

**CHIEF EXECUTIVE ELECTION AND LEGISLATIVE COUNCIL  
ELECTION (MISCELLANEOUS AMENDMENTS)  
BILL 2006**

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# A BILL

## To

Amend the Chief Executive Election Ordinance, the Legislative Council Ordinance, the Election Committee (Appeals) Regulation and the Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation to—

- (a) prescribe that a Chief Executive who is appointed to fill a vacancy that arises under section 4(b) or (c) of the Chief Executive Election Ordinance may hold the office of the Chief Executive for the following term but not the term next following;
- (b) provide for the fixing of a polling date in respect of such vacancy;
- (c) prescribe the date on which the Election Committee is constituted;
- (d) provide that only Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference, the Chairman or Vice-Chairmen of the Heung Yee Kuk or Councillors of the Full Council of the Heung Yee Kuk and members of District Councils may act as members of the Election Committee representing the relevant subsectors;
- (e) provide for polling at an election under the Chief Executive Election Ordinance in which only one candidate is validly nominated;
- (f) provide for the compilation and publication of an interim register of members of the Election Committee;
- (g) provide that the companies specified in section 20W(d) of the Legislative Council Ordinance cease to be eligible for registration as electors;
- (h) amend the description of the traders specified in section 20X(e) of the Legislative Council Ordinance;

- (i) remove provisions relating to the first Election Committee;
- (j) update the names of certain bodies which are, or are qualified to be, electors or voters and the names of certain bodies the members of which are, or are qualified to be, electors or voters;
- (k) remove the names of certain bodies which are not, or are not qualified to be, electors or voters and the names of certain bodies the members of which are not, or are not qualified to be, electors or voters,

and to make consequential amendments to the Hong Kong Court of Final Appeal Ordinance.

Enacted by the Legislative Council.

## PART 1

### PRELIMINARY

#### 1. Short title

This Ordinance may be cited as the Chief Executive Election and Legislative Council Election (Miscellaneous Amendments) Ordinance 2006.

#### 2. Commencement

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

## PART 2

### AMENDMENT CONCERNING TERM OF OFFICE OF CHIEF EXECUTIVE

#### 3. Term of office of Chief Executive

Section 3 of the Chief Executive Election Ordinance (Cap. 569) is amended by adding—

“(2A) Where the appointment of the Chief Executive falls within subsection (1A)(b), his term of office shall, for the purposes of subsection (2), be regarded as one term.”.



PART 3

AMENDMENTS CONCERNING APPLICATION OF CERTAIN  
PROVISIONS WHERE VACANCY IN OFFICE  
OF CHIEF EXECUTIVE ARISES

**4. Election to return candidate  
for appointment to fill  
vacancy in office**

(1) Section 6 of the Chief Executive Election Ordinance (Cap. 569) is amended by renumbering it as section 6(1).

(2) Section 6 is amended by adding—

“(2) If, during the period of 6 months before a polling date to be fixed under section 10(1), a vacancy in the office of the Chief Executive arises under section 4(*b*) or (*c*)—

(*a*) sections 10(1) and 11(3)(*a*) apply to the fixing of the polling date in the election held as a result of the vacancy;

(*b*) section 13(*d*)(*i*) applies to the eligibility for candidature for the election; and

(*c*) sections 10(2) and 11(3)(*b*) do not apply to the election, notwithstanding any other provision of this Ordinance.”.

PART 4

AMENDMENTS CONCERNING TERM OF OFFICE  
OF ELECTION COMMITTEE

**5. Term of office of Election Committee**

(1) Section 9 of the Chief Executive Election Ordinance (Cap. 569) is amended by renumbering it as section 9(1).

(2) Section 9 is amended by adding—

“(2) The Election Committee shall be constituted on 1 February in the year in which the term of office of the Chief Executive is to expire.”.

PART 5

AMENDMENTS CONCERNING ELECTION COMMITTEE MEMBERS  
REPRESENTING HONG KONG MEMBERS OF NATIONAL  
COMMITTEE OF CHINESE PEOPLE'S POLITICAL  
CONSULTATIVE CONFERENCE,  
HEUNG YEE KUK AND  
DISTRICT COUNCILS

**6. Election Committee**

(1) Section 3(1) of the Schedule to the Chief Executive Election Ordinance (Cap. 569) is repealed and the following substituted—

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

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

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

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

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

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

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

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

(2) The Schedule is amended by adding—

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

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

if he is not a Hong Kong member of the National Committee of the Chinese People’s Political Consultative Conference.

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

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

- (4) A person is disqualified from—
  - (a) being nominated as a candidate at a subsector election for the subsector specified in item 5 of Table 4 in section 2; or

(b) being elected as a member of the Election Committee representing that subsector,  
if he is not a member of a District Council specified in item 1, 2, 3, 4, 5, 6, 7, 8 or 9 of Schedule 2 to the District Councils Ordinance (Cap. 547).

