and re-count, if any, at the zone.

(3) A person who, at or in the vicinity of a counting station, behaves in a disorderly manner, or fails to comply with a lawful order given by-

- (a) in the case of a central counting station, the Chief Returning Officer (Subsectors), or the Returning Officer in charge of a counting zone of the central counting station; or
- (b) in the case of a counting station that is not a central counting station, the Returning Officer who supervises the counting station,

commits an offence.

(4) A person who commits an offence under this section is liable to a fine at level 2 and to imprisonment for 3 months.

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|----------|------|--|----------------|--------------|
| Chapter: | 541I | Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation | Gazette Number | Version Date |
|----------|------|--|----------------|--------------|

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| Section: | 101 | Offence of false declaration | E.R. 2 of 2012 | 02/08/2012 |
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(1) A person who, in an election related document, makes a statement which that person knows to be false in a material particular or recklessly makes a statement which is incorrect in a material particular or knowingly omits a material particular from an election related document, commits an offence.

(2) A person who directly or indirectly by himself or herself or another person on his or her behalf conspires with, incites, compels, induces, coerces, intimidates or persuades another person to make a false statement in an election related document or to provide information which that person knows to be wrong in a material particular in an election related document, commits an offence.

- (3) A person who commits an offence under this section is liable to a fine at level 2 and to imprisonment for 6 months.
- (4) An offence under subsection (1) or (2) is to be an offence prescribed for the purposes of sections 14 and 26 of, and sections 9, 18 and 30 of the Schedule to, the Chief Executive Election Ordinance (Cap 569).
- (5) In this section, *election related document* (與選舉有關的文件) means a form, declaration, application, authorization, notice, statement or a nomination form required or used for the purposes of this Regulation.

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|----------|------|---|----------------|--------------|
| Chapter: | 541J | Electoral Procedure (Chief Executive Election) Regulation | Gazette Number | Version Date |
|----------|------|---|----------------|--------------|

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| Section: | 2 | Interpretation | 11 of 2012 | 01/06/2012 |
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(1) In this Regulation, unless the context otherwise requires-

*adjournment* (押後), in relation to a poll, or the counting of the votes in respect of a poll, means an adjournment under section 21(2) of the Election Ordinance or section 61(2), and *adjourned* (押後) shall be construed accordingly;

*Assistant Presiding Officer* (助理投票站主任) means a polling officer designated as an Assistant Presiding Officer under section 20(2);

*Assistant Returning Officer* (助理選舉主任) means an Assistant Returning Officer appointed under section 41(3) of the Election Ordinance;

*ballot paper account* (選票結算表) means a statement prepared under section 42;

*candidate* (候選人) has, subject to subsection (2), the meaning assigned to it by section 2(1) of the Election Ordinance;

*contested election* (有競逐選舉) means an election in which there are 2 or more candidates; (L.N. 209 of 2006)

*counting agent* (監察點票代理人) means a counting agent appointed under section 44;

*counting station* (點票站) means a counting station designated under section 18;

*dedicated polling station* (專用投票站) means a place designated as a dedicated polling station under section 18(1); (L.N. 133 of 2009)

*Deputy Presiding Officer* (副投票站主任) means a polling officer designated as the Deputy Presiding Officer under section 20(2);

*election* (選舉) means an election held under section 6 of the Election Ordinance;

*election advertisement* (選舉廣告), in relation to an election, means-

- (a) a publicly exhibited notice, leaflet, circular, bill, booklet, placard or poster;
  - (b) a notice, leaflet, circular, bill, booklet, placard or poster delivered by hand or electronic transmission;
  - (c) a public announcement made by radio or television or by video or cinematographic film; or
  - (d) any other form of publication,
- published for the purpose of promoting or prejudicing the election of a candidate or candidates at the election; (11 of 2012 s. 15)

*election agent* (選舉代理人) means an election agent appointed under section 12;

*election expense agent* (選舉開支代理人) means an election expense agent appointed under section 13;

