
Chief Executive Election (Amendment) Bill 2010

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A BILL

To

Amend the Chief Executive Election Ordinance and subsidiary legislation made under it to increase the total number of members of the Election Committee to 1 200 by increasing the number of members returned from each existing subsector or sub-subsector except the National People's Congress subsector and make certain other changes to the method for the selection of the Chief Executive by the Election Committee; to change the names of 2 constituents of the higher education subsector; to make transitional provision for the filling of 10 vacancies in the Election Committee; and to make consequential and incidental amendments.

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title and commencement

- (1) This Ordinance may be cited as the Chief Executive Election (Amendment) Ordinance 2010.
- (2) This Ordinance (except sections 4, 5(35), (38) and (40), 7, 8, 9 and 10)—

Part 1

Clause 2

- (a) comes into operation on the day on which it is published in the Gazette for the purpose only of enabling arrangements to be made for the holding of the elections under Part 4 of the Schedule to the Chief Executive Election Ordinance (Cap. 569) to elect members of the Election Committee in 2011 other than members assigned to the Hong Kong and Kowloon District Councils subsector and the New Territories District Councils subsector; and
- (b) in so far as it has not come into operation under paragraph (a), comes into operation on 1 February 2012.
- (3) Sections 4, 5(38) and (40), 7, 8, 9 and 10 come into operation on 25 September 2011.
- (4) Section 5(35) comes into operation on the commencement of the term of office of the fifth term of the Legislative Council in 2012.

2. Enactments amended

The enactments specified in Parts 2, 3, 4 and 5 are amended as set out in those Parts.

Part 2

Amendments to Chief Executive Election Ordinance (Cap. 569)

3. **Section 16 amended (Manner of nomination)**

Section 16(2)(a)—

Repeal

“100 members”

Substitute

“150 members”.

4. **Schedule, section 1 amended (Interpretation)**

The Schedule, before section 1(5)(a)—

Add

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

5. **Schedule, section 2 amended (How Election Committee is to be constituted)**

(1) The Schedule, section 2(1)—

Repeal

“800 members”

Substitute

“1 200 members”.

(2) The Schedule, section 2(3)—

Repeal

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“200 members”

Substitute

“300 members”.

- (3) The Schedule, section 2, Table 1, item 1, column 3—

Repeal

“11”

Substitute

“17”.

- (4) The Schedule, section 2, Table 1, item 2, column 3—

Repeal

“12”

Substitute

“18”.

- (5) The Schedule, section 2, Table 1, item 3, column 3—

Repeal

“12”

Substitute

“18”.

- (6) The Schedule, section 2, Table 1, item 4, column 3—

Repeal

“11”

Substitute

“16”.

- (7) The Schedule, section 2, Table 1, item 5, column 3—

Repeal

“12”

Part 2
Clause 5

Substitute

“18”.

- (8) The Schedule, section 2, Table 1, item 6, column 3—

Repeal

“12”

Substitute

“18”.

- (9) The Schedule, section 2, Table 1, item 7, column 3—

Repeal

“11”

Substitute

“16”.

- (10) The Schedule, section 2, Table 1, item 8, column 3—

Repeal

“11”

Substitute

“17”.

- (11) The Schedule, section 2, Table 1, item 9, column 3—

Repeal

“12”

Substitute

“18”.

- (12) The Schedule, section 2, Table 1, item 10, column 3—

Repeal

“12”

Part 2
Clause 5

Substitute

“18”.

- (13) The Schedule, section 2, Table 1, item 11, column 3—

Repeal

“12”

Substitute

“18”.

- (14) The Schedule, section 2, Table 1, item 12, column 3—

Repeal

“12”

Substitute

“18”.

- (15) The Schedule, section 2, Table 1, item 13, column 3—

Repeal

“12”

Substitute

“18”.

- (16) The Schedule, section 2, Table 1, item 14, column 3—

Repeal

“12”

Substitute

“18”.

- (17) The Schedule, section 2, Table 1, item 15, column 3—

Repeal

“12”

Part 2
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Substitute

“18”.

- (18) The Schedule, section 2, Table 1, item 16, column 3—

Repeal

“12”

Substitute

“18”.

- (19) The Schedule, section 2, Table 1, item 17, column 3—

Repeal

“12”

Substitute

“18”.

- (20) The Schedule, section 2, Table 2, item 1, column 3—

Repeal

“20”

Substitute

“30”.