(5) A person is disqualified from—

(a) being nominated as a candidate at a subsector election for the subsector specified in item 6 of Table 4 in section 2; or

(b) being elected as a member of the Election Committee representing that subsector,

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

## PART 6

### AMENDMENTS CONCERNING CONDUCT OF POLL WHERE ONLY ONE CANDIDATE IS VALIDLY NOMINATED

#### **Chief Executive Election Ordinance**

#### **7. Interpretation**

Section 2(1) of the Chief Executive Election Ordinance (Cap. 569) is amended, in the definition of “poll”, by adding “23 or” after “section”.

#### **8. Fixing new polling date under certain circumstances**

Section 11(2)(b) is amended by repealing “section 22(1)” and substituting “section 22(1AA), (1AB) or (1)”.

#### **9. Termination of election proceedings**

Section 22 is amended by adding before subsection (1)—  
“(1AA) Where—

- (a) at the close of nominations only one candidate is validly nominated; and
- (b) proof is given to the satisfaction of the Returning Officer that the candidate dies or is disqualified under section 20(1) from being elected at any time after the close of nominations but before the declaration of the result of the election,

the Returning Officer shall, by a public declaration, terminate the proceedings for the election.

(1AB) Where—

- (a) at the close of nominations only one candidate is validly nominated; and
- (b) a poll is conducted under section 23 and the candidate is, under section 26A(4), not returned at the election,

the Returning Officer shall—

- (c) publicly declare that no candidate is returned at the election;
- (d) publish the declaration and the result of the poll in the Gazette; and
- (e) by a public declaration, terminate the proceedings for the election.”.

## 10. Section substituted

Section 23 is repealed and the following substituted—

### “23. Polling arrangement where only one candidate is validly nominated

Where at the close of nominations only one candidate is validly nominated, a poll shall be conducted in accordance with section 26A and the EAC Regulations under the supervision of the Returning Officer.”.

## 11. A poll shall be conducted in contested election

(1) Section 24 is amended, in the heading, by repealing “A poll shall be conducted in” and substituting “Polling arrangement for”.

(2) Section 24 is amended by adding “section 27 and” after “accordance with”.

## 12. Section added

The following is added—

### “26A. System of voting: only one candidate

(1) This section applies to an election in which at the close of nominations only one candidate is validly nominated.

(2) In the poll conducted in the election, the ballot papers shall be so designed as to allow members of the Election Committee to cast either a support vote or a not support vote.

(3) If the number of support votes obtained by the candidate exceeds half of the total number of valid votes cast in the poll, he shall be returned at the election.

(4) If the number of support votes obtained by the candidate does not exceed half of the total number of valid votes cast in the poll, he shall not be returned at the election and section 22(1AB) applies.”.

## 13. System of voting

Section 27 is amended, in the heading, by adding “: **contested election**” after “**voting**”.

## 14. Declaration and publication of result

(1) Section 28 is amended by renumbering it as section 28(2).

(2) Section 28 is amended by adding—

“(1) Where the Returning Officer determines that the only candidate nominated at an election is, under section 26A(3), returned at the election, the Returning Officer shall, as soon as practicable after the determination—

(a) publicly declare that the candidate is elected; and

(b) publish the result of the election in the Gazette.”.

(3) Section 28(2) is amended by adding “in which there are 2 or more candidates” after “an election”.

## 15. Election may be questioned only by election petition made on specified grounds

Section 32(1) is repealed and the following substituted—

“(1) An election may be questioned only by an election petition on the ground that—

- (a) the person declared by the Returning Officer under section 28 as elected was not duly elected because—
  - (i) he was not eligible to be nominated as a candidate under section 13;
  - (ii) he was disqualified under section 14 from being nominated as a candidate;
  - (iii) he should have been disqualified under section 20(1) from being elected but was not so disqualified;
  - (iv) he engaged in corrupt conduct or illegal conduct at the election;
  - (v) another person engaged in corrupt conduct or illegal conduct in respect of him at the election in connection with his candidature;
  - (vi) corrupt conduct or illegal conduct was generally prevalent at the election; or
  - (vii) material irregularity occurred in relation to—
    - (A) the election;
    - (B) the poll at the election; or
    - (C) the counting of votes in respect of the election; or
- (b) the candidate declared by the Returning Officer under section 22(1AB)(c) as not returned at the election is not returned because material irregularity occurred in relation to—
  - (i) the election;
  - (ii) the poll at the election; or
  - (iii) the counting of votes in respect of the election.”.

**16. Period within which election petition and appeal must be lodged**

Section 34(1) is amended by adding “22(1AB) or” before “28”.

**17. Determination of election petition**

Section 37(1) is amended by adding—

- “(aa) an election petition questioning an election in which it is declared under section 22(1AB) that no candidate is returned at the election by ruling that—
- (i) the candidate was duly elected because his being not returned was the result of a wrongful determination of the Returning Officer; or
  - (ii) no candidate is returned at the election;”.

## **18. Time limit for legal challenges**

Section 39(1) is amended by repealing everything after “which put in” and substituting—

“issue—

- (c) whether a candidate is duly determined to be not returned at an election under section 26A(4); or
- (d) whether the candidate declared under section 28 as elected at an election can lawfully assume the office of the Chief Executive,

shall be made or commenced more than 30 days after the publication of the declaration under section 22(1AB)(d) or the publication of the result of the election under section 28 unless the leave of the Court has been obtained.”.