*election expenses* (選舉開支) has the meaning assigned to it by section 2(1) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554), but the reference to "an election" in that meaning shall be construed as a reference to an election defined in this section; (L.N. 279 of 2001)

*Election Ordinance* (《選舉條例》) means the Chief Executive Election Ordinance (Cap 569);

**elector** (選民) means a member of the Election Committee constituted under section 8 of the Election Ordinance who is not disqualified under section 26 of the Election Ordinance from voting;

**electoral officer** (選舉事務人員) has the meaning assigned to it by section 2(1) of the Election Ordinance and includes a Presiding Officer, a polling officer and a counting officer; (L.N. 133 of 2009)

**final register** (正式委員登記冊) means the final register of members of the Election Committee published under section 40(2), (3), (3A) or (4) of the Schedule to the Election Ordinance; (L.N. 209 of 2006)

**head-dress** (頭飾) means anything which is worn on a person's head; (L.N. 209 of 2006)

**identity card** (身分證) has the same meaning as it has in the Registration of Persons Ordinance (Cap 177);

**identity document** (身分證明文件) means-

- (a) an identity card;
- (b) a document issued to a person under regulations made under the Registration of Persons Ordinance (Cap 177) certifying that he is exempt from being required to register under that Ordinance; or (L.N. 279 of 2001)
- (c) any other document issued to a person which is acceptable to the Returning Officer as proof of the person's identity;

**in custody** (受羈押), in relation to a person, means the person is-

- (a) serving a sentence of imprisonment;
- (b) detained by the Correctional Services Department on remand; or
- (c) otherwise detained by any law enforcement agency under any lawful authority; (L.N. 133 of 2009)

**law enforcement agency** (執法機關) means-

- (a) the Customs and Excise Department;
- (b) the Hong Kong Police Force;
- (c) the Immigration Department;
- (d) the Independent Commission Against Corruption; or
- (e) any other department of the Government any officer of which is empowered by any Ordinance to exercise a power of arrest; (L.N. 133 of 2009)

**main polling station** (主投票站) means the place designated as the main polling station under section 18(1); (L.N. 133 of 2009)

**maximum security prison** (高度設防監獄) means a prison which is specified as a maximum security prison under rule 47A(1)(b) of the Prison Rules (Cap 234 sub. leg. A); (L.N. 133 of 2009)

**no canvassing zone** (禁止拉票區) means an area determined under section 23 as a no canvassing zone;

**no staying zone** (禁止逗留區) means an area determined under section 23 as a no staying zone;

**nomination period** (提名期) means the nomination period fixed under section 15(1) of the Election Ordinance;

**ordinary business hours** (通常辦公時間) means the hours- (L.N. 279 of 2001)

- (a) between 9 a.m. and 12 noon on a Saturday; and
- (b) between 9 a.m. and 5 p.m. on any other day, other than a general holiday;

**poll** (投票) has the meaning assigned to it by section 2(1) of the Election Ordinance;

**polling agent** (監察投票代理人) means a polling agent appointed under section 25;

**polling date** (投票日) means-

- (a) the date fixed in accordance with section 10 or 11 of the Election Ordinance as the date of the poll;
- (b) the date fixed in accordance with section 17(3); or
- (c) the date appointed under section 65(1) or (2);

**polling hours** (投票時間) means the hours for polling appointed under section 17(1), (1A) or (3)(b) or 65(2); (L.N. 209 of 2006)

**polling officer** (投票站人員) means a polling officer appointed under section 20;

**polling station** (投票站) means- (L.N. 133 of 2009)

- (a) the main polling station; or
- (b) a dedicated polling station; (L.N. 133 of 2009)

**postponement** (延遲), in relation to a poll or the counting of the votes in respect of a poll, means a postponement under section 21(1) of the Election Ordinance or section 61(1), and **postponed** (延遲) shall be construed accordingly;

**Presiding Officer** (投票站主任) means a Presiding Officer appointed under section 20; (L.N. 133 of 2009)

**Returning Officer** (選舉主任) has the meaning assigned to it by section 2(1) of the Election Ordinance;

**specified form** (指明表格、指明格式) means, in a particular provision of this Regulation, the form specified under section 73 for the purpose of that provision;

