

LEGISLATIVE COUNCIL BRIEF

Legislative Council Ordinance
(Chapter 542)

LEGISLATIVE COUNCIL (AMENDMENT) BILL 2003

INTRODUCTION

At the meeting of the Executive Council on 18 February 2003, the Council ADVISED and the Chief Executive ORDERED that –

Annex A

- (a) the Legislative Council (Amendment) Bill 2003, at **Annex A**, should be introduced into the Legislative Council (LegCo); and
- (b) registered Chinese medicine practitioners should not be included in the Medical Functional Constituency (FC).

JUSTIFICATIONS

2. At present, arrangements for elections to LegCo are set out in the Legislative Council Ordinance (LCO), the Electoral Affairs Commission Ordinance (EACO) and a number of subsidiary legislation made under these two Ordinances. However, most of the key provisions on the electoral arrangements apply only to the second term LegCo elections held in 2000. Suitable legislative amendments must be made to provide a proper legal basis for the electoral arrangements in respect of the third term LegCo elections in 2004. Among other things, as prescribed under the Basic Law, the number of Members to be returned by geographical constituencies (GCs) through direct elections will be increased from 24 to 30 in the third term LegCo. There will not be any Members to be returned by the Election Committee (EC).

3. During the period between December 2002 and February 2003, we explained our main proposals in respect of the 2004 LegCo elections, as set out below, to the LegCo Panel on Constitutional Affairs.

- (a) With regard to the demarcation of GC boundaries, there should be five GCs with the number of seats ranging from four to eight. This option leaves sufficient room for the Electoral Affairs Commission (EAC) to keep the demarcation of the existing five GCs intact should it decide to do so. Minimizing changes to the existing demarcation of GC boundaries is convenient to voters, candidates, political parties and political groups alike.
- (b) The election expense limits for the five GCs should be derived on the basis of \$1.5 per head of population in a given GC, rounded to the nearest \$500,000. The same formula was used in the 2000 LegCo elections. In respect of the FC elections, the same four-tier election expense limits^(Note 1) in the 2000 FC elections should continue to apply in 2004.
- (c) To facilitate the development of political parties and political groups, we would introduce a scheme to provide financial support to candidates to offset part of their elections expenses and the free mailing provided to candidates in the GC and FC elections should be reduced from two rounds to one.
- (d) The EAC should be asked to revisit the proposal of printing the names and emblems of the candidates' parties or organizations or the candidates' photographs on ballot papers.
- (e) With regard to the FC elections, the number and composition of the existing FCs should remain unchanged for the 2004 LegCo elections except for minor adjustments to certain FCs to reflect the latest developments in the relevant sectors^(Note 2).

4. The present Bill seeks to amend the LCO and, where necessary, make consequential amendments to other electoral legislation to implement most of the above proposals. The EAC will, in due course, make a piece of subsidiary legislation to implement the proposal to print the names and emblems of political parties or organizations or the candidates' photographs on ballot papers. The Chief Executive in Council will also make relevant subsidiary legislation to specify the election expense limits.

^(Note 1) A four-tier structure of election expense limits, namely \$100,000 for constituencies with a relatively small number of voters (Heung Yee Kuk, agriculture and fisheries, insurance and transport FCs), \$160,000 for constituencies with not more than 5 000 voters, \$320,000 for constituencies with 5 001 to 10 000 voters, and \$480,000 for constituencies with over 10 000 voters.

^(Note 2) The question of including Chinese medicine practitioners in the Medical FC is dealt with separately in paragraphs 24 – 28.

THE BILL

5. The principal provisions are explained below.

(A) **Number of Geographical Constituencies and Seats in each Geographical Constituency**

6. The existing LCO only provides for the number of GCs and Members to be returned by the respective GCs for the second term LegCo. It is, therefore, necessary to amend the relevant provisions to provide for the number of GCs and Members to be returned by the respective GCs for the third and subsequent term LegCo. The composition of LegCo provided for in the Bill will apply from the third term LegCo onwards. The legal position is that, unless and until Annex II to the Basic Law is amended, the composition of future LegCo will remain the same as that for the third term. The formulation in the Bill will enable elections of future term LegCo to continue to be conducted unless and until the LCO is amended pursuant to any amendment to Annex II.

7. **Clause 5** seeks to provide that there shall be five GCs. **Clause 6** further stipulates that a total of 30 Members shall be returned from all GCs and that each GC is to return four to eight Members. Provisions for the other arrangements in respect of the GC elections, for example, the list voting system, will continue to apply.

(B) **Election Committee**

8. As prescribed in the Basic Law, the EC will not return any Members to the third term LegCo. It is, therefore, necessary to repeal provisions which relate to the election of Members by the EC. **Clauses 2, 3, 15, 19, 20, 23 to 25, 27 to 31, 35 to 37, 40 and 41** repeal provisions concerning the EC and references to the EC in the LCO.

(C) **Provision of financial assistance to candidates**

9. The proposed financial assistance scheme, which provides financial support to a list of candidates or a candidate in accordance with the number of votes the list or the candidate has received, is aimed at cultivating an environment that will encourage more public-spirited candidates to participate in the LegCo elections. That will be conducive to the development of local political parties and political groups. Independent candidates will also be eligible for such assistance. The free mailing provided to GC or FC candidates will be reduced from two rounds to one. **Clause 27** makes the relevant amendments.

10. **Clause 39** provides for a financial assistance scheme in respect of election expenses incurred by candidates. As provided for in the new section 60B, a list of candidates or a candidate (irrespective of whether the list or candidate represents a political party operating in Hong Kong or an organization that is not such a political party or is an independent list or candidate) is eligible for financial assistance as long as the eligibility criteria, which are set out in the new section 60C, are met. Under section 60C, only lists with candidates thereon elected or candidates who get elected, or those lists or candidates who have received 5% or more of the valid votes cast in the constituency concerned, are eligible for the financial assistance.

11. The new sections 60D and 60E set out the computation formula of the amount of financial assistance provided to each eligible list or candidate. For those returned through contested elections, the amount payable is obtained by multiplying the number of valid votes cast for the list or candidate concerned by the specified rate (which is \$10 as prescribed in Schedule 5). For those returned through uncontested elections, the amount payable is obtained by multiplying 50% of the number of registered electors of the constituency concerned by the specified rate.

12. However, the amount payable is capped by 50% of the declared election expenses of the list/candidate concerned, or the difference in amount between the declared election expenses and the declared election donations (where the former exceed the latter), whichever is lower. No financial assistance will be provided to a list/candidate if the declared election donations exceed the declared election expenses. This is to avoid the situation of a candidate benefiting financially from running in the elections.

13. The new section 60H enables the recovery of payment as financial assistance from candidates who are not entitled to receive it. An amount that is not repaid as demanded can be recovered as a civil debt. Under the new section 60I, a claim for financial assistance is to be presented to the Chief Electoral Officer within the period for lodging election returns and must be made according to regulations made under the EACO. The election returns accompanying the claims must be audited by an auditor. Under new section 60J, a payment as financial assistance cannot be made during the period for lodging an election petition or while an election petition is pending.

14. **Clause 50** adds a new Schedule 5 to set out the rate of financial assistance, which is \$10 per valid vote cast for the list or candidate concerned. **Clause 43** adds a new section 83A to empower the Chief Executive in Council to amend Schedule 5 by order published in the Gazette.

15. **Clause 53** amends section 7(1) of the EACO to authorize the EAC to make regulations to implement the financial assistance scheme.

(D) Functional Constituencies

16. With regard to FC elections, we will adjust suitably the electorate of certain FCs, in order to ensure that their composition fully reflects the latest situation of the relevant sectors. A summary of these amendments is attached at **Annex B**. Generally speaking, these changes can be classified into the following categories -

Annex B

- (a) correcting the names of some corporate electors, and updating eligibility criteria due to changes in statutory registration/licensing regime. For example, with the introduction of a new licensing regime for the telecommunications industry, we need to amend the relevant provisions for the Information Technology FC accordingly;
- (b) deleting corporate bodies which have closed down, ceased operation or are no longer holding a particular type of licence/franchise. For instance, companies which have ceased to be licensed ferry service operators would be removed from the Transport FC; and
- (c) adding new corporate bodies with a status comparable to that of existing corporate electors (e.g. members of the Board of Governors of the Caritas Francis Hsu College, a newly approved post secondary college, in the Education FC), and new licensees/franchisees, representative bodies in the relevant trade (e.g. Discovery Bay Road Tunnel Company Limited in the Transport FC).

17. **Clause 8(1)** amends section 20E (Composition of the Education FC) to reflect the fact that the continuing education units of some of the bodies included under section 20E(a) have become subsidiaries of them and can no longer be described as being funded through the University Grants Committee. The amendment to section 20E sets out the units separately under a new section 20E(aa).

18. **Clauses 8(3) to 14, 16 and 44 to 49** make other technical amendments to provisions relating to the composition of various FCs.

19. **Clause 57** amends the Schedule to the Chief Executive Election Ordinance to reflect the changes to the FCs in the composition of the EC subsectors.

(E) Others

Amendments relating to disqualification criteria

20. **Clauses 4, 17, 22 and 36** amend the provisions relating to disqualification criteria in the LCO to take into account changes in the Mental Health Ordinance and the Bankruptcy Ordinance.

Amendments to require Returning Officer to act on proof of death or disqualification

21. At present, the Returning Officer has to take certain steps in relation to the nomination of candidates and conduct of an election, if the death or disqualification of a candidate comes to his knowledge. **Clauses 21, 25, 26, 29 and 32 to 34** introduce amendments to the relevant provisions to require the Returning Officer to take those steps only when proof is given to his satisfaction of the death or disqualification concerned.

Consequential amendments

22. **Clauses 52 to 57** contain amendments to primary legislation that are consequential to the amendments to the LCO. Among other things, section 37 of the Elections (Corrupt and Illegal Conduct) Ordinance is amended to extend the period for election returns for LegCo elections to be lodged, from 30 days to 60 days. This will allow sufficient time for candidates to submit audited reports on their election expenses to substantiate their claims under the financial assistance scheme. Besides, the Schedule (read with **Clause 51**) contains consequential amendments to certain subsidiary legislation.

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

(F) Medical Functional Constituency

24. In December 2002, we indicated that in principle we could consider the possibility of expanding the Medical FC to include Chinese medicine practitioners. We have consulted the relevant factors widely in the last two months. To gather views from doctors and dentists, we have met with the Hong Kong Medical Association, Hong Kong Dental Association and Hong Kong Doctors Union. Separately, the Hong Kong Public Doctors' Association has provided a written submission. As for Chinese medicine practitioners, we have written to 47 Chinese medicine associations and met with the ten which are the constituents of the Chinese Medicine Subsector of the Election Committee. Of the Chinese medicine associations to which we have written, only 19 (two are constituents of the Chinese Medicine Subsector whom we have met) have provided their views in writing. We have attended a meeting of the Chinese Medicine Council to seek the views of members. We have also participated in a forum organized by Dr the Hon. Lo Wing-lok for doctors, dentists and Chinese medicine practitioners.

25. Doctors and dentists have raised objection to the proposal. They take the view that it is not appropriate to include Chinese medicine practitioners in the Medical FC. Instead, Chinese medicine practitioners should be given a separate FC seat. Dentists have also conveyed their discontent with the current arrangement of including both dentists and doctors in one FC and are worried that the inclusion of Chinese medicine practitioners may further reduce their representativeness in the Medical FC.

26. As for Chinese medicine practitioners, some support the proposal of including registered Chinese medicine practitioners in the Medical FC in the 2004 LegCo elections but many among this group urge that a separate FC should be given to them in elections after 2007. Others demand that they should be given a separate seat in the 2004 elections. There are also some who acknowledge the difficulty of adding an extra FC seat in 2004 and propose to maintain the status quo until after the review of the post-2007 constitutional arrangements.

27. Various representatives of doctors, dentists and Chinese medicine practitioners have expressed doubt as to whether one single representative of the Medical FC can take care of the interests of doctors/dentists and Chinese medicine practitioners given their differences in background and training as well as different theoretical origins of Western and Chinese medicine. Dr. the Hon. Lo Wing-lok has also provided us with the results of an opinion poll which he

conducted. According to the survey results, out of a total of 3 003 respondents (including doctors, dentists and Chinese medicine practitioners), 78% agreed that registered Chinese medicine practitioners should be given a separate FC, while 64% disagreed that they should be included in the Medical FC.

28. Having considered the results of the consultation and all the views gathered, we do not consider it appropriate to expand the Medical FC to include Chinese medicine practitioners in the 2004 LegCo elections.

LEGISLATIVE TIMETABLE

29. The legislative timetable will be –

Publication in the Gazette	21 February 2003
First reading and commencement of Second Reading debate	26 February 2003
Resumption of Second Reading debate, Committee Stage and Third Reading	To be notified

IMPLICATIONS OF THE PROPOSAL

30. The proposals have financial and civil service implications as set out at **Annex D**.

31. The proposals are in conformity with the Basic Law, including the provisions concerning human rights. They have no economic, productivity, environmental or sustainability implications. The Bill will not affect the current binding effect of the relevant legislation.

PUBLIC CONSULTATION

32. We consulted the LegCo Panel on Constitutional Affairs on the above proposals at meetings in December 2002, January and February 2003. The proposals concerning the GCs and the financial assistance scheme have generally been well received. There have been some concerns that the last candidate to get elected in an eight-seat GC might

be one who only receives limited support. In response, we have highlighted that the last candidate to get elected in a GC is still expected to obtain about 20 000 votes, which remains a reasonable threshold. Indeed, allowing candidates with a lower degree of support to get elected accords with our aim of having a LegCo that is reflective of pluralistic views and minority interests.

33. There have been calls for extending the financial assistance scheme to District Council (DC) elections. We consider that now is not the appropriate time to introduce a similar scheme in the DC elections. Firstly, given the Government's budget deficit at this stage, we are not in a position to extend this form of support to political parties, political groups and independent candidates beyond the level of LegCo to DC elections. Secondly, the Government has been providing only one round of free mailing to DC candidates. This is of considerable value to candidates with limited means, and it is difficult for the Government to cutback on this front.

34. As regards the proposed minor adjustments to the electorate of certain FCs to fully reflect their latest situation, proposals have been put forth according to submissions received from the respective organizations and LegCo Members concerned as well as recommendations made by relevant policy bureaux. The proposals should be generally acceptable.

35. We have widely consulted relevant parties on the proposal to include registered Chinese medicine practitioners in the Medical FC. Details are set out in paragraphs 24 to 28 above.

PUBLICITY

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

ENQUIRIES

37. Enquiries on the brief should be made to Mr Bassanio SO, Principal Assistant Secretary for Constitutional Affairs, on telephone number 2810 2852.

Constitutional Affairs Bureau

20 February 2003

VK454

LEGISLATIVE COUNCIL (AMENDMENT) BILL 2003

CONTENTS

Clause		Page
1.	Short title and commencement	1
2.	Interpretation	2
3.	Different dates may be specified for different classes of elections	2
4.	When Member ceases to hold office	2
5.	Establishment of geographical constituencies	3
6.	Section substituted	
	19. Number of Members to be returned for geographical constituency	3
7.	Establishment of functional constituencies	3
8.	Composition of the education functional constituency	3
9.	Composition of the health services functional constituency	4
10.	Composition of the architectural, surveying and planning functional constituency	5
11.	Composition of the tourism functional constituency	5
12.	Composition of the sports, performing arts, culture and publication functional constituency	5
13.	Composition of the import and export functional constituency	6

14.	Composition of the information technology functional constituency	6
15.	Constitution of Election Committee	7
16.	Who is eligible to be registered as an elector: functional constituencies	7
17.	When person is disqualified from being registered as an elector	7
18.	Electoral Registration Officer to compile and publish electoral registers	8
19.	By-election to be held to fill vacancy in membership of Legislative Council	8
20.	Who is eligible to be nominated as a candidate	8
21.	Nomination lists for geographical constituencies	8
22.	When person is disqualified from being nominated as a candidate and from being elected as a Member	9
23.	What requirements are to be complied with by persons nominated as candidates	9
24.	Person not to be nominated for more than one constituency	9
25.	Death or disqualification of a validly nominated candidate for election for geographical constituency before date of election	10
26.	Death or disqualification of a validly nominated candidate for election for functional constituency before date of election	10
27.	Candidates entitled to send letter to electors free of postage	10
28.	What is to happen if insufficient candidates are nominated	11

29.	Death or disqualification of a validly nominated candidate before declaration of election result	11
30.	How election is to be conducted	12
31.	Who is entitled to vote at an election	12
32.	System of voting and counting of votes: geographical constituencies	12
33.	System of voting and counting of votes: the Heung Yee Kuk, the agriculture and fisheries, the insurance and the transport functional constituencies	12
34.	System of voting and counting of votes: other functional constituencies	12
35.	System of voting and counting of votes: Election Committee	13
36.	When an elector is disqualified from voting at an election	13
37.	Returning Officer to publish result of election	13
38.	Offences by electoral officers with respect to conduct of election	13
39.	Part added	

PART VIA

FINANCIAL ASSISTANCE FOR CANDIDATES AND LISTS OF CANDIDATES IN RESPECT OF ELECTION EXPENSES

60A.	Interpretation: Part VIA	13
60B.	Financial assistance payable to list of candidates and candidates for functional constituencies	17
60C.	Eligibility for financial assistance: list of candidates and candidates for functional constituencies	18

	60D. Amount payable as financial assistance: list of candidates	19
	60E. Amount payable as financial assistance: candidates for functional constituencies	20
	60F. Entitlement to financial assistance not affected by failure of election, but financial assistance not payable if election proceedings are terminated	21
	60G. Financial assistance to be paid out of general revenue	21
	60H. Recovery of payment of financial assistance	22
	60I. How financial assistance is to be claimed and paid	22
	60J. Financial assistance not to be paid until disposal of election petition	24
40.	Who may lodge election petition	24
41.	Appointment of Returning Officers and assistants	24
42.	Chief Executive in Council may make regulations	24
43.	Section added	
	83A. Chief Executive in Council may amend Schedule 5	25
44.	Composition of the Agriculture and Fisheries Functional Constituency	25
45.	Composition of the Transport Functional Constituency	25
46.	Composition of the Sports, Performing Arts, Culture and Publication Functional Constituency	29
47.	Composition of the Wholesale and Retail Functional Constituency	30
48.	Composition of the Information Technology Functional Constituency	31
49.	Composition of the Catering Functional Constituency	31
50.	Schedule 5 added	

Schedule 5	Financial assistance: specified rate	31
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Consequential Amendments

51.	Consequential amendments to subsidiary legislation	32
-----	--	----

Electoral Affairs Commission Ordinance

52.	Long title amended	32
53.	Regulations	32
54.	Report on elections	33

Elections (Corrupt and Illegal Conduct) Ordinance

55.	Interpretation	33
56.	Candidate to lodge election return with appropriate authority	33

Chief Executive Election Ordinance

57.	Election Committee	34
Schedule	Consequential amendments to subsidiary legislation	37

A BILL

To

Amend the Legislative Council Ordinance to provide for the composition of the Legislative Council and to repeal provisions relating to the Election Committee in that Ordinance and other legislation; to establish a scheme to provide financial assistance in respect of election expenses incurred by candidates and to reduce candidates' entitlement to free postage in that Ordinance and other legislation; to make technical changes to certain functional constituencies; to update the disqualification criteria to bring them into line with changes in the relevant laws to which they refer; to require the Returning Officer to be satisfied that there is proof of death or disqualification of a candidate before taking action regarding an election; to make minor technical amendments; to expand the long title of and the regulation making powers in the Electoral Affairs Commission Ordinance to include power to make regulations to implement the scheme for financial assistance; to make consequential amendments to the Schedule to the Chief Executive Election Ordinance to reflect the changes to the functional constituencies; to amend the period specified in the Elections (Corrupt and Illegal Conduct) Ordinance for lodging the election returns that are to accompany claims for financial assistance; to provide for matters connected to those purposes.

Enacted by the Legislative Council.

1. Short title and commencement

(1) This Ordinance may be cited as the Legislative Council (Amendment) Ordinance 2003.

(2) This Ordinance shall come into operation on a day to be appointed by the Secretary for Constitutional Affairs by notice published in the Gazette.

2. Interpretation

(1) Section 3(1) of the Legislative Council Ordinance (Cap. 542) is amended by repealing the definitions of “Election Committee”, “Election Committee subsector” and “ex-officio member”.

(2) Section 3(1) is amended by repealing the definition of “elector” and substituting –

““elector” (選民) means a person who is registered in accordance with this Ordinance in a final register and who is not disqualified from being registered or from voting at an election;”.

3. Different dates may be specified for different classes of elections

(1) Section 8 is amended by repealing “any 2” and substituting “both”.

(2) Section 8(b) is amended by repealing “; and” at the end and substituting a full stop.

(3) Section 8(c) is repealed.

4. When Member ceases to hold office

(1) Section 15(1)(d) is repealed and the following substituted –

“(d) is the President and has been found under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs; or”.

(2) Section 15 is amended by adding –

“(1A) A person disqualified under subsection (1)(d) is eligible for re-election if, under the Mental Health Ordinance (Cap. 136), it is subsequently found that the person has become capable of managing and administering his or her property and affairs.”.

5. Establishment of geographical constituencies

Section 18(1) is repealed and the following substituted –

“(1) There are to be 5 geographical constituencies for the purpose of returning Members at elections for those constituencies.”.

6. Section substituted

Section 19 is repealed and the following substituted –

“19. Number of Members to be returned for geographical constituency

(1) At a general election, 30 Members are to be returned for all geographical constituencies.

(2) The number of Members to be returned for each geographical constituency is to be a number, not less than 4 nor greater than 8, specified in the order declaring the area of the constituency in accordance with section 18(2).”.

7. Establishment of functional constituencies

Section 20(1) is amended by repealing everything from “For” to “Ordinance” and substituting “The following functional constituencies are established for the purpose of returning Members at elections for those constituencies”.

8. Composition of the education functional constituency

(1) Section 20E is amended by adding –

“(aa) full-time academic staff engaged in teaching or research and administrative staff of equivalent rank in the following institutions –

(i) School of Continuing and Professional Education of the City University of Hong Kong;

- (ii) School of Continuing Education of the Hong Kong Baptist University;
 - (iii) Lingnan Institute of Further Education of the Lingnan University;
 - (iv) School of Continuing Studies of The Chinese University of Hong Kong;
 - (v) Division of Continuing Professional Education of The Hong Kong Institute of Education;
 - (vi) School of Professional Education and Executive Development of The Hong Kong Polytechnic University;
 - (vii) HKUST College of Lifelong Learning Limited;
 - (viii) HKU School of Professional and Continuing Education; and”.
- (2) Section 20E(b)(xii) is amended by repealing “and” at the end.
- (3) Section 20E(b) is amended by adding –
- “(xiii) Board of Governors of the Caritas Francis Hsu College; and”.
- (4) Section 20E(f)(iv) and (v) is repealed and the following substituted –
- “(iv) Hong Chi Association – Hong Chi Pinehill Advanced Training Centre;
 - (v) Caritas Lok Mo Skills Centre of Caritas – Hong Kong incorporated under the Caritas – Hong Kong Incorporation Ordinance (Cap. 1092); and”.

9. Composition of the health services functional constituency

- (1) Section 20I(b) is repealed.
- (2) Section 20I(h) is amended by repealing “and applicants for provisional registration who are deemed to be registered in respect of the

physiotherapists' profession under section 18A of the Supplementary Medical Professions Ordinance (Cap. 359)".

(3) Section 20I(*l*) is amended by adding "(also known as "podiatrists")" after "chiropracists".

10. Composition of the architectural, surveying and planning functional constituency

Section 20K(h) is amended by repealing "the" where it first appears and substituting "The".

11. Composition of the tourism functional constituency

Section 20O(c) is repealed and the following substituted –

"(c) members of the Hong Kong Board of Airline Representatives;"

12. Composition of the sports, performing arts, culture and publication functional constituency

(1) Section 20V(1)(e) is amended by repealing "the Urban Council, the Regional Council,"

(2) Section 20V(1) is amended by adding –

"(ka) bodies that are holders of one or more of the following classes of licences granted under the Broadcasting Ordinance (Cap. 562) -

(i) licences to provide a domestic free television programme service;

(ii) licences to provide a domestic pay television programme service;

(iii) licences to provide a non-domestic television programme service; and

(kb) holders of licences granted under Part IIIA of the Telecommunications Ordinance (Cap. 106) (sound broadcasting licences); and”.

(3) Section 20V(2)(b) is amended by repealing “1 April 1994” and substituting “1 April 1998”.

13. Composition of the import and export functional constituency

- (1) Section 20W(e)(ii) is repealed.
- (2) Section 20W(e)(xi) is repealed and the following substituted –
“(xi) The Hong Kong Food, Drink & Grocery Association;”.
- (3) Section 20W(e)(xvi) is repealed and the following substituted –
“(xvi) South-China Paper Merchants Association Limited;”.
- (4) Section 20W(e)(xix) is repealed and the following substituted –
“(xix) The Shippers’ Association of Hong Kong;”.
- (5) Section 20W(e) is amended by adding –
“(xx) Diamond Federation of Hong Kong, China Limited.”.

14. Composition of the information technology functional constituency

(1) Section 20Z(f) is amended by repealing “the Institution of Electrical Engineers (Hong Kong)” and substituting “The Institution of Electrical Engineers Hong Kong”.

(2) Section 20Z(h) is amended by repealing “the Hong Kong Association for Computer Education Ltd.” and substituting “The Hong Kong Association for Computer Education”.

(3) Section 20Z(i) is amended by repealing “Ltd.” and substituting “Limited”.

- (4) Section 20Z is amended by adding –

- “(ia) Full Members of the Information and Software Industry Association Limited entitled to vote at general meetings of the Association; and”.
- (5) Section 20Z is amended by adding –
- “(ja) corporate members of the Hong Kong Wireless Technology Industry Association Limited entitled to vote at general meetings of the Association; and
- (jb) corporate members of The Society of Hong Kong External Telecommunications Services Providers Limited entitled to vote at general meetings of the Society; and”.
- (6) Section 20Z(k)(i) is amended by repealing “Ltd.” and substituting “Limited”.
- (7) Section 20Z(k)(iv) is repealed and the following substituted –
- “(iv) Internet & Telecom Association of Hong Kong Limited; and”.
- (8) Section 20Z(l) is amended by adding “of one or more” after “holders”.
- (9) Section 20Z(l)(vi) is amended by repealing “and” at the end.
- (10) Section 20Z(l) is amended by adding –
- “(vii) carrier licences; and”.

15. Constitution of Election Committee

Part IV is repealed.

16. Who is eligible to be registered as an elector: functional constituencies

Section 25(6) is amended by repealing “20I(b),”.

17. When person is disqualified from being registered as an elector

Section 31(1)(d) is repealed and the following substituted –

“(d) is found under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs; or”.

18. Electoral Registration Officer to compile and publish electoral registers

Section 32(4)(c) is amended by repealing “who have made applications for registration since” and substituting “whose applications for registration have been received by the Electoral Registration Officer not later than”.

19. By-election to be held to fill vacancy in membership of Legislative Council

(1) Section 36(1)(c) is amended –

(a) by repealing “or by the Election Committee”;

(b) by repealing “or by that Committee”.

(2) Section 36(1)(ca) is amended by repealing “or by the Election Committee”.

(3) Section 36(1)(cb) is amended by repealing “or by the Election Committee” where it twice appears.

20. Who is eligible to be nominated as a candidate

Section 37(1) is amended by repealing “, or for election by the Election Committee,”.

21. Nomination lists for geographical constituencies

Section 38(6A) and (11) is amended by repealing “it comes to the knowledge” and substituting “proof is given to the satisfaction”.

22. When person is disqualified from being nominated as a candidate and from being elected as a Member

(1) Section 39(1)(i) is amended by repealing “composition with the person’s creditors or a voluntary arrangement” and substituting “voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap. 6) with the person’s creditors”.

(2) Section 39(2) and (3) is repealed and the following substituted –

“(2) A person is also disqualified from being nominated as a candidate at an election if the person has been found under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs, but a person disqualified under this subsection is eligible for nomination as a candidate if, under that Ordinance, it is subsequently found that the person has become capable of managing and administering his or her property and affairs.

(3) A person is also disqualified from being elected as a Member if the person has been found under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs, but a person disqualified under this subsection ceases to be disqualified if, under that Ordinance, it is subsequently found that the person has become capable of managing and administering his or her property and affairs.”.

23. What requirements are to be complied with by persons nominated as candidates

Section 40(1) is amended by repealing “, or by the Election Committee,”.

24. Person not to be nominated for more than one constituency

Section 41(1) is repealed and the following substituted –

“(1) A person is not eligible to be nominated as a candidate for a constituency if the person is currently nominated as a candidate for another constituency.”.

25. Death or disqualification of a validly nominated candidate for election for geographical constituency before date of election

(1) Section 42B(1) is amended –

- (a) by repealing “or by the Election Committee”;
- (b) by repealing “it comes to the knowledge” and substituting “proof is given to the satisfaction”.

(2) Section 42B(2)(b) is amended by repealing “or by the Election Committee”.

(3) Section 42B(4) is amended –

- (a) by repealing “or by the Election Committee”;
- (b) by repealing “it comes to the knowledge” and substituting “proof is given to the satisfaction”.

(4) Section 42B(5)(b) is amended by repealing “or by the Election Committee”.

26. Death or disqualification of a validly nominated candidate for election for functional constituency before date of election

Section 42C is amended by repealing “it comes to the knowledge” and substituting “proof is given to the satisfaction”.

27. Candidates entitled to send letter to electors free of postage

(1) Section 43(1) and (2) is amended by repealing “Two letters” and substituting “One letter”.

(2) Section 43(3) is repealed.

(3) Section 43(4) is amended by repealing “Each” and substituting “The”.

28. What is to happen if insufficient candidates are nominated

- (1) Section 46(1) is amended –
 - (a) by repealing “or by the Election Committee”;
 - (b) by repealing “, or to be elected by the Election Committee”.
- (2) Section 46(2) is amended –
 - (a) by repealing “or by the Election Committee”;
 - (b) by repealing “or by that Committee”.

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

- (1) Section 46A(1) is amended –
 - (a) by repealing “it comes to the knowledge” and substituting “proof is given to the satisfaction”;
 - (b) by repealing “or by the Election Committee” where it twice appears.
- (2) Section 46A(2) is amended –
 - (a) by repealing “it comes to the knowledge” and substituting “proof is given to the satisfaction”;
 - (b) by repealing “or by the Election Committee” where it twice appears.
- (3) Section 46A(3)(b) is amended –
 - (a) by repealing “or by the Election Committee” where it twice appears;
 - (b) by repealing “or by that Committee” where it twice appears.

30. How election is to be conducted

(1) Section 47(1) is amended by repealing “or for the Election Committee”.

(2) Section 47(1)(a) is amended by repealing “or of the members of that Committee”.

(3) Section 47(3) is amended –

(a) by repealing “or for the Election Committee”;

(b) by repealing “or by that Committee”.

31. Who is entitled to vote at an election

(1) Section 48(2), (3), (3A), (3B), (3C) and (6) is repealed.

(2) Section 48(7) is amended by repealing “Subsections (5) and (6) do” and substituting “Subsection (5) does”.

**32. System of voting and counting of votes:
geographical constituencies**

Section 49(14) is amended by repealing “it comes to the knowledge” and substituting “proof is given to the satisfaction”.

