

**For information on
31 March 2021**

**The Legislative Council House Committee
Subcommittee on Decision of the National People's Congress on
Improving the Electoral System of the Hong Kong Special
Administrative Region**

The Amended Annex I and Annex II to Basic Law

Purpose

This paper outlines the composition of the Election Committee (“EC”) and the Legislative Council (“LegCo”) under the new electoral system.

Background

2. On 11 March 2021, the National People’s Congress adopted the Decision on Improving the Electoral System of the Hong Kong Special Administrative Region and authorized the Standing Committee of the National People’s Congress (“NPCSC”) to amend the Annex I to the Basic Law on Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region and the Annex II to the Basic Law on Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and its Voting Procedures.

3. On 30 March 2021, the NPCSC adopted the amended Annex I to the Basic Law on Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region and Annex II to the Basic Law on Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and its Voting Procedures.

Amended Annex I and Annex II to the Basic Law

4. The amended Annex I and Annex II to the Basic Law are at **Annexes 1 and 2** respectively. The pre-amended versions of Annex I and Annex II to the Basic Law (including the relevant amendments) are at **Annexes 3 and 4** respectively for reference.

5. To enable Members' and the public's better understanding of the arrangement of the amended Annex I and Annex II to the Basic Law, the distribution of seats, the formation method and the electorates of the EC and the LegCo under the new electoral system are set out at **Annexes 5 and 6** respectively.

Conclusion

6. Members are invited to note the content of this paper.

Constitutional and Mainland Affairs Bureau
March 2021

Annex I**Method for the Selection of the Chief Executive of the
Hong Kong Special Administrative Region**

(Adopted at the Third Session of the Seventh National People's Congress on 4 April 1990, amended, as approved at the Sixteenth Meeting of the Standing Committee of the Eleventh National People's Congress on 28 August 2010, and amended at the Twenty-Seventh Meeting of the Standing Committee of the Thirteenth National People's Congress on 30 March 2021)

1. The Chief Executive shall be elected in accordance with this Law by an Election Committee which is broadly representative, suited to the actual situation of the Hong Kong Special Administrative Region (HKSAR), and represents the overall interests of society, and shall be appointed by the Central People's Government.

2. The Election Committee shall be composed of 1,500 members from the following sectors:

First Sector: Industrial, commercial and financial sectors	300
Second Sector: The professions	300
Third Sector: Grassroots, labour, religious and other sectors	300
Fourth Sector: Members of the Legislative Council, representatives of district organisations and other organisations	300
Fifth Sector: HKSAR deputies to the National People's Congress (NPC), HKSAR members of the National Committee of the Chinese People's Political Consultative Conference (CPPCC), and representatives of Hong Kong members of	300

relevant national organisations

Members of the Election Committee must be permanent residents of the HKSAR.

The term of office of the Election Committee shall be five years.

3. The delimitation of and the number of seats allocated to each sector of the Election Committee are as follows:

The First Sector shall be composed of the following 18 subsectors:

Industrial (first)	17
Industrial (second)	17
Textiles and garment	17
Commercial (first)	17
Commercial (second)	17
Commercial (third)	17
Finance	17
Financial services	17
Insurance	17
Real estate and construction	17
Transport	17
Import and export	17
Tourism	17
Hotel	16
Catering	16
Wholesale and retail	17
Employers' Federation of Hong Kong	15
Small and medium enterprises	15

The Second Sector shall be composed of the following 10 subsectors:

Technology and innovation	30
Engineering	30
Architectural, surveying, planning and landscape	30

Accountancy	30
Legal	30
Education	30
Sports, performing arts, culture and publication	30
Medical and health services	30
Chinese medicine	30
Social welfare	30

The Third Sector shall be composed of the following five subsectors:

Agriculture and fisheries	60
Labour	60
Grassroots associations	60
Associations of Chinese fellow townsmen	60
Religious	60

The Fourth Sector shall be composed of the following five subsectors:

Members of the Legislative Council	90
Heung Yee Kuk	27
Representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of Hong Kong Island and Kowloon	76
Representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of the New Territories	80
Representatives of associations of Hong Kong residents in the Mainland	27

The Fifth Sector shall be composed of the following two subsectors:

HKSAR deputies to the NPC and HKSAR members of the CPPCC National Committee	190
Representatives of Hong Kong members of relevant national organisations	110

4. The Election Committee shall be constituted in the following manner:

- (1) HKSAR deputies to the NPC, HKSAR members of the CPPCC National Committee, Hong Kong members of the Committee for the Basic Law of the HKSAR under the NPC Standing Committee, members of the Legislative Council, university presidents or chairpersons of the board of governors or the council of universities, and responsible persons of statutory bodies, advisory bodies and relevant associations of the subsectors of engineering (15), architectural, surveying, planning and landscape (15), education (5), medical and health services (15) and social welfare (15) shall be Election Committee members of the corresponding subsectors.

An HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee may choose to register as an Election Committee member in a subsector other than one in the Fifth Sector with which he or she has a substantial connection. If an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee is registered as an Election Committee member in a subsector other than one in the Fifth Sector, his or her seat shall be counted as one in that subsector and the number of members to be returned by that subsector in accordance with paragraph (3) of this subsection shall be reduced accordingly. After the registration of HKSAR deputies to the NPC and HKSAR members of the CPPCC National Committee as Election Committee members of the relevant subsectors, the number of members to be returned by those subsectors in accordance with paragraphs (1), (2) and (3) of this subsection, as determined by the provision in this sub-paragraph, shall remain unchanged within the term of office of the Election Committee.

(2) Election Committee members of the religious subsector shall be nominated;

15 members of the technology and innovation subsector shall be nominated from among Hong Kong academicians of the Chinese Academy of Sciences and the Chinese Academy of Engineering;

15 members of the accountancy subsector shall be nominated from among Hong Kong Accounting Advisors appointed by the Ministry of Finance;

9 members of the legal subsector shall be nominated from among Hong Kong members of the Council of the China Law Society;

15 members of the sports, performing arts, culture and publication subsector shall be nominated respectively by the Sports Federation and Olympic Committee of Hong Kong, China, China Federation of Literary and Art Circles Hong Kong Member Association and Hong Kong Publishing Federation;

15 members of the Chinese medicine subsector shall be nominated from among Hong Kong members of the Council of the World Federation of Chinese Medicine Societies; and

The 27 members of the subsector of representatives of associations of Hong Kong residents in the Mainland shall be nominated by such associations.

(3) Election Committee members of a subsector, except for those

specified in paragraphs (1) and (2) of this subsection, shall be elected by eligible corporate voters for the corresponding subsector. Eligible corporate voters for subsectors shall be composed of institutions, organisations, associations or enterprises which are representative and specified by law. Unless specified in the electoral law of the HKSAR, an association or enterprise may become a corporate voter for a subsector only if it has been operating for not less than three years after acquiring relevant qualifications for that subsector. Election Committee members of subsectors -- the Heung Yee Kuk, representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of Hong Kong Island and Kowloon, and representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of the New Territories in the Fourth Sector and representatives of Hong Kong members of relevant national organisations in the Fifth Sector may be elected by individual voters. A candidate for Election Committee member of a subsector shall be nominated by five voters for the subsector. The number of candidates each voter for a subsector may nominate shall not exceed the number of seats allocated to the subsector. Voters for a subsector of the Election Committee shall elect Election Committee members of that subsector from the list of nominations by secret ballot.

The specific method for returning the Election Committee members referred to in the preceding subsection, including the definition of statutory bodies, advisory bodies, relevant associations and eligible corporate voters for relevant subsectors, the method for nomination of candidates and the method for voting shall be prescribed by the electoral law of the HKSAR.

5. There shall be a system of conveners for the Election Committee. The conveners shall be responsible for convening meetings of the Election Committee as necessary and handle relevant matters. A chief convener shall be an Election Committee member who holds an office of state leadership. The chief convener shall designate a number of conveners for each sector of the Election Committee.

6. A candidate for the office of Chief Executive shall be nominated by not less than 188 members of the Election Committee, with not less than 15 members from each of the five sectors. Each Election Committee member may nominate one candidate only.

7. The Election Committee shall elect the Chief Executive designate from the list of nominations by secret ballot on a one-person-one-vote basis. The Chief Executive designate must obtain more than 750 votes. The specific election method shall be prescribed by the electoral law of the HKSAR.