- (21) The Schedule, section 2, Table 2, item 2, column 3—

Repeal

“20”

Substitute

“30”.

- (22) The Schedule, section 2, Table 2, item 3, column 3—

Repeal

“20”

Part 2
Clause 5

Substitute

“30”.

- (23) The Schedule, section 2, Table 2, item 4, column 3—

Repeal

“20”

Substitute

“30”.

- (24) The Schedule, section 2, Table 2, item 5, column 3—

Repeal

“20”

Substitute

“30”.

- (25) The Schedule, section 2, Table 2, item 6, column 3—

Repeal

“20”

Substitute

“30”.

- (26) The Schedule, section 2, Table 2, item 7, column 3—

Repeal

“20”

Substitute

“30”.

- (27) The Schedule, section 2, Table 2, item 8, column 3—

Repeal

“20”

Part 2
Clause 5

Substitute

“30”.

- (28) The Schedule, section 2, Table 2, item 9, column 3—

Repeal

“20”

Substitute

“30”.

- (29) The Schedule, section 2, Table 2, item 10, column 3—

Repeal

“20”

Substitute

“30”.

- (30) The Schedule, section 2, Table 3, item 1, column 3—

Repeal

“40”

Substitute

“60”.

- (31) The Schedule, section 2, Table 3, item 2, column 3—

Repeal

“40”

Substitute

“60”.

- (32) The Schedule, section 2, Table 3, item 3, column 3—

Repeal

“40”

Part 2
Clause 5

Substitute

“60”.

- (33) The Schedule, section 2, Table 3, item 4, column 3—

Repeal

“40”

Substitute

“60”.

- (34) The Schedule, section 2, Table 3, item 5, column 3—

Repeal

“40”

Substitute

“60”.

- (35) The Schedule, section 2, Table 4, item 2, column 4—

Repeal

“60”

Substitute

“70”.

- (36) The Schedule, section 2, Table 4, item 3, column 4—

Repeal

“41”

Substitute

“51”.

- (37) The Schedule, section 2, Table 4, item 4, column 4—

Repeal

“21”

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Clause 5

Substitute

“26”.

- (38) The Schedule, section 2, Table 4, item 5, column 3—

Repeal

“Members”

Substitute

“Elected members”.

- (39) The Schedule, section 2, Table 4, item 5, column 4—

Repeal

“21”

Substitute

“57”.

- (40) The Schedule, section 2, Table 4, item 6, column 3—

Repeal

“Members”

Substitute

“Elected members”.

- (41) The Schedule, section 2, Table 4, item 6, column 4—

Repeal

“21”

Substitute

“60”.

- (42) The Schedule, section 2, Table 5, item 4—

Repeal everything in column 3

Substitute

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“(1) Members of—

- (a) The Hong Kong Association of Traditional Chinese Medicine Limited;
- (b) International General Chinese Herbalists and Medicine Professionals Association Limited;
- (c) Sin-Hua Herbalists’ and Herb Dealers’ Promotion Society Limited;
- (d) Society of Practitioners of Chinese Herbal Medicine Limited;
- (e) The Hong Kong T.C.M. Orthopaedic and Traumatic Association Limited;
- (f) The Hong Kong Federation of China of Traditional Chinese Medicine;
- (g) Hong Kong Acupuncturists Association;
- (h) Hong Kong Chinese Herbalists Association Limited;
- (i) Association of Hong Kong & Kowloon Practitioners of Chinese Medicine, Limited;
- (j) Hong Kong Chinese Overseas Physician Association,

who are Chinese medicine practitioners entitled to vote at the general meetings of the respective bodies.

(2) Registered Chinese medicine practitioners registered under the Chinese Medicine Ordinance (Cap. 549).”.

(43) The Schedule, section 2, Table 5, item 5, column 3, paragraph (1)—

Repeal subparagraphs (i) and (j)

Substitute

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

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- (j) HKIEd School of Continuing and Professional Education Limited;”.