## **Hong Kong Court of Final Appeal Ordinance**

### **19. Civil appeals**

Section 22(1)(c)(ii) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is amended by repealing “the candidate declared under section 28 of the Chief Executive Election Ordinance (Cap. 569)” and substituting “the candidate is duly determined to be not returned at an election under section 26A(4) of the Chief Executive Election Ordinance (Cap. 569) or whether the candidate declared under section 28 of that Ordinance”.

## **PART 7**

### **AMENDMENTS CONCERNING REGISTERS OF MEMBERS OF ELECTION COMMITTEE**

#### **Chief Executive Election Ordinance**

### **20. Interpretation**

Section 2(1) of the Chief Executive Election Ordinance (Cap. 569) is amended, in the definition of “final register of members of the Election Committee”, by repealing “compiled under section 40” and substituting “published under section 40(2), (3), (3A) or (4)”.



## 21. Election Committee

- (1) Section 1(1) of the Schedule is amended by adding—  
““interim register of members of the Election Committee” (選舉委員會暫行委員登記冊) means a register published under section 40(1);”.
- (2) Section 2(8) of the Schedule is amended by repealing “a final register” and substituting “an interim register”.
- (3) The Schedule is amended, in the heading of Part 5, by adding “INTERIM REGISTER AND” before “FINAL”.
- (4) Section 40 of the Schedule is amended, in the heading, by adding “**interim register and**” after “**publish**”.
- (5) Section 40(1) of the Schedule is amended by repealing “a final” and substituting “an interim”.
- (6) Section 40(2) of the Schedule is amended by repealing “also”.
- (7) Section 40 of the Schedule is amended by adding—  
“(3A) The Electoral Registration Officer shall—
  - (a) compile in accordance with the EAC Regulations a final register of members of the Election Committee on the basis of the interim register of members of the Election Committee, incorporating any amendment made under section 41 or 42; and
  - (b) publish the final register in accordance with the EAC Regulations on the date on which the Election Committee is constituted.”.
- (8) Section 41 of the Schedule is amended, in the heading, by adding “**interim register or**” after “**amend**”.
- (9) Section 41(1) of the Schedule is amended by adding “interim register of members of the Election Committee or” before “final register”.
- (10) Section 41(2)(a) and (b) of the Schedule is amended by adding “interim register of members of the Election Committee or” before “final register”.
- (11) Section 41(4) of the Schedule is amended by adding “interim register or” before “final register”.
- (12) Section 42(1) of the Schedule is amended by adding “register, interim register” after “provisional”.
- (13) Section 42(2) of the Schedule is amended by adding “interim register of members of the Election Committee or” after “into the”.
- (14) Section 42(3) of the Schedule is amended by adding “interim register of members of the Election Committee or” after “amends the”.

## **Election Committee (Appeals) Regulation**

### **22. Interpretation**

(1) Section 2(1) of the Election Committee (Appeals) Regulation (Cap. 569 sub. leg. A) is amended, in the definition of “final register”, by repealing everything after “means a” and substituting “register published under section 40(2), (3) or (4) of the Schedule to the Ordinance;”.

(2) Section 2(1) is amended by adding—

““interim register” (暫行委員登記冊) means a register published under section 40(1) of the Schedule to the Ordinance;”.

### **23. Appeals in relation to registration of nominees declared by Returning Officer as members of Election Committee**

(1) Section 4(1) is amended by adding “interim register or” before “final register”.

(2) Section 4(2) is amended by adding “interim register or” before “final register”.

### **24. Fixing of hearing and notifying appellant thereof**

Section 5(4) is amended by adding “interim register or” before “final register”.

### **25. Electoral Registration Officer to be notified of ruling**

Section 8(2) is amended by adding “interim register or” before “final register”.

**Election Committee (Registration) (Voters  
for Subsectors) (Members of Election  
Committee) (Appeals) Regulation**

**26. Interpretation**

Section 2 of the Election Committee (Registration) (Voters for Subsectors)(Members of Election Committee)(Appeals) Regulation (Cap. 569 sub. leg. B) is amended, in the definition of “Election Committee final register”, by repealing “section 40” and substituting “section 40(2), (3), (3A) or (4)”.

**PART 8**

**AMENDMENTS CONCERNING SECTIONS 20W(*d*)  
AND 20X(*e*) OF LEGISLATIVE  
COUNCIL ORDINANCE**

**27. Composition of the import and  
export functional constituency**

Section 20W(*d*) of the Legislative Council Ordinance (Cap. 542) is repealed.

**28. Composition of the textiles and  
garment functional constituency**

Section 20X(*e*) is repealed and the following substituted—

“(e) textiles traders who—

- (i) are registered as textiles traders pursuant to regulation 5A of the Import and Export (General) Regulations (Cap. 60 sub. leg. A);
- (ii) have been so registered for a period of 12 months immediately before making the application for registration as an elector; and
- (iii) are carrying on business as textiles traders specified in the Fourth Schedule to the Import and Export (General) Regulations (Cap. 60 sub. leg. A).”.