8. The Candidate Eligibility Review Committee of the HKSAR shall be responsible for reviewing and confirming the eligibility of candidates for Election Committee members and for the office of Chief Executive. The Committee for Safeguarding National Security of the HKSAR shall, on the basis of the review by the department for safeguarding national security of the Police Force of the HKSAR, make findings as to whether a candidate for Election Committee member or for the office of Chief Executive meets the legal requirements and conditions of upholding the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and swearing allegiance to the Hong Kong Special Administrative Region of the People's Republic of China, and issue an opinion to the Candidate Eligibility Review Committee of the HKSAR in respect of a candidate who fails to meet such legal requirements and conditions.

No legal proceedings may be instituted in respect of a decision made by the Candidate Eligibility Review Committee of the HKSAR on the eligibility of a candidate for Election Committee member or for the office of Chief Executive pursuant to the opinion of the Committee for Safeguarding National Security of the HKSAR.

9. The HKSAR shall, in accordance with the law, take measures against acts of manipulating or undermining election.

10. The NPC Standing Committee exercises in accordance with the law the power to amend this Method. Prior to making any amendment, the NPC Standing Committee shall solicit views of various sectors of Hong Kong by appropriate means.

11. The term of office of the Election Committee constituted under the Method previously in force shall terminate upon the commencement of term of office of the Election Committee constituted under this Method.

12. This Method shall come into force on 31 March 2021. Annex I and its amendment previously in force shall cease to apply.

(Translation for information)

Source: <http://www.xinhuanet.com/english/download/2021-3-30/AnnexI.pdf>

Annex II

Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and Its Voting Procedures

(Adopted at the Third Session of the Seventh National People's Congress on 4 April 1990, amended, as recorded at the Sixteenth Meeting of the Standing Committee of the Eleventh National People's Congress on 28 August 2010, and amended at the Twenty-Seventh Meeting of the Standing Committee of the Thirteenth National People's Congress on 30 March 2021)

1. The Legislative Council of the Hong Kong Special Administrative Region (HKSAR) shall be composed of 90 members for each term. The composition of the Legislative Council shall be as follows:

Members returned by the Election Committee	40
Members returned by functional constituencies	30
Members returned by geographical constituencies through direct elections	20

The above-mentioned Election Committee refers to the one provided for in Annex I to this Law.

2. Candidates for members of the Legislative Council returned by the Election Committee shall be nominated by at least 10 but no more than 20 members of the Election Committee, with at least 2 but no more than 4 members from each sector. Any eligible voter in an election of the Legislative Council may be nominated as a candidate. Each Election Committee member may nominate one candidate only.

The Election Committee shall elect members of the Legislative Council from the list of nominations by secret ballot. A ballot paper is valid only if the number of candidates voted for is equal to the number of

members of the Legislative Council to be returned. The 40 candidates who obtain the highest numbers of votes shall be elected.

3. There shall be 28 functional constituencies for election of members of the Legislative Council:

Agriculture and fisheries

Heung Yee Kuk

Industrial (first)

Industrial (second)

Textiles and garment

Commercial (first)

Commercial (second)

Commercial (third)

Finance

Financial services

Insurance

Real estate and construction

Transport

Import and export

Tourism

Catering

Wholesale and retail

Technology and innovation

Engineering

Architectural, surveying, planning and landscape

Accountancy

Legal

Education

Sports, performing arts, culture and publication

Medical and health services

Social welfare

Labour

HKSAR deputies to the National People's Congress (NPC),

HKSAR members of the National Committee of the Chinese People's Political Consultative Conference (CPPCC), and representatives of relevant national organisations

Three members shall be returned by the labour functional constituency, and one member shall be returned by each of the other functional constituencies.

Members of the Legislative Council returned by the following functional constituencies shall be elected by individual voters:

Heung Yee Kuk

Engineering

Architectural, surveying, planning and landscape

Accountancy

Legal

Education

Medical and health services

Social welfare

HKSAR deputies to the NPC, HKSAR members of the CPPCC

National Committee and representatives of relevant national organisations

Members of the Legislative Council returned by the other functional constituencies shall be elected by eligible corporate voters. Eligible corporate voters for functional constituencies shall be composed of institutions, organisations, associations or enterprises which are representative and specified by law. Unless specified in the electoral law of the HKSAR, an association or enterprise may become a corporate voter for a functional constituency only if it has been operating for not less than three years after acquiring relevant qualifications for that functional constituency.