**spoilt ballot papers** (損壞的選票) means a ballot paper endorsed in the manner described in section 40(3);

**uncontested election** (無競逐選舉) means an election in which at the close of nominations only one candidate is validly nominated; (L.N. 209 of 2006)

**unused ballot papers** (未用的選票) means a ballot paper which has been issued and has not been put into the ballot box, whether or not it has been endorsed in the manner described in section 39;

**verification statement** (核實報表) means a statement prepared under section 52(1)(d).

(2) In this Regulation, the expression **candidate** (候選人) also means-

- (a) in sections 5(1), 12, 15 and 21, a person who is being or has been nominated to stand for an election;
- (b) in sections 13 and 16 and Part 10, a person who has publicly declared an intention to stand for an election at any time before close of nominations; (11 of 2012 s. 15)
- (c) in section 14, a person referred to in paragraph (a) or (b).

|          |      |   |                |              |
|----------|------|---|----------------|--------------|
| Chapter: | 541J | Electoral Procedure (Chief Executive Election) Regulation | Gazette Number | Version Date |
|----------|------|---|----------------|--------------|

|          |    |   |                |            |
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| Section: | 24 | Order in no canvassing zone and no staying zone | E.R. 1 of 2012 | 09/02/2012 |
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(1) The Presiding Officer shall keep order at any no canvassing zone or no staying zone.

(2) No person shall-

- (a) engage in canvassing for votes in a no canvassing zone;
- (aa) conduct any activity for canvassing for votes so that the sound of the activity can be heard in the no canvassing zone; (L.N. 209 of 2006)
- (b) subject to subsection (3A), use a sound amplifying system or device for any purpose in the no canvassing zone without lawful authority; (L.N. 76 of 2011)
- (c) use a sound amplifying system or device, for canvassing for votes, so that the sound emitted by it can be heard in the no canvassing zone;
- (d) without reasonable excuse, display in the no canvassing zone any propaganda material relating to any candidate or the election of the Chief Executive; or
- (e) stay or loiter in the no staying zone without the express permission of the Presiding Officer, on the polling date.

(3) For the purposes of subsection (2), the following acts shall fall within "canvassing for votes"-

- (a) in the case of a contested election, suggesting not to vote for any candidate; and
- (b) in the case of an uncontested election, suggesting not to vote in support of the candidate. (L.N. 209 of 2006)

- (3A) An officer of the Correctional Services Department may, on polling day, use a sound amplifying system or device for the performance of his or her duties in the no canvassing zone of a dedicated polling station situated in a prison. (L.N. 76 of 2011)
- (4) No person shall-
- (a) fail to comply with a lawful direction given by the Returning Officer or the Presiding Officer;
  - (b) cause an obstruction to any person who is in the zone and on his way to vote; or
  - (c) otherwise misconduct himself,
- in a no canvassing zone or a no staying zone on the polling date.
- (5) If a person contravenes subsection (2) or (4), the Returning Officer or the Presiding Officer may-
- (a) require the person to produce his identity card for inspection; and
  - (b) order the person to leave the zone immediately.
- (6) No person shall fail to produce his identity card when required to do so under subsection (5).
- (7) If a person fails to leave when ordered to do so under subsection (5), he may be removed by- (L.N. 133 of 2009)
- (a) a police officer;
  - (b) a person authorized in writing by the Returning Officer or the Presiding Officer, as may be appropriate; or
  - (c) if the no canvassing zone or the no staying zone, as may be appropriate, is determined in relation to a dedicated polling station, an officer of the Correctional Services Department or any law enforcement agency. (L.N. 133 of 2009)
- (8) No person who is removed under subsection (7) shall enter the relevant zone again on the polling date without the express permission of the Returning Officer or the Presiding Officer.
- (9) The powers conferred by subsections (5) and (7) shall not be so exercised as to prevent an elector from voting.