

IMPORTANT

1. These Guidelines come into operation on 23 July 2021. Subject to any subsequent revisions, they apply to all ordinary elections and by-elections of the Election Committee subsectors to be held after publication.
2. The law stated in these Guidelines is that prevailing as at the date of publication (unless otherwise specified).
3. All specified forms referred to in these Guidelines are obtainable from the Registration and Electoral Office (tel: 2891 1001; fax: 2891 1180; e-mail: reoenq@reo.gov.hk) and its website at <https://www.reo.gov.hk>.
4. Electioneering, campaigning and canvassing activities referred to in these Guidelines include any positive and negative campaigning conducted for the purpose of promoting or prejudicing the election of a candidate or candidates at the election.
5. In the event that future amendments to these Guidelines are necessary, the updated Guidelines will be made available at the website of the Electoral Affairs Commission at <https://www.eac.hk>.

2021 ELECTION COMMITTEE SUBSECTOR ORDINARY ELECTIONS

Key Information

- (1) Polling Date : 19 September 2021
- (2) Polling Hours : 9 am to 6 pm
- (3) Period to Submit Application for Nominations Advisory Committee's Service by Prospective Candidates : 2 July to 2 August 2021
- (4) Nomination Period of Candidature : 6 to 12 August 2021
- (5) Returning Officers' Lots Drawing Session for Candidates to Allocate Number on Ballot Papers and Designated Spots for Election Advertisements : 23 August 2021
- (6) Chairman's Online Briefing for Candidates : 25 August 2021
- (7) Maximum Amount of Election Expenses : Please refer to paragraph 16.15 of the Guidelines
- (8) Deadline to Remove all Election Advertisements on Display : Not later than 29 September 2021
- (9) Submission of Election Return by Candidates : Not later than 23 October 2021*
- (10) Deadline to Lodge Appeal Notice against Result of Election : Not later than 30 September 2021* (if uncontested, not later than 2 September 2021#)

* Assuming that the election result is published in the Gazette on 23 September 2021

Assuming that the election result is published in the Gazette on 26 August 2021

ABBREVIATIONS

Amendment Bill	The Improving Electoral System (Consolidated Amendments) Bill 2021
Amendment Ordinance	The Improving Electoral System (Consolidated Amendments) Ordinance 2021
AR, ARs	authorised representative, authorised representatives
ARO, AROs	Assistant Returning Officer, Assistant Returning Officers
Basic Law	The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China
BO	Buildings Ordinance (Cap 123)
Candidate's Platform	open platform maintained by the candidate or a person authorised by the candidate
Cap	Chapter of the Laws of Hong Kong
CAS	Civil Aid Service
CE	Chief Executive
CEEEO	Chief Executive Election Ordinance (Cap 569)
CEO	Chief Electoral Officer
CERC	Candidate Eligibility Review Committee
Central Platform	open platform maintained by the Chief Electoral Officer or a person authorised by the Chief Electoral Officer
CFI	Court of First Instance
CPPCC	Chinese People's Political Consultative Conference

CPPCC member	Hong Kong Special Administrative Region member of the National Committee of the Chinese People's Political Consultative Conference
CRO	Chief Returning Officer
CSD	Correctional Services Department
DC, DCs	District Council, District Councils
DCO	District Councils Ordinance (Cap 547)
DLO, DLOs	District Lands Office, District Lands Offices
DO, DOs	District Office, District Offices
EA, EAs	election advertisement, election advertisements
EAC	Electoral Affairs Commission
EAC (EP) (EC) Reg	Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap 541I)
EAC (NAC) (EC) Reg	Electoral Affairs Commission (Nominations Advisory Committees (Election Committee)) Regulation (Cap 541H)
EAC (ROE) (FCSEC) Reg	Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap 541B)
EACO	Electoral Affairs Commission Ordinance (Cap 541)
EC	Election Committee
EC (Appeals) Reg	Election Committee (Appeals) Regulation (Cap 569A)
ECICO	Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554)

EPR	Electronic poll register
EC Subscribers & Deposit Reg	Election Committee (Subscribers and Election Deposit for Nomination) Regulation (Cap 569C)
election	ordinary election or by-election as appropriate
election return	return and declaration of election expenses and election donations
ERO	Electoral Registration Officer
FC, FCs	functional constituency, functional constituencies
FR	final register
GC	geographical constituency
HKID	Hong Kong Permanent Identity Card
HYK	Heung Yee Kuk
ICAC	Independent Commission Against Corruption
IR	interim register
LCO	Legislative Council Ordinance (Cap 542)
LegCo	Legislative Council
MAC	mutual aid committee
NAC, NACs	Nominations Advisory Committee, Nominations Advisory Committees
NCZ, NCZs	no canvassing zone, no canvassing zones
NPC	National People's Congress
NPC deputy	Hong Kong Special Administrative Region deputy to the National People's Congress

NPCSC	Standing Committee of the National People's Congress
NSZ	no staying zone
OPCPD	Office of the Privacy Commissioner for Personal Data
OVIES	Online Voter Information Enquiry System
para., paras.	paragraph, paragraphs
PD(P)O	Personal Data (Privacy) Ordinance (Cap 486)
PHMSO	Public Health and Municipal Services Ordinance (Cap 132)
POBO	Prevention of Bribery Ordinance (Cap 201)
POO	Public Order Ordinance (Cap 245)
PR	provisional register
PRO, PROs	Presiding Officer, Presiding Officers
REO	Registration and Electoral Office
RO, ROs	Returning Officer, Returning Officers
RR	Rural Representative
RREO	Rural Representative Election Ordinance (Cap 576)
RTO	Road Traffic Ordinance (Cap 374)
S, s, Ss, ss	section, sections
TD	Transport Department

CONTENTS

	<u>Page</u>
PROLOGUE	1
CHAPTER 1 INTRODUCTION	12
Part I : The Election Committee and the Subsector Elections	12
Part II : The Guidelines	16
Part III : Sanction	18
CHAPTER 2 COMPOSITION OF THE ELECTION COMMITTEE	19
Part I : The Sectors and Subsectors	19
Part II : Compilation of Interim Register and Final Register of EC Members after the Conduct of an EC Subsector Ordinary Election	23
Part III : Compilation of Provisional Register and Final Register of EC Members for EC Subsector By-election	25
CHAPTER 3 REGISTRATION OF ELECTION COMMITTEE EX-OFFICIO MEMBERS AND VOTERS, AND VOTING SYSTEM	31
Part I : General	31
Part II : Registration as Ex-Officio Members	35
Part III : Registration of Voters for Subsectors	39
Part IV : The Voting System for Subsector Elections	57

CHAPTER 4	NOMINATION OF CANDIDATES/NOMINEES	61
Part I	: General	61
Part II	: Eligibility and Disqualification for Nomination	66
Part III	: When and How to Nominate	69
Part IV	: Nominations Advisory Committees	80
Part V	: Election Deposit	83
Part VI	: Candidate Eligibility Review Committee	85
Part VII	: Validity of Nominations	86
Part VIII	: Withdrawal of Candidature	90
Part IX	: Notice of Valid Nominations	91
Part X	: Candidates' Briefing and Introduction to Candidates	92
CHAPTER 5	POLLING AND COUNTING ARRANGEMENTS	95
Part I	: General	95
Part II	: Before the Poll	99
Part III	: Outside the Polling Station	102
Part IV	: Polling Hours	105
Part V	: Persons to be Admitted to the Polling Station	107
Part VI	: How to Issue Ballot Papers	111
Part VII	: Queuing Arrangement	114
Part VIII	: Presentation of Document for Collecting Ballot Paper	118
Part IX	: Voting Methods	120
Part X	: Conduct Inside the Polling Station	129