**33. System of voting and counting of votes: the
Heung Yee Kuk, the agriculture and
fisheries, the insurance and the transport
functional constituencies**

Section 50(8) is amended by repealing “it comes to the knowledge” and substituting “proof is given to the satisfaction”.

**34. System of voting and counting of votes:
other functional constituencies**

Section 51(8) is amended by repealing “it comes to the knowledge” and substituting “proof is given to the satisfaction”.

**35. System of voting and counting of votes:
Election Committee**

Section 52 is repealed.

**36. When an elector is disqualified from voting
at an election**

(1) Section 53(2) and (3) is repealed.

(2) Section 53(5) is amended by repealing “(including a member of the Election Committee)”.

(3) Section 53(5)(d) is repealed and the following substituted –

“(d) is found under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs; or”.

**37. Returning Officer to publish result of
election**

Section 58(3) is repealed.

**38. Offences by electoral officers with respect to
conduct of election**

Section 59(1) is amended by adding “事務” before “主任”.

39. Part added

The following is added -

“PART VIA

FINANCIAL ASSISTANCE FOR CANDIDATES
AND LISTS OF CANDIDATES IN RESPECT OF
ELECTION EXPENSES

60A. Interpretation: Part VIA

(1) In this Part –

“auditor” (核數師) means a professional accountant registered and holding a practising certificate under the Professional Accountants Ordinance (Cap. 50);

“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);

“claim” (申索) means a claim for financial assistance payable under this Part;

“declared election donations” (申報選舉捐贈) means, in relation to –

- (a) a list of candidates for a geographical constituency, the amount set out as election donations received in respect of the list, in the election return lodged for the relevant election; and
- (b) a candidate for a functional constituency, the amount set out as election donations received by the candidate, in the election return lodged for the relevant election;

“declared election expenses” (申報選舉開支) means, in relation to –

- (a) a list of candidates for a geographical constituency, the amount set out as election expenses incurred in respect of the list, in the election return lodged for the relevant election; and
- (b) a candidate for a functional constituency, the amount set out as election expenses incurred by the candidate, in the election return lodged for the relevant election;

“disqualified candidate” (喪失資格的候選人) means a candidate in respect of whom proof is given to the satisfaction of the Returning

Officer under section 46A(2) that the candidate is disqualified from being elected;

“elected as a Member” (當選為議員), in relation to a candidate, means –

- (a) a candidate who is declared to be duly elected in a notice published under section 58, unless he or she is determined under section 67(1) or (2) to be not duly elected;
- (b) a deceased candidate, who is found to be successful at the election under section 46A(3), unless proof is given to the satisfaction of the Returning Officer under section 46A(2) that he or she is disqualified from being elected; or
- (c) a candidate who becomes a Member under section 72(2);

“election return” (選舉申報書) has the meaning assigned to it by section 2(1) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554);

“eligible candidate” (合資格候選人) means a candidate who is eligible for financial assistance under section 60C(2)(a) or (b);

“eligible list of candidates” (合資格的候選人名單) means a list of candidates that is eligible for financial assistance under section 60C(1)(a) or (b);

“political party” (政黨) means –

- (a) a political body or organization operating in Hong Kong, that 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 or as a member of any District Council;

“specified rate” (指明的資助額) means the amount specified in Schedule 5.

(2) A reference in this Part to an amount set out as election expenses incurred in respect of a list of candidates or the declared election expenses of a list of candidates is to be construed, in relation to a list of candidates consisting of more than one candidate, as the amount set out as the election expenses of all the candidates on the list or, if the election expenses are declared separately by the candidates on the list, as the aggregate of the separately declared election expenses.

(3) A reference in this Part to an amount set out as election donations received in respect of a list of candidates or the declared election donations of a list of candidates is to be construed, in relation to a list of candidates consisting of more than one candidate, as the amount set out as the election donations received by all the candidates on the list or, if the election donations are declared separately by the candidates on the list, as the aggregate of the separately declared election donations.

(4) Subject to any determination the Court may make on the validity of a vote in the course of determining an election petition, for the purposes of this Part –

- (a) the total number of valid votes cast –
 - (i) in a geographical constituency is the total number of ballot papers containing valid votes received in that constituency; and
 - (ii) for a list of candidates for a geographical constituency is the total number of ballot papers containing valid votes cast for that list; and
- (b) the total number of valid votes cast –
 - (i) in a functional constituency specified in section 20(1)(a) to (d) is the total number

- of ballot papers containing valid first preference votes received in that constituency; and
- (ii) for a candidate for such a functional constituency is the total number of ballot papers containing valid first preference votes for that candidate; and
- (c) the total number of valid votes cast –
- (i) in any other functional constituency is the total number of ballot papers containing valid votes received in that constituency; and
 - (ii) for a candidate for such a functional constituency is the total number of ballot papers containing valid votes cast for that candidate.

(5) For the purposes of sections 60D(2)(a) and 60E(2)(a), the number of registered electors for a constituency is the number of electors registered for that constituency in the final register in force at the time the election is held.

60B. Financial assistance payable to list of candidates and candidates for functional constituencies

(1) An eligible list of candidates for a geographical constituency or an eligible candidate for a functional constituency is entitled to financial assistance in the form of a monetary payment, in accordance with this Part, in respect of the declared election expenses for an election, of that list or candidate.

(2) Subject to this Part, financial assistance is payable to an eligible list of candidates or an eligible candidate whether or not that list or

candidate represents a political party or an organization that is not a political party or is an independent list of candidates or an independent candidate.

(3) An amount payable as financial assistance is payable whether or not the declared election expenses have been paid or are due for payment in whole or in part.

60C. Eligibility for financial assistance: list of candidates and candidates for functional constituencies

(1) A list of candidates for a geographical constituency is eligible for financial assistance only in the following circumstances –

- (a) if at least one candidate on the list is elected as a Member; or
- (b) if no candidate on the list is elected as a Member, if –
 - (i) at least one candidate on the list is not a disqualified candidate; and
 - (ii) the total number of valid votes cast for the list is equal to or exceeds 5% of the total number of valid votes cast in the geographical constituency concerned.

(2) Only the following candidates for a functional constituency are eligible for financial assistance –

- (a) a candidate who is elected as a Member; or
- (b) a candidate who is not elected as a Member but who –
 - (i) is not a disqualified candidate; and
 - (ii) obtains at least 5% of the total number of valid votes cast in the constituency concerned.

**60D. Amount payable as financial assistance:
list of candidates**

(1) Subject to subsections (3)(a) and (4), if the election for a geographical constituency is contested, the amount payable as financial assistance in respect of the list of candidates is the lowest of the following amounts –

- (a) the amount obtained by multiplying the total number of valid votes cast for the list of candidates by the specified rate;
- (b) 50% of the declared election expenses of the list of candidates;
- (c) if the declared election expenses of the list of candidates exceed the declared election donations of the list, the difference in amount between those expenses and donations.

(2) Subject to subsections (3)(b) and (4), if the election for a geographical constituency is uncontested, the amount payable as financial assistance in respect of the list of candidates is the lowest of the following amounts -

- (a) the amount obtained by multiplying 50% of the number of registered electors for the constituency by the specified rate;
- (b) 50% of the declared election expenses of the list of candidates;
- (c) if the declared election expenses of the list of candidates exceed the declared election donations of the list, the difference in amount between those expenses and donations.

(3) If there are no declared election donations, the amount payable as financial assistance under –

- (a) subsection (1) is the lesser of the amounts referred to in subsection (1)(a) and (b); and
- (b) subsection (2) is the lesser of the amounts referred to in subsection (2)(a) and (b).

(4) If the declared election donations of a list of candidates exceed the declared election expenses of the list, financial assistance is not payable in respect of the list.

**60E. Amount payable as financial assistance:
candidates for functional constituencies**

(1) Subject to subsections (3)(a) and (4), if the election for a functional constituency is contested, the amount payable as financial assistance is the lowest of the following amounts –

- (a) the amount obtained by multiplying the total number of valid votes cast for the candidate concerned by the specified rate;
- (b) 50% of the declared election expenses of the candidate;
- (c) if the declared election expenses of the candidate exceed the declared election donations, the difference in amount between those expenses and donations.

(2) Subject to subsections (3)(b) and (4), if the election for a functional constituency is uncontested, the amount payable as financial assistance is the lowest of the following amounts –

- (a) the amount obtained by multiplying 50% of the number of registered electors for the constituency by the specified rate;
- (b) 50% of the declared election expenses of the candidate concerned;

(c) if the declared election expenses of the candidate exceed the declared election donations, the difference in amount between those expenses and donations.

(3) If there are no declared election donations, the amount payable as financial assistance under –

(a) subsection (1) is the lesser of the amounts referred to in subsection (1)(a) and (b); and

(b) subsection (2) is the lesser of the amounts referred to in subsection (2)(a) and (b).

(4) If the declared election donations of a candidate exceed the declared election expenses of the candidate, financial assistance is not payable to the candidate.

60F. Entitlement to financial assistance not affected by failure of election, but financial assistance not payable if election proceedings are terminated

(1) A declaration by the Returning Officer under section 46A(3)(a) or (b) that an election has failed does not affect any entitlement to financial assistance under this Part.

(2) If the proceedings for an election are terminated under section 46A(1), financial assistance is not payable in respect of that election.

60G. Financial assistance to be paid out of general revenue

An amount payable as financial assistance under this Part is a charge on, and is to be met from, the general revenue.

60H. Recovery of payment of financial assistance

(1) Where a payment of financial assistance is made under this Part and the recipient (whether a list of candidates or a candidate) is not entitled to receive the whole or part of the amount paid –

- (a) the Chief Electoral Officer shall give a written notice to the recipient requiring repayment of the whole or part, as the case may be, of the amount paid; and
- (b) the recipient must repay the whole or part, as the case may be, of the amount paid, to the Government within 3 months after the date of the notice.

(2) Any amount that is not repaid under subsection (1) may be recovered as a civil debt due to the Government.

(3) For the purposes of subsections (1) and (2), any amount paid in respect of a list of candidates consisting of more than one candidate, is taken to have been paid jointly and severally to those candidates.

(4) If a person (including a candidate on a list of candidates) from whom an amount is recoverable as a civil debt under subsection (2) dies before such recovery, the estate of that candidate is liable to the extent of the deceased candidate's liability.

(5) In any proceedings for the purposes of subsection (2), a certificate signed by the Chief Electoral Officer, stating, in relation to a payment of financial assistance under this Part, the amount, the date and the recipient of the payment is admissible as evidence of the matters stated in the certificate.

60I. How financial assistance is to be claimed and paid

(1) A claim must be –

- (a) presented to the Chief Electoral Officer within the period specified in section 37 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) for lodging an election return; and
- (b) accompanied by an election return, with the accounts of the declared election expenses and the declared election donations audited by an auditor.

(2) A payment of financial assistance is to be made by the Chief Electoral Officer.

(3) A claim must be made, supported and verified also in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541). The manner of payment must also be in accordance with those regulations.

(4) Where a person entitled to financial assistance dies before a claim is made, a claim may be made on behalf of the estate of the deceased person and any payment of financial assistance be made for the benefit of the estate.

(5) Where a person entitled to financial assistance dies after a claim is made, but before a payment of financial assistance is made or the claim is otherwise disposed of, the claim may be continued on behalf of the estate of the deceased person and any payment of financial assistance be made for the benefit of the estate.

(6) Where a person entitled to financial assistance dies before or after a claim is made, his or her legal personal representative may take any action in respect of the claim that the deceased person may have taken.

60J. Financial assistance not to be paid until disposal of election petition

(1) The Chief Electoral Officer must not make any payment of financial assistance during the period specified in section 65 for lodging an election petition, but may receive or process a claim during that period.

(2) If in relation to an election for a geographical constituency, an election petition is lodged, the Chief Electoral Officer must not make any payment of financial assistance in respect of any list of candidates for that constituency, until the determination, abandonment or termination of the petition under Part VII.

(3) If in relation to an election for a functional constituency, an election petition is lodged, the Chief Electoral Officer must not make any payment of financial assistance to any candidate for that constituency, until the determination, abandonment or termination of the petition under Part VII.”.

40. Who may lodge election petition

Section 62(2) is repealed.

41. Appointment of Returning Officers and assistants

Section 78(1) is amended –

- (a) by repealing “and for the Election Committee”;
- (b) by repealing “and by that Committee”.

42. Chief Executive in Council may make regulations

Section 82(4) is amended –

- (a) in paragraph (b), by repealing “的訂立情況可” and substituting “可予訂立以”;
- (b) in paragraph (c), by adding “可” before “就”.

43. Section added

The following is added in Part X -

“83A. Chief Executive in Council may amend Schedule 5

The Chief Executive in Council may by order published in the Gazette amend Schedule 5.”.

44. Composition of the Agriculture and Fisheries Functional Constituency

- (1) Items 31 and 44 of Schedule 1 are repealed.
- (2) Item 68 of Schedule 1 is repealed and the following substituted –
“68. The Tuen Mun Mechanized Fishing Boat Fishermen’s Credit Co-operative Society, Unlimited.”.
- (3) Item 75 of Schedule 1 is repealed.
- (4) Schedule 1 is amended by adding –
“79. The Shau Kei Wan Stern Trawler Fishermen’s Credit Co-operative Society, Unlimited.
80. Hong Kong Organic Farming Association Limited.”.

45. Composition of the Transport Functional Constituency

- (1) Item 1 of Schedule 1A is repealed and the following substituted –
“1. VINCI Park Services Hong Kong Limited.”.
- (2) Item 3 of Schedule 1A is repealed.
- (3) Item 7 of Schedule 1A is repealed and the following substituted –
“7. The Chartered Institute of Logistics and Transport in Hong Kong.”.
- (4) In the Chinese text, item 15 of Schedule 1A is repealed and the following substituted –
“15. 中遠 - 國際貨櫃碼頭(香港)有限公司。”.

- (5) Item 17 of Schedule 1A is repealed and the following substituted –
- “17. Turbojet Ferry Services (Guangzhou) Limited.”.
- (6) Item 31 of Schedule 1A is repealed.
- (7) Items 39 and 40 of Schedule 1A are repealed and the following substituted –
- “39. Hong Kong and Kowloon Taxi Companies Association Limited.
40. HongKong Association of Freight Forwarding and Logistics Limited.”.
- (8) Item 44 of Schedule 1A is repealed and the following substituted –
- “44. Hong Kong CFS and Logistics Association Limited.”.
- (9) In the Chinese text, item 62 of Schedule 1A is repealed and the following substituted –
- “62. 香港航業協會。 ”.
- (10) Item 67 of Schedule 1A is repealed and the following substituted –
- “67. Hong Kong Tramways, Limited.”.
- (11) Item 72 of Schedule 1A is repealed.
- (12) Item 73 of Schedule 1A is repealed and the following substituted –
- “73. Institute of Advanced Motorists (Hong Kong) Limited.”.
- (13) In the Chinese text, item 100 of Schedule 1A is repealed and the following substituted –
- “100. 新界新田公共小型巴士(17)車主商會。 ”.
- (14) Item 111 of Schedule 1A is repealed and the following substituted –
- “111. Ken On Concrete Co. Ltd. Concrete Lorry Owner-Divers Association.”.
- (15) Item 114 of Schedule 1A is repealed.

(16) In the Chinese text, item 123 of Schedule 1A is repealed and the following substituted –

“123. River Trade Terminal Co. Ltd. ”.

(17) Item 125 of Schedule 1A is repealed and the following substituted -

“125. Sai Kung Public Light Bus Drivers and Owners Association.”.

(18) Item 128 of Schedule 1A is repealed and the following substituted -

“128. CSX World Terminals Hong Kong Limited.”.

(19) Item 129 of Schedule 1A is repealed and the following substituted -

“129. Serco Group (HK) Limited.”.

(20) Items 130 and 133 of Schedule 1A are repealed.

(21) Item 144 of Schedule 1A is repealed and the following substituted –

“144. Tung Yee Shipbuilding and Repairing Merchants General Association Limited.”.

(22) Item 150 of Schedule 1A is repealed and the following substituted –

“150. Wai Yik H.K. & Kowloon and New Territories Taxi Owners Association.”.

(23) Item 156 of Schedule 1A is repealed.

(24) Schedule 1A is amended by adding –

“162. Rights of Taxi Owners and Drivers Association Limited.

163. New World First Ferry Services Limited.

164. New World First Ferry Services (Macau) Limited.

165. Hong Kong Container Drayage Services Association Limited.

166. Hong Kong Kowloon & N.T. Grab-Mounted Lorries Association Limited.

167. Hong Kong Waste Disposal Industry Association.

168. HK Public-light Bus Owner & Driver Association.

169. Container Truck Drivers Union.

170. The Concrete Producers Association of Hong Kong Limited.
171. Hongkong Guangdong Boundary Crossing Bus Association Limited.
172. Tsui Wah Ferry Service Company Limited.
173. Quality Driver Training Centre Limited.
174. Public and Private Commercial Driving Instructors' Society.
175. Shun Tak-China Travel Ship Management Limited.
176. Cruise Ferries (HK) Limited.
177. Asia Airfreight Terminal Company Limited.
178. The Hong Kong Joint Branch of The Royal Institution of Naval Architects and The Institute of Marine Engineering, Science and Technology.
179. The Hongkong Salvage & Towage Company Limited.
180. The Institute of Chartered Shipbrokers, Hong Kong Branch.
181. Hongkong United Dockyards Limited.
182. Guangdong and Hong Kong Feeder Association Limited.
183. Hong Kong Right Hand Drive Motors Association Limited.

184. The Institute of the Motor Industry Hong Kong.
185. Hong Kong Vehicle Repair Merchants Association Limited.
186. Environmental Vehicle Repairers Association Limited.
187. The Hong Kong Taxi and Public Light Bus Association Limited.
188. Park Island Transport Company Limited.
189. Discovery Bay Road Tunnel Company Limited.
190. International Association of Transport Officers.

- 191. Helicopters Hong Kong Limited.
- 192. Hong Kong (Cross Border) Transportation Drivers' Association.
- 193. Hong Kong Logistics Association Limited.
- 194. Hong Kong Container Depot and Repairer Association Limited.”.

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

(1) Item 8 of Part 1 of Schedule 1B is repealed and the following substituted –

“8. Mong Kok District Cultural, Recreational and Sports Association Limited.”.

(2) Item 5 of Part 2 of Schedule 1B is repealed and the following substituted –

“5. Kwun Tong District Culture and Recreation Promotion Association.”.

(3) Item 7 of Part 2 of Schedule 1B is repealed and the following substituted –

“7. Sai Kung Culture & Recreational Advancement Association.”.

(4) Items 4, 8 and 12 of Part 3 of Schedule 1B are repealed.

(5) Item 16 of Part 3 of Schedule 1B is repealed and the following substituted -

“16. Hong Kong & Macau Cinema and Theatrical Enterprise Association Limited.”.

(6) Item 18 of Part 3 of Schedule 1B is repealed.

(7) Item 20 of Part 3 of Schedule 1B is repealed and the following substituted -

“20. Hong Kong Dance Company Limited.”.

(8) Items 25 and 29 of Part 3 of Schedule 1B are repealed.

(9) Item 32 of Part 3 of Schedule 1B is repealed and the following substituted -

“32. Hong Kong News Executives’ Association, Limited.”.

(10) Items 37 and 38 of Part 3 of Schedule 1B are repealed and the following substituted -

“37. Hong Kong Recreation Management Association Limited.

38. Hong Kong Repertory Theatre Limited.”.

(11) Items 44, 46, 47 and 49 of Part 3 of Schedule 1B are repealed.

(12) Item 54 of Part 3 of Schedule 1B is repealed and the following substituted –

“54. Sail Training Association of Hong Kong Limited.”.

(13) Item 60 of Part 3 of Schedule 1B is repealed.

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

“63. Federation of Hong Kong Film Workers Limited.

64. Hong Kong Movie Production Executives Association Limited.”.

47. Composition of the Wholesale and Retail Functional Constituency

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

“2. Association of Better Business & Tourism Services.”.

(2) Item 5 of Schedule 1C is repealed and the following substituted –

“5. Chinese Merchants (H.K.) Association.”.

(3) Item 32 of Schedule 1C is repealed.

(4) Item 42 of Schedule 1C is repealed and the following substituted –

“42. The Hong Kong Food Council Limited.”.

(5) Item 56 of Schedule 1C is repealed and the following substituted –

“56. Hong Kong Photo Marketing Association Limited.”.

(6) Item 61 of Schedule 1C is repealed.

- (7) Item 63 of Schedule 1C is repealed and the following substituted –
“63. Hong Kong Rice Suppliers’ Association Limited.”.
- (8) Item 67 of Schedule 1C is repealed.
- (9) Items 71, 78, 84 and 90 of Schedule 1C are repealed.
- (10) Schedule 1C is amended by adding –
“92. Kowloon Fruit & Vegetable Merchants Association Limited.
93. The Hong Kong And Kowloon Electric Trade Association.”.

48. Composition of the Information Technology Functional Constituency

Item 3 of Schedule 1D is repealed.

49. Composition of the Catering Functional Constituency

- (1) Items 4 and 6 of Schedule 1E are repealed.
- (2) Schedule 1E is amended by adding –
“7. Hong Kong Catering Industry Association Limited.”.

50. Schedule 5 added

The following is added –

“SCHEDULE 5

[ss. 60A &
83A]

FINANCIAL ASSISTANCE: SPECIFIED RATE

The rate of financial assistance for the purposes of Part VIA of this Ordinance is \$10.”.

Consequential Amendments

51. Consequential amendments to subsidiary legislation

The subsidiary legislation specified in the Schedule is amended as set out in the Schedule.

Electoral Affairs Commission Ordinance

52. Long title amended

The long title to the Electoral Affairs Commission Ordinance (Cap. 541) is amended by adding “, regulating the procedure for providing financial assistance to candidates under the Legislative Council Ordinance” after “elections”.

53. Regulations

Section 7(1) is amended by adding –

“(hb) the procedure to implement the scheme for the payment of financial assistance set out in Part VIA of the Legislative Council Ordinance (Cap. 542), including, in particular, the procedure for –

- (i) making or withdrawing claims for financial assistance;
- (ii) repaying to the Government amounts or parts of amounts paid as financial assistance;
- (iii) supporting and verifying claims for financial assistance;
- (iv) making a payment of financial assistance to a candidate or in respect of a list of candidates;
- (v) making a claim for financial assistance in respect of the estate of a deceased person or on the death of a person included in a list of candidates and the making of such payment;”.

54. Report on elections

Section 8(5) and (6) is repealed and the following substituted –

“(5) Where the election supervised by the Commission is an election of the Chief Executive, a report under subsection (1) must include a report on –

- (a) the formation of the Election Committee; or
- (b) the subsector by-election, if any, that precedes the election of the Chief Executive,

as appropriate, unless such a report has already been included in another report previously made under subsection (1).

(6) The period within which the report referred to in subsection (5) is to be made shall begin only on the conclusion of the election of the Chief Executive.”.

**Elections (Corrupt and Illegal Conduct)
Ordinance**

55. Interpretation

Section 2(1) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) is amended in paragraph (a) of the definition of “constituency” by repealing “or the Election Committee”.

56. Candidate to lodge election return with appropriate authority

Section 37(2)(a) is repealed and the following substituted –

“(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”.

Chief Executive Election Ordinance

57. Election Committee

(1) Paragraph (2) of item 2 of Table 5 in section 2 of the Schedule to the Chief Executive Election Ordinance (Cap. 569) is repealed and the following substituted –

“(2) Members of the Hong Kong Board of Airline Representatives.”.

(2) Paragraph (5) of item 4 of Table 5 in section 2 of the Schedule is repealed and the following substituted –

“(5) The Hong Kong T.C.M. Orthopaedic and Traumatic Association Limited;”.

(3) Paragraph (1)(e) of item 5 of Table 5 in section 2 of the Schedule is amended by repealing the full stop at the end and substituting a semicolon.

(4) Paragraph (1) of item 5 of Table 5 in section 2 of the Schedule is amended by adding –

“(f) the School of Continuing and Professional Education of the City University of Hong Kong;

(g) the School of Continuing Education of the Hong Kong Baptist University;

(h) the Lingnan Institute of Further Education of the Lingnan University;

(i) the School of Continuing Studies of The Chinese University of Hong Kong;

(j) the Division of Continuing Professional Education of The Hong Kong Institute of Education;

(k) the School of Professional Education and Executive Development of The Hong Kong Polytechnic University;

(l) the HKUST College of Lifelong Learning Limited;

(m) the HKU School of Professional and Continuing Education.”.

(5) Paragraph (2)(l) of item 5 of Table 5 in section 2 of the Schedule is amended by repealing the full stop at the end and substituting a semicolon.

(6) Paragraph (2) of item 5 of Table 5 in section 2 of the Schedule is amended by adding –

“(m) the Board of Governors of the Caritas Francis Hsu College.”.

(7) Paragraph (4)(d) and (e) of item 6 of Table 5 in section 2 of the Schedule is repealed and the following substituted –

“(d) Hong Chi Association – Hong Chi Pinehill Advanced Training Centre;

(e) Caritas Lok Mo Skills Centre of Caritas – Hong Kong incorporated under the Caritas – Hong Kong Incorporation Ordinance (Cap. 1092).”.

(8) The definition of “vacancy declaration” in section 4(7) of the Schedule is repealed and the following substituted –

““vacancy declaration” (空缺宣布) means a declaration under section 5 of this Ordinance.”.

(9) Section 12(2)(a) of the Schedule is amended by repealing “25, 29,”.

(10) Section 12(2)(b) of the Schedule is amended by repealing “of, or item 1, 2, 3, 4, 5, 8, 9, 12, 16, 17, 18, 23, 24, 34, 39, 42, 44, 45, 46, 47, 49, 52, 55, 56, 57 or 60” and substituting “, (ka) or (kb) of, or item 1, 2, 3, 5, 9, 16, 17, 23, 24, 34, 39, 42, 45, 52, 55, 56, 57, 63 or 64”.

(11) Section 12(3)(a) and (b) of the Schedule is amended by repealing “or (b)” and substituting “, (aa) or (b)”.

(12) Section 12(13) of the Schedule is amended by repealing “or (b)” and substituting “, (aa) or (b)”.

SCHEDULE

[s. 51]

CONSEQUENTIAL AMENDMENTS TO SUBSIDIARY
LEGISLATION**Post Office Regulations****1. Regulation amended**

Regulation 6(1)(d)(ii) of the Post Office Regulations (Cap. 98 sub. leg.) is amended –

- (a) by repealing “two letters” and substituting “one letter”;
- (b) by repealing “(other than an Election Committee subsector election)”;
- (c) by repealing “or the Election Committee”.

**Legislative Council (Subscribers and Election
Deposit for Nomination) Regulation****2. Interpretation**

(1) Section 1(1) of the Legislative Council (Subscribers and Election Deposit for Nomination) Regulation (Cap. 542 sub. leg.) is amended in the definition of “candidate” by repealing “or the Election Committee”.

(2) Section 1(1) is amended in the definition of “election” by repealing “, a functional constituency or the Election Committee” and substituting “or a functional constituency”.

3. Amount of deposit

Section 2(1)(b) is repealed and the following substituted –

- “(b) by or on behalf of a candidate in respect of his nomination as a candidate in an election in respect of a functional constituency, is \$25,000.”.

4. Return of deposit on invalid nomination etc.

- (1) Section 3(2) is amended by repealing “or the Election Committee”.
- (2) Section 3(2)(a)(i) is amended by repealing “or Election Committee;” and substituting “; or”.
- (3) Section 3(2)(a)(ii) is amended –
 - (a) by repealing “or Election Committee”;
 - (b) by repealing “; or” at the end and substituting a comma.
- (4) Section 3(2)(a)(iii) is repealed.
- (5) Section 3(2)(b) is amended by repealing “or Election Committee”.
- (6) Section 3(3) is amended by repealing “or the Election Committee” where it first appears.
- (7) Section 3(3)(a) is amended by repealing “, functional constituency or the Election Committee” and substituting “or functional constituency”.
- (8) Section 3(3)(aa) is amended by adding “and” at the end.
- (9) Section 3(3)(b) is amended –
 - (a) by repealing “or Election Committee”;
 - (b) by repealing “; and” at the end and substituting a full stop.
- (10) Section 3(3)(c) is repealed.

5. Disposal of deposit after publication of election result or declaration of failure of election

- (1) Section 4(2)(a) is amended by repealing “or the Election Committee”.
- (2) Section 4(2)(b) is amended –
 - (a) by repealing “, or section 52(6),”;
 - (b) by repealing “, or the Election Committee”.
- (3) Section 4(2)(c) is amended by repealing “or the Election Committee,”.
- (4) Section 4(2) is amended by repealing “or Election Committee”.
- (5) Section 4(3)(a) is amended by adding “or” at the end.

(6) Section 4(3)(b)(ii) is amended by repealing the semicolon at the end and substituting a comma.

(7) Section 4(3)(c) is repealed.

(8) Section 4(4) is amended by repealing “or the Election Committee” where it first appears.

(9) Section 4(4)(a) and (b) is amended by repealing “, functional constituency or the Election Committee” and substituting “or functional constituency”.

(10) Section 4(4) is amended by repealing “or the Election Committee”.

(11) Section 4(6) is amended by repealing “, functional constituency or the Election Committee” and substituting “or functional constituency”.

6. Disposal of deposit in case of death

Section 5(1) is amended by repealing “or the Election Committee”.

7. Number and qualifications of subscribers to a nomination paper

(1) Section 7(2) is amended by repealing “or the Election Committee” where it first appears.

(2) Section 7(2)(a) is repealed and the following substituted –

“(a) the nomination paper of any person seeking nomination in respect of any functional constituency shall be subscribed by at least 10 other persons, each being an elector registered in respect of the relevant functional constituency;”.

(3) Section 7(2)(b) is amended –

(a) by repealing “or member of the Election Committee, as the case may be,” ;

(b) by repealing “or the Election Committee”.

(4) Section 7(2)(c) is amended by repealing “or member of the Election Committee, as the case may be,”.

- (5) Section 7(2A) and (2B) is repealed.
- (6) Section 7(3)(b) is amended by repealing “or the Election Committee”.
- (7) Section 7(3)(b)(i) is amended by repealing “or Election Committee;” and substituting “; or”.
- (8) Section 7(3)(b)(ii) is amended –
 - (a) by repealing “or Election Committee”;
 - (b) by repealing “; or” at the end and substituting a comma.
- (9) Section 7(3)(b)(iii) is repealed.
- (10) Section 7(3) is amended by repealing “or member of the Election Committee, as the case may be,”.
- (11) Section 7(4) is amended by repealing “2 or more” and substituting “both”.
- (12) Section 7(4)(b) is amended by repealing the semicolon at the end and substituting a comma.
- (13) Section 7(4)(c) is repealed.

Legislative Council (Election Petition) Rules

8. Lists of objections in recriminatory case

Rule 12(2)(a) of the Legislative Council (Election Petition) Rules (Cap. 542 sub. leg.) is amended by repealing “or for election by the Election Committee”.

9. Election Petition

The Schedule is amended –

- (a) by repealing “*In” where it first appears and substituting “In”;
- (b) by repealing –

“(or) *In the Matter of a Legislative Council election by the Election Committee held on (*date of election*).”;

- (c) by repealing “*electors/members of the Election Committee” and substituting “electors”;
- (d) by repealing “*Constituency/Election Committee” wherever it appears and substituting “Constituency”;
- (e) by repealing “*for the above-mentioned Constituency/by the above-mentioned Election Committee” where it twice appears and substituting “for the above-mentioned Constituency”;
- (f) by repealing “*for the above-mentioned Constituency/by the Election Committee” and substituting “for the above-mentioned Constituency”.