A candidate for a functional constituency shall be nominated by at least 10 but no more than 20 voters for the functional constituency as

well as at least 2 but no more than 4 members from each sector of the Election Committee. Each Election Committee member may nominate one candidate only for the election of members of the Legislative Council returned by functional constituencies.

Voters for a functional constituency shall elect Legislative Council member for that functional constituency from the list of nominations by secret ballot.

The delimitation of corporate bodies and the definition of eligible corporate voters for functional constituencies, and the election method shall be prescribed by the electoral law of the HKSAR.

4. There shall be 10 geographical constituencies for returning members of the Legislative Council through direct elections. Two members shall be returned by each geographical constituency.

A candidate for a geographical constituency shall be nominated by at least 100 but no more than 200 voters for the geographical constituency as well as at least 2 but no more than 4 members from each sector of the Election Committee. Each Election Committee member may nominate one candidate only for direct election of members of the Legislative Council returned by geographical constituencies.

For each geographical constituency, a voter may vote for one candidate on the list of nominations by secret ballot. The two candidates who obtain the highest numbers of votes shall be elected.

The delineation of geographical constituencies and the voting method shall be prescribed by the electoral law of the HKSAR.

5. The Candidate Eligibility Review Committee of the HKSAR shall be responsible for reviewing and confirming the eligibility of candidates

for members of the Legislative Council. The Committee for Safeguarding National Security of the HKSAR shall, on the basis of the review by the department for safeguarding national security of the Police Force of the HKSAR, make findings as to whether a candidate for member of the Legislative Council meets the legal requirements and conditions of upholding the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and swearing allegiance to the Hong Kong Special Administrative Region of the People's Republic of China, and issue an opinion to the Candidate Eligibility Review Committee of the HKSAR in respect of a candidate who fails to meet such legal requirements and conditions.

No legal proceedings may be instituted in respect of a decision made by the Candidate Eligibility Review Committee of the HKSAR on the eligibility of a candidate for member of the Legislative Council pursuant to the opinion of the Committee for Safeguarding National Security of the HKSAR.

6. The HKSAR shall, in accordance with the law, take measures against acts of manipulating or undermining election.

7. Unless otherwise provided for in this Law, the Legislative Council shall adopt the following procedures for voting on bills and motions:

The passage of bills introduced by the government shall require a simple majority of votes of the members of the Legislative Council present.

The passage of motions, bills or amendments to government bills introduced by individual members of the Legislative Council shall require a simple majority of votes of each of the two groups of members present, i.e. members returned by the Election Committee, and those returned by functional constituencies and by geographical constituencies through direct elections.

8. The NPC Standing Committee exercises in accordance with the law the power to amend this Method and the procedures for voting on bills and motions. Prior to making any amendment, the NPC Standing Committee shall solicit views of various sectors of Hong Kong by appropriate means.

9. This Method and the procedures for voting on bills and motions shall come into force on 31 March 2021. Annex II and its amendment previously in force shall cease to apply.

(Translation for information)

Source: <http://www.xinhuanet.com/english/download/2021-3-30/AnnexII.pdf>

Note: This version shall cease to apply from 31 March 2021

Annex I: Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region^@

1. The Chief Executive shall be elected by a broadly representative Election Committee in accordance with this Law and appointed by the Central People's Government.

#2. The Election Committee shall be composed of 800 members from the following sectors:

Industrial, commercial and financial sectors	200
The professions	200
Labour, social services, religious and other sectors	200
Members of the Legislative Council, representatives of district-based organizations, Hong Kong deputies to the National People's Congress, and representatives of Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference	200

The term of office of the Election Committee shall be five years.

3. The delimitation of the various sectors, the organizations in each sector eligible to return Election Committee members and the number of such members returned by each of these organizations shall be prescribed by an electoral law enacted by the Hong Kong Special Administrative Region in accordance with the principles of democracy and openness.

Corporate bodies in various sectors shall, on their own, elect members to the Election Committee, in accordance with the number of seats allocated and the election method as prescribed by the electoral law.

Members of the Election Committee shall vote in their individual capacities.

#4. Candidates for the office of Chief Executive may be nominated jointly by not less than 100 members of the Election Committee. Each member may nominate only one candidate.