Part XI	: Close of Poll	132
Part XII	: The Count	134
Part XIII	: Declaration of Result	143
Part XIV	: Disposal of Documents	144
Part XV	: Postponement or Adjournment of the Election, the Poll or the Count of Votes	144
Part XVI	: Supplementary Nomination or Subsector By-election to be Held	146
CHAPTER 6	APPEALS	147
Part I	: Appeals Against Result of an Election	147
Part II	: Appeals in relation to Declaration and Registration of Nominees as Members of the EC	148
Part III	: Appeals in relation to Registration of Ex-Officio Members as Members of the EC	149
Part IV	: Hearing of Appeal and Ruling of Revising Officer	151
CHAPTER 7	APPOINTMENT AND ROLES OF ELECTION AGENT, ELECTION EXPENSE AGENTS, POLLING AGENTS AND COUNTING AGENTS	152
Part I	: General	152
Part II	: Types and Numbers of Agents	153
Part III	: Qualifications of Agents	154
Part IV	: Civil Servants Acting as Agents	154
Part V	: Election Agent	155
Part VI	: Election Expense Agents	160
Part VII	: Polling Agents	163

Part VIII	: Counting Agents	176
CHAPTER 8	ELECTION ADVERTISEMENTS	180
Part I	: General	180
Part II	: What Constitutes an Election Advertisement	182
Part III	: Period and Area of Display	190
Part IV	: Allocation of Designated Spots	196
Part V	: Conditions and Limitations on Display	198
Part VI	: Application for Temporary Occupation of Government Land at Public Place for Holding Electioneering Activities	201
Part VII	: Requirements relating to Publication of Election Advertisements	202
Part VIII	: Requirements relating to Printed Election Materials	206
Part IX	: Non-compliance with the Law and its Consequences	208
Part X	: Advertisements of Political/Professional Bodies, Trade Organisations or Other Organisations	210
Part XI	: Free Postage for Election Advertisements	212
Part XII	: Election Advertisements for Registered Voters and Authorised Representatives in the Custody of CSD and Other Law Enforcement Agencies	222
Part XIII	: Commercial Advertisements relating to Candidates	223

CHAPTER 9	ELECTIONEERING ACTIVITIES IN PREMISES OR BUILDINGS WHERE VOTERS/ARs RESIDE, WORK OR FREQUENT	224
Part I	: General	224
Part II	: Guidelines to be Observed by Candidates in the Conduct of Electioneering Activities	226
Part III	: Guidelines to be Observed by Owners, Management and Organisations for Handling Applications for Conduct of Electioneering Activities in the Premises within their Jurisdiction	233
Part IV	: Conduct of Electioneering Activities in Premises under the Management of Housing Department and Hong Kong Housing Society	237
Part V	: Sanction	237
CHAPTER 10	ELECTION MEETINGS	239
Part I	: General	239
Part II	: Election-related “Treating”	241
Part III	: Election Meetings in Public Places	241
Part IV	: Election Meetings in Private Premises	248
Part V	: Electioneering Exhibitions	248
Part VI	: Fund Raising Activities at Election Meetings	249
CHAPTER 11	ELECTION BROADCASTING, MEDIA REPORTING AND ELECTION FORUMS	250
Part I	: General	250
Part II	: News Reports (Broadcasters and Print Media)	252
Part III	: Election Forums	253

Part IV	: Feature Reports (Broadcasters)	255
Part V	: Feature Reports (Print Media)	256
Part VI	: Non-election-related Programmes and Articles	257
Part VII	: Avoiding Unfair Publicity	258
Part VIII	: Placing Election Advertisements in Media	260
Part IX	: Sanction	261
CHAPTER 12	USE OF SOUND AMPLIFYING DEVICE AND VEHICLES	263
Part I	: General	263
Part II	: Use of Loudspeakers and Vehicles	264
Part III	: Sanction	268
CHAPTER 13	ELECTIONEERING ACTIVITIES CONDUCTED IN SCHOOLS OR PARTICIPATED BY SCHOOL PUPILS	269
Part I	: General	269
Part II	: School Pupils	270
Part III	: Electioneering Activities in Schools	271
Part IV	: Sanction	272
CHAPTER 14	PROHIBITION AGAINST CANVASSING ACTIVITIES OUTSIDE POLLING STATIONS	273
Part I	: General	273
Part II	: Determination of No Canvassing Zone and No Staying Zone	274

Part III	: Conduct inside the No Canvassing Zone and No Staying Zone	275
Part IV	: Penalty	278
CHAPTER 15	EXIT POLL	280
Part I	: General	280
Part II	: Secrecy of the Vote	281
Part III	: Conduct of Exit Polls	282
Part IV	: Identification of Interviewers	285
Part V	: Use of Exit Polls and Other Opinion Polls for Electioneering	286
Part VI	: Sanction	287
CHAPTER 16	ELECTION EXPENSES AND ELECTION DONATIONS	288
Part I	: General	288
Part II	: What Constitutes Election Expenses	289
Part III	: Who may incur Election Expenses and the Limit	294
Part IV	: Election Donations	296
Part V	: Election Return	299
Part VI	: Advance Return of Election Donations	305
Part VII	: Enforcement and Penalty	306
CHAPTER 17	CORRUPT AND ILLEGAL CONDUCT	310
Part I	: General	310

Part II	: Corrupt Conduct relating to Nomination and Withdrawal of Candidature	311
Part III	: Illegal Conduct relating to Electioneering	313
Part IV	: Corrupt Conduct relating to Electioneering and Voting	317
Part V	: Corrupt and Illegal Conduct relating to Election Expenses and Election Donations	320
Part VI	: Power of Court to Excuse Innocent Acts	320
Part VII	: Non-Compliance with the Law and Sanction	322
CHAPTER 18	NAMEDROPPING	324
Part I	: General	324
Part II	: Claim of Support	325
CHAPTER 19	PARTICIPATION IN ELECTION-RELATED ACTIVITIES BY CIVIL SERVANTS AND OFFICIALS UNDER THE POLITICAL APPOINTMENT SYSTEM AND ATTENDANCE OF PUBLIC FUNCTIONS BY BOTH CIVIL SERVANTS AND CANDIDATES	335
Part I	: General	335
Part II	: Participation in Electioneering Activities by Civil Servants	336
Part III	: Attendance of Public Functions by Civil Servants	337
Part IV	: Attendance of Public Functions by Candidates	338
Part V	: Officials Under the Political Appointment System	339
CHAPTER 20	COMPLAINTS PROCEDURE	340
Part I	: General	340

Part II	: To Whom a Complaint may be Made	341
Part III	: Time and Procedure for Making Complaint	342
Part IV	: Complaints inside a Polling Station	343
Part V	: The Processing of Complaint	344
Part VI	: Electoral Affairs Commission's Report on Complaints	346
Part VII	: Obligations of the Returning Officer, the Presiding Officer and the Chief Electoral Officer	346
Part VIII	: Sanction for False Complaint	347

APPENDICES

Appendix 1	: Election Committee Subsector Elections Action Checklist for Candidates	349
Appendix 2	: Sectors and Subsectors of the Election Committee	364
Appendix 3	: Details for each Election Committee Subsector	369
Appendix 4	: Specified Persons Eligible to Inspect Election Committee Registers and Subsector Registers	710
Appendix 5	: Submission Method, Format and Standard for Posting Electronic Copy of Election Advertisement and Relevant Information onto an Open Platform for Public Inspection (with Annexes I and II on the guidelines and basic layout design requirements for Candidate's Platform)	717
Appendix 6	: Methods of Folding of Election Mail	726
Appendix 7	: Canvassing Activities which are Forbidden Within a No Canvassing Zone	728
Appendix 8	: Conduct of Electioneering Activities and Election Meetings in Premises under the Management of the Housing Department and the Hong Kong Housing Society	730

Appendix 9	: Guidance on Election Activities for Candidates, Government Departments, Public Opinion Research Organisations and Members of the Public	732
Appendix 10	: Guidance Note on Safe Conduct of Election-related Activities	742
Appendix 11	: Application for a Permit under S 4(17) of Summary Offences Ordinance, Cap 228 for Non-Charitable Purposes	744
Appendix 12	: Observations made by the Court in an Election Petition relating to a Television Programme on 2010 Legislative Council By-election	753
Appendix 13	: Fair and Equal Treatment of Candidates by the Print Media	754
Appendix 14	: Application Procedure for the Approval of Float Design	756
Appendix 15	: Item of Expenses to be Counted towards Election Expenses	758
Appendix 16	: Collection of Election Donations	762
Appendix 17	: Guidelines for Candidates on Sending Election Advertisements to Registered Voters and Authorised Representatives in the Custody of the Correctional Services Department	763
INDEX		765

PROLOGUE

ROLE OF THE ELECTORAL AFFAIRS COMMISSION AND THE GUIDELINES

1. Under the Electoral Affairs Commission Ordinance (Cap 541) (“EACO”), the Electoral Affairs Commission (“EAC”) is an impartial, independent and apolitical body responsible for conducting and supervising public elections in accordance with the electoral law and strives to conduct public elections under the principles of openness, fairness and honesty. Although the EAC is responsible for making the subsidiary legislation on electoral procedures, the guidelines on election-related activities, and the related practical arrangements, it is not part of the Government. All along, the EAC does not formulate electoral policies nor take into account any political considerations, but considers whether the relevant arrangements do comply with the law and are reasonably practicable and will facilitate the smooth operation of the election. Under the EACO, the EAC shall perform its function through the Chief Electoral Officer (“CEO”). The Registration and Electoral Office (“REO”) is the executive arm of the EAC. Apart from making the practical arrangements for the elections, the REO also advises the EAC on the practicality on the various electoral arrangements.