Electronic Transactions (Exclusion) Order

10. Provisions excluded from application of section 6 of Ordinance

Item 16 of Schedule 2 to the Electronic Transactions (Exclusion) Order (Cap. 553 sub. leg.) is amended in column 3 by repealing “12(7) and (8).”.

Explanatory Memorandum

The main objects of this Bill are to amend the Legislative Council Ordinance (Cap. 542) (“LCO”) to –

- (a) provide for the composition of the Legislative Council after the expiry of its current term of office; and
- (b) establish a scheme to provide financial assistance to candidates at an election, who meet the criteria prescribed

in the Bill, at a rate specified in the Bill, in respect of election expenses incurred by them.

2. The Bill also makes other miscellaneous amendments to the LCO and amendments to other legislation, which are consequential to the amendments to the LCO.

Amendments relating to composition of Legislative Council

3. Clauses 5, 6 and 7 contain amendments relating to the establishment of geographical constituencies and functional constituencies for the composition of the Legislative Council, on the expiry of the second term of office of the Council. (That is, for the purpose of returning 30 Members of the Council (“Members”) from geographical constituencies and 30 Members from functional constituencies). There are to be 5 geographical constituencies and from each constituency not less than 4 and not more than 8 Members are to be returned. (The actual number to be returned by each constituency will be specified in an order made under section 18).

4. Clauses 2, 3, 15, 19, 20, 23, 24, 25(1)(a), (2), (3)(a) and (4), 27(2), 28, 29(1)(b), (2)(b) and (3), 30, 31, 35, 36(1) and (2), 37, 40 and 41 repeal provisions concerning the Election Committee and references to that Committee, in the LCO. This is because after the expiry of its current term of office, the Legislative Council will not have Members returned by the Election Committee.

Amendments relating to functional constituencies and consequential amendments to Schedule to Chief Executive Election Ordinance

5. Clause 8(1) amends section 20E (Composition of the education functional constituency) to reflect the fact that the continuing education units of the bodies included under section 20E(a) have become subsidiaries of them and can no longer be described as being funded through the University Grants Committee.

The amendment to section 20E sets out those units separately under a new section 20E(aa).

6. Clauses 8(3) and (4), 9, 10, 11, 12, 13, 14, 16, 44, 45, 46, 47, 48 and 49 make technical amendments to provisions relating to the composition of various functional constituencies to add new constituents, to delete constituents that have ceased to exist or to reflect changes in the names of constituents.

7. Clause 57 amends the Schedule to the Chief Executive Election Ordinance (Cap. 569) to reflect, in the composition of the subsectors, the changes to the functional constituencies.

Amendments relating to scheme for providing financial assistance

8. A new Part (Part VIA) is introduced by clause 39 to provide a scheme for financial assistance in respect of election expenses incurred by candidates. Under this scheme, a list of candidates or a candidate (irrespective of whether the list or candidate represents a political party operating in Hong Kong or an organization that is not such a political party or is an independent list or candidate) is eligible for financial assistance in respect of election expenses incurred by the list or the candidate, if the list or candidate meets the eligibility criteria in the Bill (new sections 60B and 60C). The amount is to be computed according to new sections 60D and 60E and is not to exceed 50% of the election expenses declared under the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) or to exceed the difference in amount between the declared election expenses and the declared election donations, whichever is the lower. The payments are to be made from the general revenue (new section 60G). An amount paid to a recipient who is not entitled to the payment can be recovered as a civil debt (new section 60H). The claim for financial assistance is to be presented to the Chief Electoral Officer within the period for lodging election returns as specified in the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) and must be made according to regulations made under the Electoral

Affairs Commission Ordinance (Cap. 541) (new section 60I). A payment of financial assistance cannot be made during the period for lodging an election petition or while an election petition is pending (new section 60J).

9. The number of letters that can be sent by or on behalf of a list of candidates or a candidate, free of postage, under section 43, is reduced from 2 to one. Clause 27(1) and (3) makes the relevant amendment.

10. Clause 50 adds a new Schedule 5 to set out the rate of financial assistance, which is \$10 per valid vote. Clause 43 adds a new section 83A to empower the Chief Executive in Council to amend the new Schedule 5 by order published in the Gazette.

11. Clause 53 amends section 7(1) of the Electoral Affairs Commission Ordinance (Cap. 541) to authorize the Electoral Affairs Commission to make regulations to implement the scheme to provide financial assistance and clause 52 enlarges the long title of that Ordinance in view of the amendments made to section 7(1).

12. Clause 56 amends section 37(2)(a) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) to revise the period within which election returns for Legislative Council elections are to be lodged.

Amendments relating to disqualification criteria

13. Clauses 4, 17, 22 and 36(3) amend the provisions relating to disqualification criteria in the LCO (that is, those based on the unsoundness of mind of a person and entering into a composition with the creditors) to take into account changes in the Mental Health Ordinance (Cap. 136) and the Bankruptcy Ordinance (Cap. 6).

Amendments to require Returning Officer to act on proof of death or disqualification

14. At present, the Returning Officer has to take certain steps in relation to the nomination of candidates and the conduct of an election, if the death or disqualification of a candidate comes to his knowledge. Clauses 21, 25(1)(b) and (3)(b), 26, 29(1)(a) and (2)(a), 32, 33 and 34 contain amendments to the relevant provisions to require the Returning Officer to take those steps only when proof is given to his satisfaction of the death or disqualification.

Consequential amendments

15. Clauses 54 and 55 contain amendments to primary legislation that are consequential to the amendments made to the LCO, and the Schedule (read with clause 51), contains consequential amendments to subsidiary legislation.

16. Other minor technical amendments are made to the LCO by clauses 18, 38 and 42.

Summary of Proposed Technical Changes to Functional Constituencies

FC	Existing Potential Electorate	No. of Registered Electors ¹	Proposed Changes		Net Change (% change)	Remarks (change in potential electorate)
			Addition	Deletion		
1. Agriculture and Fisheries	168	160	2	3	-1 (-0.6%)	<p><u>Name Change</u></p> <ul style="list-style-type: none"> • 1 body <p><u>Deletion</u></p> <ul style="list-style-type: none"> • 3 bodies dissolved or relevant registration cancelled will be deleted (-3). <p><u>Addition</u></p> <ul style="list-style-type: none"> • The Shau Kei Wan Stern Trawler Fishermen's Credit Co-operative Society, Unlimited will be added. It is a body of a nature similar to The Tai Po Fishermen's Credit Co-operative Society, Unlimited which is already included in the FC (+1). • Hong Kong Organic Farming Association Limited will be added. It is a body of a nature similar to Tung Lung Chau Mariculture Association which is already included in the FC (+1).

¹ The number of electors registered on the existing final register published in May 2002.

FC	Existing Potential Electorate	No. of Registered Electors ¹	Proposed Changes		Net Change (% change)	Remarks (change in potential electorate)
			Addition	Deletion		
2. Transport	161	150	33	7	+26 (+16.1%)	<p><u>Name Change</u></p> <ul style="list-style-type: none"> • 18 bodies <p><u>Deletion</u></p> <ul style="list-style-type: none"> • 7 bodies ceased operation or are no longer holding a particular type of licence/franchise will be deleted (-7). <p><u>Addition</u></p> <ul style="list-style-type: none"> • 8 new licensees/franchisees of transport services will be added, e.g. New World First Ferry Services Limited (+8). • 30 bodies of a nature similar to existing electors and with a comparable status will be added. For example, organizations involved in repair/maintenance of vehicles are proposed to be added as similar organizations in the shipping sector are already in the FC (+30).

FC	Existing Potential Electorate	No. of Registered Electors ¹	Proposed Changes		Net Change (% change)	Remarks (change in potential electorate)
			Addition	Deletion		
3. Education	91 400	68 145	11	-	+11 (+0.01%)	<p><u>Name Change</u></p> <ul style="list-style-type: none"> • 2 bodies <p><u>Addition</u></p> <ul style="list-style-type: none"> • Caritas Francis Hsu College has become an approved post secondary college registered under the Post Secondary College Ordinance (Cap.320) since August 2001. The Board of Governors of this college will be added as Board of Directors of Hong Kong Shue Yan College (another approved post secondary college) are in the FC (+11). <p><u>Other Change</u></p> <ul style="list-style-type: none"> • The continuing and professional education (CPE) arms of HKU and HKUST have become subsidiaries of the respective universities and can no longer be described as being funded through the University Grants Committee under s.20E(a) of the Legislative Council Ordinance (LCO). These CPE arms will be explicitly spelt out in a new sub-section.

FC	Existing Potential Electorate	No. of Registered Electors ¹	Proposed Changes		Net Change (% change)	Remarks (change in potential electorate)
			Addition	Deletion		
4. Health Services	54 000	31 043	-	-	-	<p><u>Deletion</u></p> <ul style="list-style-type: none"> At present, there are transitional arrangements to include members of the Hong Kong Chiropractors' Association and applicants for provisional registration for the physiotherapist profession in the FC. These arrangements are no longer required because the relevant statutory registration scheme for chiropractors has been implemented and the relevant provisional registration for physiotherapists completed. For chiropractors, out of a total of 36 members of the Hong Kong Chiropractors' Association, 17 have already been registered under the statutory scheme. They are eligible for registration under the FC by virtue of s.20I(a) of the LCO. The remaining 19 should become eligible to be registered in the FC after they have been registered under the statutory scheme. For physiotherapists, their registration has already been completed. The removal of the transitional arrangement will have no effect on the size of the electorate. <p><u>Other Change</u></p> <ul style="list-style-type: none"> To specify that "chiropracist" is also known as "podiatrist".

FC	Existing Potential Electorate	No. of Registered Electors ¹	Proposed Changes		Net Change (% change)	Remarks (change in potential electorate)
			Addition	Deletion		
5. Sports, Performing Arts, Culture and Publication	2 580	1 292	14	9	+5 (+0.2%)	<p><u>Name Change</u></p> <ul style="list-style-type: none"> • 9 bodies <p><u>Deletion</u></p> <ul style="list-style-type: none"> • The Motion Picture Production Executives (Hong Kong) Association, which has been dissolved, will be deleted (-1). • The Hong Kong Life Saving Society and Hong Kong Golf Association Limited will be removed. These two sports associations have become affiliated to the HK Sports Federation & Olympic Committee of HK (SFOC). Since these associations have been so affiliated, their members that are registered or statutory bodies have become eligible to be registered as electors by virtue of s.20V(1)(a) in the LCO. However, the associations themselves will lose their status as separate electors in their own rights. Therefore, this will entail two deletions (-2). <p><u>Addition</u></p> <ul style="list-style-type: none"> • The Hong Kong Movie Production Executives Association Ltd to replace the Motion Picture Production Executives (Hong Kong) Association which has been dissolved and proposed to be removed from the FC (+1).

FC	Existing Potential Electorate	No. of Registered Electors ¹	Proposed Changes		Net Change (% change)	Remarks (change in potential electorate)
			Addition	Deletion		
						<ul style="list-style-type: none"> The Federation of Hong Kong Film Workers Limited, which is made up of 9 professional film-related associations, will be added (+1). New licence holders offering domestic free and pay TV programme services and non-domestic TV programme services under the Broadcasting Ordinance, Cap. 562 will be added. Excluding those existing holders of such licences (such as TVB, ATV and Cable) which are already in the FC, 12 new licence holders will be added (+12). <p><u>Other Change</u></p> <ul style="list-style-type: none"> At present, statutory/registered arts bodies receiving funding support from the specified authorities since 1 April 1994 are eligible to be registered as electors for the FC under s.20V(1)(e). To maintain the integrity of the FC electorate, the date will be changed to 1 April 1998 which will in effect limit the qualifying period to six years for the 2004 elections. 6 arts promotion bodies which have not received grants from the Government since 1 April 1998 will be deleted (-6).

FC	Existing Potential Electorate	No. of Registered Electors ¹	Proposed Changes		Net Change (% change)	Remarks (change in potential electorate)
			Addition	Deletion		
6. Import and Export	6 440	1 333	73	6	+67 (+1%)	<p><u>Name Change</u></p> <ul style="list-style-type: none"> • 2 bodies <p><u>Deletion</u></p> <ul style="list-style-type: none"> • Diamond Importers Association Ltd. will be removed (-6). It has merged with the Hong Kong Diamond Bourse Limited which is now in the Wholesale and Retail FC to form a new association known as the Diamond Federation of Hong Kong, China Limited. The Hong Kong Diamond Bourse Limited will also be removed from the Wholesale and Retail FC. <p><u>Addition</u></p> <ul style="list-style-type: none"> • Diamond Federation of Hong Kong, China Limited will be added. It is formed by merger of the Diamond Importers Association and the Hong Kong Diamond Bourse Limited (+73).

FC	Existing Potential Electorate	No. of Registered Electors ¹	Proposed Changes		Net Change (% change)	Remarks (change in potential electorate)
			Addition	Deletion		
7. Wholesale and Retail	9 330	3 250	538	52	+486 (+5.2%)	<p><u>Name Change</u></p> <ul style="list-style-type: none"> • 5 bodies <p><u>Deletion</u></p> <ul style="list-style-type: none"> • 7 bodies dissolved or become inactive will be deleted (-52). <p><u>Addition</u></p> <ul style="list-style-type: none"> • Kowloon Fruit & Vegetable Merchants Association Limited will be added. It is a body of a nature similar to the Kowloon Fresh Fish Merchants Association which is already included in the FC (+38). • H.K. & Kln. Trade Association will be added. It is a body of a nature similar to the Hong Kong Furniture & Decoration Trade Association Limited which is already included in the FC (+500).

FC	Existing Potential Electorate	No. of Registered Electors ¹	Proposed Changes		Net Change (% change)	Remarks (change in potential electorate)
			Addition	Deletion		
8. Information Technology	6 900	3 856	191	0 ²	+191 (+2.8%)	<p><u>Name Change</u></p> <ul style="list-style-type: none"> • 5 bodies <p><u>Deletion</u></p> <ul style="list-style-type: none"> • An existing licence holder surrendered its licence will be deleted (-0)¹. <p><u>Addition</u></p> <ul style="list-style-type: none"> • Information and Software Industry Association Limited will be added. It is representative in its respective industry (+100). • The Society of Hong Kong External Telecommunications Services Providers Limited will be added. It is representative in the telecommunications sector (+30).

² The body was specifically named in Schedule 1D to the Legislative Council Ordinance because it held an exclusive licence not covered under s. 20Z(1). As it has now surrendered the exclusive licence and is holding a licence referred to in s.20Z(1), it should be removed from Schedule 1D. The deletion will have no impact on the electorate size as the body is still eligible to be registered as an elector under s. 20Z(1).

FC	Existing Potential Electorate	No. of Registered Electors ¹	Proposed Changes		Net Change (% change)	Remarks (change in potential electorate)
			Addition	Deletion		
						<ul style="list-style-type: none"> Hong Kong Wireless Technology Industry Association Limited will be added. It is a representative body in the telecommunications sector (+61). <p><u>Other Change</u></p> <ul style="list-style-type: none"> The Telecommunications (Amendment) Ordinance 2000 has introduced a new licensing regime for the telecommunications industry. S.20Z(1) of the LCO specifying the types of licence holders which are eligible to be registered in the FC should be amended accordingly.
9. Catering	12 100	7 001	1	2	-1 (-0.01%)	<p><u>Deletion</u></p> <ul style="list-style-type: none"> Hong Kong Catering Industry Association Limited which has been dissolved (香港飲食聯會有限公司) will be deleted (-1). The Kowloon Restaurant and Eating House Merchants which has been dissolved will be deleted (-1). <p><u>Addition</u></p> <ul style="list-style-type: none"> Hong Kong Catering Industry Association (香港飲食業聯合總會有限公司) will replace Hong Kong Catering Industry Association (香港飲食聯會有限公司). The latter has been dissolved and will be removed from the FC.

FC	Existing Potential Electorate	No. of Registered Electors ¹	Proposed Changes		Net Change (% change)	Remarks (change in potential electorate)
			Addition	Deletion		
10. Architectural, Surveying and Planning	5 200	3 917	-	-	5 200 (0%)	<u>Name Change</u> • 1 Body
11. Tourism	1 200	837	-	-	1 200 (0%)	<u>Name Change</u> • 1 Body

Constitutional Affairs Bureau
February 2003

MC0092

(Date of this copy: 06/02/2003)

Chapter:	542	LEGISLATIVE COUNCIL ORDINANCE
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Section:	3	Interpretation
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Expanded Cross Reference:

20A, 20B, 20C, 20D, 20E, 20F, 20G, 20H, 20I, 20J, 20K, 20L, 20M, 20N, 20O, 20P, 20Q, 20R, 20S, 20T, 20U, 20V, 20W, 20X, 20Y, 20Z, 20ZA, 20ZB

- (1) In this Ordinance, unless the context otherwise requires-
- "authorized representative" (獲授權代表), in relation to a corporate elector, means the person authorized by the corporate elector to cast its vote at an election;
- "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;
- "by-election" (補選) means an election to return a Member or Members otherwise than at a general election;
- "candidate" (候選人) means a candidate nominated for election as a Member;
- "Clerk to the Legislative Council" (立法會秘書) includes any person appointed to act in place of the Clerk when the Clerk is absent or when the office of Clerk is vacant;
- "constituency" (選區或選舉界別) means-
- (a) a geographical constituency; or
 - (b) a functional constituency;
- "corporate elector" (團體選民) means a body that is an elector for a functional constituency;
- "corporate member" (團體成員), in relation to a body specified in sections 20A to 20ZB, means a body that is a member of the specified body; < * Note - Exp. X-Ref.: Sections 20A, 20B, 20C, 20D, 20E, 20F, 20G, 20H, 20I, 20J, 20K, 20L, 20M, 20N, 20O, 20P, 20Q, 20R, 20S, 20T, 20U, 20V, 20W, 20X, 20Y, 20Z, 20ZA, 20ZB * > (Amended 48 of 1999 s. 2)
- "costs" (費用、訟費) includes charges and expenses;
- "Court" (原訟法庭) means the Court of First Instance;
- "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. 2)
- "election" (選舉) means an election to elect a Member at a general election or a by-election to elect a Member; (Amended 21 of 2001 s. 62)
- "Election Committee" (選舉委員會) means, subject to the Schedule to the Chief Executive Election Ordinance (Cap 569), the first Election Committee referred to in section 8(3) of that Ordinance; (Amended 21 of 2001 s. 62)
- "Election Committee subsector" (選舉委員會界別分組) means a subsector represented on the Election Committee as provided by section 2(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569); (Amended 21 of 2001 s. 62)
- "election petition" (選舉呈請、選舉呈請書) means an election petition lodged under Part VII;
- "elector" (選民) means a person who is registered-
- (a) in accordance with this Ordinance, in a final register; or
 - (b) in accordance with the Schedule to the Chief Executive Election Ordinance (Cap 569), in a final register of members of the Election Committee that is compiled and

published, and in effect, under that Schedule,
and who is not disqualified from being registered or from voting at an election; (Amended 21 of 2001 s. 62)

"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" (選舉事務主任) includes a Returning Officer, an Assistant Returning Officer, the Electoral Registration Officer, or any other person who is appointed under this Ordinance or the Electoral Affairs Commission Ordinance (Cap 541) to exercise functions or perform duties at or in connection with an election;

"Electoral Registration Officer" (選舉登記主任) means the person holding office as Electoral Registration Officer under section 75, 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) of the Schedule to the Chief Executive Election Ordinance (Cap 569); (Amended 21 of 2001 s. 62)

"final register" (正式選民登記冊) means-

- (a) a final register of electors for geographical constituencies or functional constituencies; or
- (b) (Repealed 21 of 2001 s. 62)

as compiled and published in accordance with this Ordinance;

"function" (職能) includes a power and an authority;

"functional constituency" (功能界別) means a functional constituency specified in section 20(1); (Amended 48 of 1999 s. 2)

"general election" (換屆選舉) means elections to elect persons to be the Members for a new term of office of the Legislative Council;

"geographical constituency" (地方選區) means an area declared to be a geographical constituency in accordance with Part III;

"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); or
- (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;

"Legislative Council" (立法會) means the Legislative Council of the Hong Kong Special Administrative Region referred to in Article 66 of the Basic Law;

"Member" (議員) means a person elected as a Member of the Legislative Council;

"nomination list" (提名名單) means a list of persons standing for election as Members for a geographical constituency, submitted under section 38(2);

"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;

"permanent resident of Hong Kong" (香港永久性居民) means a permanent resident of the Hong Kong Special Administrative Region as defined by section 2 of the Hong Kong Special Administrative Region Passports Ordinance (Cap 539);

"President" (主席) means the President of the Legislative Council;

"provisional register" (臨時選民登記冊) means a provisional register of electors for geographical constituencies or functional constituencies as compiled in accordance with this Ordinance;

"registered" (登記) means registered under this Ordinance as an elector;

"the regulations" (《規例》) means regulations made and in force under this Ordinance;

"Returning Officer" (選舉主任) means a person holding office as a Returning Officer under section 78, 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 77, 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;

"specified form" (指明表格) means a form specified under section 76;

"term of office" (任期), in relation to the Legislative Council, means a term of office referred to in section 4.

(Amended 10 of 2000 s. 47)

(2) For the purposes of this Ordinance-

- (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 functional constituency include, but are not limited to-
 - (i) being a member, partner, officer or employee of a corporate elector of the constituency or a corporate member of such a corporate elector; or
 - (ii) belonging to a class of persons specified as being electors of the constituency. (Amended 48 of 1999 s. 2; 21 of 2001 s. 62)
- (c) (Repealed 21 of 2001 s. 62)

(2A) For the purposes of this Ordinance, 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 at the commencement of this Ordinance; 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; or
 - (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 Affairs; and
- (b) "constitution" (章程), in relation to a body, includes articles of association and rules. (Added 48 of 1999 s. 2)

(3) Results of a general election that are declared on different dates are, for the purposes of this Ordinance, taken to have been declared on the later or latest of those dates. (Amended 21 of 2001 s. 62)

(4) A note located in the text of this Ordinance is provided for information only and has no legislative effect.

Section:	8	Different dates may be specified for different classes of elections
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Subject to this Part, the Chief Executive may specify different dates for holding a general election to return each or any 2 of the following classes of Members-

- (a) the Members to be returned for geographical constituencies; and
- (b) the Members to be returned for functional constituencies; and
- (c) the Members to be returned by the Election Committee.

The dates specified under this section must not be more than 7 days apart.

Section:	15	When Member ceases to hold office
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- (1) A Member's office becomes vacant if the Member-
- (a) resigns in accordance with section 14 or is taken to have resigned from that office in accordance with section 13; or
 - (b) dies; or
 - (c) subject to subsection (2), alters either the Member's nationality or the fact as to whether the Member has a right of abode in a country other than the People's Republic of China as declared under section 40(1)(b)(ii); or
 - (d) is the President and has been found by the court, in accordance with the Mental Health Ordinance (Cap 136), to be of unsound mind and incapable of managing himself or herself and his or her affairs, but a person disqualified under this subsection shall be eligible for re-election if, under that Ordinance, it is subsequently found that the person's unsoundness of mind has ceased; or
 - (e) is declared in accordance with Article 79 of the Basic Law to be no longer qualified to hold that office.
- (2) Subsection (1)(c) does not apply to a Member elected at an election for a functional constituency specified in section 37(3) unless the Member has declared under section 40(1)(b)(ii) that he or she has Chinese nationality or has no right of abode in a country other than the People's Republic of China and subsequently he or she-
- (a) acquires a nationality other than Chinese nationality; or
 - (b) acquires a right of abode in a country other than the People's Republic of China.
- (3) For the purposes of subsection (1)(e), the kind of misbehaviour for which a Member may be censured under Article 79(7) of the Basic Law includes (but is not limited to) a breach of an oath given under section 40(1)(b)(iii).

Note: Article 79 of the Basic Law provides as follows:

The President of the Legislative Council of the Hong Kong Special Administrative Region shall declare that a member of the Council is no longer qualified for the office under any of the following circumstances:

- (1) When he or she loses the ability to discharge his or her duties as a result of serious illness or other reasons;
- (2) When he or she, with no valid reason, is absent from meetings for three consecutive months without the consent of the President of the Legislative Council;
- (3) When he or she loses or renounces his or her status as a permanent resident of the Region;
- (4) When he or she accepts a government appointment and becomes a public servant;
- (5) When he or she is bankrupt or fails to comply with a court order to repay debts;
- (6) When he or she is convicted and sentenced to imprisonment for one month or more for a criminal offence committed within or outside the Region and is relieved of his or her duties by a motion passed by two-thirds of the members of the Legislative Council present; and
- (7) When he or she is censured for misbehaviour or breach of oath by a vote of two-thirds of the members of the Legislative Council present.

Section:	18	Establishment of geographical constituencies
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PART III

ESTABLISHMENT OF CONSTITUENCIES

(1) For the second term of office of the Legislative Council, there are to be 5 geographical constituencies for the purpose of returning Members at elections for those constituencies. (Amended 48 of 1999 s. 10)

- (2) The Chief Executive in Council may, by order published in the Gazette-
- (a) declare areas of Hong Kong to be geographical constituencies; and
 - (b) give names to those constituencies.

(3) When making an order under this section, the Chief Executive in Council must have regard to the recommendations made by the Electoral Affairs Commission in the last report of the Commission submitted in accordance with section 18 of the Electoral Affairs Commission Ordinance (Cap 541) for the purposes of the general election to which the order relates.

(4) If an order under this section refers to a map that defines the area of a geographical constituency, the Electoral Registration Officer must ensure that at least one copy of the map is kept at that Officer's office and is made available for inspection by members of the public during ordinary business hours of that office.

(5) No charge is payable by a member of the public who wishes to inspect a copy of the map.

(6) A map certified by the Electoral Registration Officer as a true copy of a map that defines the area of a geographical constituency is conclusive evidence of the area of the constituency.

Section:	19	Number of Members to be returned for geographical constituency
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(1) For the second term of office of the Legislative Council, 24 Members are to be returned for all geographical constituencies.

(2) The number of Members to be returned for each geographical constituency at the general election for the second term of office of the Legislative Council is to be a number, not less than 4 nor greater than 6, specified in the order declaring the area of constituency in accordance with section 18(2).

(Replaced 48 of 1999 s. 11)

Section:	20	Establishment of functional constituencies
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Expanded Cross Reference:

20A, 20B, 20C, 20D, 20E, 20F, 20G, 20H, 20I, 20J, 20K, 20L, 20M, 20N, 20O, 20P, 20Q, 20R, 20S, 20T, 20U, 20V, 20W, 20X, 20Y, 20Z, 20ZA, 20ZB

(1) For the second term of office of the Legislative Council, the following functional constituencies are established for the purposes of this Ordinance-

- (a) the Heung Yee Kuk functional constituency;
- (b) the agriculture and fisheries functional constituency;
- (c) the insurance functional constituency;
- (d) the transport functional constituency;
- (e) the education functional constituency;
- (f) the legal functional constituency;
- (g) the accountancy functional constituency;

- (h) the medical functional constituency;
- (i) the health services functional constituency;
- (j) the engineering functional constituency;
- (k) the architectural, surveying and planning functional constituency;
- (l) the labour functional constituency;
- (m) the social welfare functional constituency;
- (n) the real estate and construction functional constituency;
- (o) the tourism functional constituency;
- (p) the commercial (first) functional constituency;
- (q) the commercial (second) functional constituency;
- (r) the industrial (first) functional constituency;
- (s) the industrial (second) functional constituency;
- (t) the finance functional constituency;
- (u) the financial services functional constituency;
- (v) the sports, performing arts, culture and publication functional constituency;
- (w) the import and export functional constituency;
- (x) the textiles and garment functional constituency;
- (y) the wholesale and retail functional constituency;
- (z) the information technology functional constituency;
- (za) the catering functional constituency;
- (zb) the District Council functional constituency.

(2) The functional constituencies are constituted as provided by sections 20A to 20ZB. <*
 Note - Exp. X-Ref.: Sections 20A, 20B, 20C, 20D, 20E, 20F, 20G, 20H, 20I, 20J, 20K, 20L, 20M,
 20N, 20O, 20P, 20Q, 20R, 20S, 20T, 20U, 20V, 20W, 20X, 20Y, 20Z, 20ZA, 20ZB *>

(Replaced 48 of 1999 s. 12)

Section:	20E	Composition of the education functional constituency
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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
- (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) Council of the Vocational Training Council;
 - (ix) Council of The Hong Kong Institute of Education;
 - (x) Council of the Hong Kong Baptist University;
 - (xi) Council of Lingnan University; (Replaced 54 of 1999 s. 39)

- (xii) Board of Governors of the Hong Kong Shue Yan College; and
- (c) registered teachers registered under the Education Ordinance (Cap 279); and
- (d) permitted teachers engaged in full-time employment in schools registered or provisionally registered under the Education Ordinance (Cap 279); and
- (e) teachers and principals of schools entirely maintained and controlled by the Government; and
- (f) persons whose principal or only employment is that of full-time teaching with the following institutions-
 - (i) technical institutes, industrial training centres or skills centres established under the Vocational Training Council Ordinance (Cap 1130);
 - (ii) industrial training centres established under the Industrial Training (Construction Industry) Ordinance (Cap 317);
 - (iii) industrial training centres established under the Industrial Training (Clothing Industry) Ordinance (Cap 318);
 - (iv) Pinehill Village Advanced Training Centre of the Hong Kong Association for the Mentally Handicapped;
 - (v) Caritas Lok Mo Vocational Training Centre of the Caritas-Hong Kong under the Caritas-Hong Kong Incorporation Ordinance (Cap 1092); and
- (g) registered managers of schools registered under the Education Ordinance (Cap 279).

(Added 48 of 1999 s. 13)

Section:	20I	Composition of the health services functional constituency
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The health services functional constituency is composed of-

- (a) chiropractors registered under the Chiropractors Registration Ordinance (Cap 428); and
- (b) members of the Hong Kong Chiropractors' Association entitled to vote at general meetings of the Association; and
- (c) nurses registered or enrolled or deemed to be registered or enrolled under the Nurses Registration Ordinance (Cap 164); and
- (d) midwives registered or deemed to be registered under the Midwives Registration Ordinance (Cap 162); and
- (e) pharmacists registered under the Pharmacy and Poisons Ordinance (Cap 138); and
- (f) medical laboratory technologists registered under the Medical Laboratory Technologists (Registration and Disciplinary Procedure) Regulations (Cap 359 sub. leg.); and
- (g) radiographers registered under the Radiographers (Registration and Disciplinary Procedure) Regulation (Cap 359 sub. leg.); and
- (h) physiotherapists registered under the Physiotherapists (Registration and Disciplinary Procedure) Regulation (Cap 359 sub. leg.) and applicants for provisional registration who are deemed to be registered in respect of the physiotherapists' profession under section 18A of the Supplementary Medical Professions Ordinance (Cap 359); and
- (i) occupational therapists registered under the Occupational Therapists (Registration and Disciplinary Procedure) Regulations (Cap 359 sub. leg.); and
- (j) optometrists registered under the Optometrists (Registration and Disciplinary Procedure) Regulation (Cap 359 sub. leg.); and
- (k) dental hygienists enrolled under the Ancillary Dental Workers (Dental Hygienists) Regulations (Cap 156 sub. leg.); and
- (l) audiologists, audiology technicians, chiropodists, dental surgery assistants, dental

technicians, dental technologists, dental therapists, dietitians, dispensers, mould laboratory technicians, orthoptists, clinical psychologists, educational psychologists, prosthetists, speech therapists and scientific officers (medical) who are in the service under the Government, or are employed in Hong Kong, at the following institutions-

- (i) public hospitals within the meaning of the Hospital Authority Ordinance (Cap 113);
- (ii) hospitals registered under the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap 165);
- (iii) clinics maintained or controlled by the Government or The Chinese University of Hong Kong or by the University of Hong Kong;
- (iv) services subvented by the Government.