5. The Election Committee shall, on the basis of the list of nominees, elect the Chief Executive designate by secret ballot on a one-person-one-vote basis. The specific election method shall be prescribed by the electoral law.

6. The first Chief Executive shall be selected in accordance with the Decision of the National People's Congress of the People's Republic of China on the Method for the Formation of the First Government and the First Legislative Council of the Hong Kong Special Administrative Region.

*7. If there is a need to amend the method for selecting the Chief Executives for the terms subsequent to the year 2007, such amendments must be made with the endorsement of a two-thirds majority of all the members of the Legislative Council and the consent of the Chief Executive, and they shall be reported to the Standing Committee of the National People's Congress for approval.

Note:

For amendments to this Article, please see the Amendment to Annex I to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China Concerning the Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region (Approved at the Sixteenth Session of the Standing Committee of the Eleventh National People's Congress on 28 August 2010) (see **Instrument 1** and **Instrument 2**).

* See The Interpretation by the Standing Committee of the National People's Congress of Article 7 of Annex I and Article III of Annex II of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (Adopted at the Eighth Session of the Standing Committee of the Tenth National People's Congress on 6 April 2004) (see **Instrument 20**).

^ See Decision of the Standing Committee of the National People's Congress on Issues Relating to the Selection of the Chief Executive of the Hong Kong Special Administrative Region by Universal Suffrage and on the Method for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2016 (Adopted at the Tenth Session of the Standing Committee of the Twelfth National People's Congress on 31 August 2014) (see **Instrument 25**).

@ See Explanations on the Draft Decision of the Standing Committee of the National People's Congress on Issues Relating to the Selection of the Chief Executive of the

Hong Kong Special Administrative Region by Universal Suffrage and on the Method for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2016 (At the Tenth Session of the Standing Committee of the Twelfth National People's Congress on 27 August 2014) (see **Instrument 26**).

*** Decision of the Standing Committee of the
National People's Congress on Approving
the "Amendment to Annex I to the Basic Law
of the Hong Kong Special Administrative Region
of the People's Republic of China Concerning the
Method for the Selection of the Chief Executive of the
Hong Kong Special Administrative Region"**

(Adopted at the Sixteenth Session of the Standing Committee of the
Eleventh National People's Congress on 28 August 2010)

The Standing Committee of the Eleventh National People's Congress
at its Sixteenth Session decides as follows:

Pursuant to Annex I to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, "The Interpretation by the Standing Committee of the National People's Congress of Article 7 of Annex I and Article III of Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China" and the "Decision of the Standing Committee of the National People's Congress on Issues Relating to the Methods for Selecting the Chief Executive of the Hong Kong Special Administrative Region and for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2012 and on Issues Relating to Universal Suffrage", the "Amendment to Annex I to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China Concerning the Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region proposed by the Hong Kong Special Administrative Region" is approved.

The “Amendment to Annex I to the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China Concerning the Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region” comes into effect on the date of approval.

Note:

- * This English translation is prepared by the Department of Justice, Government of the Hong Kong Special Administrative Region. It is for reference purposes and has no legislative effect.

*** Amendment to Annex I to the Basic Law
of the Hong Kong Special Administrative Region
of the People's Republic of China Concerning the
Method for the Selection of the Chief Executive of the
Hong Kong Special Administrative Region**

(Approved at the Sixteenth Session of the Standing Committee of the
Eleventh National People's Congress on 28 August 2010)

1. The Election Committee to elect the fourth term Chief Executive in 2012 shall be composed of 1200 members from the following sectors:

Industrial, commercial and financial sectors	300
The professions	300
Labour, social services, religious and other sectors	300
Members of the Legislative Council, representatives of members of the District Councils, representatives of the Heung Yee Kuk, Hong Kong deputies to the National People's Congress, and representatives of Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference	300

The term of office of the Election Committee shall be five years.

2. Candidates for the office of Chief Executive may be nominated jointly by not less than 150 members of the Election Committee. Each member may nominate only one candidate.

Note:

* This English translation is prepared by the Department of Justice, Government of the Hong Kong Special Administrative Region. It is for reference purposes and has no legislative effect.