2. All electoral arrangements in Hong Kong are regulated under the relevant primary legislation and subsidiary legislation. The EAC must conduct and supervise the conduct of elections in strict compliance with the subsisting law. Under the present institution, matters relating to electoral policies and the system are under the purview of the executive authorities, whereas the legislature is responsible for the enactment and amendment of the primary legislation. On the other hand, pursuant to the principles and provisions in the primary legislation, the EAC makes the corresponding

subsidiary legislation to set out the detailed electoral procedures for the various elections. The EAC cannot act beyond the power conferred by the primary legislation. Where necessary, the EAC would provide its advice from practical and operational points of views for reference of the Government. Under the existing arrangement, any enactment or amendment of the primary legislation must be introduced by the Government in the form of bills to the Legislative Council (“LegCo”) for deliberation and resolution. Subsidiary legislation must also be submitted by the Government to LegCo by way of the negative vetting procedure.

3. The EAC is empowered by the law to issue guidelines on election-related activities. The electoral guidelines are not law, and cover the following two aspects: (1) to explain in simple language the subsisting electoral law so as to remind candidates and other stakeholders of the provisions and requirements under the electoral law. As the EAC is not a court of law, it has no authority to make judicial interpretation for disputed provisions of the statutes; and (2) with regard to election-related activities not stipulated by the law, to promulgate a code of conduct based on the principle of fairness and equality.

Legislation Aspect

4. With regard to the legislation aspect, all relevant provisions are enacted by the legislature. The guidelines only seek to explain in simple language the relevant provisions based on the electoral law, and where applicable to give examples to illustrate the best practices.

5. In order to ensure the fairness of the election, safeguarding the autonomy and secrecy of the vote are the most important principles of the electoral law. The voters must mark the ballot papers by themselves inside the voting compartments, and are not required to disclose their voting

preference. It is a criminal offence to influence the voting preference of the voters by corrupt conduct such as the use of force, threat, coercion, inducement, deception or obstruction; or by the illegal conduct of making false statements about a candidate. It is also a criminal offence to require a voter to disclose his/her voting preference. In any case, the voting choice is ultimately made by the voter voluntarily and under the protection of secrecy. Voters may well discuss among themselves their voting preference, but in no case under the influence of any corrupt or illegal conduct.

6. Nomination of candidates is an important part of an election. According to Annex I to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China ("Basic Law"), the Candidate Eligibility Review Committee ("CERC"), instead of the Returning Officers ("ROs") in the past elections, shall be responsible for reviewing and deciding the validity of nomination of candidates for Election Committee ("EC") members. The CERC may request the ROs to provide advice to the CERC regarding the nomination of candidates. It may also make decision pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region ("Committee on National Security"). The Committee on National Security shall, on the basis of the review by the National Security Department of the Hong Kong Police Force, make findings regarding candidates' compliance with the legal requirements and conditions for "upholding the Basic Law and pledging allegiance to the Hong Kong Special Administrative Region ("HKSAR")" and will issue an opinion to the CERC for those who fail to meet such legal requirements and conditions. As stipulated in Annex I to the Basic Law and the electoral law, no legal proceedings may be instituted in respect of a decision made by the CERC on the eligibility of a candidate pursuant to the opinion of the Committee on National Security. However, if the CERC's decision to disqualify a person from being a candidate/nominee is based on his/her failure to meet other statutory eligibility requirements (e.g. age, Hong Kong permanent

resident status or criminal records), the person being disqualified may lodge an appeal to question the election result in accordance with the law. For details, please refer to Chapter 4.

7. Whether the nomination of a candidate/nominee is valid or not is solely determined by the CERC. The EAC is neither empowered nor involved in the making of such decision, and will not provide any advice. The EAC will only make practical arrangements for the election according to the validly nominated candidates determined by the CERC.

8. Another important aspect of the law is to prescribe the maximum limit for election expenses. The setting of a maximum limit of election expenses is to ensure that the candidates do compete on a level playing field and within a reasonable level of expenditures. According to the law, election expenses mean the expenses in promoting or prejudicing the election of a candidate. The definition of “candidate” means a person who stands nominated as a candidate at an election and includes a person who has publicly declared an intention to stand for election before the close of nominations. The public declaration of the intention to stand as a candidate is a legal question which must be determined on the basis of actual facts and intention, rather than on the face of any statement alone. It is a criminal offence for a candidate to incur election expenses in excess of the prescribed maximum limit. Hence, the candidate must, in accordance with the law, submit an election return after the election to rigorously declare all the election expenses incurred by him/her; otherwise, he/she commits an offence.

9. For the effective sanction of the limit on election expenses, the law also stipulates that only candidates and their authorised election expense agents may incur election expenses. It is a criminal offence for other unauthorised persons, no matter it is for the purpose of promoting or prejudicing the election of a candidate, to incur election expenses.

Nevertheless, as far as opinions published on the Internet are concerned, even though they promote or prejudice the election of a candidate and amount to election advertisements (“EAs”), if the publisher is a third party (i.e. a person other than a candidate and his/her election expense agents) and the only election expenses incurred are either electricity charges and/or charges necessary for accessing the Internet, he/she is exempted from the relevant criminal liability. However, if the publisher is a candidate or his/her election expense agent, the exemption does not apply. As such, the candidate should declare all election expenses in his/her election return (i.e. including election expenses incurred in relation to the Internet and all other media).

10. EA has always been an important part of election expenses, and therefore it is necessary to regulate EAs for calculation of election expenses. Notwithstanding that EAs are regulated, the paramount principles of freedom of speech, press freedom and the dissemination of election information must be guaranteed. In determining whether certain statements are EAs and whether election expenses are involved, consideration must be given to the overall circumstances and evidence, including the nature of those statements, the expenses involved and the intention of promoting or prejudicing any candidate from being elected.

11. As the EAC is not a law enforcement agency, it will refer any complaint involving any offence to the law enforcement agencies for follow-up and investigation. Any issues over the law or fact will ultimately be a matter for the adjudication of the Court.

12. The EAC will seek to provide a statement of principle on the compliance of the electoral law. However, the EAC is not the legal advisor for a candidate and any person who has any questions on any particular matter should seek independent legal advice.

Code of Conduct

13. Apart from the electoral law, the EAC has promulgated guidelines on election-related activities based on the principle of fairness and equality. However, the guidelines promulgated by the EAC are not legally binding. Any breaches of the guidelines will not constitute a legal offence. Where necessary, the EAC will issue public statements of censure in order to inform the voters and the general public of important matters that have occurred during the elections. An important application of the principle of fairness and equality is concerned with the utilisation of the public resources, for example:

- (a) The guidelines prescribe a fair and equal system in allocating the designated spots for display of EAs on Government land, premises and roadways;
- (b) Licensed radio and television stations as well as registered newspapers and magazines should uphold the fair and equal treatment principle in their treatment of the candidates;
- (c) Building management organisations, owners' corporations and mutual aid residents' associations should observe the principle of fairness and equality in handling the requests of the candidates for the display of EAs and conducting electioneering activities in the common parts of the buildings under their management; and
- (d) A candidate must not make use of any public resources for electioneering.