(Added 48 of 1999 s. 13)

Section:	20K	Composition of the architectural, surveying and planning functional constituency
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The architectural, surveying and planning functional constituency is composed of-

- (a) architects registered under the Architects Registration Ordinance (Cap 408); and
- (b) members of The Hong Kong Institute of Architects entitled to vote at general meetings of the Institute; and
- (c) landscape architects registered under the Landscape Architects Registration Ordinance (Cap 516); and
- (d) members of The Hong Kong Institute of Landscape Architects entitled to vote at general meetings of the Institute; and
- (e) professional surveyors registered under the Surveyors Registration Ordinance (Cap 417); and
- (f) members of The Hong Kong Institute of Surveyors entitled to vote at general meetings of the Institute; and
- (g) professional planners registered under the Planners Registration Ordinance (Cap 418); and
- (h) members of the Hong Kong Institute of Planners entitled to vote at general meetings of the Institute.

(Added 48 of 1999 s. 13)

Section:	200	Composition of the tourism functional constituency
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The tourism functional constituency is composed of the following bodies-

- (a) (Repealed 3 of 2001 s. 48)
- (b) members of the Travel Industry Council of Hong Kong entitled to vote at general meetings of the Council;
- (c) members of the Board of Airline Representatives in Hong Kong;
- (d) members of the Hong Kong Hotels Association entitled to vote at general meetings of the Association;
- (e) members of the Federation of Hong Kong Hotel Owners entitled to vote at general meetings of the Federation.

(Added 48 of 1999 s. 13)

Section:	20V	Composition of the sports, performing arts, culture and publication functional constituency
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(1) The sports, performing arts, culture and publication functional constituency is composed of-

- (a) statutory bodies and registered bodies (other than schools registered under the Education Ordinance (Cap 279) and bodies formed by such schools) that are members of the sports associations affiliated to the Sports Federation & Olympic Committee of Hong Kong, China; and
- (b) sports associations affiliated to the Sports Federation & Olympic Committee of Hong Kong, China but have no statutory bodies or registered bodies as members; and
- (c) district sports associations named in Part 1 of Schedule 1B; and
- (d) bodies listed in a Gazette notice currently in force made under section 3(5) of the Hong Kong Arts Development Council Ordinance (Cap 472) as organizations for the purpose of section 3(4) of that Ordinance; and
- (e) statutory bodies and registered bodies, the primary goal of which is the promotion of arts, and to which grants, sponsorship or performance fees have been approved by the Hong Kong Arts Development Council, the Urban Council, the Regional Council, the Provisional Urban Council, the Provisional Regional Council, the Leisure and Cultural Services Department or the Home Affairs Bureau during the relevant period; and (Amended 78 of 1999 s. 7)
- (f) district arts and culture associations named in Part 2 of Schedule 1B; and
- (g) members of each of the following bodies entitled to vote at general meetings of the body-
 - (i) Educational Booksellers' Association, Limited;
 - (ii) The Anglo-Chinese Textbook Publishers Organisation Limited;
 - (iii) The Hong Kong Educational Publishers Association Limited;
 - (iv) The Hong Kong Publishers and Distributors Association;
 - (v) Hong Kong Book & Magazine Trade Association Limited;
 - (vi) Hongkong Book and Stationery Industry Association Company Limited; and
- (h) members of the Hong Kong Publishing Federation Limited (other than those referred to in paragraph (g)) entitled to vote at general meetings of the Federation; and
- (i) members of each of the following bodies entitled to vote at general meetings of the body-
 - (i) HK, KIn & NT Motion Picture Industry Association Ltd.;
 - (ii) Hong Kong Film Awards Association Ltd.;
 - (iii) International Federation of the Phonographic Industry (Hong Kong Group) Limited;
 - (iv) Movie Producers and Distributors Association of Hong Kong Ltd.;
 - (v) Music Publishers Association of Hong Kong Ltd.;
 - (vi) Hong Kong Theatres Association Ltd.; and
- (j) corporate proprietors, the principal business of which is publication, registered under the Registration of Local Newspapers Ordinance (Cap 268); and
- (k) corporate proprietors of newspaper distributors licensed under the Newspapers Registration and Distribution Regulations (Cap 268 sub. leg.); and
- (l) the bodies named in Part 3 of Schedule 1B.

(2) For the purposes of this section-

- (a) "registered body" (註冊團體) means a body which is registered or exempt from

- registration under, or incorporated by, any laws of Hong Kong; and
- (b) "relevant period" (有關期間), in relation to a statutory body or registered body, means the period from 1 April 1994 to the date on which the statutory body or registered body applies for registration as an elector of the sports, performing arts, culture and publication functional constituency; and
- (c) "statutory body" (法定團體) means a body established or constituted by or under the authority of an Ordinance.

(Added 48 of 1999 s. 13)

Section:	20W	Composition of the import and export functional constituency
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The import and export functional constituency is composed of-

- (a) companies licensed under the Dutiable Commodities Ordinance (Cap 109) for the import or export, or import and export, of dutiable commodities; and
- (b) companies registered under the Motor Vehicles (First Registration Tax) Ordinance (Cap 330) for the import of motor vehicles for use in Hong Kong; and
- (c) companies licensed under the Control of Chemicals Ordinance (Cap 145) for the import or export, or import and export, of controlled chemicals; and
- (d) companies licensed under the Import and Export Ordinance (Cap 60) for the import or export, or import and export, of outboard engines and left hand drive vehicles and for the export of prescribed articles; and
- (e) members of each of the following bodies entitled to vote at general meetings of the body-
- (i) Association of Hong Kong Photographic Equipment Importers Ltd.;
 - (ii) Diamond Importers Association Ltd.;
 - (iii) Hong Kong & Kowloon Steel and Metal Importers and Exporters Association Ltd.;
 - (iv) Hong Kong Chinese Importers' & Exporters' Association;
 - (v) Hong Kong Exporters' Association;
 - (vi) Hong Kong Fresh Fruits Importers Association Ltd.;
 - (vii) Hong Kong General Association of Edible Oil Importers & Exporters Ltd.;
 - (viii) Hong Kong Maize and Feed Importers Association Ltd.;
 - (ix) Hongkong Rice Importers & Exporters Association;
 - (x) Hongkong Watch Importers' Association;
 - (xi) The Liquor & Provision Industries Association;
 - (xii) Hong Kong & Kowloon Light Industrial Products Importers & Exporters Association Limited;
 - (xiii) Nanyang Importers and Exporters Association;
 - (xiv) Hong Kong Industrial Production Trading Association Limited;
 - (xv) Industrial Chemical Merchants' Association Limited;
 - (xvi) The South China Paper Merchants Association;
 - (xvii) Wah On Exporters & Importers Association;
 - (xviii) Hong Kong Shippers' Council;
 - (xix) Shippers' Association of Hong Kong.

(Added 48 of 1999 s. 13)

Section:	20Z	Composition of the information technology functional constituency
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The information technology functional constituency is composed of-

- (a) Fellows and Full Members of the Hong Kong Computer Society entitled to vote at general meetings of the Society; and
- (b) Fellows, Members and Graduate Members of Information Technology Division of the Hong Kong Institution of Engineers who are entitled to vote at general meetings of the Division; and
- (c) Professional Members of the Association for Computing Machinery, Hong Kong Chapter entitled to vote at general meetings of the Association; and
- (d) Fellows, Senior Members and Full Members of the Institute of Electrical and Electronics Engineers, Inc., Hong Kong Section, Computer Chapter entitled to vote at general meetings of the Institute; and
- (e) Fellows, Senior Members and Full Members of the Institute of Electrical and Electronics Engineers, Inc., Hong Kong Section, Hong Kong Joint Chapter on Circuits and Systems/Communications entitled to vote at general meetings of the Institute; and
- (f) Fellows and Corporate Members of the Institution of Electrical Engineers (Hong Kong) entitled to vote at general meetings of the Institution; and
- (g) Fellows, Members and Associate Members of the British Computer Society (Hong Kong Section) entitled to vote at general meetings of the Society; and
- (h) Fellows, Senior Professional Members and Professional Members of the Hong Kong Association for Computer Education Ltd. entitled to vote at general meetings of the Association; and
- (i) Full Members (Information Technology) of the Hong Kong Society of Medical Informatics Ltd. entitled to vote at general meetings of the Society; and
- (j) Ordinary Members of the Hong Kong Telemedicine Association entitled to vote at general meetings of the Association; and
- (k) corporate members of each of the following bodies entitled to vote at general meetings of the body-
 - (i) Hong Kong Information Technology Federation Ltd.;
 - (ii) Hong Kong Internet Service Providers Association;
 - (iii) Hong Kong Radio Paging Association Ltd.;
 - (iv) Telecom Association of Hong Kong; and
- (l) bodies that are holders of the following classes of licences granted by the Telecommunications Authority under the Telecommunications Ordinance (Cap 106)- (Amended 36 of 2000 s. 28)
 - (i) Fixed Telecommunications Network Services licences; (Amended 36 of 2000 s. 28)
 - (ii) Public Non-exclusive Telecommunications Service licences;
 - (iii) Public Radiocommunications Service licences; (Amended 36 of 2000 s. 28)
 - (iv) Satellite Master Antenna Television licences;
 - (v) Broadcast Relay Station licences;
 - (vi) Broadcast Radio Relay Station licences; and
- (m) the bodies named in Schedule 1D.

(Added 48 of 1999 s. 13)

Section:	22	Establishment of Election Committee
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PART IV

CONSTITUTION OF ELECTION COMMITTEE

- (1) For the second term of office of the Legislative Council, a committee, to be known as the Election Committee, is established for the purposes of this Ordinance. (Amended 48 of 1999 s. 14)
- (2) (Repealed 21 of 2001 s. 63)

Section:	23	Number of Members to be returned by Election Committee
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For the second term of office of the Legislative Council, 6 Members are to be returned by the Election Committee.

(Amended 48 of 1999 s. 15)

Section:	25	Who is eligible to be registered as an elector: functional constituencies
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Expanded Cross Reference:
 20B, 20C, 20D, 20E, 20F, 20G, 20H, 20I, 20J, 20K, 20L, 20M, 20N, 20O, 20P, 20Q, 20R,

20S, 20T, 20U, 20V, 20W, 20X, 20Y, 20Z

(1) Subject to this Part, a person is eligible to be registered as an elector for a functional constituency only if the person-

- (a) is a person specified-
 - (i) for the Heung Yee Kuk functional constituency, in section 20A; or
 - (ii) for the agriculture and fisheries functional constituency, in section 20B; or
 - (iii) for the insurance functional constituency, in section 20C; or
 - (iv) for the transport functional constituency, in section 20D; or
 - (v) for the education functional constituency, in section 20E; or
 - (vi) for the legal functional constituency, in section 20F; or
 - (vii) for the accountancy functional constituency, in section 20G; or
 - (viii) for the medical functional constituency, in section 20H; or
 - (ix) for the health services functional constituency, in section 20I; or
 - (x) for the engineering functional constituency, in section 20J; or
 - (xi) for the architectural, surveying and planning functional constituency, in section 20K; or
 - (xii) for the labour functional constituency, in section 20L; or
 - (xiii) for the social welfare functional constituency, in section 20M; or
 - (xiv) for the real estate and construction functional constituency, in section 20N; or
 - (xv) for the tourism functional constituency, in section 20O; or
 - (xvi) for the commercial (first) functional constituency, in section 20P; or
 - (xvii) for the commercial (second) functional constituency in section 20Q; or
 - (xviii) for the industrial (first) functional constituency, in section 20R; or
 - (xix) for the industrial (second) functional constituency, in section 20S; or
 - (xx) for the finance functional constituency, in section 20T; or
 - (xxi) for the financial services functional constituency, in section 20U; or
 - (xxii) for the sports, performing arts, culture and publication functional constituency, in section 20V; or
 - (xxiii) for the import and export functional constituency, in section 20W; or
 - (xxiv) for the textiles and garment functional constituency, in section 20X; or
 - (xxv) for the wholesale and retail functional constituency, in section 20Y; or
 - (xxvi) for the information technology functional constituency, in section 20Z; or
 - (xxvii) for the catering functional constituency, in section 20ZA; or
 - (xxviii) for the District Council functional constituency, in section 20ZB; and
(Replaced 48 of 1999 s. 16)
- (b) if a natural person, is either-
 - (i) registered as an elector under this Part for a geographical constituency; or
 - (ii) eligible to be registered as an elector under this Part for a geographical constituency and has made an application to be so registered.

(2) A person who, but for this subsection, would be eligible to be registered in 2 or more functional constituencies may be registered in only one of those constituencies of that person's choice.

(3) Despite subsection (2)-

- (a)-(b) (Repealed 48 of 1999 s. 16)
- (c) a person eligible to be registered as an elector for the Heung Yee Kuk functional constituency and who would, but for this paragraph, be eligible to be registered in another functional constituency of that person's choice may be registered only for the Heung Yee Kuk functional constituency and not for that other functional constituency; and
- (d) subject to paragraph (c), a person eligible to be registered as an elector for the agriculture and fisheries, the insurance or the transport functional constituency and

who would, but for this paragraph, be eligible to be registered in another functional constituency of that person's choice may be registered only for that functional constituency and not for that other functional constituency.

(4) A body specified in section 20C, 20L, 20T, 20U(1)(a) and (b), 20V(1)(b), (d), (e), (j) or (k), 20W(a) to (d), 20X(d) or (e), 20Z(l) or 20ZA(a) is eligible to be registered as a corporate elector for the relevant functional constituency only if it has been operating for the 12 months immediately before making its application for registration as an elector. (Amended 12 of 2000 s. 23; 15 of 2000 s. 3)

(5) A body that is a corporate member of a body specified in section 20B(a), 20N to 20S, 20U(1)(c), 20V(1)(a) or (g) to (i), 20W(e), 20X(a) or (b) or 20Z(k) or Schedule 1C is eligible to be registered as a corporate elector for the relevant functional constituency only if it has been a corporate member of the second-mentioned body and has been operating for the 12 months immediately before making its application for registration as an elector. < * Note - Exp. X-Ref.: Sections 20N, 20O, 20P, 20Q, 20R, 20S * > (Amended 12 of 2000 s. 23; 15 of 2000 s. 3)

(6) A natural person who is a member of a body specified in sections 20B to 20Z (other than a body specified in section 20E(b), 20F(a) or (b), 20I(b), 20J(b), 20K(b), (d), (f) or (h) or 20Z(a) to (j)) is eligible to be registered as an elector for the relevant functional constituency only if the person has been a member of the body for the 12 months immediately before making an application for registration as an elector. < * Note - Exp. X-Ref.: Sections 20B, 20C, 20D, 20E, 20F, 20G, 20H, 20I, 20J, 20K, 20L, 20M, 20N, 20O, 20P, 20Q, 20R, 20S, 20T, 20U, 20V, 20W, 20X, 20Y, 20Z * >

(7) It does not matter that a period of 12 months referred to in this section may have begun before the commencement of this section.

(Amended 48 of 1999 s. 16)

Section:	31	When person is disqualified from being registered as an elector
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(1) A natural person is disqualified from being registered as an elector for a constituency if the person-

- (a) has, in Hong Kong or 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; or
- (b) on the date of application for registration, is serving a sentence of imprisonment; or
- (c) without limiting paragraph (a), where the 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 or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554); or
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap 541); or (Replaced 10 of 2000 s. 47)
- (d) is, in accordance with the Mental Health Ordinance (Cap 136), found by the Court to be of unsound mind and incapable of managing himself or herself and his or her affairs; or
- (e) is a member of the armed forces of the Central People's Government or any other country or territory.

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

Section:	32	Electoral Registration Officer to compile and publish electoral registers
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- (1) The Electoral Registration Officer must-
 - (a) not later than 15 June in each year other than a year in which a District Council ordinary election is to be held, compile and publish in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap 541)- (Amended 48 of 1999 s. 18; 33 of 2002 s. 4)
 - (i) a provisional register of geographical constituencies; and
 - (ii) a provisional register of functional constituencies; and
 - (b) not later than 25 July in each year other than a year in which a District Council ordinary election is to be held, compile and publish in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap 541)- (Amended 48 of 1999 s. 18; 33 of 2002 s. 4)
 - (i) a final register of geographical constituencies; and
 - (ii) a final register of functional constituencies.
- (1A) The Electoral Registration Officer must-
 - (a) not later than 15 August in each year in which a District Council ordinary election is to be held, compile and publish in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap 541)-
 - (i) a provisional register of geographical constituencies; and
 - (ii) a provisional register of functional constituencies; and
 - (b) not later than 25 September in each year in which a District Council ordinary election is to be held, compile and publish in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap 541)-
 - (i) a final register of geographical constituencies; and
 - (ii) a final register of functional constituencies. (Added 33 of 2002 s. 4)
- (2) (Repealed 21 of 2001 s. 64)
- (3) The Electoral Registration Officer may amend a provisional or final register so as to rectify any clerical or printing error or any incorrect name, address or other personal particulars of a person who is recorded in the register.
- (4) In compiling a provisional register, the Electoral Registration Officer must-
 - (a) strike out the names and other relevant particulars of all those persons whom the Electoral Registration Officer is satisfied on reasonable grounds as being no longer eligible to have their names included in the register; and
 - (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 regulations in force under the Electoral Affairs Commission Ordinance (Cap 541) and who are eligible to have their names included in the register.
- (5) As soon as practicable after complying with subsection (4), the Electoral Registration Officer must publish-
 - (a) in the Gazette; and
 - (b) in such other publications (if any) as are prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap 541),
 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 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 must, for the period prescribed for the purposes of

this subsection by regulations in force under the Electoral Affairs Commission Ordinance (Cap 541)-

- (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.

Section:	36	By-election to be held to fill vacancy in membership of Legislative Council
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(1) The Electoral Affairs Commission must, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap 541), arrange for a by-election to be held in the following circumstances and not otherwise-

- (a) on the making of a declaration as to the existence of a vacancy in the membership of the Legislative Council under section 35;
- (b) on the making of a declaration under section 42C that the proceedings for the election for a functional constituency have been terminated;
- (c) on the making of a declaration under section 46(2) that an election for a constituency or by the Election Committee has failed because no candidates were validly nominated for election or because the number validly nominated for election was less than the number of Members to be returned for the constituency or by that Committee;
- (ca) on the making of a declaration under section 46A(1) that the proceedings for the election for a constituency or by the Election Committee have been terminated; (Added 48 of 1999 s. 21)
- (cb) on the making of a declaration under section 46A(3) that an election for a constituency or by the Election Committee has failed-
 - (i) because of the death or disqualification of the successful candidate at the election; or
 - (ii) because the number of candidates returned at the election was less than the number of Members to be returned for the constituency or by the Election Committee due to the death or disqualification of a successful candidate; (Added 48 of 1999 s. 21)
- (d) on the Court's making a determination under section 67 that a person whose election is questioned was not duly elected and that no other person was duly elected instead. (Amended 48 of 1999 s. 21)

(2) However, a by-election to fill a vacancy occurring in the membership of the Legislative Council is not to be held-

- (a) within the 4 months preceding the end of that Council's current term of office; or
- (b) if the Chief Executive has published in the Gazette an order dissolving that Council in accordance with the Basic Law.

Section:	37	Who is eligible to be nominated as a candidate
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(1) A person is eligible to be nominated as a candidate at an election for a geographical constituency, or for election by the Election Committee, only if the person-

- (a) has reached 21 years of age; and
- (b) is both registered and eligible to be registered as an elector for a geographical constituency; and

- (c) is not disqualified from being elected as a Member by virtue of section 39 or any other law; and
 - (d) has ordinarily resided in Hong Kong for the 3 years immediately preceding the nomination; and
 - (e) is a Chinese citizen who is a permanent resident of Hong Kong with no right of abode in any country other than the People's Republic of China.
- (2) A person is eligible to be nominated as a candidate at an election for a functional constituency only if the person-
- (a) has reached 21 years of age; and
 - (b) either-
 - (i) is both registered and eligible to be registered as an elector for the constituency; or
 - (ii) satisfies the Returning Officer for the constituency that the person has a substantial connection with the constituency; and (Replaced 48 of 1999 s. 22)
 - (c) is both registered and eligible to be registered as an elector for a geographical constituency; and
 - (d) is not disqualified from being elected as a Member by virtue of section 39 or any other law; and
 - (e) has ordinarily resided in Hong Kong for the 3 years immediately preceding the nomination; and
 - (f) except in the case of the 12 functional constituencies specified in subsection (3), is a Chinese citizen who is a permanent resident of Hong Kong with no right of abode in any country other than the People's Republic of China.
- (3) The following 12 functional constituencies are specified for the purposes of subsection (2)-
- (a) the legal functional constituency;
 - (b) the accountancy functional constituency;
 - (c) the engineering functional constituency;
 - (d) the architectural, surveying and planning functional constituency;
 - (e) the real estate and construction functional constituency;
 - (f) the tourism functional constituency;
 - (g) the commercial (first) functional constituency;
 - (h) the industrial (first) functional constituency;
 - (i) the finance functional constituency;
 - (j) the financial services functional constituency;
 - (k) the import and export functional constituency;
 - (l) the insurance functional constituency.
- (4) A Member is not eligible to be nominated as a candidate at a by-election.

Section:	38	Nomination lists for geographical constituencies
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- (1) In this section-
 "nominee" (獲提名人) means a person whose name is included in a nomination list as a candidate.
- (2) The nomination of candidates for election as Members for a geographical constituency is to be by a list submitted to the Returning Officer containing either-
- (a) the names of 2 or more persons contesting the election for that geographical constituency as a group; or
 - (b) the name of a person contesting that election as a single candidate.
- (3) A nomination list must-

- (a) be submitted-
 - (i) on a nomination form that complies with regulations in force under the Electoral Affairs Commission Ordinance (Cap 541);
 - (ii) by a nominee on the nomination list concerned;
 - (iii) within the nomination period; and
 - (iv) in the manner prescribed by those regulations; and
 - (b) be accompanied by the written consent, made on the nomination form, of each nominee on the nomination list; and
 - (c) contain any other particulars required by regulations in force under the Electoral Affairs Commission Ordinance (Cap 541).
- (4) If a nomination list contains the names of 2 or more persons, the names are to be ranked in the order of priority of the group for which the nomination list is submitted.
- (4A) After a nomination list has been submitted to a Returning Officer-
- (a) the order in which names of nominees appear in the list cannot be altered;
 - (b) the names of other persons cannot be added to the list; and
 - (c) the names of persons already on the list cannot be deleted. (Amended 48 of 1999 s. 23)
- (5) The Returning Officer must determine, for each nominee whose name appears on the nomination list, whether or not the nominee is validly nominated.
- (6) If-
- (a) the Returning Officer determines that a nominee is not validly nominated; or
 - (b) a nominee's nomination is withdrawn; or
 - (c) a nominee dies,
- that Officer must strike out the name of that nominee from the nomination list and adjust the order of priority in which the names of nominees appear on that list accordingly.
- (6A) If, after the Returning Officer has determined that a nominee is validly nominated, but before the close of nominations, it comes to the knowledge of the Returning Officer that the nominee has died or is disqualified from being nominated, that Officer must strike out the name of that nominee from the nomination list and adjust the order of priority in which the names of nominees appear on that list accordingly. (Added 48 of 1999 s. 23)
- (7) If, after striking out names from a nomination list in accordance with subsection (6) or (6A), no name remains on the list, the Returning Officer must reject the list. (Amended 48 of 1999 s. 23)
- (8) (Renumbered as subsection (4A))
- (9) If, after the close of nominations, the names of more nominees remain on a nomination list than the number of Members to be returned for the constituency concerned, the Returning Officer must, having regard to the order in which the nominees' names appear on the list, exclude from the list the names of the surplus nominees so that only a number of nominees equal to the number of Members to be returned for the constituency remain on the list.
- (10) The nominees whose names remain on a nomination list after the Returning Officer has taken the action referred to in subsections (6), (6A) and (9) (as arranged in the order of priority indicated on the nomination list if there are 2 or more such remaining nominees) are taken as constituting a list of candidates for the purposes of section 49. (Amended 48 of 1999 s. 23)
- (11) If, before the date of the election, it comes to the knowledge of the Returning Officer that a candidate whose name appears on a list of candidates has died or is disqualified from being nominated as a candidate, the Returning Officer must strike out the name of that candidate from the list. (Added 48 of 1999 s. 23)
- (12) After striking out a name from a list of candidates under subsection (11), the Returning Officer must not add the name of any other person to the list. (Added 48 of 1999 s. 23)
- (13) If, after taking the action referred to in subsection (11), no name remains on the list of candidates, the Returning Officer must reject the list. (Added 48 of 1999 s. 23)
- (14) The candidates whose names remain on a list of candidates after the Returning Officer has taken the action referred to in subsection (11) are taken as constituting a new list of candidates that replaces the one constituted under subsection (10) for the purposes of section 49. (Added 48 of 1999 s. 23)

Section:	39	When person is disqualified from being nominated as a candidate and from being elected as a Member
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(1) A person is disqualified from being nominated as a candidate at an election, and from being elected as a Member, if the person-

- (a) is-
 - (i) a judicial officer; or
 - (ii) a prescribed public officer; or
 - (iii) an officer of the Legislative Council or a member of staff of The Legislative Council Commission; or (Amended 48 of 1999 s. 24)
- (b) has, in Hong Kong or 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 been substituted for the sentence; or
 - (ii) received a free pardon; or
- (c) has been convicted of treason; or
- (d) on the date of nomination, or of the election, is serving a sentence of imprisonment; or
- (e) without limiting paragraph (b), where the election is to be held or is held within 5 years after the date of the person's conviction, is or has been convicted-
 - (i) in Hong Kong or any other place, of an offence for which the person has been sentenced to imprisonment, whether suspended or not, for a term exceeding 3 months without the option of a fine; or
 - (ii) of having engaged in corrupt or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554); or
 - (iii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iv) of any offence prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap 541); or (Replaced 10 of 2000 s. 47)
- (f) is-
 - (i) ineligible to be a candidate, or to be elected as a Member, at the election; or
 - (ii) disqualified from being a candidate, or from being elected as a Member, at the election,
 because of the operation of this or any other law; or
- (g) is a representative or salaried functionary of a government of a place outside Hong Kong; or
- (h) is a member of any national, regional or municipal legislature, assembly or council of any place outside Hong Kong, other than a people's congress or people's consultative body of the People's Republic of China, whether established at the national or local level; or
- (i) is an undischarged bankrupt or, within the previous 5 years, has either obtained a discharge in bankruptcy or has entered into a composition with the person's creditors or a voluntary arrangement, in either case without paying the creditors in full.

(2) A person is also disqualified from being nominated as a candidate at an election if, in accordance with the Mental Health Ordinance (Cap 136), the Court has found the person to be of unsound mind and incapable of managing himself or herself and his or her affairs, but a person disqualified under this subsection is eligible for nomination as a candidate if, under that Ordinance, it is subsequently found that the person's unsoundness of mind has ceased.

(3) A person is also disqualified from being elected as a Member if, in accordance with the Mental Health Ordinance (Cap 136), the Court has found the person to be of unsound mind and

incapable of managing himself or herself and his or her affairs, but a person disqualified under this subsection ceases to be disqualified if, under that Ordinance, it is subsequently found that the person's unsoundness of mind has ceased.

(4) A person is also disqualified from being elected as a Member for a functional constituency if, since the close of nominations, the person has ceased to have a substantial connection with the constituency.

(5) In this section-

"judicial officer" (司法人員) means the holder of a judicial office, as defined in section 2 of the Public Service Commission Ordinance (Cap 93);

"prescribed public officer" (訂明的公職人員) 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 Monetary Authority and any member of the senior management of that Authority, including divisional heads, executive directors, managers and counsel employed by that Authority;
- (ea) the Privacy Commissioner for Personal Data and any person employed or engaged by him or her under the Personal Data (Privacy) Ordinance (Cap 486); (Added 48 of 1999 s. 24)
- (eb) 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); (Added 48 of 1999 s. 24)
- (f) any person holding an office, whether permanent or temporary, in a Government department or bureau and employed in the department or bureau.

Section:	40	What requirements are to be complied with by persons nominated as candidates
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(1) A person is not validly nominated as a candidate for an election for a constituency, or by the Election Committee, unless-

- (a) a deposit has, in the manner prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap 541), been lodged by or on behalf of the person with the Returning Officer concerned; and
- (b) the nomination form includes or is accompanied by-
 - (i) a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the Hong Kong Special Administrative Region; and
 - (ii) a declaration as to the person's nationality and as to whether or not the person has a right of abode in a country other than the People's Republic of China; and
 - (iii) a promissory oath given by the person to the effect that, if elected, he or she will not do anything during his or her term of office that results in his or her- (Amended 48 of 1999 s. 25)
 - (A) becoming-
 - (I) a prescribed public officer within the meaning of section 39(5); or
 - (II) an officer of the Legislative Council or a member of staff of The Legislative Council Commission; (Amended 48 of 1999 s. 25)
 - (B) being sentenced to death in Hong Kong or any other place;
 - (C) being convicted of treason;

- (D) being convicted-
 - (I) of having engaged in corrupt or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554); or
 - (II) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (III) of any offence prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap 541); (Replaced 10 of 2000 s. 47)
 - (E) being disqualified from being elected as a Member at an election because of the operation of this or any other law;
 - (F) becoming a representative or salaried functionary of a government of a place outside Hong Kong;
 - (G) becoming a member of any national, regional or municipal legislature, assembly or council of any place outside Hong Kong, other than a people's congress or people's consultative body of the People's Republic of China, whether established at the national or local level;
 - (H) becoming a member of the armed forces of the Central People's Government or any other country or territory; or
 - (I) in the case of a Member elected for a functional constituency, ceasing to have a substantial connection with the constituency.
- (2) The person must sign the declarations.
- (3) The deposit is to be of such an amount as is prescribed by the regulations for the purposes of this section.

Section:	41	Person not to be nominated for more than one constituency
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- (1) A person is not eligible to be nominated-
 - (a) as a candidate for a constituency if the person is currently nominated either as a candidate for another constituency or as a candidate for election by the Election Committee; or
 - (b) as a candidate for election by the Election Committee if the person is currently nominated as a candidate for a constituency.
- (2) The name of a person whose name is included in a nomination list for a geographical constituency is not, at the same election, eligible to be included in another list of candidates nominated for the constituency.

Section:	42B	Death or disqualification of a validly nominated candidate for election for geographical constituency or by Election Committee before date of election
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- (1) If, after the Returning Officer has made a decision under section 42A(1) that a candidate is validly nominated for election for a geographical constituency or by the Election Committee, but before the date of the election, it comes to the knowledge of the Returning Officer that the candidate has died, that Officer must, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap 541), give notice of the death of the candidate.
- (2) If a notice under section 42A(2) has been published, the Returning Officer must also, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap

541)-

- (a) publicly declare that the candidate has died; and
- (b) further declare which candidate or candidates are validly nominated for election for the constituency or by the Election Committee.

(3) Subsections (1) and (2) do not apply if the Returning Officer has publicly declared under section 46(1) that the candidate was duly elected as a Member.