6. Schedule, section 2A added

The Schedule, after section 2—

Add

“2A. Special membership arrangement for 2012

- (1) Despite section 2, this section has effect.
- (2) In the subsector ordinary election to elect the members of the Election Committee assigned to the Chinese People’s Political Consultative Conference subsector for the term of office of the Election Committee commencing on 1 February 2012—
 - (a) if the number of validly nominated candidates exceeds 51 but does not exceed 55, subsection (8) applies to all those candidates who are not returned at the election because—
 - (i) they do not obtain as many votes as the elected candidates; or
 - (ii) lots are drawn under section 29(6) and the lot does not fall on them;
 - (b) if the number of validly nominated candidates exceeds 55, subsection (8) applies, subject to subsection (6), to the 4 candidates who—
 - (i) are not returned at the election because of the reasons specified in paragraph (a)(i) or (ii); and
 - (ii) obtain the greatest number of votes among the candidates who are not so returned.

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- (3) In the subsector ordinary election to elect the members of the Election Committee assigned to the Heung Yee Kuk subsector for the term of office of the Election Committee commencing on 1 February 2012—
- (a) if the number of validly nominated candidates exceeds 26 but does not exceed 28, subsection (8) applies to all those candidates who are not returned at the election because—
 - (i) they do not obtain as many votes as the elected candidates; or
 - (ii) lots are drawn under section 29(6) and the lot does not fall on them;
 - (b) if the number of validly nominated candidates exceeds 28, subsection (8) applies, subject to subsection (6), to the 2 candidates who—
 - (i) are not returned at the election because of the reasons specified in paragraph (a)(i) or (ii); and
 - (ii) obtain the greatest number of votes among the candidates who are not so returned.
- (4) In the subsector ordinary election to elect the members of the Election Committee assigned to the Hong Kong and Kowloon District Councils subsector for the term of office of the Election Committee commencing on 1 February 2012—
- (a) if the number of validly nominated candidates exceeds 57 but does not exceed 59, subsection (8) applies to all those candidates who are not returned at the election because—
 - (i) they do not obtain as many votes as the elected candidates; or

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- (ii) lots are drawn under section 29(6) and the lot does not fall on them;
 - (b) if the number of validly nominated candidates exceeds 59, subsection (8) applies, subject to subsection (6), to the 2 candidates who—
 - (i) are not returned at the election because of the reasons specified in paragraph (a)(i) or (ii); and
 - (ii) obtain the greatest number of votes among the candidates who are not so returned.
- (5) In the subsector ordinary election to elect the members of the Election Committee assigned to the New Territories District Councils subsector for the term of office of the Election Committee commencing on 1 February 2012—
 - (a) if the number of validly nominated candidates exceeds 60 but does not exceed 62, subsection (8) applies to all those candidates who are not returned at the election because—
 - (i) they do not obtain as many votes as the elected candidates; or
 - (ii) lots are drawn under section 29(6) and the lot does not fall on them;
 - (b) if the number of validly nominated candidates exceeds 62, subsection (8) applies, subject to subsection (6), to the 2 candidates who—
 - (i) are not returned at the election because of the reasons specified in paragraph (a)(i) or (ii); and
 - (ii) obtain the greatest number of votes among the candidates who are not so returned.

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- (6) If due to equality of votes it is impracticable to determine under subsection (2)(b)(ii), (3)(b)(ii), (4)(b)(ii) or (5)(b)(ii) any one or more candidates to whom subsection (8) applies, the Returning Officer must determine the result by drawing lots and subsection (8) applies to the candidate on whom the lot falls.
- (7) Subsection (8) does not apply unless at the time of the subsector ordinary election the Legislative Council Ordinance (Cap. 542) provides that the fifth term of the Legislative Council constituted in 2012 is to have 70 members, whether or not the provision has come into operation.
- (8) During the period in which this subsection applies to a person, the person is for all purposes a member of the Election Committee.
- (9) If subsection (8) applies to a person—
 - (a) the person is deemed, for the purposes of sections 35 and 39, to be duly elected as a member of the Election Committee at a subsector election; and
 - (b) the application of subsection (8) to the person is deemed, for the purposes of section 39, to be the result of a subsector election.
- (10) To avoid doubt, a person to whom subsection (8) applies is regarded as an unsuccessful candidate for the purposes of section 5 of the Election Committee (Subscribers and Election Deposit for Nomination) Regulation (Cap. 569 sub. leg. C).
- (11) Subsection (8) ceases to apply to a person on the date on which the term of office of the fifth term of the Legislative Council commences under the Legislative Council Ordinance (Cap. 542) in 2012.