The management organisations mentioned under (c) above should handle the applications from the candidate fairly and equally. If a management organisation decided to allow a particular candidate to conduct electioneering activities in the common parts of the buildings under its management, it should also allow other candidate(s) in the same subsector to do so (whether to make the same request is individual candidate's own choice). On the other hand, if it is decided to reject an application from a particular candidate, the same applications from other candidate(s) in the same subsector should also be rejected. However, this principle does not apply to election activities and EA concerning private properties.

14. It is noteworthy that, as Hong Kong is a pluralistic society with different sectors of people who may have different pursuits, whether a particular matter is fair or not will often have contrary views. Whereas it is ideal to achieve absolute fairness, but that is often not practicable. The bottom line is to guard against serious and material unfairness.

15. The EAC will solemnly handle complaints against any breach of the principle of fairness and equality as set out in the electoral guidelines. Investigation must be based on factual evidence and be in accordance with the principle of procedural fairness. The parties concerned must be given the opportunity to make representations in defence. In the context of considering whether any conduct is unfair in the absence of contravention of the law, a decision could not be made lightly without careful consideration of all relevant matters and circumstances. Furthermore, while complaints are often made shortly before the polling day, the EAC cannot circumvent or compress the established procedure because of the time constraint so as to avoid any unfairness.

16. If the complaint is substantiated, the EAC may, where necessary, issue public statements of censure in order to inform the voters and the general public of important matters that have occurred during the elections. The EAC may also issue press statements on matters of principle which have attracted widespread public concern in order to set the record straight. Apart from that, the EAC, as a long-standing practice, does not comment on the political platforms of candidates, individual comments and reporting, or hearsays.

17. Voters rely on fair and orderly elections to elect their representatives. Election is a solemn matter, the electoral procedures are strictly sanctioned by the relevant electoral law. Persons who wish to run for an election and other stakeholders must understand and comply with the requirements of the electoral law so as to avoid committing any criminal offence inadvertently.

18. Apart from the legislation aspect, candidates and stakeholders should also make reference to the good practices provided in the Guidelines in order to ensure that the elections are conducted in an open, fair and honest manner.

19. The EAC appeals to members of the public to be acquainted with and to uphold the electoral law and electoral guidelines in order to carry on the good election culture in Hong Kong, so that the election can be conducted smoothly in a fair and equal manner.

SPECIAL VOTER REGISTRATION ARRANGEMENTS IN 2021

20. The Improving Electoral System (Consolidated Amendments) Ordinance 2021 (“Amendment Ordinance”) was published in the Gazette and came into effect on 31 May 2021. To tie in with the major changes in the

composition and registration eligibilities of the EC subsectors, an exercise of “Special Voter Registration Arrangements” was conducted by the REO from 1 June to 5 July 2021. The following initiatives in respect of the “Special Voter Registration Arrangements” were also taken by the EAC and the REO:

Before Commencement of the Amendment Ordinance

- (a) The Constitutional and Mainland Affairs Bureau submitted supplementary information to the LegCo on 29 April to explain the upcoming voter registration arrangements pursuant to the Amendment Ordinance. Copies of the supplementary information were also made available to the public at the Electoral Information Centre (“EIC”) of the REO and the Home Affairs Enquiry Centres in 18 Districts;
- (b) To prepare for the verification and processing of voter registration applications to be received during the “Special Voter Registration Arrangements”, the REO collected from all the umbrella organisations of the EC subsectors the information of eligible members or corporate members;
- (c) To facilitate submission of voter registration applications of eligible individuals and bodies during the “Special Voter Registration Arrangements”, the REO prepared explanatory notes for registration in respect of each EC subsector and the 8 subsectors with ex-officio members of the EC, and “frequently asked questions” relating to voter registration. The explanatory materials were uploaded to the REO website and the Voter Registration website for reference by the general public;

- (d) The REO re-designed the registration forms for use by ex-officio members of the EC and voters of EC subsectors respectively according to the composition, registration eligibilities and registration procedures of the EC subsectors;
- (e) The REO updated documents relating to voter registration, such as the notice to be issued to applicants upon completion of the voter registration application. The computer system for processing voter registrations was also updated to ensure timely notification from the REO to the applicants about progress of their applications and to enable effective processing of voter registrations; and
- (f) To facilitate effective handling of enquiries by frontline staff manning the hotline, the REO provided training for them when the above-mentioned preparation work was completed and before the “Special Voter Registration Arrangements” commenced.

After Commencement of the Amendment Ordinance

- (a) The REO issued a press release on the commencement date of the Amendment Ordinance to explain the launch of the “Special Voter Registration Arrangements”. As stated in the press release, individuals and bodies whose eligibility was affected and those who were newly eligible for registration had to update their voter registration, and the voter registration applications must be submitted before the deadline;
- (b) The EAC and the REO published the details of registration of respective subsectors in a press release on 7 June, and uploaded

reference materials on voter registration eligibilities (including the composition and eligibility for registering as voters of each subsector) to the EAC website and the REO website. Copies of the reference materials were also made available to the public in the EIC and the Home Affairs Enquiry Centres in 18 Districts;

- (c) The REO sent letters, new registration forms and posters of the “Special Voter Registration Arrangements” to umbrella organisations to appeal to eligible umbrella organisations and/or their eligible members or corporate members to register as voters; and
- (d) The REO briefed officers of the Correctional Services Department (“CSD”) on the voter registration exercise under the “Special Voter Registration Arrangements”, and provided penal institutions with reference folders of voter registration eligibilities to facilitate their handling of relevant enquiries from persons imprisoned or held in custody.

CHAPTER 1

INTRODUCTION

PART I : THE ELECTION COMMITTEE AND THE SUBSECTOR ELECTIONS

1.1 On 11 March 2021, the National People’s Congress (“NPC”) passed the “Decision of the NPC on Improving the Electoral System of the HKSAR”, and authorised the Standing Committee of the National People’s Congress (“NPCSC”) to amend Annex I to the Basic Law, Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region, and Annex II to the Basic Law, Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and Its Voting Procedures. The amended Annex I and Annex II to the Basic Law were adopted by the NPCSC on 30 March 2021. For the corresponding enactment of local legislation, the Improving Electoral System (Consolidated Amendments) Bill 2021 (“Amendment Bill”) was submitted to and passed by the LegCo on 14 April 2021 and 27 May 2021 respectively. The Amendment Ordinance was published in the Gazette on 31 May 2021. *[Added in July 2021]*

1.2 According to the amended Annex I and Annex II to the Basic Law, the EC shall be composed of 1 500 members, who shall be responsible for nominating candidates for the Chief Executive (“CE”) election and electing the CE designate, as well as returning 40 LegCo members and nominating candidates for the LegCo election. The CE shall be elected by the EC and be appointed by the Central People’s Government [s 7 of the Chief Executive Election Ordinance (“CEEO”) (Cap 569)]. *[Amended in September 2006, October 2011, September 2016 and July 2021]*

1.3 Members of the EC must be Hong Kong permanent residents. The EC has 5 sectors, each comprising a number of subsectors (40 subsectors in total). The EC members would be returned by the following 3 methods: registering as ex-officio members, being nominated by the designated bodies of the relevant subsectors and being elected by eligible corporate voters or individual voters in the subsectors. Among the 40 EC subsectors, HKSAR deputies to the NPC (“NPC deputies”) and HKSAR members of the National Committee of the Chinese People’s Political Consultative Conference (“CPPCC members”), the Hong Kong members of the Committee for the Basic Law of the HKSAR under the NPCSC (“Basic Law Committee members”), members of the LegCo, university vice-chancellors/presidents/chairpersons of the board of governors or the councils of universities, and responsible persons of statutory bodies, major advisory committees and other relevant bodies of certain subsectors as specified in the electoral law are eligible to/may register as the ex-officio members of the EC. On the other hand, all the members of the religious subsector and the representatives of associations of Hong Kong residents in the Mainland subsector, and some of the members of the technology and innovation subsector, accountancy subsector, legal subsector, sports, performing arts, culture and publication subsector and Chinese medicine subsector shall be nominated by the designated bodies in their respective subsectors. The rest of the EC members shall be elected by eligible corporate voters or individual voters of their respective subsectors. Details of the composition of the EC are in Chapter 2. *[Amended in September 2006 and July 2021]*