(4) If, after the Returning Officer has made a decision under section 42A(1) that a candidate is validly nominated for election for a geographical constituency or by the Election Committee, but before the date of the election, it comes to the knowledge of the Returning Officer that the candidate is disqualified from being nominated as a candidate, the Returning Officer must, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap 541), vary the decision to the effect that the candidate is not validly nominated. If the Returning Officer so varies the decision, that Officer must, in accordance with those regulations, give notice of the variation of the decision.

(5) If a notice under section 42A(2) has been published, the Returning Officer must also, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap 541)-

- (a) publicly declare that the decision has been varied; and
- (b) further declare which candidate or candidates are validly nominated for election for the constituency or by the Election Committee.

(6) Subsections (4) and (5) do not apply if the Returning Officer has publicly declared under section 46(1) that the candidate was duly elected as a Member.

(Added 48 of 1999 s. 26)

Section:	42C	Death or disqualification of a validly nominated candidate for election for functional constituency before date of election
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If, after the close of nominations for an election for a functional constituency, but before the date of the election, it comes to the knowledge of the Returning Officer that a candidate who is validly nominated for election for the constituency has died or is disqualified from being nominated as a candidate for the constituency, that Officer must, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap 541), publicly declare that the proceedings for the election for that constituency are terminated.

(Added 48 of 1999 s. 26)

Section:	43	Candidates entitled to send letters to electors free of postage
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(1) Two letters, addressed to each elector for the geographical constituency for which a list of candidates is validly nominated, may be sent free of postage by or on behalf of the list of candidates.

(2) Two letters, addressed to each person who is an elector for the functional constituency for which a candidate is validly nominated may be sent free of postage by or on behalf of the candidate.

(3) Two letters, addressed to each member of the Election Committee, may be sent free of postage by or on behalf of each candidate validly nominated for election by that Committee.

(4) Each letter must relate to the election concerned and must comply with all requirements and limitations (if any) prescribed by the regulations and by regulations in force under the Electoral Affairs Commission Ordinance (Cap 541).

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

Section:	46	What is to happen if insufficient candidates are nominated
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(1) If, after the close of nomination of candidates for election for a constituency or by the Election Committee, no more candidates have been validly nominated than the number of Members to be returned for the constituency, or to be elected by the Election Committee, the Returning Officer must, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap 541), publicly declare the candidate or candidates to be duly elected as a Member or as Members.

(2) If, after the close of nomination of candidates for election for a constituency or by the Election Committee, no candidates were validly nominated or the number validly nominated was less than the number of Members to be returned for the constituency or by that Committee, the Returning Officer must, by notice published in the Gazette, declare the election to have failed or, as the case may be, to have failed to the extent that the number of candidates validly nominated was less than the number of Members to be returned.

Section:	46A	Death or disqualification of a validly nominated candidate before declaration of election result
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(1) If, on the date of an election but before the close of polling for the election, it comes to the knowledge of the Returning Officer that a validly nominated candidate for election for a constituency or by the Election Committee has died or is disqualified from being elected, that Officer must, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap 541), publicly declare that the proceedings for the election for the constituency or by the Election Committee are terminated.

(2) If, after the close of polling for an election but before declaring the result of the election, it comes to the knowledge of the Returning Officer that a validly nominated candidate for election for a constituency or by the Election Committee has died or is disqualified from being elected, the proceedings for the election for the constituency or by the Election Committee are not to be terminated at that stage. If the counting of votes in respect of the election has not begun or is being conducted, the counting of votes is to begin or to continue as if the death or disqualification had not occurred.

(3) If, after the counting of votes is finished, the candidate referred to in subsection (2) is found to be successful at the election, the Returning Officer must, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap 541), publicly declare the election-

- (a) to have failed; or
- (b) (where more than one Member is to be returned at the election for the constituency or by the Election Committee and there is another candidate or there are other candidates returned for the constituency or by that Committee) to have failed to the extent that the number of candidates returned at the election for the constituency or by the Election Committee was less than the number of Members to be returned for the constituency or by that Committee.

(4) The Returning Officer must not declare an election for a geographical constituency to have failed, or to have failed to the extent that the number of candidates returned at the election for

the constituency was less than the number of Members to be returned for the constituency, under subsection (3) if-

- (a) the successful candidate who has died or is disqualified from being elected was contesting in respect of a particular list within the meaning of section 49 for election for the constituency; and
- (b) another candidate whose name appears on the same list is to be returned in place of the deceased or disqualified candidate in accordance with section 49(15).

(Added 48 of 1999 s. 31)

Section:	47	How election is to be conducted
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(1) At every contested election to return a Member for a constituency or for the Election Committee-

- (a) a poll is to be taken of the electors of the constituency or of the members of that Committee; and
- (b) the voting at the poll is to be by secret ballot.

(2) A poll is to be conducted in accordance with the regulations and regulations in force under the Electoral Affairs Commission Ordinance (Cap 541).

(3) The Returning Officer appointed for a constituency or for the Election Committee is responsible for supervising an election for the constituency or by that Committee in accordance with this Ordinance and the Electoral Affairs Commission Ordinance (Cap 541).

Section:	48	Who is entitled to vote at an election
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(1) A person is entitled to vote at an election to return a Member for a constituency only if the person is registered as an elector for the constituency.

(2) A person is entitled to vote at an election by the Election Committee only if the person is registered as a member of that Committee under the Chief Executive Election Ordinance (Cap 569). (Amended 21 of 2001 s. 66)

(3) A member of the Election Committee (other than an ex-officio member) who is registered as an elector for a functional constituency is not entitled to vote at an election to return a Member for the constituency. (Amended 48 of 1999 s. 32)

(3A) Subject to subsections (3B) and (3C), an ex-officio member of the Election Committee who is registered as an elector for a functional constituency is entitled to vote at an election to return a Member-

- (a) for the constituency; or
- (b) by the Election Committee,

of that member's choice made in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap 541) before the compilation of the final register of members of the Election Committee for the purposes of the second general election. The choice is to have effect in relation to any election held for the second term of office of the Legislative Council and is irrevocable. (Added 48 of 1999 s. 32)

(3B) An elector registered for a functional constituency ("first-mentioned registration") who is subsequently registered, under this Ordinance in force immediately before the commencement of section 73 of the Chief Executive Election Ordinance (Cap 569) or under the last mentioned Ordinance, as an ex-officio member of the Election Committee after the second general election ("second-mentioned registration") is only entitled, after the second-mentioned registration, to vote at an election to return a Member by the Election Committee unless there has been an election for the second term of office of the Legislative Council (whether contested or uncontested) to return a

Member for that constituency during the period between the first-mentioned registration and the second-mentioned registration of the elector, in which case the elector is only entitled to vote at an election to return a Member for that constituency. (Added 48 of 1999 s. 32. Amended 21 of 2001 s. 66)

(3C) An ex-officio member of the Election Committee who is subsequently registered as an elector for a functional constituency after the second general election is, despite the subsequent registration, only entitled to vote at an election to return a Member by the Election Committee. (Added 48 of 1999 s. 32)

(4) An elector registered for a constituency is entitled to vote only once at an election to return a Member for a constituency, unless otherwise expressly provided by this Ordinance.

(5) A person registered as an elector for a constituency may not be prevented from voting at an election only because the person's name should not have been included in the final register prepared for the constituency.

(6) A member of the Election Committee may not be prevented from voting at an election by that Committee only because the member's name should not have been included in the final register of members of the Election Committee that is compiled and published, and in effect, under the Schedule to the Chief Executive Election Ordinance (Cap 569). (Amended 21 of 2001 s. 66)

(7) Subsections (5) and (6) do not-

(a) preclude the Court from making a determination under section 67; or

(b) affect the person's liability to be charged with, and convicted of, an offence relating to voting at the election concerned.

(8) A corporate elector may vote at an election only by its authorized representative.

Section:	49	System of voting and counting of votes: geographical constituencies
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(1) In this section-

"list" (名單) means a list of candidates referred to in section 38(10) or a new list of candidates referred to in section 38(14); (Amended 48 of 1999 s. 33)

"specified number" (指明議席數目), in relation to a geographical constituency, means the number of Members to be returned for the constituency, as specified in an order made under section 19(2);

"votes" (票) means valid votes.

(2) The election of Members for a geographical constituency is to be conducted in accordance with the voting system known as the list system of proportional representation.

(3) At an election for a geographical constituency, an elector is entitled to cast a single vote for a list (as shown on the ballot paper) and not for an individual candidate.

(4) The candidates to be returned as Members for a geographical constituency at a general election are to be determined as provided by this section. This section applies with any necessary modifications to by-elections for a geographical constituency.

(5) Subject to this section, for every quota of votes cast for a list, a candidate whose name appears on the list is to be returned as a Member for the relevant geographical constituency.

(6) For the purposes of subsection (5), a quota is to be calculated as follows-

$$Q = \frac{V}{N}$$

where-

Q represents the quota (with any part of the number resulting from the calculation that is a fraction to be disregarded);

V represents the total number of votes cast at the election for all of the lists;

N represents the specified number for the constituency concerned.

(7) If, after all of the votes are counted-

(a) the number of Members that can be returned by virtue of subsection (5) is less than the specified number; or

(b) none of the specified number of Members can be returned by applying the quota, the number of Members remaining to be returned, or the specified number of Members to be returned, for the constituency is to be determined by applying the largest remainder formula as provided by subsection (8).

(8) Subject to subsections (9) and (11), the largest remainder formula is to be applied as follows-

(a) the list with the largest remaining number of votes is determined from among the lists that have any remaining votes (that is, lists, if any, for which more votes were cast than is necessary to obtain a quota and from which the quota, or a multiple of the quota if more than one is obtained, has been deducted), and lists for which fewer votes were cast than is necessary to obtain a quota;

(b) a candidate is returnable for the list that has the largest remaining number of votes as determined under paragraph (a);

(c) if the specified number of Members is not returned in accordance with subsection (5) and paragraph (b), the process is to be continued with the remaining votes as provided by paragraphs (a) and (b) until the specified number of Members is returned for the constituency.

(9) If the number of votes cast for a list is such that, after the candidate, or all of the candidates, on that list are elected as provided by subsection (5), votes remain that would entitle a further candidate or further candidates to be returned in respect of the list-

(a) the candidate whose name appears, or the candidates whose names appear, on the list are to be returned as Members; and

(b) the list is taken to have no votes remaining.

(10) After the candidate or candidates are determined as being returned as provided by subsection (9)(a), in order to return the remaining number of Members, the list having the largest remaining number of votes, and if necessary, the next largest, is determined for the purposes of subsection (8) and the process is to continue until the specified number of Members is returned for the constituency.

(11) If, at any stage in determining the Members to be returned, it is found (after a re-count, where a re-count takes place) that-

(a) 2 or more lists have the largest number of remaining votes; and

(b) the number of those lists exceeds the number of Members remaining to be returned at that stage,

the Returning Officer must determine the result at that stage by drawing lots. The Member is or Members are to be returned from the list or lists on which the lot falls. (Amended 48 of 1999 s. 33)

(12) When, in accordance with this section, 2 or more candidates are to be returned in respect of a list, which of the candidates are to be returned as Members is to be determined according to the order of priority in which their names appear on the list, beginning with the first (at the top of the list) and then proceeding in descending order.

(13) As soon as practicable after determining the result of an election for a geographical constituency, the Returning Officer must publicly declare as elected the candidates who were successful at the election.

(14) Despite subsection (13), if, before declaring the result of an election for a geographical constituency, it comes to the knowledge of the Returning Officer that a candidate on a list who was successful at the election has died or is disqualified from being elected, that Officer must not declare that candidate as elected. (Added 48 of 1999 s. 33)

(15) If there is another candidate or there are other candidates on the same list who has not or have not been returned for the constituency, the candidate is to be returned or a candidate is to be returned according to the order of priority on the list (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 must publicly declare the candidate so returned to be elected. (Added 48 of 1999 s. 33)

(16) If there is no other candidate on the same list who can be returned under subsection (15) for the constituency, the Returning Officer must publicly declare, under section 46A(3), that the election-

- (a) has failed; or
- (b) (where more than one Member is to be returned at the election for the constituency and there is another candidate or there are other candidates returned for the constituency) has failed to the extent that the number of candidates returned at the election for the constituency was less than the number of Members to be returned for the constituency. (Added 48 of 1999 s. 33)

Section:	50	System of voting and counting of votes: the Heung Yee Kuk, the agriculture and fisheries, the insurance and the transport functional constituencies
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(1) This section applies to elections for functional constituencies specified in section 20(1)(a) to (d). (Amended 48 of 1999 s. 34)

(2) Voting and counting of votes at a poll for the return of a Member for a functional constituency to which this section applies is to be conducted in accordance with the preferential elimination system of voting.

(3) An elector entitled to vote at an election to return a Member for a functional constituency to which this section applies is entitled to cast a single vote. That vote is transferable amongst the candidates nominated for election, with the elector marking the elector's preference or preferences for those candidates on the ballot paper against one or more of those candidates in descending order.

(4) In order to be elected, a candidate must obtain an absolute majority of the votes.

(5) If no candidate obtains an absolute majority of the votes at a particular stage of the counting of votes-

- (a) the candidate with the least number of votes, or the candidates with the least number of votes if 2 or more such candidates have an equal number of votes, is to be eliminated at that stage; and
- (b) that candidate's votes, or those candidates' votes, are to be transferred to the candidates then remaining in accordance with the next available preferences marked on the ballot papers.

This process is to continue until one candidate obtains an absolute majority over the other candidate or candidates then remaining.

(6) If, after the final stage of counting of votes at an election for a functional constituency to which this section applies, the remaining candidates have an equal number of votes, the Returning Officer must determine the result of the election by drawing lots. The candidate on whom the lot falls is to be returned at the election. (Amended 48 of 1999 s. 34)

(7) As soon as practicable after determining the result of an election for a functional constituency to which this section applies, the Returning Officer must publicly declare as elected the candidate who was successful at the election.

(8) Despite subsection (7), if, before declaring the result of an election for a functional constituency, it comes to the knowledge of the Returning Officer that the candidate who was successful at the election has died or is disqualified from being elected, that Officer-

- (a) must not declare that candidate as elected; and
- (b) must publicly declare, under section 46A(3), that the election has failed. (Added 48 of 1999 s. 34)

Section:	51	System of voting and counting of votes: other functional constituencies
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(1) This section applies to elections for functional constituencies specified in section 20(1)(e) to (zb). (Amended 48 of 1999 s. 35)

(2) Voting and counting of votes at a poll for the return of a Member or Members for a functional constituency to which this section applies is to be conducted in accordance with the simple or relative majority system of election (otherwise known as the "first past the post" voting system) whereby an elector may vote for as many candidates as there are vacancies and no more.

(3) If the election is for a single-member functional constituency that is contested by 2 or more candidates, the candidate to be returned as a Member is the candidate who obtains the greater or greatest number of votes.

(4) If the election is for a triple-member functional constituency that is contested by 4 or more candidates at a general election, the candidates to be returned as Members are the 3 candidates who obtain the greatest and next 2 greatest numbers of votes.

(5) Subsection (4) applies with any necessary modifications to a by-election to return fewer than 3 Members for a triple-member constituency.

(6) If, after the counting is finished at an election for a functional constituency to which this section applies, a Member or Members is still to be returned for the constituency and the most successful candidates have an equal number of votes, the Returning Officer must determine the result of the election by drawing lots. The candidate or candidates on whom the lot falls is or are to be returned at the election. (Amended 48 of 1999 s. 35)

(7) As soon as practicable after determining the result of an election for a functional constituency to which this section applies, the Returning Officer must publicly declare as elected the candidate or candidates who were successful at the election.

(8) Despite subsection (7), if, before declaring the result of an election for a functional constituency, it comes to the knowledge of the Returning Officer that the candidate or a candidate who was successful at the election has died or is disqualified from being elected, that Officer-

- (a) must not declare that candidate as elected; and
- (b) must publicly declare, under section 46A(3), that the election-
 - (i) has failed; or
 - (ii) (where more than one Member is to be returned at the election for the constituency and there is another candidate or there are other candidates returned for the constituency) has failed to the extent that the number of candidates returned at the election for the constituency was less than the number of Members to be returned for the constituency. (Added 48 of 1999 s. 35)

Section:	52	System of voting and counting of votes: Election Committee
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(1) Voting and counting of votes at a poll for the return of a Member by the Election Committee is to be conducted in accordance with the simple or relative majority system of election (otherwise known as the "first past the post" voting system) whereby an elector may vote for as many candidates as there are vacancies and no more.

(2) At the general election for the second term of office of the Legislative Council, a member of the Election Committee is entitled to cast 6 votes for candidates nominated for election by that Committee. At a by-election to fill a vacancy among the Members returned by the Election

Committee, a member of that Committee is entitled to cast the same number of votes as the number of Members to be returned at the by-election. (Replaced 48 of 1999 s. 36)

(2A) The votes cast by a member of the Election Committee at a general election or at a by-election are valid only if the member has cast all the votes under the member's entitlement for that general election or by-election as specified in subsection (2). (Added 48 of 1999 s. 36)

(3) The candidates to be returned as Members by the Election Committee at the general election for the second term of office of the Legislative Council are the 6 candidates who obtain the greatest and next 5 greatest numbers of votes. (Replaced 48 of 1999 s. 36)

(4) Subsection (3) applies with any necessary modifications to a by-election to be held by the Election Committee to return Members to fill vacancies among the Members to be elected by that Committee.

(5) If, after the counting is finished at an election by the Election Committee, a Member or Members is still to be returned and the most successful candidates remaining have an equal number of votes, the Returning Officer must determine the result of the election by drawing lots. The candidate or candidates on whom the lot falls is or are to be returned at the election. (Amended 48 of 1999 s. 36)

(6) As soon as practicable after determining the result of an election by the Election Committee, the Returning Officer must publicly declare as elected the candidate or candidates who were successful at the election.

(7) Despite subsection (6), if, before declaring the result of an election by the Election Committee, it comes to the knowledge of the Returning Officer that the candidate or a candidate who was successful at the election has died or is disqualified from being elected, that Officer-

- (a) must not declare that candidate as elected; and
- (b) must publicly declare, under section 46A(3), that the election-
 - (i) has failed; or
 - (ii) (where more than one Member is to be returned at the election by the Election Committee and there is another candidate or there are other candidates returned at the election by that Committee) has failed to the extent that the number of candidates returned at the election by the Election Committee was less than the number of Members to be returned by that Committee. (Added 48 of 1999 s. 36)

Section:	53	When an elector is disqualified from voting at an election
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- (1) A person registered as an elector is disqualified from voting at an election if the person-
 - (a) in the case of a geographical constituency, has ceased to be eligible to be registered as an elector for such a constituency; or
 - (b) in the case of a functional constituency, has ceased to be a person eligible to be registered as an elector for such a constituency. (Amended 48 of 1999 s. 37)
- (2) A member of the Election Committee (other than an ex-officio member) is disqualified from voting at an election if the member-
 - (aa) has resigned from the membership under section 3(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569); (Added 21 of 2001 s. 67)
 - (a) has ceased to be eligible to be registered as an elector for a geographical constituency; or
 - (b) ceases to have a substantial connection with the relevant subsector.
- (3) A person registered as an ex-officio member of the Election Committee is disqualified from voting at an election if the person-
 - (a) has ceased to be an ex-officio member of that Committee;
 - (b) has ceased to be eligible to be registered as an elector for a geographical constituency; or

- (c) is not registered or has ceased to be registered as an elector for a geographical constituency. (Replaced 48 of 1999 s. 37)
- (4) A person is disqualified from voting at an election as the authorized representative of a corporate elector if the person-
 - (a) is no longer eligible to be the authorized representative of the elector; or
 - (b) is not registered as such a representative by the Electoral Registration Officer.
- (5) An elector (including a member of the Election Committee) is also disqualified from voting at an election if the elector-
 - (a) has, in Hong Kong or 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; or
 - (b) on the date of the election, is serving a sentence of imprisonment; or
 - (c) without limiting paragraph (a), where the 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 or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554); or
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap 541); or (Replaced 10 of 2000 s. 47)
 - (d) is, in accordance with the Mental Health Ordinance (Cap 136), found by the Court to be of unsound mind and incapable of managing himself or herself and his or her affairs; or
 - (e) is a member of the armed forces of the Central People's Government or any other country or territory.
- (6) Subsection (5) applies to the authorized representative of a corporate elector in the same way as it applies to an elector who is a natural person.

Section:	58	Returning Officer to publish result of election
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- (1) The Returning Officer for an election to return Members for a geographical constituency must publish in the Gazette a notice declaring that the candidates returned at the election are the Members duly elected for the constituency.
- (2) The Returning Officer for an election to return a Member or Members for a functional constituency must publish in the Gazette a notice declaring that the candidate or candidates returned at the election is or are the Members duly elected for the constituency.
- (3) The Returning Officer for an election by the Election Committee must publish in the Gazette a notice declaring that the candidates returned at the election are the Members duly elected by that Committee.
- (4) The Returning Officer concerned must ensure that the publication and notice required by this section comply with regulations in force under the Electoral Affairs Commission Ordinance (Cap 541).

Section:	59	Offences by electoral officers with respect to conduct of election
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- (1) Any person holding office as an electoral officer at an election who neglects or refuses to perform the functions or duties of that office in relation to the 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.

Section:	62	Who may lodge election petition
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- (1) An election petition may be lodged, in the case of an election for a constituency-
 - (a) by 10 or more electors entitled to vote at the election; or
 - (b) by a person claiming to have been a candidate in the election.
- (2) An election petition may be lodged, in the case of an election by the Election Committee-
 - (a) by 10 or more members of that Committee; or
 - (b) by a person claiming to have been a candidate in the election.

Section:	78	Appointment of Returning Officers and assistants
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(1) The Electoral Affairs Commission must appoint for each constituency and for the Election Committee a Returning Officer and such number of Assistant Returning Officers as appears to the Commission to be necessary to enable an election to be held in the constituency and by that Committee.

(2) (Repealed 21 of 2001 s. 70)

(3) A Returning Officer has such functions and duties as are conferred or imposed on that Officer by or under this Ordinance.

(4) An Assistant Returning Officer may, with the authority of the Returning Officer concerned, exercise and perform the functions and duties of Returning Officer.

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

(6) The executive authorities of the Government must ensure that each Returning Officer is provided with such staff as that Officer requires in order to exercise and perform that Officer's functions and duties under this Ordinance.

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

Section:	82	Chief Executive in Council may make regulations
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PART X

SUBSIDIARY LEGISLATION

(1) The Chief Executive in Council may make regulations for the better carrying out of the purposes of this Ordinance.

- (2) In particular, a regulation under this section may provide for all or any of the following-
 - (a) the number or qualifications of subscribers required to complete a nomination paper for a candidate or a list of candidates; and
 - (b) the amount that a candidate or a list of candidates is required to lodge as a deposit

- at an election; and
 - (c) the forfeiture of the deposit if the candidate or list of candidates fail to obtain a prescribed proportion of the votes cast at the election and for the return of the deposit if the candidate or list of candidates obtain that proportion of votes at the election; and
 - (d) the functions and duties of a Revising Officer; and
 - (e) appeals to a Revising Officer.
- (3) A provision of a regulation may make it an offence, punishable by a fine not exceeding level 2, for a person to contravene a provision of the regulation.
- (4) A regulation may-
- (a) make different provisions for different circumstances and provide for a particular case or class of cases; and
 - (b) be made so as to apply only in specified circumstances; and
 - (c) prescribe fees for the purposes of the regulation.
- (5) (Repealed 21 of 2001 s. 71)

Schedule:	1	COMPOSITION OF THE AGRICULTURE AND FISHERIES FUNCTIONAL CONSTITUENCY
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[section 20B]

Item	Body
1.	The Aberdeen Fishermen Friendship Association.
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.	The Hong Kong Fisheries Development Association.
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.	The Hong Kong Liner & Gillnetting Fisherman Association.
22.	Hong Kong Livestock Industry Association.
23.	Hong Kong N.T. Fish Culture Association.
24.	Hong Kong N.T. Poultry-Culture (Geese & Ducks) Mutual Association.
25.	Hong Kong Netting, Cultivation and Fisherman Association.
26.	Hong Kong New Territories Boat People Association.
27.	Hong Kong Off-shore Fishermen's Association.
28.	Hong Kong Pigfarm Association Limited.

29. The Lam Ti Agricultural Credit Co-operative Society, Limited.
30. Lamma Island Lo Dik Wan Aquaculture Association.
31. The Lamma Island (North) Villagers' Thrift and Loan Co-operative Society Limited.
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. The Sai Kung Agricultural Products Marketing & Credit Co-operative Society, Ltd.
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. Sha Tau Kok Marine Fish Culture Association.
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. The Sheung Shui Ngai Yuen Sun Tsuen Pig Raising Co-operative Society, Ltd.
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. The Tai Po Ma Wo Village Pig Raising Co-operative Society, Ltd.
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 Tsuen Wan Gill Net Fishermen's Credit Co-operative Society, Unlimited.
69. Tuen Mun Agricultural Association.
70. Tung Lung Chau Mariculture Association.
71. The World Poultry Science Association, Hong Kong Branch.
72. The Wu Kau Tang Village Agricultural Credit Co-operative Society, Limited.
73. The Yuen Long Agriculture Productivity Association.
74. Yung Shue Au Marine Fish Culture Business Association.
75. 大嶼山水陸居民聯合會.
76. 青衣水陸居民聯誼會.
77. 荃灣葵青居民聯會(漁民組).
78. 荃灣葵青漁民會.

(Replaced 48 of 1999 s. 43)

Schedule:	1A	COMPOSITION OF THE TRANSPORT FUNCTIONAL CONSTITUENCY
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[section 20D]

Item	Body
1.	Adams Parking (International) Limited.
2.	Airport Authority Hong Kong.
3.	Airport Ferry Services Ltd.
4.	Articulated & Commercial Vehicle's Instructors Union.
5.	The Association of N.T. Radio Taxicabs Ltd.
6.	Autotoll Limited.
7.	Chartered Institute of Transport in Hong Kong.
8.	China Merchants Shipping & Enterprises Co. Ltd.
9.	China Tollways Ltd.
10.	Chu Kong Shipping Enterprises (Holdings) Co. Ltd.
11.	Chuen Kee Ferry Ltd.
12.	Chuen Lee Radio Taxis Association Ltd.
13.	Citybus Ltd.
14.	Coral Sea Ferry Service Co., Ltd.
15.	COSCO-HIT Terminals (Hong Kong) Limited.
16.	CTOD Association Company Ltd.
17.	CTS-Parkview Ferry Services Ltd.
18.	Discovery Bay Transportation Services Ltd.
19.	Driving Instructors Merchant Association Ltd.
20.	Eastern Ferry Co.
21.	Expert Fortune Ltd.
22.	Far East Hydrofoil Co. Ltd.
23.	Fat Kee Stevedores Ltd.
24.	The Fraternity Association of N.T. Taxi Merchants.
25.	Fraternity Taxi Owners Association.
26.	G.M.B. Maxicab Operators General Association Ltd.
27.	The Goods Vehicle Fleet Owners Association Ltd.
28.	Happy Taxi Operator's Association Ltd.
29.	HKS Parking Limited.
30.	Hoi Kong Container Services Co. Ltd.
31.	Holiday Resorts (Hong Kong) Ltd.
32.	Hon Wah Public Light Bus Association Ltd.
33.	Hong Kong Air Cargo Terminals Limited.
34.	Hong Kong & Kowloon Ferry Ltd.
35.	Hong Kong & Kowloon Goods Vehicle Omnibuses and Minibuses Instructors' Association Ltd.
36.	Hong Kong & Kowloon Motor Boats and Tug Boats Association Ltd.
37.	Hong Kong & Kowloon Radio Car Owners Association Ltd.
38.	Hong Kong and Kowloon Rich Radio Car Service Centre Association Ltd.
39.	Hong Kong & Kowloon Taxi Companies Association Ltd.
40.	Hong Kong Association of Freight Forwarding Agents Ltd.
41.	Hong Kong Automobile Association.
42.	The Hong Kong Cargo-Vessel Traders' Association Ltd.
43.	Hong Kong Commercial Vehicle Driving Instructors Association Ltd.

44. Hong Kong Container Freight Station Association Limited.
45. Hong Kong Container Tractor Owner Association Ltd.
46. Hong Kong Driving Instruction Club Ltd.
47. Hong Kong Guangdong Transportation Association Ltd.
48. The Hong Kong Institute of Marine Technology.
49. Hong Kong, Kowloon & NT Public & Maxicab Light Bus Merchants' United Association.
50. Hong Kong Kowloon Taxi & Lorry Owners Association Ltd.
51. The Hong Kong Liner Shipping Association.
52. Hong Kong Marine Contractors Association.
53. Hong Kong Motor Car Driving Instructors Association Ltd.
54. Hong Kong Pilots Association Ltd.
55. Hong Kong Public & Maxicab Light Bus United Associations.
56. Hong Kong Public Cargo Working Areas Traders Association Ltd.
57. Hong Kong Scheduled (GMB) Licensee Association.
58. The Hong Kong School of Motoring Ltd.
59. The Hong Kong Sea Transport Association Ltd.
60. The Hong Kong Shipowners Association Ltd.
61. Hong Kong Shipping Circles Association Ltd.
62. Hong Kong Shipping Industry Institute.
63. Hong Kong Shipping Staff Association.
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 Ltd.
68. Hong Kong Transportation Warehouse Wharf Club.
69. Hong Kong Tunnels and Highways Management Company Limited.
70. The Hongkong & Yaumati Ferry Co., Ltd.
71. Hongkong International Terminals Ltd.
72. Hop Shing Kung Ferry Co., Ltd.
73. Institute of Advanced Motorists Hong Kong.
74. The Institute of Seatransport.
75. Institute of Transport Administration (China-Hong Kong Centre).
76. Kowloon Fung Wong Public Light Bus Merchants & Workers' Association Ltd.
77. Kowloon Motor Bus Company (1933) Ltd.
78. Kowloon Motor Driving Instructors' Association Ltd.
79. The Kowloon PLB Chiu Chow Traders & Workers Friendly Association.
80. The Kowloon Taxi Owners Association Ltd.
81. Kowloon Truck Merchants Association Ltd.
82. Kowloon-Canton Railway Corporation.
83. Kwik Park Limited.
84. Lam Tin Wai Hoi Public Light Bus Merchants Association Ltd.
85. Lantau Taxi Association.
86. Lei Yue Mun Ko Chiu Road Public Light Bus Merchants Association Ltd.
87. Lok Ma Chau China-Hong Kong Freight Association.
88. Long Win Bus Company Limited.
89. Lung Cheung Public Light Bus Welfare Advancement Association Ltd.
90. Mack & Co. Carpark Management Limited.
91. Marine Excursion Association.
92. Maritime Affairs Research Association Ltd.
93. MTR Corporation Limited. (Amended 13 of 2000 s. 65)
94. Merchant Navy Officers' Guild-Hong Kong.
95. Metropark Limited.
96. Mid-stream Holdings (HK) Limited.
97. Mixer Truck Drivers Association.
98. Modern Terminals Ltd.