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- (12) Despite subsection (17), on subsection (8) ceasing to apply to a person under subsection (11), the Electoral Registration Officer must—
- (a) strike out the name and other relevant particulars of the person from the final register of members of the Election Committee that is in effect under section 43 on the date referred to in subsection (11); and
 - (b) publish in accordance with the EAC Regulations a notice that the name and particulars have been so removed.
- (13) During the period in which subsection (8) applies to any persons under subsection (2), item 3 of Table 4 in section 2 has effect as if the number “51” in column 4 is substituted by the number “55”.
- (14) During the period in which subsection (8) applies to any persons under subsection (3), item 4 of Table 4 in section 2 has effect as if the number “26” in column 4 is substituted by the number “28”.
- (15) During the period in which subsection (8) applies to any persons under subsection (4), item 5 of Table 4 in section 2 has effect as if the number “57” in column 4 is substituted by the number “59”.
- (16) During the period in which subsection (8) applies to any persons under subsection (5), item 6 of Table 4 in section 2 has effect as if the number “60” in column 4 is substituted by the number “62”.
- (17) This section expires on the date referred to in subsection (11).
- (18) Despite subsection (17), if—
- (a) an appeal is lodged under section 39 to question the deemed election of a person under subsection (9); and

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(b) when this section expires under subsection (17), the appeal is pending,
subsection (9) continues to have effect until the withdrawal or final disposal of the appeal as if it had not expired.”.

7. Schedule, section 12 amended (Who is eligible to be registered as a voter)

(1) The Schedule, section 12(8)—

Repeal

“has made an application to be registered for the District Council”

Substitute

“is eligible to be registered as an elector for the District Council (first)”.

(2) The Schedule, section 12(9)—

Repeal

“has made an application to be registered for the District Council”

Substitute

“is eligible to be registered as an elector for the District Council (first)”.

(3) The Schedule, section 12(11)—

Repeal paragraphs (a), (b), (c), (d), (e) and (f)

Substitute

“(a) a person who is eligible to be registered as a voter for the Hong Kong and Kowloon District Councils subsector may be registered only as a voter for that subsector;

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- (b) a person who is eligible to be registered as a voter for the New Territories District Councils subsector may be registered only as a voter for that subsector;
- (c) a person who—
 - (i) is eligible to be registered as a voter for the Hong Kong and Kowloon District Councils subsector or the New Territories District Councils subsector; and
 - (ii) would, but for this paragraph, be eligible to be registered as a voter for any subsector other than the 2 subsectors referred to in subparagraph (i),
may be registered only as a voter for the Hong Kong and Kowloon District Councils subsector or the New Territories District Councils subsector, as the case may be;
- (d) a person who ceases to be eligible to be registered as a voter for the Hong Kong and Kowloon District Councils subsector or the New Territories District Councils subsector may, subject to subsections (10)(a) and (12), apply to be registered as a voter for any other subsector for which the person is eligible to be registered as a voter;
- (e) a person who—
 - (i) is a person described opposite to the Hong Kong and Kowloon District Councils subsector in column 3 of Table 4 in section 2; and
 - (ii) is eligible to be registered as an elector for the District Council (first) functional constituency,
cannot, subject to paragraph (g), be registered only as an elector for the District Council (first) functional constituency and not as a voter for the Hong Kong and Kowloon District Councils subsector;

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- (f) a person who—
 - (i) is a person described opposite to the New Territories District Councils subsector in column 3 of Table 4 in section 2; and
 - (ii) is eligible to be registered as an elector for the District Council (first) functional constituency, cannot, subject to paragraph (h), be registered only as an elector for the District Council (first) functional constituency and not as a voter for the New Territories District Councils subsector;
- (g) 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 (first) functional constituency; and
- (h) 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 (first) functional constituency.”.

(4) The Schedule, section 12(12), before “may”—

Add

“(other than the Hong Kong and Kowloon District Councils subsector and the New Territories District Councils subsector)”.