1.4 The term of office of the EC is 5 years. The next EC shall be constituted on 22 October 2021 and its term shall end on 21 October 2026 [s 9 of the CEEO]. *[Amended in September 2006 and July 2021]*

1.5 The CE of a new term (5-year) will be elected by the EC of the new term. If a CE vacancy arises during the term of office of any CE, the current term EC will be responsible for electing a new CE. If an election for a

CE of a new term (5-year) is to be held within 6 months after a vacancy in the office of the CE has arisen, it will not be necessary to hold a CE by-election [ss 6 and 9 of the CEEO]. Before a by-election is held to elect a CE, a subsector by-election and/or supplementary nomination will be held to update the membership of the EC if there are vacancies among the EC members [s 5(1)(b) of the Schedule to the CEEO]. However, no subsector by-election and/or supplementary nomination will be held if the membership of the EC has been updated within 12 months before the upcoming CE by-election. Besides, in view of the new functions bestowed upon the EC to nominate and elect LegCo members, an EC subsector by-election and/or supplementary nomination to fill EC vacancies will be required by the law if the end of the current term of the LegCo is more than 12 months away from the constitution date of the EC or the date of publication of the EC provisional register (“PR”) for the EC by-election to fill any EC vacancies for the sake of the next LegCo General Election [ss 4 and 5 of the Schedule to the CEEO] (As specified in the Gazette, s4 comes into operation on 1 May 2022). *[Amended in September 2006 and July 2021]*

Governing Legislation

1.6 The EC subsector elections and nominations of the designated subsector are governed by the statutory requirements provided in 3 different ordinances, namely the CEEO, the EACO and the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554) (“ECICO”). *[Amended in September 2006 and July 2021]*

1.7 The CEEO provides, among other things, for the constitution, membership and term of office of the EC, the establishment of the CERC, registration of voters, conduct of subsector elections, election appeals and other related matters. *[Amended in July 2021]*

1.8 Under the EACO, the EAC is responsible for the conduct and supervision of EC subsector elections and matters incidental thereto.

1.9 The ECICO prohibits election-related corrupt and illegal conduct and is administered by the Independent Commission Against Corruption (“ICAC”).

1.10 These ordinances are complemented by 7 pieces of subsidiary legislation, including those set out in paras. 1.11 to 1.17 below, which provide the detailed procedures for the conduct of the EC subsector elections. *[Amended in September 2006]*

1.11 The electoral procedures for conducting EC subsector elections, the procedures for nominating EC members by the designated bodies, and the registration procedures of ex-officio members of the EC are provided in the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap 541I) (“EAC (EP) (EC) Reg”). *[Amended in September 2006 and July 2021]*

1.12 The Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap 541B) (“EAC (ROE) (FCSEC) Reg”) sets out the procedures for eligible persons to register as voters for the EC subsectors. *[Amended in September 2006]*

1.13 The Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation (Cap 569B) sets out the procedures for hearing and ruling by Revising Officers¹ concerning the registration of voters for the EC subsectors. *[Amended in September 2006]*

¹ The Revising Officer may be any magistrate, former magistrate, retired magistrate, or any legal officer within as defined by the Legal Officers Ordinance (Cap 87), appointed by the Chief Justice [s 77(1) of the LCO].

1.14 The Electoral Affairs Commission (Nominations Advisory Committees (Election Committee)) Regulation (Cap 541H) (“EAC (NAC) (EC) Reg”) stipulates the appointment and functions of the Nominations Advisory Committees (“NACs”) and the procedures for seeking the NAC’s advice on the eligibility of the prospective candidates/prospective nominees/designated bodies for nomination for the EC subsector elections. *[Amended in September 2006 and July 2021]*

1.15 The Election Committee (Subscribers and Election Deposit for Nomination) Regulation (Cap 569C) (“EC Subscribers & Deposit Reg”) sets out the requirements for subscription and the payment and return of election deposit for the EC subsector elections. *[Amended in September 2006]*

1.16 The Election Committee (Appeals) Regulation (Cap 569A) (“EC (Appeals) Reg”) sets out the procedures for appeal against the results of any subsector election to the Revising Officer, and for appeal in relation to the declaration and registration of nominees as EC members and the registration of ex-officio members as EC members. *[Amended in September 2006 and July 2021]*

1.17 The Maximum Scale of Election Expenses (Election Committee) Order (Cap 554I) sets out the maximum scales of election expenses that may be incurred by or on behalf of a candidate for an EC subsector election. *[Added in September 2006 and amended in October 2011]*

PART II : THE GUIDELINES

1.18 According to s 6 of the EACO, the EAC may, in connection with an election, issue guidelines relating to:

- (a) the conduct or supervision of or procedure at an election;
- (b) the activities of a candidate, an agent of a candidate, any other person assisting a candidate or any other person;
- (c) election expenses;
- (d) the display or use of EAs or other publicity material; and
- (e) the procedure for making a complaint.

1.19 This set of Guidelines covers the following two aspects: (1) to explain in simple language the subsisting electoral law so as to remind candidates and other stakeholders of the provisions and requirements under the electoral law; and (2) with regard to election-related activities not stipulated by the law, such as media report and conduct of electioneering activities in buildings, to promulgate a code of conduct based on the principle of fairness and equality, and provide standard good practices. The Guidelines are also issued for reference by members of the public, so as to enable them to give play to the role of monitoring the elections as part of the endeavor to conduct public elections under the principles of openness, fairness and honesty. *[Amended in July 2021]*

1.20 This set of Guidelines applies to EC subsector ordinary elections and by-elections. It explains the various electoral arrangements for the EC subsector elections, and the legislative provisions and regulations as well as guidelines to be observed by all relevant parties before, during and after an election (in relation to machinery of the election). The Guidelines also provide the procedure for lodging an election-related complaint. An action checklist for candidates can be found at **Appendix 1**.

1.21 In the context of this set of Guidelines, the term “election” means an ordinary election or a by-election, as appropriate.

PART III : SANCTION

1.22 Voters of the subsectors, candidates and their agents, government officials engaging in election-related duties, and other persons involved in election-related activities should read, familiarise themselves with, and strictly observe the Guidelines.

1.23 The EAC always strives to conduct public elections under the principles of openness, fairness and honesty. If the EAC comes to know that any candidate or person has breached the Guidelines, it may notify the relevant authorities for actions to be taken and, furthermore, make a reprimand or censure in a public statement which will include the name of the candidate or person concerned (and where appropriate, other relevant parties (if any)) to allow full disclosure of the relevant facts to the public. Should any offences under the electoral law be committed, the candidate, the person or other parties concerned will also incur criminal responsibility accordingly. *[Amended in October 2011]*

CHAPTER 2

COMPOSITION OF THE ELECTION COMMITTEE

PART I : THE SECTORS AND SUBSECTORS

Composition of the Election Committee

2.1 The EC is composed of 1 500 members from 5 sectors, with 40 subsectors in total. *[Amended in July 2021]*

2.2 The 5 sectors are, namely:

- (a) First Sector: Industrial, commercial and financial sectors;
- (b) Second Sector: The professions;
- (c) Third Sector: Grassroots, labour, religious and other sectors;
- (d) Fourth Sector: Members of the LegCo, representatives of district organisations and other organisations; and
- (e) Fifth Sector: NPC deputies, CPPCC members, and representatives of Hong Kong members of relevant national organisations.