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

Section 25(4) is amended by repealing “20W(a) to (d)” and substituting “20W(a) to (c)”.

**PART 9**

**AMENDMENTS CONCERNING OBSOLETE PROVISIONS  
RELATING TO FIRST ELECTION COMMITTEE**

**30. Constitution of Election Committee**

(1) Section 8(2) of the Chief Executive Election Ordinance (Cap. 569) is amended by repealing “Subject to subsection (3), the” and substituting “The”.

(2) Section 8(3) and (4) is repealed.

**31. Election Committee**

(1) Section 4(1) of the Schedule is amended by repealing everything after “the Election” and substituting “Committee within 14 days after the making of a vacancy declaration.”.

(2) Section 4(2) of the Schedule is amended by repealing “subsection (1)(b)” and substituting “subsection (1)”.

(3) Section 4(2)(a) of the Schedule is amended by repealing “before 30 November 2002 or”.

(4) Section 4(4)(a) of the Schedule is amended by repealing “, on the relevant date, as” and substituting “as, on the date of the making of the relevant vacancy declaration”.

(5) Section 4(7) of the Schedule is amended by repealing the definition of “existing final register of members of the Election Committee” and substituting—

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

(6) Section 4(7) of the Schedule is amended by repealing the definition of “relevant date”.

(7) Section 14(3) of the Schedule is amended by repealing “Subject to section 49, a” and substituting “A”.

(8) Section 49 of the Schedule is repealed.

PART 10

AMENDMENTS CONCERNING NAMES OF CONSTITUENTS  
OF SUBSECTORS IN CHIEF EXECUTIVE  
ELECTION ORDINANCE

**32. Election Committee**

(1) Item 2 of Table 5 in section 2 of the Schedule to the Chief Executive Election Ordinance (Cap. 569) is amended, in the English text, in paragraph (2) opposite to that item in column 3, by repealing “the Hong Kong Board of Airline Representatives” and substituting “The Board of Airline Representatives in Hong Kong”.

(2) Item 3 of Table 5 in section 2 of the Schedule is amended, in the English text, in paragraph (2) opposite to that item in column 3, by repealing “Federation of Hong Kong Hotels Owners” and substituting “Federation of Hong Kong Hotel Owners Limited”.

(3) Item 4 of Table 5 in section 2 of the Schedule is amended, in the English text, in paragraph (2) opposite to that item in column 3, by repealing “The International General Chinese Herbalists and Medicine Professional Association Limited” and substituting “International General Chinese Herbalists and Medicine Professionals Association Limited”.

(4) Item 4 of Table 5 in section 2 of the Schedule is amended, in the English text, in paragraph (4) opposite to that item in column 3, by repealing “The Society of Practitioners of Chinese Herbal Medicine Limited” and substituting “Society of Practitioners of Chinese Herbal Medicine Limited”.

(5) Item 4 of Table 5 in section 2 of the Schedule is amended, in paragraph (7) opposite to that item in column 3, by repealing “The Hong Kong Acupuncturists Association” and substituting “Hong Kong Acupuncturists Association”.

(6) Item 4 of Table 5 in section 2 of the Schedule is amended, in the English text, in paragraph (8) opposite to that item in column 3, by repealing “The Hong Kong Chinese Herbalists Association Limited” and substituting “Hong Kong Chinese Herbalists Association Limited”.

(7) Item 4 of Table 5 in section 2 of the Schedule is amended, in the English text, in paragraph (9) opposite to that item in column 3, by repealing “The Association of Hong Kong and Kowloon Practitioners of Chinese Medicine Limited” and substituting “Association of Hong Kong & Kowloon Practitioners of Chinese Medicine, Limited”.

(8) Item 4 of Table 5 in section 2 of the Schedule is amended, in the English text, in paragraph (10) opposite to that item in column 3, by repealing “The Hong Kong Chinese Overseas Physician Association” and substituting “Hong Kong Chinese Overseas Physician Association”.

(9) Item 5 of Table 5 in section 2 of the Schedule is amended, in the English text, in paragraph (2)(h) opposite to that item in column 3, by repealing “the Council of the Vocational Training Council” and substituting “the Vocational Training Council”.

(10) Item 6 of Table 5 in section 2 of the Schedule is amended, in paragraph (4)(e) opposite to that item in column 3, by repealing “Caritas Lok Mo Skills Centre” and substituting “Caritas Lok Mo Integrated Vocational Training Centre”.

## PART 11

### AMENDMENTS CONCERNING NAMES OF LISTED ORGANIZATIONS OR CONSTITUENTS OF FUNCTIONAL CONSTITUENCIES IN LEGISLATIVE COUNCIL ORDINANCE

#### *Agriculture and fisheries functional constituency*

#### **33. Composition of the agriculture and fisheries functional constituency**

(1) Section 20B(a)(i) of the Legislative Council Ordinance (Cap. 542) is amended, in the English text, by repealing “Federation of Vegetable Marketing Co-operative Societies, Limited” and substituting “The Federation of Vegetable Marketing Co-operative Societies, Limited”.