99. N.T. PLB Owners Association.
100. N.T. San Tin PLB (17) Owners Association.
101. N.T. Taxi Merchants Association Ltd.
102. N.T. Taxi Owners & Drivers Fraternal Association.
103. N.T. Taxi Radio Service General Association.
104. N.W. Area Taxi Drivers & Operators Association.
105. New Hong Kong Tunnel Co., Ltd.
106. New Lantao Bus Co., (1973) Ltd.
107. New Territories Cargo Transport Association Ltd.
108. New World First Bus Services Limited.
109. North District Taxi Merchants Association.
110. Organisation of Hong Kong Drivers.
111. Owners and Drivers Association.
112. Peak Tramways Co., Ltd.
113. Pioneer Concrete Owners Drivers Association.
114. The Polly Ferry Co., Ltd.
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. Rambo Taxi Owners Association Ltd.
123. River Trade Terminal Co. Ltd.
124. Route 3 (CPS) Company Limited.
125. Sai Kung PLB Drivers and Owners Association.
126. Sai Kung Taxi Operators Association Ltd.
127. Salvage Association (Hong Kong Office).
128. Sea-Land Orient Terminals Ltd.
129. Serco Guardian (F.M.) Ltd.
130. Shun Tak Ferries Ltd.
131. The "Star" Ferry Co., Ltd.
132. Sun Hing Taxi Radio Association.
133. T.C. Taxi United Association Ltd.
134. Tang's Taxi Companies Association Ltd.
135. Tate's Cairn Tunnel Co., Ltd.
136. Taxi Associations Federation.
137. Taxi Dealers & Owners Association Ltd.
138. Taxi Drivers & Operators Association Ltd.
139. The Taxi Operators Association Ltd.
140. Taxicom Vehicle Owners Association Ltd.
141. Tsing Ma Management Limited.
142. Tsuen Wan PLB Commercial Association Ltd.
143. Tuen Mun PLB Association.
144. Tung Yee Shipbuilding & Repairing Merchants General Association.
145. United Association of Public Lightbus Hong Kong.
146. United Friendship Taxi Owners & Drivers Association Ltd.
147. United Radio Taxi & Goods Vehicle Association Ltd.
148. Urban Taxi Drivers Association Joint Committee Co. Ltd.
149. Wai Fat Taxi Owners Association Ltd.
150. Wai Yik HK & Kln & NT Taxi Owners Association.
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. Wing Yip Shipping & Transportation Co. Ltd.
157. Wu Gang Shipping Co. Ltd.
158. Xiamen United Enterprises (H.K.) Ltd.
159. Yik Sun Radiocabs Operators Association Ltd.
160. Young Children School Mini-Buses Operators Association Ltd.
161. Yuen Long Tai Po PLB Merchants Association Ltd.

(Added 48 of 1999 s. 43)

Schedule:	1B	COMPOSITION OF THE SPORTS, PERFORMING ARTS, CULTURE AND PUBLICATION FUNCTIONAL CONSTITUENCY
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[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 & Sports Council.
6.	Kwai Tsing District Sports Association.
7.	Kwun Tong Sports Promotion Association Ltd.
8.	Mongkok District Cultural Recreation & Sports Association Ltd.
9.	North District Sports Association.
10.	Sai Kung District Sports Association Ltd.
11.	Sha Tin Sports Association Ltd.
12.	Sham Shui Po Sports Association.
13.	Southern District Recreation & Sports Council.
14.	Tai Po Sports Association Ltd.
15.	Tuen Mun Sports Association Limited.
16.	Wanchai District Arts Cultural Recreation & Sports Association Ltd.
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.
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 & Recreation Promotion Association Limited.
6. North District Arts Advancement Association Limited.
7. Saikung Cultural & Recreation Advancement Association.
8. Sha Tin Arts Association Limited.
9. Shamshuipo Arts Association.
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 Amateur Lyric Writers' Association of Hong Kong.
3.	Artiste Training Alumni Association Limited.
4.	Asia Television Limited.
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.	Galaxy Satellite Broadcasting Limited.
9.	HK Film Directors' Guild Ltd.
10.	Hong Kong Anthropological Society.
11.	Hong Kong Archaeological Society.
12.	Hong Kong Cable Television Limited.
13.	The Hong Kong Children's Choir.
14.	Hong Kong Chinese Orchestra.
15.	Hong Kong Chinese Press Association.
16.	Hong Kong Cinema and Theatrical Enterprise Association Ltd.
17.	Hong Kong Cinematography and Television Lighting Association Limited.
18.	Hong Kong Commercial Broadcasting Company Limited.
19.	Hong Kong Curators Association.
20.	Hong Kong Dance Company.
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.	Hong Kong Golf Association.
26.	Hong Kong History Society.
27.	Hong Kong Intellectual Property Society.
28.	Hong Kong Journalists Association.
29.	The Hong Kong Life Saving Society.
30.	The Hong Kong Mass Media Professionals Association Ltd.
31.	Hong Kong Museum of Medical Sciences Society.
32.	Hong Kong News Executives' Association Ltd.
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.
38. Hong Kong Repertory Theatre.
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. Hong Kong Telecom VOD Limited.
45. Hong Kong United Arts Entertainment Co. Ltd.
46. Hutchvision Hong Kong Limited.
47. Metro Broadcast Corporation Limited.
48. Min Chiu Society.
49. Motion Picture Production Executives (Hong Kong) Association.
50. New Territories Regional Sports Association.
51. The Newspaper Society of Hong Kong.
52. Pop-Music Authors Society of Hong Kong.
53. Royal Asiatic Society Hong Kong Branch.
54. Sail Training Association of Hong Kong Ltd.
55. Society of Cinematographers (Hong Kong) Limited.
56. Society of Film Editors (HK) Ltd.
57. South China Film Industry Workers Union.
58. South China Research Circle.
59. Swimming Teacher's Association Hong Kong.
60. Television Broadcasts Limited.
61. Videotage.
62. Zuni Icosahedron.

(Added 48 of 1999 s. 43)

Schedule:	1C	COMPOSITION OF THE WHOLESALE AND RETAIL FUNCTIONAL CONSTITUENCY
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[section 20Y]

Item	Body
1.	The Anglo-Chinese Vegetable Wholesale Merchants Association Limited.
2.	The Association of Retailers and Tourism Services.
3.	Cheung Sha Wan Poultry United Wholesalers Association Ltd.
4.	Chinese Medicine Merchants Association Ltd.
5.	Chinese Merchants Association.
6.	Chinese Paper Merchants Association.
7.	The Cosmetic & Perfumery Association of Hong Kong Ltd.
8.	Eastern District Fresh Fish Merchants' Society.
9.	Federation of Hong Kong, Kowloon and New Territories Hawkers Associations.
10.	The Federation of Hong Kong Watch Trades and Industries Ltd.
11.	HK Vegetable Wholesaler Community.
12.	Hong Kong and Kowloon Bamboo Goods Merchants Association Limited.
13.	Hong Kong and Kowloon Electrical Appliances Merchants Association Ltd.
14.	Hong Kong & Kowloon Electro-Plating Trade Merchants Association Ltd.
15.	Hong Kong & Kowloon European Dress Merchants Association.

16. Hong Kong & Kowloon Fresh Water Fish Merchants' & Buyers' Association Limited.
17. Hong Kong & Kowloon Fruit & Vegetable Employees & Employers Guild.
18. Hong Kong & Kowloon Furniture & Shop Fittings Merchants Association.
19. Hong Kong & Kowloon General Association of Liquor Dealers and Distillers.
20. Hong Kong & Kowloon Machine Made Paper Merchants Association Ltd.
21. Hong Kong and Kowloon Machinery and Instrument Merchants Association Ltd.
22. Hong Kong & Kowloon Marine Products Merchants Association Ltd.
23. Hong Kong & Kowloon Plastic Products Merchants United Association Limited.
24. Hong Kong & Kowloon Poultry Dealers Guild.
25. The Hong Kong & Kowloon Provisions, Wine & Spirit Dealers' Association.
26. Hong Kong & Kowloon Rattan Ware Merchants Association (Wing-Hing-Tong).
27. The Hong Kong and Kowloon Rice Retailers' General Association Ltd.
28. Hong Kong and Kowloon Salt Merchants' Association.
29. Hong Kong & Kowloon Sauce & Preserved-Fruit Amalgamated Employers Association.
30. Hong Kong & Kowloon Tea Trade Merchants Association Ltd.
31. Hong Kong & Kowloon Timber Merchants Association.
32. Hong Kong & Kowloon Vegetable Transportation Fraternity Association.
33. Hong Kong & Kowloon Vermicelli & Noodle Manufacturing Industry Merchants' General Association.
34. Hong Kong Art Craft Merchants Association, Ltd.
35. Hong Kong Dried Seafood and Grocery Merchants Association Limited.
36. Hong Kong Dyestuffs Merchants Association Limited.
37. Hong Kong Egg Merchants Association (Fung-Kwai-Tong).
38. Hong Kong Embroidery Merchants Association Limited.
39. Hong Kong Flour Merchants' Association.
40. Hong Kong Flower Dealers & Workers Association.
41. Hong Kong Flower Retailers Association.
42. The Hong Kong Food Trades Association Limited.
43. Hong Kong Fresh Fish Merchants Association.
44. Hong Kong Fur Federation.
45. Hong Kong Furniture & Decoration Trade Association Limited.
46. Hong Kong General Chamber of Pharmacy Limited.
47. Hong Kong Glass and Mirror Merchants and Manufacturers Association Company Limited.
48. Hong Kong Jewellers' & Goldsmiths' Association Limited.
49. Hong Kong Leather Shoe And Shoe Material Merchants Association Ltd.
50. Hong Kong Live Pig Trade Merchants' Association.
51. The Hong Kong Medicine Dealers' Guild.
52. Hong Kong Metal Merchants Association.
53. The Hong Kong Oil Merchants Association Ltd.
54. Hong Kong Paints & Pigments Merchants Association Ltd.
55. Hong Kong Petroleum, Chemicals and Pharmaceutical Materials Merchants Association Ltd.
56. The Hong Kong Photo Marketing Association Limited.
57. Hong Kong Piece Goods Merchants' Association.
58. Hong Kong Plastic Material Suppliers Association Ltd.
59. Hong Kong Plumbing and Sanitary Ware Trade Association Ltd.
60. Hong Kong Provision & Grocery General Commercial Chamber.
61. Hong Kong Rattan Merchants Association.
62. Hong Kong Record Merchants Association Ltd.
63. Hong Kong Registered Rice Wholesalers Association Limited.
64. Hong Kong Retail Management Association Ltd.
65. Hong Kong Silk Piece-Goods Merchants' Association.
66. Hong Kong Stamp and Coin Dealers Association Ltd.
67. Hong Kong Sugar Merchants' Association.

68. The Hong Kong Video Industry Association Ltd.
69. Hong Kong Yee Yee Tong Chinese Medicine Merchants Association Ltd.
70. The Hongkong & Kowloon General Merchandise Merchants' Association.
71. Hongkong Diamond Bourse Limited.
72. Hongkong Kowloon New Territories & Overseas Fish Wholesalers Association Limited.
73. Industrial Chemical Merchants' Association Ltd.
74. The Kowloon Cheung Sha Wan Wholesale Vegetable Market (Importers) Recreation Club.
75. Kowloon Fresh Fish Merchants Association.
76. Kowloon Fresh Meat Retailers' Association Ltd.
77. The Kowloon Pearls, Precious Stones, Jade, Gold & Silver Ornament Merchants Association.
78. Kowloon Pig Laan Merchants Association.
79. Kowloon Poultry Laan Merchants Association.
80. The Merchants Association of First Wholesalers/Jobbery of Imported Fresh Fruits & Vegetables Limited.
81. The Mongkok Vegetable Wholesale Merchants Association Company Ltd.
82. The Motor Traders Association of Hong Kong.
83. Nam Pak Hong Association.
84. New Territories Poultry Wholesalers Association.
85. Po Sau Tong Ginseng & Antler Association Hong Kong Ltd.
86. The Rice Merchants' Association of Hong Kong Limited.
87. Shau Kei Wan Fishery Merchants Association.
88. Tobacco Institute of Hong Kong Ltd.
89. Umbrella Dealers Association, Hong Kong and Kowloon.
90. Victoria Cottonyard and Piecegoods Merchants Association Ltd.
91. Yuet Sum Kong Vegetable Association (Hong Kong) Co.

(Added 48 of 1999 s. 43)

Schedule:	1D	COMPOSITION OF THE INFORMATION TECHNOLOGY FUNCTIONAL CONSTITUENCY
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[section 20Z]

- | Item | Body |
|------|--|
| 1. | APT Satellite Co. Ltd. |
| 2. | Asia Satellite Telecommunications Company Limited. |
| 3. | Chubb (Hong Kong) Limited. |

(Added 48 of 1999 s. 43)

Schedule:	1E	COMPOSITION OF THE CATERING FUNCTIONAL CONSTITUENCY
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[section 20ZA]

Item	Body
1.	The Association for the Hong Kong Catering Services Management Limited.
2.	The Association of Restaurant Managers Limited.
3.	Federation of Hong Kong Restaurant Owners Limited.
4.	Hong Kong Catering Industry Association Limited.
5.	The Hong Kong Restaurant and Eating House Merchants General Association.
6.	The Kowloon Restaurant and Eating House Merchants General Association. (Added 48 of 1999 s. 43)

(Date of this copy: 06/02/2003)

Chapter:	541	ELECTORAL AFFAIRS COMMISSION ORDINANCE
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		Long title
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An Ordinance to provide for the establishment of the Electoral Affairs Commission as a body corporate, for the purpose of making recommendations regarding the delineation of geographical constituencies and District Council constituencies and demarcation of their boundaries and to be responsible for the conduct and supervision of elections, and matters incidental thereto.

(Amended 8 of 1999 s. 89)

[29 August 1997]

(Originally 129 of 1997)

Section:	7	Regulations
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- (1) The Commission may, by regulation, provide for the following-
 - (a) the-
 - (i) registration of electors;
 - (ii) determination (where applicable) of-
 - (A) the appropriate constituency; or
 - (B) in the case of the Election Committee, the appropriate sectors or subsectors, (Amended 21 of 2001 s. 59)
 for such registration;
 - (iii) form, compilation, revision and correction, and the manner of publication of the register of persons entitled under any electoral law to vote at an election; and
 - (iv) ascertainment of qualifications of electors;
 - (b) the conduct or supervision of, and procedure at any election;
 - (c) the conduct or supervision of, and procedure for the formation of, or the filling of vacancies in the membership of, the Election Committee; (Amended 21 of 2001 s. 59)
 - (d) without limiting the generality of paragraphs (b) and (c)-

- (i) the procedure for the nomination of candidates in an election, including provision for consent by a candidate for nomination, and withdrawal of a nomination;
 - (ii) the procedure for lodging a deposit in respect of the nomination of a candidate;
 - (iii) the appointment by the candidate, of agents and other persons to assist him in an election and matters relating to such appointments;
 - (iv) the designation of polling stations;
 - (v) the supervision of polling stations and the regulation of the ballot;
 - (vi) the procedure or procedures for voting and counting at an election;
 - (vii) the designation and supervision of counting stations;
 - (viii) the declaration and publication of results of an election;
 - (ix) the disposal of ballot or other papers after an election; and
 - (x) the making of a report to the Commission by any person, or any person specified in the regulations, regarding any occurrence considered by such a person as an irregularity relating to an election, the poll or a counting of the votes;
- (e) the appointment and conduct of persons authorized to incur election expenses on behalf of candidates and matters relating to the display or use of election advertisements or other publicity materials relating to an election;
 - (f) the Commission or such other person specified in the regulations to require any information reasonably required in respect of any matter referred to in paragraph (a), from a person or a class or description of persons specified in the regulations;
 - (g) the establishment or appointment of committees (including or consisting of a person or persons other than members of the Commission) and provide for the functions, proceedings and regulation of those committees;
 - (h) the termination of proceedings for an election on the ground of the death or disqualification of a candidate; (Amended 8 of 1999 s. 89)
 - (ha) the declaration of failure of an election; (Added 48 of 1999 s. 51)
 - (i) the determination or specification of forms; and
 - (j) generally providing for the better carrying into effect the provisions and purposes of this Ordinance or any electoral law.
- (1A) The Commission may by regulation-
- (a) prescribe offences for the purposes of section 14(h) of the Chief Executive Election Ordinance (Cap 569);
 - (b) specify the form and manner of nomination of a candidate for the purposes of section 16(1) of the Chief Executive Election Ordinance (Cap 569);
 - (c) provide for withdrawal of candidature for the purposes of section 19(2) of the Chief Executive Election Ordinance (Cap 569);
 - (d) provide for the postponement or adjournment of a poll or the counting of votes in respect of a poll under section 21 of the Chief Executive Election Ordinance (Cap 569) and the appointment of a new date for the poll or the count. (Added 21 of 2001 s. 59)
- (2) Subject to subsection (3), the Commission may make regulations to provide for the postponement or adjournment of-
- (a) an election;
 - (b) the poll; or
 - (c) the counting of votes ("the count"),
- where the Commission or any person specified in the regulations is of the opinion that the election, the poll or the count is likely to be or is being obstructed, disrupted or undermined or seriously affected by-
- (i) a typhoon or other climatic condition of a serious nature;
 - (ii) riot or open violence or any other occurrence of public danger; or
 - (iii) an occurrence which appears to the Commission or the specified person to be a material irregularity relating to the election, the poll or the count.

- (3) Subsection (2) shall not be construed as empowering the Commission to postpone or adjourn-
- (a) a general election;
 - (b) (Repealed 78 of 1999 s. 7)
 - (ba) an ordinary election; or (Added 8 of 1999 s. 89)
 - (c) the poll (at all the polling stations) or the count in respect of a general election or an ordinary election, (Amended 78 of 1999 s. 7)
- on any ground referred to in subsection (2)(ii). (Amended 8 of 1999 s. 89)
- (4) The Commission may by regulation provide for-
- (a) the appointment of a new date-
 - (i) for an election, the poll or the count postponed or adjourned pursuant to subsection (2); and
 - (ii) which shall be not later than 2 days from the original date fixed for the election, the poll or the count, as the case may be, in the case of a postponement or adjournment on a ground referred to in subsection (2)(iii) and not later than 14 days from the original date in any other case;
 - (b) the procedure for the postponement or adjournment of a general election or an ordinary election or the poll or the count in respect of a general election or an ordinary election, on any ground referred to in subsection (2)(ii) by the authority or person who has power under any electoral law to effect the postponement or adjournment, and the procedure for the appointment of a new date for the election, the poll or the count by that authority or person. (Amended 8 of 1999 s. 89; 48 of 1999 s. 51; 78 of 1999 s. 7)
 - (c) (Repealed 48 of 1999 s. 51)
- (5) Regulations under this section may provide that any contravention of a requirement in or made under the regulations is an offence and is punishable by a fine not exceeding level 2 and imprisonment not exceeding 6 months. (Amended 8 of 1999 s. 89)
- (6) Regulations under this section may provide that-
- (a) where a body corporate is convicted of an offence under these regulations and the offence is proved to have been committed with the consent, connivance of, or was attributable to the neglect or omission on the part of a director, manager, secretary or any other person concerned in the management of the body corporate, the director, manager or secretary or that other person is liable for the offence; and
 - (b) where a partner of a partnership is convicted of an offence and it is proved that the offence was committed with the consent or connivance of, or was attributable to the neglect or omission on the part of any other partner or person concerned in the management of the partnership, the partner or that other person is liable for the offence.
- (7) In this section, "constituency" (選區或選舉界別) means-
- (a) a geographical constituency; or
 - (b) a constituency of any other description by which one or more members may be returned to the Legislative Council under any electoral law.

Section:	8	Report on elections
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- (1) Subject to subsections (5) and (6), within 3 months, or such longer period as the Chief Executive may allow in any particular case, of the conclusion of an election, the Commission shall make a report to the Chief Executive on matters relating to that election in respect of which the Commission has any function under this or any other Ordinance. (Amended 21 of 2001 s. 60)
- (2) Without limiting the generality of subsection (1), a report under that subsection shall include a report on any complaint made to the Commission in connection with that election.
- (3) The Chief Executive may require the Commission to-

(a) make a report to him in respect of any matter specified by him relating to an election; or
 (b) conduct a review into any such matter and make a report to him, within a reasonable period specified by him (generally or in a particular case) and such a report shall be in addition to a report referred to in subsection (1).

(4) The Commission shall comply with any requirement made under subsection (3).

(5) A report under subsection (1) must include-

- (a) where the election supervised by the Commission is an election of the Chief Executive, a report on the following as appropriate-
 - (i) the formation of the Election Committee; or
 - (ii) the subsector by-election, if any, that precedes the election of the Chief Executive;
- (b) where the election supervised by the Commission is a by-election to fill a vacancy among the members of the Legislative Council returned by the Election Committee, a report on the subsector by-election, if any, that precedes the first mentioned by-election,

unless such a report has already been included in another report previously made under subsection (1). (Replaced 21 of 2001 s. 60)

(6) The period within which the report referred to in subsection (5)(a) or (b) is to be made shall begin only on the conclusion of the election of the Chief Executive or the by-election to fill a vacancy among the members of the Legislative Council returned by the Election Committee. (Added 21 of 2001 s. 60)

(7) In this section, "subsector by-election" (界別分組補選) has the meaning assigned to it by the Chief Executive Election Ordinance (Cap 569). (Added 21 of 2001 s. 60)

(Date of this copy: 06/02/2003)

Chapter:	554	ELECTIONS (CORRUPT AND ILLEGAL CONDUCT) ORDINANCE
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Section:	2	Interpretation
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(1) In this Ordinance, unless the context otherwise requires- (Amended 21 of 2001 s. 77)
 "advantage" (利益) means-

- (a) any valuable consideration, gift or loan; or
- (b) any office, employment or contract; or
- (c) the full or partial payment, release, discharge or liquidation of an obligation; or
- (d) the exercise of or forbearance from exercising a right or power; or
- (e) the performance of or forbearance from performing a duty; or
- (f) any favour, including-
 - (i) giving protection from a liability incurred or anticipated; and
 - (ii) giving protection from proceedings or possible proceedings of a disciplinary, civil or criminal nature; or
- (g) any other service (other than voluntary service or the provision of entertainment), but does not include an election donation if particulars of the donation are given in an election return that has been lodged with the appropriate authority;

"appropriate authority" (有關主管當局) means-

- (a) in the case of an election to elect the Chief Executive, the Chief Electoral Officer; and (Amended 21 of 2001 s. 77)
- (b) in the case of an election to elect a member or members of the Legislative Council,

- the Election Committee or a District Council, the Chief Electoral Officer; and
- (c) in the case of an election to elect members of the Heung Yee Kuk or to elect the Chairman or Vice-Chairman or a member of the Executive Committee of a Rural Committee, the returning officer for the election or, if the returning officer for the election has not been appointed, the Director of Home Affairs; and
- (d) in the case of an election to elect a village representative, the person designated to be the appropriate authority under any law in force providing for the election of village representatives;

"candidate" (候選人)-

- (a) means a person who stands nominated as a candidate at an election; and
- (b) also means a person who, at any time before the close of nominations for an election, has publicly declared an intention to stand as a candidate at the election, and in relation to an election to return Members for a Legislative Council geographical constituency, includes a person who is one of a group of candidates;

"Chief Electoral Officer" (總選舉事務主任) means the person holding office as such 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;

"conduct" (行為) engaged in by a person may be corrupt or illegal conduct even though the way in which it affects another person is only indirect;

"constituency" (選區或選舉界別) means-

- (a) in relation to a Legislative Council election, a geographical or functional constituency as defined in section 3(1) of the Legislative Council Ordinance (Cap 542) or the Election Committee; or
- (b) in relation to an Election Committee subsector election, the relevant Election Committee subsector; or
- (c) in relation to a District Council election, an area declared to be a constituency under section 6(1) of the District Councils Ordinance (Cap 547);

"corporate elector" (團體選民) has the same meaning as in section 3(1) of the Legislative Council Ordinance (Cap 542);

"Court" means the Court of First Instance;

"duress" (脅迫手段) includes causing financial loss to a person by duress;

"election" (選舉) means an election to which this Ordinance applies;

"election advertisement" (選舉廣告), in relation to an election, means-

- (a) a publicly exhibited notice; or
- (b) a notice delivered by hand or electronic transmission; or
- (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;

"election agent" (選舉代理人) means a person who is appointed in writing by a candidate at an election to be an election agent for the candidate at the election;

"election appeal" (選舉上訴) means an appeal to a Revising Officer under section 39 of the Schedule to the Chief Executive Election Ordinance (Cap 569); (Amended 21 of 2001 s. 77)

"Election Committee" (選舉委員會) means the Election Committee constituted under section 8(1) of the Chief Executive Election Ordinance (Cap 569); (Amended 21 of 2001 s. 77)

"Election Committee subsector" (選舉委員會界別分組) means a subsector represented on the Election Committee as provided by section 2(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569); (Amended 21 of 2001 s. 77)

"election donation" (選舉捐贈), in relation to a candidate or candidates at an election, means any of the following donations-

- (a) any money given to or in respect of the candidate or candidates for the purpose of meeting, or contributing towards meeting, the election expenses of the candidate or candidates;
- (b) any goods given to or in respect of the candidate or candidates for the purpose of promoting the election of the candidate or candidates or of prejudicing the election of another candidate or other candidates, and includes any goods given incidental to the provision of voluntary service;
- (c) any service provided to or in respect of the candidate or candidates for the purpose of promoting the election of the candidate or candidates or of prejudicing the election of another candidate or other candidates, but does not include voluntary service;

"election expense agent" (選舉開支代理人), in relation to a candidate or group of candidates, means a person authorized by the candidate or candidates in accordance with section 23;

"election expenses" (選舉開支), in relation to a candidate or group of candidates at an election, means expenses incurred or to be incurred, before, during or after the election period, by or on behalf of the candidate or group for the purpose of-

- (a) promoting the election of the candidate or group; or
- (b) prejudicing the election of another candidate or group,

and includes the value of election donations consisting of goods and services used for that purpose;

"election period" (選舉期間), in relation to an election, means the period beginning with the nomination day for the election and ending with the polling day for the election (or the last polling day if there is more than one polling day);

"election petition" (選舉呈請) means an election petition lodged under an electoral law for the purpose of questioning an election held under that law;

"election return" (選舉申報書) means the return required to be lodged by a candidate in accordance with section 37;

"elector" (選民)-

- (a) in relation to an election to elect the Chief Executive, means a member of the Election Committee; and (Amended 21 of 2001 s. 77)
- (b) in relation to an election to elect a Member of the Legislative Council, means an elector as defined by section 3(1) of the Legislative Council Ordinance (Cap 542), and in relation to a corporate elector, includes the authorized representative of the elector; and
- (c) in relation to an election to elect a member of the Election Committee, means a voter as defined by section 11(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569) or the authorized representative of a corporate voter; and (Amended 21 of 2001 s. 77)
- (d) in relation to an election to elect a member of a District Council, means an elector as defined by section 2 of the District Councils Ordinance (Cap 547); and
- (e) in relation to an election to elect members of the Heung Yee Kuk, means a person who, in accordance with the Heung Yee Kuk Ordinance (Cap 1097), is entitled to vote at the election; and
- (f) in relation to an election to elect the Chairman or Vice-Chairman or a member of the Executive Committee of a Rural Committee, means a member of the general assembly of the Rural Committee; and
- (g) in relation to an election to elect a village representative, means a person who is an elector under any law in force providing for the election of village representatives;

"electoral law" (選舉法) means-

- (a) the Electoral Affairs Commission Ordinance (Cap 541); or
- (b) the Legislative Council Ordinance (Cap 542); or

- (c) the District Councils Ordinance (Cap 547); or
- (ca) the Chief Executive Election Ordinance (Cap 569); or (Added 21 of 2001 s. 77)
- (d) the Heung Yee Kuk Ordinance (Cap 1097); or
- (e) any law in force providing for the election of village representatives; (Amended 21 of 2001 s. 77)

"electoral officer" (選舉事務主任) means-

- (a) the Chief Electoral Officer; or
- (b) a returning officer; or
- (c) an assistant returning officer; or
- (d) the Electoral Registration Officer; or
- (e) any person who is appointed under an electoral law to exercise functions in connection with an election;

"Electoral Registration Officer" (選舉登記主任) means the person holding office as such under section 75 of the Legislative Council Ordinance (Cap 542) or section 44 of the Schedule to the Chief Executive Election Ordinance (Cap 569), and includes any person appointed to act in the Officer's place when the Officer is absent from duty or the office is vacant; (Amended 21 of 2001 s. 77)

"force" (武力)-

- (a) includes any form of violence or restraint; and
- (b) in particular, includes-
 - (i) inflicting harm on a person (whether physical or mental); and
 - (ii) causing damage to, or destruction of, a person's property;

"group of candidates" (候選人組合)-

- (a) means the persons whose names appear on a list of candidates nominated for election to return Members for a Legislative Council geographical constituency, other than persons whose names have, in accordance with section 38 of the Legislative Council Ordinance (Cap 542), been excluded from or struck out of such a list; and
- (b) in relation to a time before the close of nominations for such an election, also means those persons who have publicly declared their intention to stand for election as candidates whose names appear on such a list, but does not include persons who have publicly revoked their declaration of intention to stand at the election;

"Legislative Council" (立法會) means the Legislative Council of the Hong Kong Special Administrative Region;

"notice" (通知) includes leaflet, circular, placard and poster;

"organization" (組織) includes a company, association, society or other body of persons;

"publish" (發布) means print, exhibit, distribute, post up, publicly announce or make publicly known by any other means, and includes continue to publish;

"returning officer" (選舉主任)-

- (a) in relation to an election to elect the Chief Executive, means the person appointed to be the Returning Officer under section 41 of the Chief Executive Election Ordinance (Cap 569); and (Amended 21 of 2001 s. 77)
- (b) in relation to an election for a Legislative Council constituency, means a Returning Officer appointed for the constituency under section 78 of the Legislative Council Ordinance (Cap 542); and
- (c) in relation to an election for an Election Committee subsector, means a Returning Officer appointed for the subsector under section 47 of the Schedule to the Chief Executive Election Ordinance (Cap 569); and (Amended 21 of 2001 s. 77)
- (d) in relation to an election for a constituency of a District Council, means a Returning Officer appointed for the constituency under section 75 of the District Councils Ordinance (Cap 547); and
- (e) in relation to an election to elect members of the Heung Yee Kuk, means the

person appointed under section 7 of the Heung Yee Kuk Ordinance (Cap 1097) to be the Returning Officer for the election; and

- (f) in relation to an election to elect the Chairman or Vice-Chairman or a member of the Executive Committee of a Rural Committee, means the District Officer in the Home Affairs Department for the district for which the Rural Committee is established; and
- (g) in relation to an election to elect a village representative, means a person appointed to be a Returning Officer under any law in force providing for the election of village representatives,

and-

- (i) if the Returning Officer referred to in paragraph (b), (c) or (d) has not been appointed, means, in so far as it relates to the relevant election, the Chief Electoral Officer; and
- (ii) if the Returning Officer referred to in paragraph (e) has not been appointed, means the Director of Home Affairs;

"Rural Committee" (鄉事委員會) has the same meaning as in section 3(3) of the Heung Yee Kuk Ordinance (Cap 1097);

"valuable consideration" (有值代價) means money or anything worth money;

"value" (價值) means, in relation to goods or a service that is donated, the price that could reasonably be expected to be paid for the goods or service if supplied by a willing supplier to a willing buyer on the open market, with both parties acting at arms length;

"village representative" (村代表) means a person elected to be a village representative under any law in force providing for the election of village representatives;

"voluntary service" (義務服務) means any service provided free of charge to or in respect of a candidate or candidates at an election by a natural person, voluntarily and personally, in the person's own time for the purpose of-

- (a) promoting the election of the candidate or candidates; or
- (b) prejudicing the election of another candidate or other candidates.