The subsectors under the 5 sectors are as follows:

Sector	Subsector
<p>First Sector: Industrial, commercial and financial sectors (18 subsectors with 300 seats)</p>	<ul style="list-style-type: none"> (i) Catering (ii) Commercial (first) (iii) Commercial (second) (iv) Commercial (third) (v) Employers' Federation of Hong Kong (vi) Finance (vii) Financial services (viii) Hotel (ix) Import and export (x) Industrial (first) (xi) Industrial (second) (xii) Insurance (xiii) Real estate and construction (xiv) Small and medium enterprises (xv) Textiles and garment (xvi) Tourism (xvii) Transport (xviii) Wholesale and retail
<p>Second Sector: The professions (10 subsectors with 300 seats)</p>	<ul style="list-style-type: none"> (i) Accountancy (ii) Architectural, surveying, planning and landscape (iii) Chinese medicine (iv) Education (v) Engineering (vi) Legal (vii) Medical and health services (viii) Social welfare (ix) Sports, performing arts, culture and publication (x) Technology and innovation
<p>Third Sector: Grassroots, labour, religious and other sectors (5 subsectors with 300 seats)</p>	<ul style="list-style-type: none"> (i) Agriculture and fisheries (ii) Associations of Chinese fellow townsmen (iii) Grassroots associations (iv) Labour (v) Religious

Sector	Subsector
Fourth Sector: Members of the Legislative Council, representatives of district organisations and other organisations (5 subsectors with 300 seats)	(i) Members of the Legislative Council (ii) Heung Yee Kuk (iii) Representatives of associations of Hong Kong residents in the Mainland (iv) Representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of Hong Kong and Kowloon (v) Representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of the New Territories
Fifth Sector: HKSAR deputies to the National People's Congress, HKSAR members of the National Committee of the Chinese People's Political Consultative Conference and representatives of Hong Kong members of relevant national organisations (2 subsectors with 300 seats)	(i) HKSAR deputies to the National People's Congress and HKSAR members of the National Committee of the Chinese People's Political Consultative Conference (ii) Representatives of Hong Kong members of relevant national organisations

[S 2 of the Schedule to the CEEO]

The number of EC members allocated to each subsector is shown at **Appendix 2**. *[Added in July 2021]*

Method for the Constitution of the EC

2.3 Members of the EC are returned by 3 methods, namely ex-officio members, nomination by designated bodies of the relevant subsectors, and

election by eligible corporate voters or individual voters in the relevant subsectors. The details are as follows:

(a) Ex-officio members

The following are the subsectors with ex-officio members (a total of 362 seats²):

- (i) Engineering (15 seats);
- (ii) Architectural, surveying, planning and landscape (15 seats);
- (iii) Legal (6 seats);
- (iv) Education (16 seats);
- (v) Medical and health services (15 seats);
- (vi) Social welfare (15 seats);
- (vii) Members of the LegCo (90 seats); and
- (viii) NPC deputies and CPPCC members (“NPC and CPPCC subsector”) (190 seats).

(b) EC members returned by nomination

The following are the subsectors with members returned by nomination (a total of 156 seats):

- (i) Technology and innovation (15 seats);
- (ii) Accountancy (15 seats);
- (iii) Legal (9 seats);
- (iv) Sports, performing arts, culture and publication (15 seats);
- (v) Chinese medicine (15 seats);

² In accordance with the NPCSC’s amendment to Annex I to the Basic Law and s 51(4) of the Schedule to the CEEQ (Cap 569), if the total number of NPC deputies and CPPCC members who are eligible to be registered as ex-officio members exceeds 190, then an NPC deputy or CPPCC member not holding any specified office in other subsectors may choose to be registered as an EC member of another subsector with which he/she has substantial connection. In that case, that NPC deputy or CPPCC member shall be counted as an ex-officio EC member of the chosen subsector, and the number of EC members to be returned through election by eligible corporate voters or individual voters for that subsector shall be reduced accordingly. Afterwards, the numbers of EC members to be returned by the 3 methods shall remain unchanged within the term of office of the EC.

- (vi) Religious (60 seats); and
- (vii) Representatives of associations of Hong Kong residents in the Mainland (27 seats).

(c) EC members returned by election

Apart from the EC members mentioned in (a) and (b) above, other EC members are returned through election by registered voters in the relevant subsectors (a maximum total of 982 seats³).

[Amended in July 2021]

2.4 The composition and methods for returning members of each subsector are detailed in **Appendix 3**. *[Added in July 2021]*

PART II : COMPILATION OF INTERIM REGISTER AND FINAL REGISTER OF EC MEMBERS AFTER THE CONDUCT OF AN EC SUBSECTOR ORDINARY ELECTION

2.5 Before the office of the CE becomes vacant on the expiry of a 5-year term, subsector ordinary elections/subsector nominations will be conducted to form the EC of a new term, which will then elect the CE of a new term. If the polling for the subsector ordinary elections for all subsectors is held on the same day, an interim register (“IR”) of members of the EC of a new term shall be compiled and published within 7 days after the results of the EC subsector ordinary elections are published. If the polling for the subsector ordinary elections for different subsectors is held on different days, the relevant parts of an IR of members of the EC shall be compiled and published within 7 days after the results of the relevant elections are published⁴. An IR shall

³ Ditto.

⁴ The persons whose registrations are determined as valid by virtue of the law on the date of those elections (or the last of those dates, if different dates are specified for those elections).

include the specified particulars of the following persons:

- (a) nominees who have been declared validly nominated as members of the EC;
- (b) persons who have been declared to be duly elected for a subsector; and
- (c) persons who have been registered as ex-officio members.

[S 40 of the Schedule to the CEEO and s 37(1) of the EAC (ROE) (FCSEC) Reg] *[Added in September 2006 and amended in October 2011 and July 2021]*

2.6 The Electoral Registration Officer (“ERO”) will make available a copy of the IR or final register (“FR”) of members of the EC for inspection by specified persons (see paras. 3.46, 3.47 of Chapter 3 and Appendix 4 for details) at the dedicated office of the REO. The time and place where the copy of the IR and FR may be inspected will be published in the Gazette and newspapers. Upon request by a person imprisoned or held in custody by a law enforcement agency, the ERO may make available, at a penal institution or premise of a law enforcement agency in accordance with paras. 3.46 and 3.47 of Chapter 3, a copy of the IR and FR for his/her inspection if the ERO considers it appropriate to do so. [S 39 of the EAC (ROE) (FCSEC) Reg] (As specified in the Gazette, the relevant legislative provision comes into operation on 1 May 2022) *[Added in July 2021]*

2.7 The ERO shall compile an FR of members of EC for a new term on the basis of the IR of EC members, incorporating any amendments made, and publish the FR on the date on which the term of office of the new EC commences. For the year of 2021, the EC shall be constituted on 22 October 2021. The EC for the subsequent term shall be constituted on 1 February in the year in which the term of office of the CE is to expire. The FR for the

current term EC members will not cease to have effect upon publication of the IR but shall cease to have effect on the publication of the new FR. [S 9 of the CEEO and ss 40 and 43 of the Schedule to the CEEO] *[Added in September 2006, amended in October 2011 and July 2021]*

2.8 In accordance with s 42A of the Schedule to the CEEO, upon the publication of the EC IR, the ERO must not include the name of a member-elect of a term of office in the FR of members of the EC for that term of office unless the ERO has received the written oath signed by the member-elect 7 days before the date of publication of the FR of members of the EC for that term of office. [S 42A of the Schedule to the CEEO] *[Added in July 2021]*

2.9 An EC member will be eligible to make nomination and vote at CE elections, as well as to elect 40 LegCo members and nominate candidates at LegCo elections, unless he/she has been disqualified from doing so under ss 16(5) and 26(1) of the CEEO. (As specified in the Gazette, the relevant legislative provisions come into operation on 22 October 2021) *[Added in September 2006, amended in January 2010 and July 2021]*

PART III : COMPILATION OF PROVISIONAL REGISTER AND FINAL REGISTER OF EC MEMBERS FOR EC SUBSECTOR BY-ELECTION

2.10 The ERO may from time to time update the membership of the EC to reflect changes in the ex-officio membership of the EC by publishing a notice listing the names so added or removed [ss 41, 42A and 43A of the Schedule to the CEEO] (as specified in the Gazette, s 43A comes into operation on 22 October 2021). *[Amended in September 2006 and July 2021]*

2.11 A person will be regarded as having resigned from the membership of the EC under the following circumstances:

- (a) if a person is registered as an ex-officio member of the EC by virtue of holding a specified office (i.e. “specified persons”), and that person ceases to hold the specified office;
- (b) if a designated person of a specified person is registered as an ex-officio member of the EC, and that specified person ceases to hold the specified office concerned;
- (c) if a designated person is registered as an ex-officio member of the EC to substitute a specified person not eligible to be so registered, and that specified person ceases to hold the specified office concerned; or
- (d) if a person is registered as an ex-officio member of the EC, and that person ceases to hold an office in, or the office of Council Chairman or the office of Chairman of the Board of Governors (as the case may be) in, the relevant body.