Note: This version shall cease to apply from 31 March 2021

Annex II: Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and Its Voting Procedures^@

I. Method for the formation of the Legislative Council

#1. The Legislative Council of the Hong Kong Special Administrative Region shall be composed of 60 members in each term. In the first term, the Legislative Council shall be formed in accordance with the Decision of the National People's Congress of the People's Republic of China on the Method for the Formation of the First Government and the First Legislative Council of the Hong Kong Special Administrative Region. The composition of the Legislative Council in the second and third terms shall be as follows:

Second term

Members returned by functional constituencies	30
Members returned by the Election Committee	6
Members returned by geographical constituencies through direct elections	24

Third term

Members returned by functional constituencies	30
Members returned by geographical constituencies through direct elections	30

2. Except in the case of the first Legislative Council, the above-mentioned Election Committee refers to the one provided for in Annex I of this Law. The division of geographical constituencies and the voting method for direct elections therein; the delimitation of functional sectors and corporate bodies, their seat allocation and election methods; and the method for electing members of the Legislative Council by the Election Committee shall be specified by an electoral law introduced by the Government of the Hong Kong Special Administrative Region and passed by the Legislative Council.

II. Procedures for voting on bills and motions in the Legislative Council

Unless otherwise provided for in this Law, the Legislative Council shall adopt the following procedures for voting on bills and motions:

The passage of bills introduced by the government shall require at least a simple majority vote of the members of the Legislative Council present.

The passage of motions, bills or amendments to government bills introduced by individual members of the Legislative Council shall require a simple majority vote of each of the two groups of members present: members returned by functional constituencies and those returned by geographical constituencies through direct elections and by the Election Committee.

*III. Method for the formation of the Legislative Council and its voting procedures subsequent to the year 2007

With regard to the method for forming the Legislative Council of the Hong Kong Special Administrative Region and its procedures for voting on bills and motions after 2007, if there is a need to amend the provisions of this Annex, such amendments must be made with the endorsement of a two-thirds majority of all the members of the Council and the consent of the Chief Executive, and they shall be reported to the Standing Committee of the National People's Congress for the record.

Note:

See the Amendment to Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China Concerning the Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and Its Voting Procedures (Recorded at the Sixteenth Session of the Standing Committee of the Eleventh National People's Congress on 28 August 2010) (see **Instrument 3** and **Instrument 4**).

* See The Interpretation by the Standing Committee of the National People's Congress of Article 7 of Annex I and Article III of Annex II of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (Adopted at the Eighth Session of the Standing Committee of the Tenth National People's Congress on 6 April 2004) (see **Instrument 20**).

- [^] See Decision of the Standing Committee of the National People's Congress on Issues Relating to the Selection of the Chief Executive of the Hong Kong Special Administrative Region by Universal Suffrage and on the Method for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2016 (Adopted at the Tenth Session of the Standing Committee of the Twelfth National People's Congress on 31 August 2014) (see **Instrument 25**).
- [@] See Explanations on the Draft Decision of the Standing Committee of the National People's Congress on Issues Relating to the Selection of the Chief Executive of the Hong Kong Special Administrative Region by Universal Suffrage and on the Method for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2016 (At the Tenth Session of the Standing Committee of the Twelfth National People's Congress on 27 August 2014) (see **Instrument 26**).

*** Proclamation of the
Standing Committee of the National People's Congress
(Eleventh National People's Congress) No. 15**

It is promulgated that pursuant to Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, "The Interpretation by the Standing Committee of the National People's Congress of Article 7 of Annex I and Article III of Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China" and the "Decision of the Standing Committee of the National People's Congress on Issues Relating to the Methods for Selecting the Chief Executive of the Hong Kong Special Administrative Region and for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2012 and on Issues Relating to Universal Suffrage", the "Amendment to Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China Concerning the Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and Its Voting Procedures" is recorded by the Standing Committee of the National People's Congress.

The "Amendment to Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China Concerning the Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and Its Voting Procedures" comes into effect on the date of promulgation.

This proclamation is hereby made.

Standing Committee of the National People's Congress
28 August 2010

Note:

* This English translation is prepared by the Department of Justice, Government of the Hong Kong Special Administrative Region. It is for reference purposes and has no legislative effect.