(2) Section 20B(a)(ii) is amended, in the English text, by repealing “Federation of Pig Raising Co-operative Societies of Hong Kong, Kowloon and New Territories, Ltd.” and substituting “The Federation of Pig Raising Co-operative Societies of Hong Kong, Kowloon and New Territories, Limited”.

### **34. Composition of the Agriculture and Fisheries Functional Constituency**

(1) Item 1 in Schedule 1 is amended, in the English text, by repealing “The Aberdeen Fishermen Friendship Association” and substituting “Aberdeen Fishermen Friendship Association”.

(2) Item 16 in Schedule 1 is amended, in the English text, by repealing “The Hong Kong Fisheries Development Association” and substituting “Hong Kong Fisheries Development Association”.

(3) Item 21 in Schedule 1 is amended, in the English text, by repealing “The Hong Kong Liner & Gillnetting Fisherman Association” and substituting “Hong Kong Liner & Gill Netting Fisherman Association”.

(4) Item 24 in Schedule 1 is amended, in the English text, by repealing “Hong Kong N.T. Poultry—Culture (Geese & Ducks) Mutual Association” and substituting “Hong Kong N.T. Poultry (Geese & Ducks) Mutual Association”.

(5) Item 50 in Schedule 1 is amended, in the English text, by repealing “Sha Tau Kok Marine Fish Culture Association” and substituting “The Sha Tau Kok Marine Fish Culture Association”.

(6) Item 73 in Schedule 1 is amended, in the English text, by repealing “The Yuen Long Agriculture Productivity Association” and substituting “Yuen Long Agriculture Productivity Association”.

(7) Item 74 in Schedule 1 is amended, in the Chinese text, by repealing “榕樹凹養魚業協會” and substituting “榕樹凹魚業協會”.

(8) Item 76 in Schedule 1 is repealed and the following substituted—  
“76. Tsing Yi Residents Association.”.

### *Education functional constituency*

### **35. Composition of the education functional constituency**

(1) Section 20E(b)(viii) is amended, in the English text, by repealing “Council of the Vocational Training Council” and substituting “the Vocational Training Council”.

(2) Section 20E(f)(v) is amended by repealing “Caritas Lok Mo Skills Centre” and substituting “Caritas Lok Mo Integrated Vocational Training Centre”.

*Architectural, surveying and planning  
functional constituency*

**36. Composition of the architectural,  
surveying and planning  
functional constituency**

Section 20K(*d*) is amended, in the Chinese text, by repealing “香港園境規劃師學會” and substituting “香港園境師學會”.

*Real estate and construction  
functional constituency*

**37. Composition of the real estate  
and construction functional  
constituency**

Section 20N(*c*) is amended, in the Chinese text, by repealing “香港機電工程承建商協會有限公司” and substituting “香港機電工程商協會有限公司”.

*Tourism functional constituency*

**38. Composition of the tourism  
functional constituency**

(1) Section 20O(*c*) is amended, in the English text, by repealing “the Hong Kong Board of Airline Representatives” and substituting “The Board of Airline Representatives in Hong Kong”.

(2) Section 20O(*d*) is amended, in the Chinese text, by repealing “香港酒店協會” and substituting “香港酒店業協會”.

(3) Section 20O(*e*) is amended, in the English text, by repealing “Federation of Hong Kong Hotel Owners” and substituting “Federation of Hong Kong Hotel Owners Limited”.

*Import and export functional constituency*

**39. Composition of the import and export  
functional constituency**

(1) Section 20W(*e*)(*i*) is amended, in the English text, by repealing “Association of Hong Kong Photographic Equipment Importers Ltd.” and substituting “The Association of Hong Kong Photographic Equipment Importers Limited”.



(2) Section 20W(e)(iv) is amended, in the English text, by repealing “Hong Kong Chinese Importers’ & Exporters’ Association” and substituting “The Hong Kong Chinese Importers’ and Exporters’ Association”.

(3) Section 20W(e)(xv) is amended, in the English text, by repealing “Industrial Chemical Merchants’ Association Limited” and substituting “The Industrial Chemical Merchants’ Association Limited”.

(4) Section 20W(e)(xvii) is amended, in the English text, by repealing “Wah On Exporters & Importers Association” and substituting “The Wah On Exporters & Importers Association”.

### *Textiles and garment functional constituency*

#### **40. Composition of the textiles and garment functional constituency**

(1) Section 20X(b)(i) is amended, in the English text, by repealing “Federation of Hong Kong Cotton Weavers” and substituting “The Federation of Hong Kong Cotton Weavers”.

(2) Section 20X(b)(ii) is amended, in the English text, by repealing “Federation of Hong Kong Garment Manufacturers” and substituting “The Federation of Hong Kong Garment Manufacturers”.

(3) Section 20X(b)(iv) is amended, in the English text, by repealing “Hong Kong Cotton Made-up Goods Manufacturers Association Ltd.” and substituting “The Hong Kong Cotton Made-up Goods Manufacturers Association, Limited”.

(4) Section 20X(b)(v) is amended, in the English text, by repealing “Hong Kong Cotton Spinners Association” and substituting “The Hongkong Cotton Spinners Association”.