(Unless the cessation is due to the expiry of the person’s term of office and he/she holds the specified office again immediately after the cessation.)

[S 3(1), (1AA), (1AAB) and (1AAC) of the Schedule to the CEEO] (As specified in the Gazette, the relevant legislative provisions come into operation on 22 October 2021) *[Added in July 2021]*

Provisional Register of EC Members and Omissions List

2.12 When a vacancy arises in the office of the CE otherwise than due to the expiry of the term of office, the ERO shall compile and publish a provisional register (“PR”) of members of the current EC within 14 days from the date of the vacancy. In compiling the PR, the ERO shall scrutinise the existing FR of the members of the EC, and strike out the names of EC members whom the ERO is satisfied on reasonable grounds as having passed away, having resigned from the EC or deemed to have resigned from the EC⁵, or having ceased to be eligible to be registered or having been disqualified from being registered under the Legislative Council Ordinance (Cap 542) (“LCO”) as an elector for a geographical constituency (“GC”). The names of such members will be entered on an omissions list (“OL”) [s 4(1), (3), (4)(a) and (b) of the Schedule to the CEEO]. *[Added in September 2006, amended in January 2010, September 2016 and July 2021]*

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- ⁵(a) An EC member (other than an ex-officio member) is deemed to have resigned from the membership as a non ex-officio EC member if he/she is concurrently registered as an ex-officio EC member. [S 3(2) of the Schedule to the CEEO] (As specified in the Gazette, the relevant legislative provision comes into operation on 22 October 2021)
- (b) If an EC member representing the *Heung Yee Kuk* (“HYK”) subsector ceases to be the Chairman or Vice-chairman of the HYK or a Councillor of the Full Council of the HYK; or if an EC member representing the *Representatives of members of Area Committees, District Fight Crime Committees and District Fire Safety Committees of Hong Kong and Kowloon* subsector or the *Representatives of members of Area Committees, District Fight Crime Committees and District Fire Safety Committees of the New Territories* subsector ceases to be a member of the relevant Area Committees, District Fight Crime Committees and District Fire Safety Committees, then he/she is deemed to have resigned from the membership of the EC, unless the cessation is due to the expiry of his/her term of office in the representing body and he/she holds the relevant office again for the new term immediately after the cessation. [S 3(1A), (1B) and (1C) of the Schedule to the CEEO] (As specified in the Gazette, the relevant legislative provision comes into operation on 22 October 2021)
- (c) If an EC member representing the education subsector, accountancy subsector, Chinese medicine subsector, legal subsector or technology and innovation subsector ceases to be a member or holder of the relevant office of his/her representing body, or ceases to be the Council Chairman/Chairman of the Board of Governors of the relevant education body, a Hong Kong Accounting Advisor appointed by the Ministry of Finance of the People’s Republic of China, a Hong Kong member of the Council of the World Federation of Chinese Medicine Societies, a Hong Kong member of the Council of the China Law Society, or a Hong Kong academician of the Chinese Academy of Sciences or the Chinese Academy of Engineering, then he/she is deemed to have resigned from the membership of the EC, unless the cessation is due to the expiry of his/her term of membership or office in the representing body and he/she is a member or holder of the relevant office again for the new term immediately after the cessation. [S 3(1), (1AAC), (1AAD), (1AAE), (1AAF) and (1AAG) of the Schedule to the CEEO] (As specified in the Gazette, the relevant legislative provision comes into operation on 22 October 2021)

2.13 The ERO will make a copy of the PR and omissions list available **for inspection by specified persons** (see paras. 3.46, 3.47 of Chapter 3 and Appendix 4 for details) at the REO office for a period of 7 days. The time and place for the inspection of the copy of the PR and omissions list will be published in the Gazette and newspapers. Upon request by a person imprisoned or held in custody by a law enforcement agency, the ERO may make available, at a penal institution or premise of a law enforcement agency in accordance with paras. 3.46 and 3.47 of Chapter 3, a copy of the PR and omissions list for his/her inspection if the ERO considers it appropriate to do so. The ERO may require persons who wish to inspect the copy of the PR and/or omissions list to produce an identity document and complete a form provided by the ERO. [S 4(5) of the Schedule to the CEEO and ss 25(1), (2), (4), (5) and (6) and 29(1), (1A), (2), (3), (4) and (5) of the EAC (ROE) (FCSEC) Reg] (As specified in the Gazette, ss 25(1), (2), (4) and (6) and 29(1A)(b), (2), (3), (4) and (5) come into operation on 1 May 2022) *[Added in September 2006, amended in January 2010, September 2016 and July 2021]*

2.14 In addition, in view of the new function of the EC to nominate and elect LegCo members, if the end of the term of the current LegCo is more than 12 months away from the constitution date of the EC or the date of publication of the PR for the previous EC by-election, then an EC subsector by-election shall be conducted for the sake of the next LegCo General Election (the relevant arrangement is not applicable to the LegCo by-election). In connection with that EC subsector by-election, the ERO shall compile and publish a PR within the period from 210 days to 165 days preceding the end of the term of the current LegCo. This is in consideration of: (a) the date for holding the LegCo General Election must be not earlier than 60 days and not later than 15 days before the new term of office of the LegCo is to begin in accordance with section 6(2) of the LCO; and (b) operationally, around 150 days is required for the REO to prepare for the EC subsector by-election and the subsequent LegCo General Election. [S 4 of the Schedule to the CEEO] (As specified in the Gazette, the relevant provision comes into operation on

1 May 2022) *[Added in July 2021]*

Appeal - Objections and Claims

2.15 On or before the last day of the specified period for inspection, any person may use the specified form to lodge in person with the ERO a notice of objection in respect of the entries on the PR; and any person whose name has been included in the omissions list may use the specified form to lodge in person with the ERO a notice of claim in respect of the omission of his/her name. To facilitate the lodging of objections or claims by persons imprisoned or held in custody by a law enforcement agency, notices of objections or claims to the ERO may be delivered by post. [S 48 of the Schedule to the CEEO and ss 30 and 31 of the EAC (ROE) (FCSEC) Reg] *[Added in September 2006, amended in January 2010 and September 2016]*

Final Register of EC Members

2.16 Based on the PR published, the EAC will ascertain the number of registered EC members representing each subsector (other than the ex-officio members) so as to identify any shortfall as compared to the number of members allocated to each subsector. If any vacancy is identified in a subsector, a subsector by-election and/or supplementary nomination should be arranged to fill such vacancy or vacancies [s 5 of the Schedule to the CEEO]. *[Added in September 2006 and amended in July 2021]*

2.17 **Within 7 days after the publication of the result of a subsector by-election, the ERO shall compile and publish the FR of the current-term EC** [s 40(2) of the Schedule to the CEEO]. For supplementary nominations, the ERO shall compile and publish the EC FR within 7 days after a nominee is declared as an EC member, unless the nomination period coincides or partly coincides with the nomination period for a subsector by-election [s 40(3) of the Schedule to the CEEO]. A copy of the FR will be made available for

inspection by specified persons (see paras. 3.46, 3.47 of Chapter 3 and Appendix 4 for details) at the REO office. It shall include:

- (a) changes, if any, in the membership of the EC (see para. 2.10); and
- (b) new members returned by the supplementary nomination and/or subsector by-election (see para. 2.16).