*** Amendment to Annex II to the Basic Law
of the Hong Kong Special Administrative Region
of the People's Republic of China Concerning the Method
for the Formation of the Legislative Council of the Hong Kong
Special Administrative Region and Its Voting Procedures**

(Recorded at the Sixteenth Session of the Standing Committee of the
Eleventh National People's Congress on 28 August 2010)

The fifth term Legislative Council in the year 2012 shall be composed
of 70 members, and the composition shall be as follows:

Members returned by functional constituencies	35
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Members returned by geographical constituencies through direct elections	35
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Note:

* This English translation is prepared by the Department of Justice, Government of the
Hong Kong Special Administrative Region. It is for reference purposes and has no
legislative effect.

Election Committee (EC) Subsectors
Allocation of seats and methods to return members

(According to Annex I of the Basic Law as adopted by the Standing Committee of the National People's Congress on 30 March 2021)

(new): new subsector

new): new subsector

No.	Subsector	Seats	Methods	Composition		Remarks/Changes as compared to the 2016 EC
				Ind.	Body	
First Sector						
1	Industrial (first)	17	Elec		✓	Each subsector reduced by 1 seat
2	Industrial (second)	17	Elec		✓	
3	Textiles and garment	17	Elec		✓	
4	Commercial (first)	17	Elec		✓	
5	Commercial (second)	17	Elec		✓	
6	Commercial (third) (former Hong Kong Chinese Enterprises Association renamed)	17	Elec		✓	Increased by 1 seat
7	Finance	17	Elec		✓	Each subsector reduced by 1 seat
8	Financial services	17	Elec		✓	
9	Insurance	17	Elec		✓	
10	Real estate and construction	17	Elec		✓	
11	Transport	17	Elec		✓	
12	Import and export	17	Elec		✓	
13	Tourism	17	Elec		✓	
14	Hotel	16	Elec		✓	
15	Catering	16	Elec		✓	
16	Wholesale and retail	17	Elec		✓	
17	Employers' Federation of Hong Kong	15	Elec		✓	
18	Small and medium enterprises (new)	15	Elec		✓	
Second Sector						
19	Technology and innovation (new) (Information technology subsector replaced)	30	Nom	15	✓	Nominated from among Hong Kong academicians of the Chinese Academy of Sciences and the Chinese Academy of Engineering
			Elec	15		
20	Engineering	30	Ex-officio	15	✓	Responsible persons of statutory bodies, advisory bodies and relevant associations
			Elec	15		
21	Architectural, surveying, planning and landscape	30	Ex-officio	15	✓	Responsible persons of statutory bodies, advisory bodies and relevant associations
			Elec	15		
22	Accountancy	30	Nom	15	✓	Nominated from among Hong Kong Accounting Advisors appointed by the

No.	Subsector	Seats	Methods		Composition		Remarks/Changes as compared to the 2016 EC
					Ind.	Body	
							Ministry of Finance
			Elec	15		✓	
23	Legal	30	Ex-officio	6	✓		Hong Kong members of the Committee for the Basic Law of the HKSAR under the NPC Standing Committee
			Nom	9	✓		Nominated from among Hong Kong members of the Council of the China Law Society
			Elec	15		✓	
24	Education (<i>Education and Higher education subsectors merged</i>)	30	Ex-officio	16	✓		University presidents or chairpersons of the board of governors or the council of universities; and responsible persons of statutory bodies, advisory bodies and relevant associations
			Elec	14		✓	
25	Sports, performing arts, culture and publication (<i>originally under the Third Sector</i>)	30	Nom	15	✓		Nominated respectively by the Sports Federation and Olympic Committee of Hong Kong, China, China Federation of Literary and Art Circles Hong Kong Member Association and Hong Kong Publishing Federation
			Elec	15		✓	
26	Medical and health services (<i>merged</i>)	30	Ex-officio	15	✓		Responsible persons of statutory bodies, advisory bodies and relevant associations
			Elec	15		✓	
27	Chinese medicine	30	Nom	15	✓		Nominated from among Hong Kong members of the Council of the World Federation of Chinese Medicine Societies
			Elec	15		✓	
28	Social welfare (<i>originally under the Third Sector</i>)	30	Ex-officio	15	✓		Responsible persons of statutory bodies, advisory bodies and relevant associations
			Elec	15		✓	
Third Sector							
29	Agriculture and fisheries	60	Elec	60		✓	
30	Labour	60	Elec	60		✓	
31	Grassroots associations (<i>new</i>)	60	Elec	60		✓	
32	Associations of Chinese fellow townsmen (<i>new</i>)	60	Elec	60		✓	
33	Religious	60	Nom	60		✓	
Fourth Sector							