(5) Section 20X(b)(ix) is amended, in the English text, by repealing “Hong Kong Association of Textile Bleachers, Dyers, Printers & Finishers Ltd.” and substituting “The Hong Kong Association of Textile Bleachers, Dyers, Printers and Finishers Limited”.

(6) Section 20X(b)(x) is amended, in the English text, by repealing “Hong Kong Weaving Mills Association” and substituting “The Hong Kong Weaving Mills Association”.

(7) Section 20X(b)(xi) is amended, in the English text, by repealing “Hongkong Wool & Synthetic Spinners Association Ltd.” and substituting “The Hongkong Wool and Synthetic Spinners Association Limited”.

(8) Section 20X(b)(xii) is amended, in the Chinese text, by repealing “香港紡織商會” and substituting “香港紡織商會有限公司”.

(9) Section 20X(c) is amended by repealing “Hong Kong Institution of Textile and Apparel” and substituting “Hong Kong Institution of Textile and Apparel Limited”.

*Information technology functional constituency*

**41. Composition of the information  
technology functional  
constituency**

(1) Section 20Z(1)(g) is amended by repealing “the British Computer Society (Hong Kong Section)” and substituting “The British Computer Society (Hong Kong Section) Limited”.

(2) Section 20Z(1)(ja)(iii) is amended by repealing “Internet Professionals Association Limited” and substituting “Internet Professional Association Limited”.

**42. Composition of the Information  
Technology Functional  
Constituency**

(1) Item 1 in Part 1 of Schedule 1D is amended by repealing “APT Satellite Co. Ltd” and substituting “APT Satellite Company Limited”.

(2) Item 2 in Part 1 of Schedule 1D is amended, in the Chinese text, by repealing “亞洲衛星有限公司” and substituting “亞洲衛星有限公司”.

(3) Item 3 in Part 2 of Schedule 1D is amended by repealing “Internet Professionals Association Limited” and substituting “Internet Professional Association Limited”.

*Transport functional constituency*

**43. Composition of the Transport  
Functional Constituency**

(1) Item 1 in Schedule 1A is amended, in the Chinese text, by repealing “VINCI Park Services Hong Kong Limited” and substituting “豐企停車場服務(香港)有限公司”.

(2) Item 59 in Schedule 1A is amended by repealing “The Hong Kong Sea Transport Association Ltd” and substituting “Hong Kong Sea Transport and Logistics Association Limited”.

(3) Item 63 in Schedule 1A is amended by repealing “Hong Kong Shipping Staff Association” and substituting “Hong Kong Logistics Management Staff Association”.

(4) Item 84 in Schedule 1A is amended by repealing “Lam Tin Wai Hoi Public Light Bus Merchants Association Ltd” and substituting “Lam Tin Wai Hoi Public Light Bus Association”.

(5) Item 91 in Schedule 1A is amended by repealing “Marine Excursion Association” and substituting “Marine Excursion Association Limited”.

(6) Item 122 in Schedule 1A is amended, in the English text, by repealing “Rambo Taxi Owners Association Ltd” and substituting “Abbo Taxi Owners’ Association Limited”.

(7) Item 143 in Schedule 1A is amended, in the English text, by repealing “Tuen Mun PLB Association” and substituting “Tuen Mun Public Light Bus Association”.

(8) Item 160 in Schedule 1A is amended by repealing “Young Children School Mini-Buses Operators Association Ltd” and substituting “School Buses Operators Association Limited”.

(9) Item 191 in Schedule 1A is amended by repealing “Helicopters Hong Kong Limited” and substituting “Hong Kong Express Airways Limited”.

*Sports, performing arts, culture and  
publication functional constituency*

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

(1) Item 13 in Part 1 of Schedule 1B is amended by repealing “Southern District Recreation & Sports Council” and substituting “Southern District Recreation and Sports Association Limited”.

(2) Item 16 in Part 1 of Schedule 1B is amended, in the English text, by repealing “Wanchai District Arts Cultural Recreation & Sports Association Ltd” and substituting “Wan Chai District Arts Cultural Recreational and Sports Association Limited”.

(3) Item 6 in Part 2 of Schedule 1B is amended, in the Chinese text, by repealing “新界北區文藝協進會” and substituting “新界北區文藝協進會有限公司”.

(4) Item 9 in Part 2 of Schedule 1B is amended by repealing “Shamshuipo Arts Association” and substituting “Sham Shui Po Arts Association Limited”.

(5) Item 11 in Part 2 of Schedule 1B is amended, in the Chinese text, by repealing “新界大埔區文藝協進會” and substituting “大埔區文藝協進會”.

(6) Item 2 in Part 3 of Schedule 1B is amended by repealing “The Amateur Lyric Writers’ Association of Hong Kong” and substituting “The Song Writers’ Association of Hong Kong”.

(7) Item 14 in Part 3 of Schedule 1B is amended by repealing “Hong Kong Chinese Orchestra” and substituting “Hong Kong Chinese Orchestra Limited”.

(8) Item 17 in Part 3 of Schedule 1B is amended by repealing “Hong Kong Cinematography and Television Lighting Association Limited” and substituting “Hong Kong Cinematography Lighting Association Limited”.