(2) In this Ordinance, a reference to the withdrawal of the nomination of a person as a candidate includes, in the case of a candidate at an election to elect the Chief Executive or to elect the members of the Election Committee, a reference to the withdrawal of his candidature. (Added 21 of 2001 s. 77)

Section:	37	Candidate to lodge election return with appropriate authority
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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 not later than 30 days after the date of publication of the result of the election, or within such extended period as may be allowed by the Court under section 40; and
- (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.

(Date of this copy: 06/02/2003)

Chapter:	569	CHIEF EXECUTIVE ELECTION ORDINANCE
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Schedule:		SCHEDULE
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[sections 2, 8, 16, 26,
43 & 47]

ELECTION COMMITTEE

PART 1

PRELIMINARY

1. Interpretation

(1) In this Schedule-

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

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

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

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

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

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

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

"Member" (議員), in relation to the Legislative Council, has the meaning assigned to it by section

3(1) of the Legislative Council Ordinance (Cap 542);

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

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

"registered" (登記), in relation to a functional constituency or geographical constituency, means registered under the Legislative Council Ordinance (Cap 542) as an elector for the constituency;

"the regulations" (《規例》) means regulations made under section 46 of this Ordinance;

"Returning Officer" (選舉主任), in relation to a subsector, means the Returning Officer appointed for the subsector under section 47, and includes any person appointed to act in place of such an Officer when the Officer is absent or when an office of Returning Officer is vacant;

"Revising Officer" (審裁官) means a Revising Officer appointed under section 46, and includes any person appointed to act in place of the Officer when the Officer is absent or when the office of Revising Officer is vacant;

"subsector" (界別分組) means, subject to section 11, a subsector represented on the Election Committee as provided by section 2(4);

"subsector by-election" (界別分組補選) means an election to elect a member of the Election Committee assigned to a subsector who, under section 2(7)(b), is to be elected by the relevant subsector, otherwise than at a subsector ordinary election;

"subsector election" (界別分組選舉) means a subsector ordinary election or a subsector by-election;

"subsector ordinary election" (界別分組一般選舉) means an election to elect those members of the Election Committee assigned to a subsector who, under section 2(7)(b), are to be elected by the relevant subsector, for a new term of office of the Election Committee;

"sub-subsector" (小組) means a sub-subsector referred to in section 2(9)(a);

"sub-subsector by-election" (小組補選) means an election to elect a member of the Election Committee assigned to a sub-subsector who, under section 2(7)(b) and (9), is to be elected by the sub-subsector, otherwise than at a sub-subsector ordinary election;

"sub-subsector ordinary election" (小組一般選舉) means an election to elect those members of the Election Committee assigned to a sub-subsector who, under section 2(7)(b) and (9), are to be elected by the sub-subsector, for a new term of office of the Election Committee.

(2) In this Schedule, unless the context otherwise requires, in respect of the sports, performing arts, culture and publication subsector-

- (a) all references to "subsector", "subsector by-election" and "subsector ordinary election" mean "sub-subsector", "sub-subsector by-election" and "sub-subsector ordinary election" respectively and with any necessary modifications; and
 - (b) all references to "subsector election" mean "sub-subsector ordinary election" or "sub-subsector by-election" with any necessary modifications.
- (3) For the purposes of this Schedule-
- (a) the circumstances in which a person has a substantial connection with a body include, but are not limited to, being a member, partner, officer or employee of the body; and
 - (b) the circumstances in which a person has a substantial connection with a subsector include, but are not limited to, being a member, partner, officer or employee of-
 - (i) a body included in the subsector; or
 - (ii) a corporate member of a body referred to in subparagraph (i).

(4) For the purposes of this Schedule, a reference to an entitlement to vote at a general meeting of a body is a reference to an entitlement to vote at such a meeting as provided by the body's constitution and, in this subsection-

- (a) the reference to the constitution of a body is a reference to the constitution either-
 - (i) as in force on 3 October 1997; or

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

PART 2

MEMBERSHIP OF ELECTION COMMITTEE

2. How Election Committee is to be constituted

- (1) The Election Committee is to consist of 800 members, who must be Hong Kong permanent residents.
- (2) The membership of the Election Committee (other than ex-officio members) is to be determined in accordance with the procedures specified in this Schedule.
- (3) The members of the Election Committee are to be representative of 4 sectors, with each sector being represented by 200 members.
- (4) The sectors are to be composed of the subsectors specified in Tables 1, 2, 3 and 4.
- (5) The composition of the subsectors is as follows-
 - (a) except in the case of the higher education and education subsectors, the social welfare subsector and the tourism and hotel subsectors, the composition of a subsector specified in Table 1, 2 or 3 which has the same name as that of a functional constituency is to be the same as that of the functional constituency;
 - (b) each of the subsectors specified in column 2 of Table 4 is to be composed of the

- persons described in column 3 of that Table in relation to the subsector;
- (c) the Hong Kong Chinese Enterprises Association, tourism, hotel, Chinese medicine, higher education, education, Employers' Federation of Hong Kong and social welfare subsectors are to be composed as shown in Table 5; and
 - (d) the religious subsector is to be composed as described in Part 3.
- (6) Subject to subsection (7), for the purpose of constituting the Election Committee, each subsector is allocated the number of members specified in the relevant Table in respect of the subsector.
- (7) The Election Committee is constituted in the following manner-
- (a) the number of members allocated to the religious subsector is to be nominated by that subsector in accordance with Part 3;
 - (b) subject to subsection (9), the number of members allocated to the subsectors specified in Tables 1, 2 and 3 (except those allocated to the religious subsector), and items 3, 4, 5 and 6 of Table 4 are to be elected by the relevant subsectors in accordance with Part 4; and
 - (c) subject to subsection (8), the number of members allocated to the subsector specified-
 - (i) in item 1 of Table 4 is to be filled by the persons holding office as Hong Kong deputies to the National People's Congress; and
 - (ii) in item 2 of Table 4 is to be filled by the persons holding office as the Members of the Legislative Council, who are registered as ex-officio members of the Election Committee in, and whose names have not been removed from, the final register of members of the Election Committee.
- (8) Subject to section 41, the Electoral Registration Officer shall, in compiling a final register of members of the Election Committee under section 40(1) after the publication of results of the subsector ordinary elections, register-
- (a) the persons holding office on the date of those subsector ordinary elections (or the last of those dates, if different dates are specified for those subsector ordinary elections) as Hong Kong deputies to the National People's Congress; and
 - (b) the persons holding office on the date of those subsector ordinary elections (or the last of those dates, if different dates are specified for those subsector ordinary elections) as the Members of the Legislative Council, (except those persons who are not Hong Kong permanent residents) as ex-officio members of the Election Committee, in accordance with the EAC Regulations.
- (9) (a) Subject to paragraph (b), the number of members allocated to the sports, performing arts, culture and publication subsector is to be divided equally among the 4 sub-subsectors constituting that subsector, namely sports, performing arts, culture and publication sub-subsectors.
- (b) **If the number of members cannot be allocated equally as an integer, the sub-subsectors are to be allocated the largest possible integer, and the remaining number is to be allocated according to the number of voters of the sub-subsectors such that the sub-subsector having the greatest number of voters is allocated a seat first until all the seats are allocated.**

TABLE 1

FIRST SECTOR

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

TABLE 2

SECOND SECTOR

Item	Subsector	Number of members
1.	Accountancy	20
2.	Architectural, surveying and planning	20
3.	Chinese medicine	20
4.	Education	20
5.	Engineering	20
6.	Health services	20
7.	Higher education	20
8.	Information technology	20
9.	Legal	20
10.	Medical	20

TABLE 3

THIRD SECTOR

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

TABLE 4
FOURTH SECTOR

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

TABLE 5
COMPOSITION OF SUBSECTORS REFERRED TO IN SECTION 2(5)(c)
(Subsectors without an equivalent functional constituency)

Item	Subsector	Constituents
1.	Hong Kong Chinese Enterprises Association	Members of the Hong Kong Chinese Enterprises Association entitled to vote at general meetings of the Association.
2.	Tourism	(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.
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 Hotels Owners entitled to vote at general meetings of the Federation.
4.	Chinese medicine	Members of- (1) The Hong Kong Association of Traditional Chinese Medicine Limited; (2) The International General Chinese Herbalists and Medicine Professional Association Limited; (3) Sin-Hua Herbalists' and Herb Dealers' Promotion Society Limited; (4) The Society of Practitioners of Chinese Herbal Medicine Limited; (5) The Hong Kong Traditional Chinese Medicine Orthopaedic and Traumatic Association Limited; (6) The Hong Kong Federation of China of Traditional Chinese Medicine; (7) The Hong Kong Acupuncturists Association; (8) The Hong Kong Chinese Herbalists Association Limited; (9) The Association of Hong Kong and Kowloon Practitioners of Chinese Medicine Limited; (10) The Hong Kong Chinese Overseas Physician Association, who are Chinese medicine practitioners entitled to vote at the general meetings of the respective bodies.
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.
- (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 Council of the Vocational Training Council;
 - (i) the Council of The Hong Kong Institute of Education;
 - (j) the Council of the Hong Kong Baptist University;
 - (k) the Council of Lingnan University;
 - (l) the Board of Governors of the Hong Kong Shue Yan College.
6. Education
- (1) Registered teachers registered under the Education Ordinance (Cap 279).
 - (2) Permitted teachers engaged in full-time employment in schools registered or provisionally registered under the Education Ordinance (Cap 279).
 - (3) Teachers and principals of schools entirely maintained and controlled by the Government.
 - (4) Persons whose principal or only employment is that of full-time teaching with the following bodies-
 - (a) technical institutes, industrial training centres and skills centres established under the Vocational Training Council Ordinance (Cap 1130);
 - (b) industrial training centres established under the Industrial Training (Construction Industry) Ordinance (Cap 317);
 - (c) industrial training centres established under the Industrial Training (Clothing Industry) Ordinance (Cap 318);
 - (d) Pinehill Village Advanced Training Centre of the Hong Kong Association for the Mentally Handicapped;
 - (e) Caritas Lok Mo Vocational Training

- Centre of the Caritas-Hong Kong
under the Caritas-Hong Kong
Incorporation Ordinance (Cap 1092).
7. Employers' Federation of Hong Kong
- (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.
8. Social welfare
- (1) Social workers registered under the Social Workers Registration Ordinance (Cap 505).
- (2) Corporate members of the Hong Kong Council of Social Service entitled to vote at general meetings of the Council.
- (3) Exempted societies within the meaning of the Societies Ordinance (Cap 151) that have been operating with paid employees to provide service on a regular basis in accordance with the following aims for a period of 12 months immediately before making the application for registration as a voter-
- (a) to promote the co-ordination and improvement of social service activities;
- (b) to develop resources, such as manpower, funds and data, for social service activities; or
- (c) to promote public understanding of social service needs and the role of the voluntary agencies in meeting those needs,
- and which publish their annual reports and audited accounts or certified accounts with regard to annual income and expenditure.
- (4) Non-profit making companies registered under the Companies Ordinance (Cap 32) that have been operating with paid employees to provide service on a regular basis in accordance with the following aims for a period of 12 months immediately before making the application for registration as a voter-
- (a) to promote the co-ordination and improvement of social service activities;
- (b) to develop resources, such as manpower, funds and data, for social service activities; or
- (c) to promote public understanding of social service needs and the role of the voluntary agencies in meeting those needs,
- and which publish their annual reports and audited accounts or certified accounts with regard to annual income and expenditure.

3. Resignation of member of Election Committee

(1) If-

- (a) on 14 July 2000, a person was a member of the Election Committee constituted on that date under the Legislative Council Ordinance (Cap 542) (other than an ex-officio member of the Committee within the meaning of that Ordinance in force on that date); and
- (b) after that date, the Electoral Registration Officer, by adding the person's name to the final register of members of the Election Committee, registered the person as an ex-officio member of the Committee under section 1(10) of Schedule 2 to that Ordinance in force immediately before the commencement of section 73 of this Ordinance,

the person is deemed to have resigned, on the commencement of this section, from the membership referred to in paragraph (a).

(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-

- (a) not later than 30 November 2001; and
- (b) thereafter, within 14 days after the making of a vacancy declaration.

(2) The Electoral Registration Officer is not required to compile and publish a provisional register of members of the Election Committee under subsection (1)(b) if-

- (a) the vacancy declaration is made before 30 November 2002 or within 12 months after the date of the making of another vacancy declaration; or
- (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, on the relevant date, as-
 - (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), in relation to-
- (a) the compilation of the provisional register of members of the Election Committee to be compiled and published not later than 30 November 2001, means the final register of members of the Election Committee that was in effect immediately before the commencement of section 65(b) of this Ordinance, under section 33(2) of the Legislative Council Ordinance (Cap 542);
 - (b) the compilation of a provisional register of members of the Election Committee to be compiled and published after the making of a vacancy declaration, 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 vacancy declaration;
- "relevant date" (有關日期), in relation to-
- (a) the compilation of the provisional register of members of the Election Committee to be compiled and published not later than 30 November 2001, means 1 November 2001;
 - (b) the compilation of a provisional register of members of the Election Committee to be compiled and published after the making of a vacancy declaration, means the date of the making of the vacancy declaration;
- "vacancy declaration" (空缺宣布) means-
- (a) a declaration under section 5 of this Ordinance; or
 - (b) a declaration under section 35 of the Legislative Council Ordinance (Cap 542) as to the existence of a vacancy among the Members of the Legislative Council returned by the Election Committee.

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

- (1) As soon as practicable after the Electoral Registration Officer has published a provisional register of members of the Election Committee, the Electoral Affairs Commission-
- (a) shall ascertain the number of members representing each subsector (other than a subsector specified in items 1 and 2 of Table 4 in section 2) on the Election Committee; and
 - (b) if the number of members so ascertained as representing a subsector is less than the

number of members allocated to the subsector in accordance with section 2(6), shall, in accordance with the EAC Regulations, arrange for a supplementary nomination (in the case of the religious subsector) or a subsector by-election (in the case of any other subsector) to be held to fill the vacancy among the members representing the subsector on the Election Committee.

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

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

PART 3

RELIGIOUS SUBSECTOR

6. Composition of the religious subsector

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

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

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

7. Nomination of members by the religious subsector

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

(2) If-

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

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

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

(4) If-

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

subject to subsection (6), the body shall-

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

(5) If the Returning Officer determines that any of the nominees to be given preference under subsection (4) is not validly nominated, the assigned number is to be made up or the

vacancy is to be filled from the excess nominees (subject to their being validly nominated) in their order of priority.

(6) If-

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

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

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

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

(9) In this section-

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

8. Who is qualified for selection as a nominee

(1) A person is eligible to be selected as a nominee under section 7 if the person-

- (a) is both registered and eligible to be registered under the Legislative Council Ordinance (Cap 542) as an elector for a geographical constituency, and is not disqualified from being so registered; and
- (b) has a substantial connection with the religious subsector.

(2) A person is not eligible to be selected as a nominee under section 7(1) if the person-

- (a) is a Hong Kong deputy to the National People's Congress or a Member of the Legislative Council (whether or not the person is an ex-officio member of the Election Committee); or
- (b) is a candidate at a subsector ordinary election.

(3) A person is not eligible to be selected as a nominee under section 7(2) if the person-

- (a) is a member of the Election Committee; or
- (b) is a candidate at a subsector by-election, the nomination period for which coincides or partly coincides with the period during which the nomination under that section is to be made.

(4) A person who is selected as a nominee by a designated body as a member representing the religious subsector on the Election Committee is not eligible to be selected by another designated body as such a member if the period during which the nominations are to be made coincides or partly coincides.

9. When a person is disqualified from being a nominee

A person is disqualified from being a nominee under section 7 if the person-

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

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

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

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

PART 4

SUBSECTOR ELECTION

Division 1-Preliminary

11. Interpretation

- (1) In this Part, unless the context otherwise requires-
- "authorized representative" (獲授權代表), in relation to a corporate voter, means the person authorized by the corporate voter to cast its vote at a subsector election;
- "corporate voter" (團體投票人) means a body that is a voter for a subsector;
- "District Council ordinary election" (區議會一般選舉) means elections to elect persons to fill the vacancies caused by the expiration of the term of office of the elected members of District Councils; (Added 33 of 2002 s. 11)
- "existing functional constituencies final register" (現有功能界別正式選民登記冊) means the final register of electors for functional constituencies compiled under section 32(1) or (1A) of the Legislative Council Ordinance (Cap 542) that is in effect on the date of registration of voters for the subsectors; (Amended 33 of 2002 s. 11)
- "existing geographical constituencies final register" (現有地方選區正式選民登記冊) means the final register of electors for geographical constituencies compiled under section 32(1) or (1A) of the Legislative Council Ordinance (Cap 542) that is in effect on the date of registration of voters for the subsectors; (Amended 33 of 2002 s. 11)
- "existing subsector final register" (現有界別分組正式投票人登記冊), in relation to-
- (a) the compilation of a subsector provisional register to be compiled and published not later than 30 November 2001, means the subsector final register that was compiled and published under section 10 of Schedule 2 to the Legislative Council Ordinance (Cap 542) in force immediately before the commencement of section 73 of this Ordinance;
 - (b) the compilation of any other subsector provisional register, means the subsector final register that is in effect under section 15 at the time the subsector provisional register is compiled;

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

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

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

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

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

Division 2-Registration of voters

12. Who is eligible to be registered as a voter

(1) Subject to this section-

- (a) a person is eligible to be registered as a voter for a subsector with the same name as a functional constituency (other than the education subsector, the social welfare subsector and the tourism subsector) if-
 - (i) the person is eligible to be registered as an elector for that functional constituency and has made an application to be so registered; or
 - (ii) the person-
 - (A) is registered for that functional constituency in the existing functional constituencies final register; and
 - (B) is eligible to be, and is not disqualified from being, registered as an elector for that functional constituency; and
- (b) a person is eligible to be registered as a voter for a subsector specified in Table 5 in section 2 (other than the higher education and education subsectors, the social welfare subsector and the tourism and hotel subsectors) if-
 - (i) the person-
 - (A) is a person specified opposite to that subsector in column 3 of Table 5 in section 2; and
 - (B) where the person is a natural person, is eligible to be registered as an elector under Part V of the Legislative Council Ordinance (Cap 542) for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency; or
 - (ii) the person-
 - (A) is registered for that subsector in the existing subsector final register; and
 - (B) is eligible to be, and is not disqualified from being, registered as a voter for that subsector.

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

- (a) a person who is registered, or applies to be registered, as an elector for the sports, performing arts, culture and publication functional constituency by virtue of being a person described in section 20V(1)(a) or (b) of, or Part 1 of Schedule 1B or item 25, 29, 40, 41, 43, 50, 54 or 59 of Part 3 of Schedule 1B to, the Legislative Council Ordinance

- (Cap 542) may be registered only as a voter for the sports sub-subsector;
- (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) of, or item 1, 2, 3, 4, 5, 8, 9, 12, 16, 17, 18, 23, 24, 34, 39, 42, 44, 45, 46, 47, 49, 52, 55, 56, 57 or 60 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;
 - (c) a person who is registered, or applies to be registered, as an elector for the sports, performing arts, culture and publication functional constituency by virtue of being a person described in section 20V(1)(d) or (e) of, or Part 2 of Schedule 1B or item 6, 7, 10, 11, 13, 14, 19, 20, 22, 26, 27, 31, 33, 35, 37, 38, 48, 53, 58, 61 or 62 of Part 3 of Schedule 1B to, the Legislative Council Ordinance (Cap 542) may be registered only as a voter for the culture sub-subsector; and
 - (d) a person who is registered, or applies to be registered, as an elector for the sports, performing arts, culture and publication functional constituency by virtue of being a person described in section 20V(1)(g), (h), (j) or (k) of, or item 15, 21, 28, 30, 32, 36 or 51 of Part 3 of Schedule 1B to, the Legislative Council Ordinance (Cap 542) may be registered only as a voter for the publication sub-subsector.
- (3) A person is eligible to be registered as a voter for the higher education subsector if the person-
- (a) is a person described in section 20E(a) 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) or (b) of the Legislative Council Ordinance (Cap 542).
- (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(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(b) or (c) of the Legislative Council Ordinance (Cap 542).
- (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 has made an application to be registered for the District Council functional constituency.
- (9) A person is eligible to be registered as a voter for the New Territories District Councils subsector if the person is a person described opposite to that subsector in column 3 of Table 4 in section 2 and has made an application to be registered for the District Council functional constituency.
- (10) Subject to this section-
- (a) a person who is registered or applies to be registered as an elector for a functional constituency with the same name as a subsector, cannot, subject to paragraph (b), be registered only as an elector for that functional constituency and not as a voter for the subsector;
 - (b) a person who is registered or applies to be registered as a voter for a subsector with the same name as a functional constituency, cannot be registered only as a voter for that subsector and not as an elector for the functional constituency;
 - (c) a person who is registered, or has made an application to be registered, as an elector for a functional constituency with the same name as a subsector may be registered only as a voter for that subsector (whether or not the person is eligible to be registered as a voter for any other subsector), except that, if the person is eligible to be registered as a voter for any other subsector specified in item 3 of Table 4, or item 1, 4, 7 or 8 (by virtue of subsection (5)(c) or (d)) of Table 5, in section 2, the person may choose to be registered as a voter in the first-mentioned subsector or in that other subsector; and
 - (d) a person who ceases to be eligible to be registered as an elector for a functional constituency with the same name as a subsector ceases to be eligible to be registered as a voter for that subsector, but may, subject to paragraph (a) and subsection (12), apply to be registered as a voter for any other subsector for which the person is eligible to be registered as a voter.
- (11) Subject to this section-
- (a) a person who-
 - (i) is a person described opposite to the Hong Kong and Kowloon District Councils subsector in column 3 of Table 4 in section 2; and
 - (ii) is registered or applies to be registered as an elector for the District Council functional constituency, cannot, subject to paragraph (c), be registered only as an elector for District Council functional constituency and not as a voter for the Hong Kong and

Kowloon District Councils subsector;

- (b) a person who-
 - (i) is a person described opposite to the New Territories District Councils subsector in column 3 of Table 4 in section 2; and
 - (ii) is registered or applies to be registered as an elector for the District Council functional constituency,
cannot, subject to paragraph (d), be registered only as an elector for the District Council functional constituency and not as a voter for the New Territories District Councils subsector;
- (c) a person who is registered or applies to be registered as a voter for the Hong Kong and Kowloon District Councils subsector cannot be registered only as a voter for that subsector and not as an elector for the District Council functional constituency;
- (d) a person who is registered or applies to be registered as a voter for the New Territories District Councils subsector cannot be registered only as a voter for that subsector and not as an elector for the District Council functional constituency;
- (e) a person who is registered, or has made an application to be registered, as an elector for the District Council functional constituency may be registered only as a voter-
 - (i) for the Hong Kong and Kowloon District Councils subsector if the person is a person described opposite to that subsector in column 3 of Table 4 in section 2; or
 - (ii) for the New Territories District Councils subsector if the person is a person described opposite to that subsector in column 3 of Table 4 in section 2,
(whether or not the person is eligible to be registered as a voter for any other subsector) except that, if the person is eligible to be registered as a voter for any other subsector specified in item 3 of Table 4, or item 1 or 4 of Table 5, in section 2, the person may choose to be registered as a voter in the subsector referred to in subparagraph (i) or (ii), as the case may be, or in that other subsector; and
- (f) a person who ceases to be eligible to be registered as an elector for the District Council functional constituency ceases to be eligible to be registered as a voter for the Hong Kong and Kowloon District Councils subsector or the New Territories District Councils subsector, but may, subject to subsections (10)(a) and (12), apply to be registered as a voter for any other subsector for which the person is eligible to be registered as a voter.

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

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

(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(b) or (c) of the Legislative Council Ordinance (Cap 542) may be registered only as a voter for the tourism subsector.

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

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

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

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

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

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

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

13. **Corporate voter to have authorized representative**

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

(2) A person is eligible to be an authorized representative of a corporate voter for a subsector only if the person-

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

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

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

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

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

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

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

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

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

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

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

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

(3) Subject to section 49, a subsector provisional register is to be based on the existing subsector final register.

(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.

19. Candidate to lodge deposit

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

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

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

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

21. Withdrawal of candidature

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

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

22. Who are validly nominated candidates for subsector election

(1) The Returning Officer for a subsector shall, as soon as practicable after receiving a nomination form that complies with the EAC Regulations, decide in accordance with those Regulations whether or not a person is validly nominated as a candidate at the subsector election.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) If-

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

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

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

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

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

(2) If-

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

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

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

(c) no candidate is returned at the subsector election; or

(d) (where more than one member of the Election Committee are to be returned at the subsector election and there are other candidates returned at the subsector election) the number of members of the Election Committee returned at the subsector election for the subsector is less than the number of members to be returned at the election.

27. How subsector election is to be conducted

(1) At every contested subsector election-

(a) a poll is to be taken for the subsector; and

(b) voting at the poll is to be by secret ballot.

(2) The poll is to be conducted in accordance with the EAC Regulations.

(3) The Returning Officer appointed for a subsector is responsible for supervising a subsector election for the subsector in accordance with this Schedule, the Electoral Affairs Commission Ordinance (Cap 541) and the EAC Regulations.

28. Who is entitled to vote at a subsector election

(1) A person is entitled to vote at a subsector election only if the person is registered as a voter for the subsector concerned.

(2) A person registered as a voter for a subsector may not be prevented from voting at a subsector election only because the person's name should not have been included in the subsector final register prepared for the subsector.

(3) A corporate voter may vote at a subsector election only by its authorized representative.

29. System of voting and counting of votes

(1) Voting and counting of votes at a poll referred to in section 27 is to be conducted in accordance with the simple or relative majority system of election (otherwise known as the "first past the post" system of voting).

(2) At a subsector ordinary election, a voter may vote for as many candidates as the number of members allocated to the subsector concerned and no more.

(3) At a subsector by-election, a voter may vote for as many candidates as the number of members to be returned at the by-election and no more.

(4) If a subsector ordinary election is contested by more candidates than the number of members allocated to the subsector, the candidates to be elected for the subsector are those who obtain the greatest number of votes at the election and then the next greatest and so on until the required number of members is elected.

(5) If a subsector by-election is contested by more candidates than the number of members to be returned at the by-election-

(a) in the case of a single vacancy, the candidate to be elected for the subsector is the one who obtains the greatest number of votes at the by-election; and

(b) in the case of more than one vacancy, the candidates to be elected for the subsector are those who obtain the greatest number of votes at the by-election and then the next greatest and so on until the required number of members is elected.

(6) If, after the counting is finished at a subsector election, a member is still to be returned for the subsector and the most successful candidates remaining have an equal number of votes, the Returning Officer shall determine the result of the election by drawing lots. The candidate on whom the lot falls is to be returned at the subsector election.

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

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

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

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

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

(a) has ceased to be eligible to be registered as a voter for that subsector;

(b) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either-

(i) served the sentence or undergone such other punishment as a competent authority

- may have substituted for the sentence; or
- (ii) received a free pardon;
- (c) on the date of the relevant subsector election, is serving a sentence of imprisonment;
- (d) without limiting paragraph (b), where the subsector election is to be held or is held within 3 years after the date of the person's conviction, is or has been convicted-
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (e) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental incapacity, of managing and administering his property and affairs; or
- (f) is a member of the armed forces of the People's Republic of China or any other country or territory.

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

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

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

- (a) a failure to comply with the regulations or with the EAC Regulations; or
- (b) a mistake in the use of a form specified under this Schedule or under the Electoral Affairs Commission Ordinance (Cap 541),

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

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

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

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

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

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

33. Subsector election to be presumed valid

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

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

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

35. Returning Officer to publish result of subsector election

(1) The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the Election Committee at a subsector election.

(2) The publication of a notice shall be in accordance with the EAC Regulations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART 5

FINAL REGISTER OF MEMBERS OF ELECTION COMMITTEE

40. Electoral Registration Officer to compile and publish final register

(1) 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 results of the subsector ordinary elections are published under section 35.

(2) 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 the result of a subsector by-election is published under section 35.

(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.

(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 final register to give effect to change in ex-officio membership

(1) The Electoral Registration Officer may from time to time amend the 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 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 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 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.

42. Electoral Registration Officer may amend register

(1) The Electoral Registration Officer may amend a provisional 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 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 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.

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 Affairs shall publish in the Gazette a notice of the appointment of a person as Electoral Registration Officer and the Officer's address.

(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. Savings and transitional provisions for first subsector provisional register

(1) Subject to subsections (2), (3) and (4), the subsector provisional register to be compiled and published under section 14(1)(a) not later than 30 November 2001 is to be based on-

- (a) the final register of electors for functional constituencies that was published in 2001 under section 32(1) of the Legislative Council Ordinance (Cap 542); and
- (b) the subsector final register of voters that was published in 2000 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.

(2) The register referred to in subsection (1)(a)-

- (a) for a functional constituency with the same name as a subsector (except the education functional constituency, the sports, performing arts, culture and publication functional constituency, the tourism functional constituency and the social welfare functional constituency) forms the basis of the subsector provisional register for that subsector;
- (b) for the education functional constituency, in so far as it relates to the names and other relevant particulars of the persons described-
 - (i) in section 20E(a) and (b) of the Legislative Council Ordinance (Cap 542), forms the basis of subsector provisional register for the higher education subsector; and
 - (ii) in section 20E(c), (d), (e), (f) and (g) of the Legislative Council Ordinance (Cap 542), forms the basis of subsector provisional register for the education subsector;
- (c) for the sports, performing arts, culture and publication functional constituency, in so far as it relates to the names and other relevant particulars of the persons described-
 - (i) in section 20V(1)(a) and (b) of, and Part 1 of Schedule 1B and items 25, 29, 40, 41, 43, 50, 54 and 59 of Part 3 of Schedule 1B to, the Legislative Council

- Ordinance (Cap 542), forms the basis of subsector provisional register for the sports sub-subsector;
- (ii) in section 20V(1)(i) of, and items 1, 2, 3, 4, 5, 8, 9, 12, 16, 17, 18, 23, 24, 34, 39, 42, 44, 45, 46, 47, 49, 52, 55, 56, 57 and 60 of Part 3 of Schedule 1B to, the Legislative Council Ordinance (Cap 542), forms the basis of subsector provisional register for the performing arts sub-subsector;
 - (iii) in section 20V(1)(d) and (e) of, and Part 2 of Schedule 1B and items 6, 7, 10, 11, 13, 14, 19, 20, 22, 26, 27, 31, 33, 35, 37, 38, 48, 53, 58, 61 and 62 of Part 3 of Schedule 1B to, the Legislative Council Ordinance (Cap 542), forms the basis of subsector provisional register for the culture sub-subsector; and
 - (iv) in section 20V(1)(g), (h), (j) and (k) of, and items 15, 21, 28, 30, 32, 36 and 51 of Part 3 of Schedule 1B to, the Legislative Council Ordinance (Cap 542), forms the basis of subsector provisional register for the publication sub-subsector;
- (d) for the tourism functional constituency, in so far as it relates to the names and other relevant particulars of the persons described-
 - (i) in section 200(b) and (c) of the Legislative Council Ordinance (Cap 542), forms the basis of subsector provisional register for the tourism subsector; and
 - (ii) in section 200(d) and (e) of the Legislative Council Ordinance (Cap 542), forms the basis of subsector provisional register for the hotel subsector; and
 - (e) for the District Council functional constituency, in so far as it relates to the names and other relevant particulars of the persons who are members of the District Councils specified-
 - (i) in items 1 to 9 of Schedule 2 to the District Councils Ordinance (Cap 547), forms the basis of subsector provisional register for the Hong Kong and Kowloon District Councils subsector; and
 - (ii) in items 10 to 18 of Schedule 2 to the District Councils Ordinance (Cap 547), forms the basis of subsector provisional register for the New Territories District Councils subsector.
- (3) The register referred to in subsection (1)(b)-
 - (a) for the Chinese People's Political Consultative Conference subsector forms the basis of the subsector provisional register for that subsector;
 - (b) for the Hong Kong Chinese Enterprises Association subsector forms the basis of the subsector provisional register for that subsector;
 - (c) for the Chinese medicine subsector forms the basis of the subsector provisional register for that subsector; and
 - (d) for the Employers' Federation of Hong Kong subsector forms the basis of the subsector provisional register for that subsector.
 - (4) The registers referred to-
 - (a) in subsection (1)(a) for the social welfare functional constituency; and
 - (b) in subsection (1)(b) for the social welfare subsector, in so far as it relates to the names and other relevant particulars of the persons described in paragraphs (2), (3) and (4) of item 8 of Table 5 in section 2,
 form the basis of the subsector provisional register for the social welfare subsector.