No.	Subsector	Seats	Methods	Composition		Remarks/Changes as compared to the 2016 EC
				Ind.	Body	
34	Members of the Legislative Council	90	Ex-officio	✓		Originally 70 seats
35	Heung Yee Kuk	27	Elec	✓		Increased by 1 seat
36	Representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of Hong Kong Island and Kowloon (<i>new</i>)	76	Elec	✓		Hong Kong and Kowloon District Councils subsector replaced
37	Representatives of members of Area Committees, District Fight Crime Committees, and District Fight Crime Committees of the New Territories (<i>new</i>)	80	Elec	✓		New Territories District Councils subsector replaced
38	Representatives of associations of Hong Kong residents in the Mainland (<i>new</i>)	27	Nom		✓	Nominated by associations of Hong Kong residents in the Mainland
Fifth Sector						
39	HKSAR deputies to the NPC and HKSAR members of the CPPCC National Committee (<i>originally from the Fourth Sector; two subsectors are combined</i>)	190	Ex-officio	✓		All HKSAR members of the CPPCC National Committee are ex-officio
40	Representatives of Hong Kong members of relevant national organisations (<i>new</i>)	110	Elec	✓		
Total:		1500				

Remarks:

- (i) An HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee may choose to register as an Election Committee member in a subsector other than one in the Fifth Sector with which he or she has a substantial connection. In these cases, the number of ex-officio member will be increased and the number of seats to be returned by the subsector by election will be reduced accordingly. Within the term of office of the Election Committee, the number of ex-officio members, and members to be returned by nomination or election shall remain unchanged.
- (ii) Eligible corporate voters for subsectors shall be composed of institutions, organisations, associations or enterprises which are representative and specified by law. Unless specified in the electoral law of the HKSAR, an association or enterprise may become a corporate voter for a subsector only if it has been operating for not less than three years after acquiring relevant qualifications for that subsector.

Legend:

- Elec: EC members to be returned by election
- Nom: EC members to be returned by nomination
- Ex-officio: ex-officio members
- Ind: Individual

Composition and Method for the Formation of Functional Constituencies
(Annex II to the Basic Law adopted at the meeting of the Standing Committee of the National People's Congress on 30 March 2021)

(new): new functional constituencies

Item	Functional constituencies	No. of members	Composition	
			Individuals	Corporates
1	Agriculture and Fisheries	1		✓
2	Heung Yee Kuk	1	✓	
3	Industrial (first)	1		✓
4	Industrial (second)	1		✓
5	Textiles and Garment	1		✓
6	Commercial (first)	1		✓
7	Commercial (second)	1		✓
8	Commercial (third) <i>(new)</i>	1		✓
9	Finance	1		✓
10	Financial Services	1		✓
11	Insurance	1		✓
12	Real Estate and Construction	1		✓
13	Transport	1		✓
14	Import and Export	1		✓
15	Tourism	1		✓
16	Catering	1		✓
17	Wholesale and Retail	1		✓
18	Technology and Innovation <i>(new) (replacing Information Technology)</i>	1		✓
19	Engineering	1	✓	
20	Architectural, Surveying, Planning and Landscape	1	✓	
21	Accountancy	1	✓	
22	Legal	1	✓	
23	Education	1	✓	
24	Sports, Performing Arts, Culture and Publication	1		✓
25	Medical and Health Services <i>(new) (Medical and Health Services combined)</i>	1	✓	
26	Social Welfare	1	✓	
27	Labour	3		✓
28	The Hong Kong Special Administrative Region Deputies to the National People's Congress, Hong Kong Special Administrative Region Members of the National Committee of the Chinese People's Political Consultative Conference and representatives of relevant national organisations <i>(new)</i>	1	✓	
Total :		30		

Remark :

- (i) Eligible corporate voters for functional constituencies shall be composed of institutions, organisations, associations or enterprises which are representative and specified by law. Unless specified in the electoral law of Hong Kong, an association or enterprise may become a corporate voter for a functional constituency only if it has been operating for not less than three years after acquiring relevant qualifications for that functional constituency.