(9) Item 53 in Part 3 of Schedule 1B is amended, in the English text, by repealing “Royal Asiatic Society Hong Kong Branch” and substituting “The Hong Kong Branch of the Royal Asiatic Society”.

(10) Item 57 in Part 3 of Schedule 1B is amended, in the English text, by repealing “South China Film Industry Workers Union” and substituting “South China Film Industry Workers’ Union”.

(11) Item 63 in Part 3 of Schedule 1B is amended, in the English text, by repealing “Federation of Hong Kong Film Workers Limited” and substituting “Federation of Hong Kong Filmmakers Limited”.

### *Wholesale and retail functional constituency*

#### **45. Composition of the Wholesale and Retail Functional Constituency**

(1) Item 1 in Schedule 1C is amended, in the English text, by repealing “The Anglo-Chinese Vegetable Wholesale Merchants Association Limited” and substituting “Anglo-Chinese Vegetable Wholesale Merchants Association Limited”.

(2) Item 9 in Schedule 1C is amended, in the English text, by repealing “Federation of Hong Kong, Kowloon and New Territories Hawkers Associations” and substituting “Federation of Hong Kong Kowloon New Territories Hawker Associations”.

(3) Item 14 in Schedule 1C is amended by repealing “Hong Kong & Kowloon Electro-Plating Trade Merchants Association Ltd” and substituting “Hong Kong Electro-Plating Merchants Association Limited”.

(4) Item 26 in Schedule 1C is amended by repealing “Hong Kong & Kowloon Rattan Ware Merchants Association (Wing-Hing-Tong)” and substituting “Hong Kong and Kowloon Rattan Ware Merchants Association (Wing-Hing-Tong)”.

(5) Item 28 in Schedule 1C is amended, in the English text, by repealing “Hong Kong and Kowloon Salt Merchants’ Association” and substituting “The Hong Kong and Kowloon Salt Merchants’ Association”.

(6) Item 31 in Schedule 1C is amended by repealing “Hong Kong & Kowloon Timber Merchants Association” and substituting “Hong Kong & Kowloon Timber Merchants Association Limited”.

(7) Item 53 in Schedule 1C is amended, in the English text, by repealing “The Hong Kong Oil Merchants Association Ltd” and substituting “The Hong Kong Oil Merchants Association, Limited”.

(8) Item 64 in Schedule 1C is amended by repealing “Hong Kong Retail Management Association Ltd” and substituting “Hong Kong Retail Management Association Limited”.

(9) Item 66 in Schedule 1C is amended by repealing “Hong Kong Stamp and Coin Dealers Association Ltd” and substituting “Hong Kong Stamp and Coin Dealers Association”.

(10) Item 68 in Schedule 1C is amended, in the English text, by repealing “The Hong Kong Video Industry Association Ltd” and substituting “Hong Kong Video Industry Association Limited”.

(11) Item 70 in Schedule 1C is amended by repealing “The Hongkong & Kowloon General Merchandise Merchants’ Association” and substituting “The Hong Kong & Kowloon General Merchandise Merchants’ Association Limited”.

(12) Item 73 in Schedule 1C is amended, in the English text, by repealing “Industrial Chemical Merchants’ Association Ltd” and substituting “The Industrial Chemical Merchants’ Association Limited”.

(13) Item 74 in Schedule 1C is amended, in the English text, by repealing “The Kowloon Cheung Sha Wan Wholesale Vegetable Market (Importers) Recreation Club” and substituting “Kowloon Cheung Sha Wan Wholesale Vegetable Market (Importers) Recreation Club”.

(14) Item 75 in Schedule 1C is amended by repealing “Kowloon Fresh Fish Merchants Association” and substituting “Kowloon Fresh Fish Merchants Association Limited”.

(15) Item 81 in Schedule 1C is amended, in the English text, by repealing “The Mongkok Vegetable Wholesale Merchants Association Company Ltd” and substituting “Mongkok Vegetable Wholesale Merchants Association Company Limited”.

(16) Item 87 in Schedule 1C is amended by repealing “Shau Kei Wan Fishery Merchants Association” and substituting “Shauiwan Fishery Merchants Association”.

PART 12

AMENDMENTS CONCERNING REMOVAL OF LISTED ORGANIZATIONS  
OR CONSTITUENTS OF SEVERAL FUNCTIONAL  
CONSTITUENCIES

**46. Composition of the Agriculture and  
Fisheries Functional Constituency**

(1) Schedule 1 to the Legislative Council Ordinance (Cap. 542) is amended by repealing—

“64. The Tai Po Ma Wo Village Pig Raising Co-operative Society, Ltd.”.

(2) Schedule 1 is amended by repealing—

“72. The Wu Kau Tang Village Agricultural Credit Co-operative Society, Limited.”.

**47. Composition of the Transport  
Functional Constituency**

(1) Schedule 1A is amended by repealing—

“29. HKS Parking Limited.”.

(2) Schedule 1A is amended by repealing—

“111. Ken On Concrete Co. Ltd. Concrete Lorry Owner-Drivers Association.”.