(Date of this copy: 06/02/2003)

Chapter:	98A	POST OFFICE REGULATIONS
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- (1) The following letters shall not be subject to any postage-
- (a)-(b) (Repealed L.N. 27 of 1997)
 - (c) (Repealed L.N. 122 of 1991)
 - (d) (i) one letter posted in Hong Kong from each candidate at any elections under the District Councils Ordinance (Cap 547) addressed to each elector registered in the final register in respect of the constituency for which the candidate is nominated, which complies with the requirements in regulations in force under the Electoral Affairs Commission Ordinance (Cap 541); and (8 of 1999 s. 89; 23 of 2002 s. 126)
 - (ia) one letter posted in Hong Kong from each candidate at any Election Committee subsector election addressed to each voter registered in the subsector final register in respect of the subsector for which the candidate is nominated, which complies with the requirements in regulations in force under the Electoral Affairs Commission Ordinance (Cap 541); and (48 of 1999 s. 47)
 - (ii) two letters posted in Hong Kong from each candidate (or, in the case of a geographical constituency, from each list of candidates) at any election (other than an Election Committee subsector election) under the Legislative Council Ordinance (Cap 542) addressed to each elector registered in the final register in respect of the constituency or the Election Committee for which the candidate (or the list of candidates) is nominated, which comply with the requirements in regulations in force under the Electoral Affairs Commission Ordinance (Cap 541); and (L.N. 270 of 1991; 8 of 1999 s. 89; 48 of 1999 s. 47; 21 of 2001 s. 49)
 - (iii) two letters posted in Hong Kong from each candidate at an election within the meaning of the Chief Executive Election Ordinance (Cap 569) addressed to each member of the Election Committee which comply with the requirements in regulations in force under the Electoral Affairs Commission Ordinance (Cap 541). (21 of 2001 s. 49)
- (2) For the purposes of subregulation (1)(d)-
- (a) a person shall not be deemed to be a candidate unless he is shown as a person validly nominated in the notice of nominations published in the Gazette in accordance with the regulations made under section 7 of the Electoral Affairs Commission Ordinance (Cap 541); but until the publication of that notice any person who declares himself to be a candidate shall be entitled to exercise the right to free postage conferred by this regulation if he furnishes the Postmaster General with such security as may be required for the payment of postage should he not subsequently be shown in such notice as a person validly nominated; (40 of 1993 s. 27; 8 of 1999 s. 89)
 - (b) the expression-
 - "constituency" (選區、功能界別) means a geographical constituency declared under the Legislative Council Ordinance (Cap 542) or a functional constituency established under that Ordinance or a constituency declared under the District Councils Ordinance (Cap 547), as the case may require;
 - "Election Committee" (選舉委員會) means the Election Committee within the meaning of the Chief Executive Election Ordinance (Cap 569); (48 of 1999 s. 47; 21 of 2001 s. 49)
 - "Election Committee subsector election" (選舉委員會界別分組選舉) means a subsector election within the meaning of the Chief Executive Election Ordinance (Cap 569); (48 of 1999 s. 47; 21 of 2001 s. 49)

"elector" (選民) means an elector within the meaning of the Legislative Council Ordinance (Cap 542) or an elector within the meaning of the District Councils Ordinance (Cap 547), as the case may require;

"final register" (正式選民登記冊) means a final register of electors for an election under the Legislative Council Ordinance (Cap 542) or a register of electors for an election under the District Councils Ordinance (Cap 547), as the case may require; (8 of 1999 s. 89)

"subsector" (界別分組) means a subsector within the meaning of the Chief Executive Election Ordinance (Cap 569); (48 of 1999 s. 47; 21 of 2001 s. 49)

"subsector final register" (界別分組正式投票人登記冊) means a subsector final register within the meaning of the Chief Executive Election Ordinance (Cap 569); (48 of 1999 s. 47; 21 of 2001 s. 49)

"voter" (投票人) means a voter within the meaning of the Chief Executive Election Ordinance (Cap 569). (48 of 1999 s. 47; 21 of 2001 s. 49)

(Date of this copy: 06/02/2003)

Chapter:	542C	LEGISLATIVE COUNCIL (SUBSCRIBERS AND ELECTION DEPOSIT FOR NOMINATION) REGULATION
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Section:	1	Interpretation
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- (1) In this Regulation, unless the context otherwise requires-
- "candidate" (候選人) means a candidate nominated for an election in respect of a functional constituency or the Election Committee; (L.N. 206 of 2001)
- "deposit" (按金) means the deposit lodged under section 2(1);
- "election" (選舉) means an election or a by-election held to elect a Member in respect of a geographical constituency, a functional constituency or the Election Committee; (L.N. 206 of 2001)
- "geographical constituency candidate" (地方選區候選人) means a candidate nominated for an election in respect of a geographical constituency;
- "list of candidates" (候選人名單) means a list of candidates referred to in section 38(10) of the Ordinance or a new list of candidates referred to in section 38(14) of the Ordinance; (L.N. 14 of 2000)
- "nomination list" (提名名單) means a nomination list referred to in section 38 of the Ordinance;
- "nominee" (獲提名人) means a nominee as defined in section 38(1) of the Ordinance.

(2) In this Regulation, any reference to the appropriate regulations shall be construed as a reference to any regulations made under section 7 of the Electoral Affairs Commission Ordinance (Cap 541) relating to procedure at an election. (L.N. 206 of 2001)

Section:	2	Amount of deposit
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- (1) The amount of deposit to be lodged-
- (a) on behalf of the nominees on a nomination list in respect of their nomination as geographical constituency candidates in an election is \$50000;

- (b) by or on behalf of a candidate in respect of his nomination as a candidate in an election-
 - (i) in respect of a functional constituency, is \$25000;
 - (ii) in respect of the Election Committee, is \$25000. (L.N. 206 of 2001)
 - (iii) (Repealed L.N. 206 of 2001)
- (2) Where any deposit is lodged to a Returning Officer, he shall forthwith deposit it with the Director of Accounting Services.

Section:	3	Return of deposit on invalid nomination etc.
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- (1) Where, as regards any geographical constituency-
 - (a) a deposit is lodged on behalf of the nominees on a nomination list in respect of their nomination as geographical constituency candidates, and-
 - (i) all the nominees on the nomination list withdraw their nomination for election in respect of that geographical constituency under section 42 of the Ordinance;
 - (ii) the Returning Officer rejects the nomination list under section 38(7) of the Ordinance; or
 - (iii) where the nominees or any of them are taken, under section 38(10) or (14) of the Ordinance, as constituting a list of candidates, the Returning Officer rejects that list of candidates under section 38(13) of the Ordinance after striking out from that list of candidates the name of a geographical constituency candidate who has died or is disqualified from being nominated as such a candidate,
 the deposit so lodged; or
 - (b) the proceedings for the election are terminated under section 46A(1) of the Ordinance, the deposit lodged on behalf of the nominees on each nomination list for that geographical constituency,
 shall be returned in accordance with this section.
- (2) Where, as regards any functional constituency or the Election Committee-
 - (a) a deposit is lodged by or on behalf of a candidate in respect of his nomination as a candidate, and-
 - (i) the Returning Officer makes a decision under section 42A(1) of the Ordinance that the candidate is not validly nominated in respect of that functional constituency or Election Committee;
 - (ii) the candidate withdraws his nomination for election in respect of that functional constituency or Election Committee under section 42 of the Ordinance; or
 - (iii) the Returning Officer has made a decision under section 42A(1) of the Ordinance that the candidate is validly nominated in respect of the Election Committee, and subsequently-
 - (A) comes to the knowledge that the candidate has died and gives notice of the death under section 42B(1) of the Ordinance; or
 - (B) varies the decision to the effect that the candidate is not validly nominated and gives notice of the variation under section 42B(4) of the Ordinance,
 the deposit so lodged; or
 - (b) the proceedings for the election are terminated under section 42C or 46A(1) of the Ordinance, as the case may be, the deposit lodged in respect of each candidate for that functional constituency or Election Committee,
 shall be returned in accordance with this section. (L.N. 14 of 2000)
 - (2A)(Repealed L.N. 206 of 2001)

(3) The Returning Officer for the geographical constituency or functional constituency concerned or the Election Committee shall, in the case referred to in- (L.N. 206 of 2001)

(a) subsection (1)(a)(i) or (ii) or (2)(a)(i) or (ii), as soon as practicable after the publication under the appropriate regulations of a notice containing particulars of the geographical constituency candidates or candidates, as the case may be, validly nominated in respect of that geographical constituency, functional constituency or the Election Committee, notify the Director of Accounting Services in writing that the deposit lodged on behalf of the nominees on the nomination list concerned or by or on behalf of the candidate concerned, as the case may be, is returnable to the person who lodges the deposit on behalf of those nominees or to that candidate or the person who lodges the deposit on behalf of such candidate, as the case may be; (L.N. 206 of 2001)

(aa) subsection (1)(a)(iii), as soon as practicable after-

(i) in case no declarations referred to in section 42B(2) or (5) of the Ordinance are to be made in accordance with the appropriate regulations in relation to the death, or the variation of decision relating to the disqualification, the publication under the appropriate regulations of a notice containing particulars of the geographical constituency candidates validly nominated in respect of that geographical constituency;

(ii) in case declarations referred to in section 42B(2) or (5) of the Ordinance are to be made in accordance with the appropriate regulations in relation to the death, or the variation of decision relating to the disqualification, as the case may be, such declarations are so made,

notify the Director of Accounting Services in writing that the deposit lodged on behalf of the nominees on the nomination list concerned is returnable to the person who lodges the deposit on behalf of those nominees; (L.N. 14 of 2000)

(b) subsection (1)(b) or (2)(b), as soon as practicable after the publication under the appropriate regulations of a notice declaring that the proceedings for the election are terminated, notify the Director of Accounting Services in writing that the deposit lodged on behalf of the nominees on each nomination list for that geographical constituency, or by or on behalf of each candidate for that functional constituency or Election Committee, as the case may be, is returnable to each person who lodges the deposit on behalf of those nominees or to such candidate or the person who lodges the deposit on behalf of such candidate, as the case may be; and

(c) subsection (2)(a)(iii), as soon as practicable after-

(i) in case no declarations referred to in section 42B(2) or (5) of the Ordinance are to be made in accordance with the appropriate regulations in relation to the death or the variation of decision, the publication under the appropriate regulations of a notice containing particulars of the candidates validly nominated in respect of the Election Committee;

(ii) in case declarations referred to in section 42B(2) or (5) of the Ordinance are to be made in accordance with the appropriate regulations in relation to the death or the variation of decision, as the case may be, such declarations are so made,

notify the Director of Accounting Services in writing that the deposit lodged by or on behalf of the candidate concerned is returnable to that candidate or to the person who lodges the deposit on behalf of such candidate, as the case may be. (L.N. 14 of 2000)

(4) The Director of Accounting Services shall, as soon as practicable after the receipt of a notification under subsection (3), return the amount of the deposit to the person who lodges the deposit on behalf of the nominees on the nomination list or to the candidate or to the person who lodges the deposit on behalf of such candidate, as the case may be, specified in the notification.

(L.N. 14 of 2000)

Section:	4	Disposal of deposit after publication of election result or declaration of failure of election
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- (1) Subject to subsection (3), as regards-
- (a) an election in which a geographical constituency candidate is declared under section 46(1) of the Ordinance to be duly elected as a Member in respect of a geographical constituency;
 - (b) an election in which a geographical constituency candidate is declared under section 49(13) or (15) of the Ordinance as elected as a Member in respect of a geographical constituency; or
 - (c) an election for a geographical constituency which is declared under section 46A(3)(a) of the Ordinance to have failed,

after such declaration, the deposit lodged on behalf of the nominees on the nomination list for that geographical constituency, unless it shall be returned in accordance with section 3, shall be returned in accordance with this section. (L.N. 14 of 2000)

- (2) Subject to subsection (3), as regards-
- (a) an election in which a candidate is declared under section 46(1) of the Ordinance to be duly elected as a Member in respect of a functional constituency or the Election Committee;
 - (b) an election in which a candidate is declared under section 50(7) or 51(7), or section 52(6), of the Ordinance as elected as a Member in respect of a functional constituency, or the Election Committee; or
 - (c) an election for a functional constituency or the Election Committee, which is declared under section 46A(3)(a) of the Ordinance to have failed,

after such declaration, the deposit lodged by or on behalf of the candidate for that functional constituency or Election Committee, unless it shall be returned in accordance with section 3, shall be returned in accordance with this section. (L.N. 14 of 2000)

(2A)(Repealed L.N. 206 of 2001)

- (3) Where-
- (a) the total number of ballot papers containing valid votes in favour of a nomination list which has no successful geographical constituency candidate in respect of a geographical constituency received by such nomination list is less than 5% of the total number of ballot papers containing valid votes received in that geographical constituency;
 - (b) (i) the total number of ballot papers containing valid first preference votes in favour of an unsuccessful candidate in respect of a functional constituency specified in section 20(1)(a) to (d) of the Ordinance received by such candidate is less than 5% of the total number of ballot papers containing valid first preference votes received in that constituency; or
(ii) the total number of ballot papers containing valid votes in favour of an unsuccessful candidate in respect of a functional constituency other than a functional constituency referred to in subparagraph (i) received by such candidate is less than 5% of the total number of ballot papers containing valid votes received in that functional constituency;
 - (c) the total number of ballot papers containing valid votes in favour of an unsuccessful candidate in respect of the Election Committee received by such candidate is less than 5% of the total number of ballot papers containing valid votes received in the Election Committee, (L.N. 206 of 2001)
 - (d) (Repealed L.N. 206 of 2001)

as determined by a counting of the votes and any re-count, the deposit lodged in respect of his or their nomination shall be forfeited to the general revenue, in accordance with this section. (L.N. 49 of 1998)

(4) Subject to subsection (6), the Returning Officer for the geographical constituency or functional constituency concerned or the Election Committee shall, in the case of- (L.N. 206 of 2001)

- (a) an election referred to in subsection (1)(a) or (2)(a), as soon as practicable after the publication under the appropriate regulations of a notice declaring that the geographical constituency candidate or the candidate, as the case may be, is duly elected in respect of that geographical constituency, functional constituency or the Election Committee;
- (b) an election referred to in subsection (1)(b) or (2)(b), as soon as practicable after the publication under the appropriate regulations of a notice of the result of the election in respect of that geographical constituency, functional constituency or the Election Committee;
- (c) an election referred to in subsection (1)(c) or (2)(c), as soon as practicable after the publication under the appropriate regulations of a notice declaring that the election has failed,

notify the Director of Accounting Services in writing that the deposit lodged on behalf of the nominees on the nomination list for that geographical constituency, or by or on behalf of the candidate for that functional constituency or the Election Committee, as the case may be, is returnable to the person who lodges the deposit on behalf of those nominees or to such candidate or to the person who lodges the deposit on behalf of such candidate, as the case may be. (L.N. 14 of 2000; L.N. 206 of 2001)

(5) The Director of Accounting Services shall, as soon as practicable after the receipt of a notification under subsection (4), return the amount of the deposit to the person who lodges the deposit on behalf of the nominees on the nomination list or to the candidate or to the person who lodges the deposit on behalf of such candidate, as the case may be, specified in the notification.

(6) The Returning Officer shall, as soon as practicable after the publication of the notice referred to in subsection (4)(b) or (c), notify the Director of Accounting Services in writing, as regards any nomination list which has no successful geographical constituency candidate or any unsuccessful candidate, as the case may be, referred to in subsection (3), that the deposit lodged in respect of his or their nomination for that geographical constituency, functional constituency or the Election Committee at the relevant election is to be forfeited to the general revenue. (L.N. 206 of 2001)

(L.N. 14 of 2000)

Section:	5	Disposal of deposit in case of death
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(1) Where-

- (a) a deposit is lodged by a candidate or by a person on behalf of such candidate or by a person on behalf of the nominees on a nomination list;
- (b) the deposit shall be returned to that candidate or that person, as the case may be, in accordance with section 3 or 4; and
- (c) that candidate or that person, as the case may be, dies after the deposit is lodged,

the deposit shall, notwithstanding those sections, be paid to the estate of that candidate or that person, as the case may be, and the Returning Officer for the geographical constituency or functional constituency concerned or the Election Committee shall notify the Director of Accounting Services in writing accordingly. (L.N. 14 of 2000; L.N. 206 of 2001)

(2) The Director of Accounting Services shall, as soon as practicable after the receipt of a notification under subsection (1), pay the deposit to the legal personal representative of the candidate or person referred to in subsection (1), as the case may be.

Section:	7	Number and qualifications of subscribers to a nomination paper
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- (1) As regards any geographical constituency-
 - (a) the nomination paper of the nominees on a nomination list seeking nomination in respect of any geographical constituency shall be subscribed by at least 100 other persons, each being an elector registered in respect of the constituency in respect of which the nominees on that nomination list are seeking nomination;
 - (b) an elector shall not, subject to subsection (3), subscribe more than one nomination paper as regards a particular election;
 - (c) if an elector subscribes more than one nomination paper in contravention of paragraph (b), his signature shall, subject to subsection (3), be inoperative on any nomination paper other than the one first delivered.
- (2) As regards any functional constituency or the Election Committee-
 - (a) the nomination paper of any person seeking nomination in respect of-
 - (i) (Repealed L.N. 14 of 2000)
 - (ii) any functional constituency shall be subscribed by at least 10 other persons each being an elector registered in respect of the relevant functional constituency; and
 - (iii) the Election Committee shall be subscribed by at least 10 other persons each being a member registered in respect of the Election Committee;
 - (iv) (Repealed L.N. 206 of 2001)
 - (b) an elector or member of the Election Committee, as the case may be, can, subject to subsection (3), subscribe any number of nomination papers up to the number of seats in any functional constituency or the Election Committee as regards a particular election;
 - (c) the signature of an elector or member of the Election Committee, as the case may be, shall, subject to subsection (3), be inoperative on any nomination paper delivered after the delivery of the maximum number of the nomination papers referred to in paragraph (b). (L.N. 14 of 2000)

(2A) Notwithstanding subsection (2)(a)(iii), a member of the Election Committee is not qualified to subscribe a nomination paper for the purposes of that subsection if he-

 - (a) resigns under section 3(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569);
 - (b) is serving a sentence of imprisonment for the time being;
 - (c) falls within paragraph (a), (b), (c), (f) or (g) of section 18 of the Schedule to the Chief Executive Election Ordinance (Cap 569); or
 - (d) is or has been convicted, within the 3 years before the polling date of the relevant election, in the manner prescribed by subparagraph (i), (ii) or (iii) of section 18(e) of the Schedule to the Chief Executive Election Ordinance (Cap 569). (L.N. 206 of 2001)

(2B) Subsection (2A) does not affect a nomination paper subscribed by a member before he ceases to be qualified under that subsection. (L.N. 206 of 2001)
- (3) Where-
 - (a) as regards any geographical constituency-
 - (i) all the nominees on a nomination list withdraw their nomination for election in respect of that geographical constituency under section 42 of the Ordinance; or
 - (ii) the Returning Officer rejects a nomination list under section 38(7) of the Ordinance;
 - (b) as regards any functional constituency or the Election Committee-
 - (i) the Returning Officer makes a decision under section 42A(1) of the Ordinance that a candidate is not validly nominated in respect of that functional constituency or Election Committee;

- (ii) a candidate withdraws his nomination for election in respect of that functional constituency or Election Committee under section 42 of the Ordinance; or
- (iii) the Returning Officer has made a decision under section 42A(1) of the Ordinance that a candidate is validly nominated in respect of the Election Committee, and subsequently-
 - (A) comes to the knowledge that the candidate has died and gives notice of the death under section 42B(1) of the Ordinance; or
 - (B) varies the decision to the effect that the candidate is not validly nominated and gives notice of the variation under section 42B(4) of the Ordinance,

(c) (Repealed L.N. 206 of 2001)

the elector or member of the Election Committee, as the case may be, who has subscribed the nomination paper of the nominees on that nomination list (in the case of paragraph (a)) or the nomination paper of that candidate (in the case of paragraph (b)) in accordance with this section may subscribe another nomination paper, and-

- (i) his signature shall not be inoperative on that other nomination paper only because he has previously subscribed the nomination paper of those nominees or that candidate, as the case may be;
- (ii) if he subscribes more than one nomination paper in contravention of this subsection, his signature shall be inoperative on any nomination paper so subscribed other than the first one delivered. (L.N. 14 of 2000)

(4) For the avoidance of doubt, it is declared that where the number of nomination papers subscribed by any person who has 2 or more of the following capacities-

- (a) an elector registered in respect of a geographical constituency;
- (b) an elector registered in respect of a functional constituency;
- (c) a member of the Election Committee,
- (d) (Repealed L.N. 206 of 2001)

in any one of such capacities has reached the maximum number provided for in subsection (1)(b) or (2)(b) (as may be appropriate), subsections (1)(b) and (2)(b) shall not be construed as preventing such person to subscribe, subject to subsection (1)(b) or (2)(b) (as may be appropriate), other nomination papers in another such capacity of him.

(L.N. 206 of 2001)

(Date of this copy: 06/02/2003)

Chapter:	542F	LEGISLATIVE COUNCIL (ELECTION PETITION) RULES
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Rule:	12	Lists of objections in recriminatory case
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(1) Where on the trial of a petition complaining that a person was not duly elected and claiming the office for some other person, the respondent intends to give evidence in accordance with rule 11(4) to prove that that other person was not duly elected in his place, the respondent shall, not less than 7 days before the day fixed for the trial of the petition, file a list of his objections to the election of that other person on which he intends to rely and serve a copy of the list on the petitioner and the Secretary for Justice.

(2) Where the petition claims the office for an unsuccessful candidate on the ground that-

- (a) that person who is a candidate at an election for a functional constituency or for election by the Election Committee; or
- (b) the list of candidates referred to in section 38(10) of the Ordinance on which that person is one of the candidates,

had the number of valid votes that entitled him to claim the office, every party shall, not less than

7 days before the date fixed for the trial, file a list of the votes which that party contends were wrongly admitted or wrongly rejected, stating in respect of each such vote the grounds for his contention, and serve a copy of the list on every other party and the Secretary for Justice.

(3) Any party to a petition may inspect and obtain a copy of any list filed in accordance with subrule (1) or (2).

(4) Except by leave of the Court, and upon such terms as the Court may order, no evidence shall be given-

- (a) by a respondent, of any objection to the election of any person which is not specified in a list filed by him in accordance with subrule (1); or
- (b) by a party against the admission or rejection of any vote, or as to any ground of contention, which is not specified in a list filed by him in accordance with subrule (2).

Schedule:	SCHEDULE
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[rule 4]

ELECTION PETITION

IN THE HIGH COURT OF HONG KONG

ORIGINAL JURISDICTION

In the Matter of the Legislative Council Ordinance (Cap 542)
and

*In the Matter of a Legislative Council election for the *(name of geographical constituency) Geographical Constituency/(name of functional constituency) Functional Constituency held on (date of election).

(or) *In the Matter of a Legislative Council election by the Election Committee held on (date of election).

*1. The Petition of (name of Petitioner) states-

(a) that the Petitioner was a candidate at the above election;

(or) *1. The Petition of (names of 10 or more Petitioners) states-

(a) that the Petitioners are *electors/members of the Election Committee who were entitled to vote at the above election;

* (b) in an election which was not contested, that *(name of candidate) was a candidate at the election/(name of each candidate) were candidates at the election, and on (date on which that candidate was declared elected or those candidates were declared elected) the Returning Officer for the above-mentioned *Constituency/Election Committee declared that *that candidate/those candidates *was/were elected *for the above-mentioned Constituency/by the above-mentioned Election Committee in a notice of nominations published in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap 541); and

(or) *(b) in a contested election, that the poll was held on the above day, that (name of each candidate) were candidates at that election, and on (date on which the successful candidate was declared elected or successful candidates were declared elected) the Returning Officer for the above-mentioned *Constituency/Election Committee declared (name of successful candidate or names of successful candidates) to be elected *for the above-mentioned Constituency/by the above-mentioned Election Committee in a notice of result of election prepared in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap 541), and that that

notice was published in the Gazette on (date of publication in Gazette of notice of result of election) in accordance with the regulation in force under that Ordinance; and

- (c) that (ground under section 61(1) of the Ordinance on which the election is questioned and on which relief is to be sought and the facts on which the Petitioner relies or the Petitioners rely).

*2. The *Petitioner/Petitioners therefore *requests/request, in the case of an election which was not contested, the Court to determine-

- (a) whether any decision of the Returning Officer for the above-mentioned *Constituency/Election Committee as to the validity of any nomination in the notice of nominations was correct;
- (b) if the Court determines that the decision of the Returning Officer was not correct, whether the *candidate/candidates declared by the Returning Officer to have been elected *for the above-mentioned Constituency/by the Election Committee in that notice of nominations *was/were duly elected; and
- (c) any further or other relief as may be just.

(or) *2. The Petitioner therefore requests, in the case of a contested election, the Court to determine-

- (a) whether *the candidate (to be named)/some other candidate (to be named) declared by the Returning Officer for the above-mentioned *Constituency/Election Committee to be elected in the notice of result of election was duly elected;
- (b) if the Court determines that that person was not duly elected, whether *the Petitioner/some other candidate (to be named) was duly elected in his place; and
- (c) any further or other relief as may be just.

(or) *2. The Petitioners therefore request, in the case of a contested election, the Court to determine-

- (a) whether *the candidate (to be named)/some other candidate (to be named)/the candidates (to be named) declared by the Returning Officer for the above-mentioned *Constituency/Election Committee to be elected in the notice of result of election *was/were duly elected;
- (b) if the Court determines that *that person/those persons *was/were not duly elected, whether *the other candidate (to be named)/some other candidate (to be named)/the other candidates (to be named) *was/were duly elected in *his/their place; and
- (c) any further or other relief as may be just.

Dated this day of 19

Signed

*Petitioner/Petitioners
(or) *Solicitors

*This Petition is lodged by the *Petitioner/Petitioners.

(or) *This Petition is lodged by (name of solicitors), Solicitors acting for and on behalf of the *Petitioner/Petitioners.

The address for service is (address to be stated).

It is proposed to serve a copy of this Petition on (name of Respondent or names of Respondents) and on the Secretary for Justice.

* Delete whichever is inapplicable.

(Date of this copy: 06/02/2003)

Chapter:	553B	ELECTRONIC TRANSACTIONS (EXCLUSION) ORDER
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Schedule:	2	PROVISIONS EXCLUDED FROM APPLICATION OF SECTION 6 OF ORDINANCE
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[section 3]

Item	Enactment	Provision
1.	Contracts for Employment Outside Hong Kong Ordinance (Cap 78)	Sections 5(1) and 8(a) and (b)
2.	Dutiable Commodities Regulations (Cap 109 sub. leg.)	Regulation 22(1) and (6)
3.	Immigration Ordinance (Cap 115)	Section 5(4)(b) and (5)(a)(ii) and (b)(ii)
4.	Buildings Ordinance (Cap 123)	Section 8B(4)
5.	Building (Administration) Regulations (Cap 123 sub. leg.)	Regulations 12(1), (2) and (3), 18(2), 20(1), 25(2), (3) and (4), 26(2) and 28
6.	Registration of Persons Regulations (Cap 177 sub. leg.)	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.)	Regulations 5(3), 17(2) and 20(3)
10.	Dangerous Goods (Consignment by Air) (Safety) Regulations (Cap 384 sub. leg.)	Regulation 6(3)
11.	Land Drainage (Consent and Approval) Regulation (Cap 446 sub. leg.)	Section 6
12.	Land Survey Ordinance (Cap 473)	Section 30(4)
13.	Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap 541 sub. leg.)	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.)	Sections 19(1)(e), 20(2), (3), (5), (7) and (8), 26(6), 30(2), 31(7), 31A(2) and 33(9) (L.N. 261 of 2000; L.N. 268 of 2001)
15.	Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) Regulation (Cap 541 sub. leg.)	Section 5(4)
16.	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap 541 sub. leg.)	Sections 10(7) and (8), 11(7) and (8), 12(7) and (8), 20(2), 23(9) and (12), 25(8) and (15), 42(11) and (13), 66(7) and (10) and 102(4) (L.N. 268 of 2001)
17.	Electoral Affairs Commission (Nominations Advisory Committees (District Councils)) Regulation (Cap 541 sub. leg.)	Section 5(2)
18.	Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap 541 sub. leg.)	Sections 12(7) and (8), 20(2), 26(6) and (9), 28(5) and (12), 45(8), 66(6) and (9), 102(4) and 103(4)
18A.	Electoral Affairs Commission	Section 6(4) (L.N. 268 of 2001)

	(Nominations Advisory Committees (Election Committee)) Regulation (Cap 541 sub. leg.)	
18B.	Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap 541 sub. leg.)	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), 99(2)(b) and 100(4) (L.N. 268 of 2001)
18C.	Electoral Procedure (Chief Executive Election) Regulation (Cap 541 sub. leg.)	Sections 4(1), 9(2), 14(3) and (5), 25(5) and (7), 44(4) and (6), 80(2) and 81(1)(b) (L.N. 282 of 2001)
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.	Air Navigation (Hong Kong) Order 1995 (Cap 448 sub. leg.)	Articles 10(2) and 28(4) and Schedule 15, Regulation 1(1)
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.)	Section 3(2) (L.N. 268 of 2001)

2004 Legislative Council Elections
Financial and Civil Service Implication
(c.f. Paragraph 30 of the Legislative Council Brief)

- The total expenditure for the 2000 Legislative Council (LegCo) elections amounted to some \$275 million. For the 2004 LegCo elections, sufficient funds have been included in Secretary for Constitutional Affairs' Operating Expenditure Envelope (including funds to employ temporary non-civil service staff, peaking at some 600 such posts in 2004-05).

- At this stage we are unable to assess accurately the financial implications to the Government of providing financial support to candidates on the basis of \$10 per vote in the 2004 LegCo elections. However, we can take the 2000 LegCo elections as an illustration to indicate the possible financial implications. In the 2000 LegCo elections, the expenditure involved in providing two rounds of free mailing service to candidates amounted to \$37.97 million. Only some candidates in the 2000 LegCo elections used two rounds of free mailing service. Thus, the Administration would still have to pay \$28.95 million, if one round of mailing service had been abolished. This would have generated savings of about \$9.02 million. However, under the new financial arrangements, the Administration would need to pay reimbursement of \$9.99 million to candidates who were elected or who had secured 5% of valid votes or more (calculated on the basis of the results of the 2000 LegCo elections). Government expenditure would thus be increased by \$0.97 million.

Constitutional Affairs Bureau
February 2003