8. Schedule, section 14 amended (Electoral Registration Officer to compile and publish a register of voters)

The Schedule, after section 14(1A)—

Add

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Clause 8

- “(1B) Despite subsections (1) and (1A), as soon as practicable after the District Council ordinary election in 2011, the Electoral Registration Officer must, in accordance with the EAC Regulations—
- (a) compile the subsector final register for the Hong Kong and Kowloon District Councils subsector by—
 - (i) striking out the names and other relevant particulars of all voters from the existing subsector final register; and
 - (ii) registering in the subsector final register all persons who are elected as members of a District Council specified in item 1, 2, 3, 4, 5, 6, 7, 8 or 9 of Schedule 2 to the District Councils Ordinance (Cap. 547) under Part V of that Ordinance as voters of the subsector;
 - (b) compile the subsector final register for the New Territories District Councils subsector by—
 - (i) striking out the names and other relevant particulars of all voters from the existing subsector final register; and
 - (ii) registering in the subsector final register all persons who are elected as members of a District Council specified in item 10, 11, 12, 13, 14, 15, 16, 17 or 18 of Schedule 2 to the District Councils Ordinance (Cap. 547) under Part V of that Ordinance as voters of the subsector;
 - (c) if the persons referred to in paragraphs (a)(ii) and (b)(ii) are registered as voters in any subsector other than the Hong Kong and Kowloon District Councils subsector and the New Territories District Councils subsector, strike out their names and other relevant particulars from the subsector

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final register for that subsector to the effect that they are no longer registered as voters for that subsector.

- (1C) The Electoral Registration Officer must, as soon as practicable after complying with subsection (1B), publish in accordance with the EAC Regulations the subsector final register in which there is any addition or removal of names and other relevant particulars of voters.”.

9. Schedule, section 18A amended (When a person is disqualified from being a candidate for 4 subsectors in the Fourth Sector)

- (1) The Schedule, section 18A(4)—

Repeal

everything after “if”

Substitute

“the person is not elected as a member of a District Council specified in item 1, 2, 3, 4, 5, 6, 7, 8 or 9 of Schedule 2 to the District Councils Ordinance (Cap. 547) under Part V of that Ordinance in the District Council ordinary election held immediately before the relevant subsector election or in any District Council by-election for that District Council after the ordinary election.”.

- (2) The Schedule, section 18A(5)—

Repeal

everything after “if”

Substitute

“the person is not elected as a member of a District Council specified in item 10, 11, 12, 13, 14, 15, 16, 17 or 18 of Schedule 2 to the District Councils Ordinance (Cap. 547) under Part V of that Ordinance in the District Council

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ordinary election held immediately before the relevant subsector election or in any District Council by-election for that District Council after the ordinary election.”.

10. Schedule, sections 18B and 18C added

The Schedule, after section 18A—

Add

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

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

- (a) a person who is registered as a voter for any subsector other than the Hong Kong and Kowloon District Councils subsector and the New Territories District Councils subsector has subscribed the nomination paper of a candidate for that subsector in a subsector election; and
- (b) after the subscription of the nomination paper but before the subsector election the person is elected as a member of a District Council under Part V of the District Councils Ordinance (Cap. 547).

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

- (a) the validity of the subscription of the nomination paper is not affected by the person’s election; and
- (b) the person is disqualified—
 - (i) if the election is a subsector ordinary election, from subscribing the nomination paper of any candidate for the Hong Kong and Kowloon District Councils subsector or the New Territories District Councils subsector in that election; or

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

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

(3) The descriptions are—

- (a) the candidate withdraws candidature under section 21;
- (b) the Returning Officer decides under section 22(1) or 23(4) that the candidate is not validly nominated;
- (c) the Returning Officer has given a notice of death in respect of the candidate under section 23(1).

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

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

- (a) a person who is registered as a voter for any subsector other than the Hong Kong and Kowloon District Councils subsector and the New Territories District Councils subsector is nominated as a candidate for that subsector in a subsector election; and
- (b) after the nomination but before the subsector election the person is elected as a member of a District Council under Part V of the District Councils Ordinance (Cap. 547).

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

11. Schedule, section 40 amended (Electoral Registration Officer to compile and publish interim register and final register)

The Schedule, section 40(1)—

Repeal

everything after “EAC”

Substitute

“Regulations—

- (a) if the polling for the subsector ordinary elections for all subsectors is held on the same day, an interim register of members of the Election Committee within 7 days after the results of the elections are published under section 35; or

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- (b) if the polling for the subsector ordinary elections for different subsectors is held on different days, the relevant parts of an interim register of members of the Election Committee within 7 days after the results of the relevant elections are published under section 35.”.
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Part 3

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

- 12. Section 3 amended (Fixing of hearing and notifying appellant thereof)**
- (1) Section 3(4)—
Repeal paragraph (a).**
 - (2) Section 3(4)—
Repeal
“(a),”.**
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Part 4
Clause 13