(3) Schedule 1A is amended by repealing—

“127. Salvage Association (Hong Kong Office).”.

(4) Schedule 1A is amended by repealing—

“161. Yuen Long Tai Po PLB Merchants Association Ltd.”.

**48. Composition of the Wholesale  
and Retail Functional  
Constituency**

(1) Schedule 1C is amended by repealing—

“27. The Hong Kong and Kowloon Rice Retailers’ General Association Ltd.”.

(2) Schedule 1C is amended by repealing—

“39. Hong Kong Flour Merchants’ Association.”.

(3) Schedule 1C is amended by repealing—

“88. Tobacco Institute of Hong Kong Ltd.”.

- (4) Schedule 1C is amended by repealing—  
“89. Umbrella Dealers Association, Hong Kong and Kowloon.”.

### **Explanatory Memorandum**

The purpose of this Bill is to amend the Chief Executive Election Ordinance (Cap. 569), the Legislative Council Ordinance (Cap. 542), the Election Committee (Appeals) Regulation (Cap. 569 sub. leg. A) and the Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation (Cap. 569 sub. leg. B) for the purposes set out in the long title to the Bill. The Bill is divided into 12 parts.

#### Part 1

2. Part 1 (clauses 1 and 2) provides for the short title and commencement.

#### Part 2

3. Part 2 (clause 3) adds a provision to provide that if a vacancy arises in the office of the Chief Executive otherwise than due to expiry of the term of office, a term of less than 5 years shall be regarded as one term for the purposes of applying the requirement that no person shall hold the office of the Chief Executive for more than 2 consecutive terms to the new Chief Executive.

#### Part 3

4. Part 3 (clause 4) adds a provision to provide that if the office of the Chief Executive falls vacant during the period of 6 months before the polling date to be fixed for an election to be held in anticipation of the expiry of the term of office, sections 10(1), 11(3)(a) and 13(d)(i) of the Chief Executive Election Ordinance (Cap. 569) apply to the election held for the purposes of the vacancy.

#### Part 4

5. Part 4 (clause 5) adds a provision to provide that the Election Committee shall be constituted on 1 February in the year in which the term of office of the Chief Executive is to expire. Under the new provision, the second Election Committee shall be constituted on 1 February 2007.

### Part 5

6. Part 5 (clause 6) provides that only members of the following bodies are eligible to represent the relevant subsectors of the Election Committee—

- (a) the Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference;
- (b) the Heung Yee Kuk;
- (c) the District Councils.

Under certain circumstances, members of the Election Committee representing those subsectors will be deemed to have resigned as such members.

### Part 6

7. Part 6 (clauses 7 to 19) introduces amendments to the Chief Executive Election Ordinance (Cap. 569) and a consequential amendment to the Hong Kong Court of Final Appeal Ordinance (Cap. 484). The purpose is to provide for the conduct of a poll where at the close of nominations in a Chief Executive election only one candidate is validly nominated.

8. Under the existing provisions, the only candidate shall be declared as elected. Under the proposed provisions, a poll will be conducted (clause 10). In the poll, members of the Election Committee may cast either a support vote or a not support vote (clause 12). If the number of support votes obtained by the candidate exceeds half of the valid votes cast, he shall be returned at the election. If the number of support votes obtained by the candidate does not exceed half of the valid votes cast, he shall not be returned at the election. The Returning Officer has to terminate the proceedings for the election in such circumstances (clause 9). There will then be another round of nominations and poll. If necessary, the process will be repeated until a candidate is returned at the election.

9. If the only candidate in an election is determined to be not returned at the election, election petition may be made and judicial review applied for to challenge the determination (clauses 15 to 19).

### Part 7

10. Part 7 (clauses 20 to 26) introduces amendments to provide for the compilation and publication of an interim register of members of the Election Committee.

11. The proposed interim register is to be compiled and published within 7 days after the results of the subsector ordinary elections are published. The final register of members of the Election Committee shall be prepared on the basis of the interim register and shall be published on the date on which the term of office of the Election Committee commences.



Part 8

12. Part 8 (clauses 27 to 29) amends 3 provisions in the Legislative Council Ordinance (Cap. 542) to introduce minor amendments concerning eligibility for registration as elector for the import and export functional constituency and textiles and garment functional constituency.

Part 9

13. Several provisions in the Chief Executive Election Ordinance (Cap. 569) make specific provision for the first Election Committee under that Ordinance. As the term of office of the first Election Committee has expired, Part 9 (clauses 30 and 31) introduces amendments to repeal the provisions concerned.

Parts 10, 11 and 12

14. Parts 10 (clause 32), 11 (clauses 33 to 45) and 12 (clauses 46 to 48) introduce amendments to—

- (a) update the names of certain bodies which are, or are qualified to be, electors or voters in functional constituency elections or subsector elections;
- (b) update the names of certain bodies the members of which are, or are qualified to be, such electors or voters;
- (c) remove the names of certain bodies which are not, or are not qualified to be, such electors or voters; and
- (d) remove the names of certain bodies the members of which are not, or are not qualified to be, such electors or voters.