Part 4

Amendment to Election Committee (Subscribers and Election Deposit for Nomination) Regulation (Cap. 569 sub. leg. C)

13. Section 8 amended (Number and qualifications of subscribers to nomination paper)

After section 8(4)—

Add

“(5) If—

- (a) a voter has subscribed to the nomination paper nominating any candidate for a subsector at a subsector election; and
- (b) the nomination paper has been delivered to the Returning Officer,

the signature of the voter on the nomination paper of any candidate for another subsector at a subsector election that has not been so delivered is inoperative if the 2 elections are to be held on the same day or if the nomination periods for the 2 elections coincide or partly coincide.”.

Part 5

Amendments to Distribution of Number of Members Among Designated Bodies (Election Committee) Order 2001 (Cap. 569 sub. leg. D)

- 14. Schedule amended (Distribution of number of members among designated bodies)**
- (1) The Schedule, item 1, column 3—
Repeal
“7”
Substitute
“10”.
- (2) The Schedule, item 2, column 3—
Repeal
“6”
Substitute
“10”.
- (3) The Schedule, item 3, column 3—
Repeal
“7”
Substitute
“10”.
- (4) The Schedule, item 4, column 3—
Repeal
“6”

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Clause 14

Substitute

“10”.

- (5) The Schedule, item 5, column 3—

Repeal

“7”

Substitute

“10”.

- (6) The Schedule, item 6, column 3—

Repeal

“7”

Substitute

“10”.

Explanatory Memorandum

The object of this Bill is to amend the Chief Executive Election Ordinance (Cap. 569) and subsidiary legislation made under it for the purposes set out in the long title.

Part 1 of the Bill

2. Clause 1 sets out the short title and provides for commencement.

Part 2 of the Bill

3. The number of members of the Election Committee is to be increased from 800 to 1 200 (clause 5(1)). A candidate for a Chief Executive election has to be nominated by 150 members of the Election Committee (clause 3).
4. The number of members of the Election Committee returned from all 4 sectors and all subsectors (except the National People's Congress subsector) is to be increased (clause 5).
5. Only elected District Council members will be eligible for registration as voters for the Hong Kong and Kowloon District Councils subsector and the New Territories District Councils subsector (clause 5(38) and (40)).
6. Registered Chinese medicine practitioners registered under the Chinese Medicine Ordinance (Cap. 549) will be eligible for registration as voters for the Chinese medicine subsector (clause 5(42)).
7. Two constituents of the higher education subsector have changed their names. Clause 5(43) reflects the changes.
8. Members of the Legislative Council are ex-officio members of the Election Committee. There is a legislative proposal to increase the

Explanatory Memorandum
Paragraph 9

number of members of the Legislative Council from 60 to 70 with effect from the date on which the term of office of the fifth term of the Legislative Council commences in 2012. If the proposal is endorsed by the Legislative Council, transitional arrangements are to be made for the filling of 10 vacancies in the Election Committee during the period between the subsector ordinary election to elect the members of the Election Committee in 2011 and the commencement of the term of office of the fifth term of the Legislative Council in 2012. Clause 6 adds a new section 2A to the Schedule to the Chief Executive Election Ordinance (Cap. 569) to make transitional arrangement for that purpose. Ten persons from the Chinese People's Political Consultative Conference subsector, the Heung Yee Kuk subsector, the Hong Kong and Kowloon District Councils subsector and the New Territories District Councils subsector will take up the 10 seats during the relevant period.

9. Clauses 7, 8, 9 and 11 introduce technical amendments concerning registration of voters for subsectors and compilation of registers of voters.
10. Clause 10 adds new provisions to—
 - (a) make provision for a situation in which a person who makes a nomination in a subsector election is subsequently elected as a District Council member; and
 - (b) provide that a person who is nominated as a candidate for any subsector other than the Hong Kong and Kowloon District Councils subsector and the New Territories District Councils subsector cannot be nominated as a candidate for those 2 subsectors even though he or she is elected as a District Council member.

Explanatory Memorandum
Paragraph 11

Parts 3 and 4 of the Bill

11. Clauses 12 and 13 make incidental amendments to 2 pieces of subsidiary legislation made under the Chief Executive Election Ordinance (Cap. 569).

Part 5 of the Bill

12. Clause 14 introduces amendments to increase the seats of the 6 religious bodies in the Election Committee.