The time and place for the inspection of the copy of the FR will be published in the Gazette and newspapers. Publication of the notice is to be taken as the publication of the FR. Upon request by a person imprisoned or held in custody by a law enforcement agency, the ERO may make available, at a penal institution or premise of a law enforcement agency in accordance with paras. 3.46 and 3.47 of Chapter 3, a copy of the FR for inspection if the ERO considers it appropriate to do so. The ERO may require persons who wish to inspect the copy of the FR to produce an identity document and complete a form provided by the ERO. [S 39(1), (2), (4), (4A) and (5) of the EAC (ROE) (FCSEC) Reg] (As specified in the Gazette, the relevant provision comes into operation on 1 May 2022) *[Added in September 2006, amended in January 2010 and July 2021]*

2.18 An EC member will be eligible to make nomination and vote at CE elections, as well as to elect 40 LegCo members and nominate candidates at LegCo elections, unless he/she has been disqualified from doing so under ss 16(5) and 26(1) of the CEEO. *[Added in September 2006, amended in January 2010 and July 2021]*

CHAPTER 3

REGISTRATION OF ELECTION COMMITTEE EX-OFFICIO MEMBERS AND VOTERS, AND VOTING SYSTEM

PART I : GENERAL

3.1 According to the Amendment Ordinance, the EC shall be constituted on 22 October 2021. The EC for the subsequent term shall be constituted on 1 February in the year in which the term of office of the CE is to expire. A subsector ordinary election will be held before that date to elect members of the EC for a new term of office of the EC (see paras. 1.4 and 1.5 above). *[Amended in September 2006 and July 2021]*

3.2 Only registered voters whose names appear on the FR of voters may vote at the election. Registered voters may visit the Online Voter Information Enquiry System (“OVIES”) (www.voterinfo.gov.hk) at any time to check their registration particulars. The FR is updated in every voter registration cycle. *[Added in July 2021]*

3.3 Members of the EC are returned by 3 methods, namely (a) ex-officio members; (b) nomination by the designated bodies of the subsectors; and (c) election by eligible voters in the subsectors. *[Added in July 2021]*

3.4 The application for change of registration particulars and application for new registration were closed on 2 April 2021 and 2 May 2021 respectively, i.e. before the enactment of the Amendment Ordinance. The Amendment Ordinance subsequently provided for the reconstitution of the EC and major changes to the composition of the EC subsectors. Hence, the REO

launched the “Special Voter Registration Arrangements”, which ran from 1 June 2021 to 5 July 2021, for all eligible individuals and bodies to submit applications for the following purposes:

- (a) EC ex-officio members: All individuals eligible to be registered as an ex-officio member of the EC should submit registration forms; and
- (b) EC subsector voters: All individuals and bodies eligible to register as voters for EC subsectors, regardless of whether they are currently registered as voters, must submit applications to register before they could be included in the PR⁶ for the year of 2021. Under the new electoral arrangement, voter registration for the LegCo FC is no longer pegged with voter registration for EC subsectors.

Starting from the 2022 voter registration cycle, the statutory deadlines for new registration application and for report on change of particulars are both set at 2 June of the year. *[Added in July 2021]*

3.5 True and accurate information must be provided for registration as a voter. Giving false or misleading information knowingly or recklessly for voter registration and thus getting registered as a voter (commonly known as “vote rigging”) is an offence under the law, no matter whether that voter has subsequently voted or not. It is also an offence for a voter to vote despite knowing that he/she is disqualified from being registered as a voter, even if his/her name is still on the FR. *[Added in July 2021]*

⁶ Among all the subsectors, only the eligibility of voter registration for the HYK subsector remains unchanged. If the registered voters of that subsector continue to be eligible for registration, the REO will inform the relevant persons by notifications that they will be included to the subsector PR for the year of 2021. These voters are not required to submit the application for voter registration afresh before the deadline for special registration.

3.6 A registered voter for a subsector (including an individual voter or an authorised representative (“AR”) of a corporate elector) must be a registered voter for a GC or eligible to be registered for a GC and has made an application to be so registered. *[Added in July 2021]*

3.7 A checking mechanism is in place for the REO to conduct relevant checks. If a voter is suspected to be no longer eligible to be registered in the relevant subsector, the REO will include the voter in the statutory inquiry procedure. Where the voter responds to the inquiry and provides valid proof for his/her eligibility for voter registration by the deadline, his/her name may remain on the register for the relevant subsector. Where the voter fails to respond to the inquiry and provide the relevant proof for his/her eligibility for voter registration by the deadline, his/her name will be included in the OL for the relevant subsector. *[Added in July 2021]*

3.8 Pursuant to the reconstitution of EC, as a special arrangement, voters on the 2020 FR will be subject to the following arrangements:

- (a) Since the Hong Kong and Kowloon District Councils subsector, the New Territories District Councils subsector and the Information technology subsector would be abolished, all registered voters of these three subsectors were directly removed from the register without undergoing the process of inquiry by letter or inclusion in the OL; and
- (b) Registered voters of the remaining subsectors would be all included in the OL without initiating the process of inquiry by letter. They were required to apply for voter registration afresh by the statutory deadline (see para. 3.4 above). Applicants with their eligibility verified would be included to the subsector PR for the year of 2021.

[Ss 22(4B), 24 and 28AA of the EAC (ROE) (FCSEC) Reg] *[Added in July 2021]*

3.9 Before the FR is published, the REO will publish a copy of the PR and OL for inspection by specified persons (a relevant court case and the inspection details are set out in paras. 3.46, 3.47 below and Appendix 4). The procedure for objections and claims in respect of eligibility for voter registration will also commence at the same time. Any persons who queries the eligibility of a voter may make an objection and the Revising Officer⁷ will make a determination on the case. For individuals/bodies having applied for registration as a voter, if they notice the names missing or relevant particulars incorrectly recorded in the PR, they may make a claim with the Revising Officer for a determination on the claim. Voters whose names have been included in the OL may also make a claim with the Revising Officer, and the voter registration can be maintained if the grounds for the claim are accepted by the Revising Officer. Sufficient information about the objection or claim must be provided by the applicant to inform the Revising Officer of the grounds of the case. *[Added in July 2021]*

3.10 As an established requirement by the law, the person who raises the objection or claim should, in general, attend the hearing (except for incontrovertible cases), otherwise the Revising Officer may dismiss the objection or claim (for details, please see para. 3.53 below). However, objections and claims in relation to the PR for the year of 2021 are subject to special arrangement, under which the Revising Officer will make a determination based on the written submissions only without holding a hearing. Unless the Revising Officer's approval is obtained to retain the voter registration, voters whose names are listed on the OL will be excluded from the subsequent FR. *[Added in July 2021]*

⁷ The Revising Officer may be any magistrate, former magistrate, retired magistrate or any legal officer as defined by the Legal Officers Ordinance (Cap 87), appointed by the Chief Justice [s 77(1) of the LCO].

PART II : REGISTRATION AS EX-OFFICIO MEMBERS

3.11 As mentioned in para. 3.3 above, other than election and nomination, part of the EC members are returned by ex-officio membership. Ex-officio members must apply for registration by submitting the specified form⁸ to the ERO, and the validity of their registration will be determined by the CERC. For the procedures of registration as ex-officio members, please see paras. 3.12 to 3.19 below. *[Added in July 2021]*

Registration of NPC Deputies and CPPCC Members

3.12 All NPC deputies and CPPCC members are the ex-officio members of the EC. Their registration forms must be submitted by the Friends of Hong Kong Association Limited (“the Association”) to the ERO. The form must contain a declaration by each NPC deputy or CPPCC member intending to be so registered to specify that he/she is eligible to be registered as an ex-officio member and is not disqualified from being so registered. The form must be signed by each and every applicant, and also be signed on behalf of the Association by a person authorised by the Association for that purpose.

- (a) (i) If an NPC deputy or CPPCC member is also a holder of a specified office in another subsector (“specified subsectors”) (i.e. subsectors that are non-NPC-and-CPPCC subsector), he/she may only register as the ex-officio member of that specified subsector; (ii) if he/she holds more than one specified office in the subsectors that are non-NPC-and-CPPCC subsector, then he/she may choose to be the ex-officio member of one of the specified subsectors,

⁸ The application forms, “Application by NPC Deputy and CPPCC Member for New Registration as Ex-officio Members of Election Committee” (REO-EC(X1)); “Application by Specified Person for New Registration as Ex-officio Members of Election Committee” (REO-EC(X2)); and “Application by Designated Person/Council Chairman or Chairman of the Board of Governors of the relevant University for New Registration as Ex-Officio Members of Election Committee” (REO-EC(X3)), are available at the website of the REO (www.reo.gov.hk).

and designate a person to be the ex-officio member of the remaining subsectors (if applicable⁹) in accordance with the requirements; and

- (b) A total of 190 seats is assigned to the NPC and CPPCC subsector according to the Amendment Ordinance. If the total number of NPC deputies and CPPCC members who are eligible to be registered as ex-officio members deducting the number of members registered in specified subsectors per subparagraph (a)(ii) above exceeds the total 190 seats, then those NPC deputies and CPPCC members may choose to register as extra ex-officio members in other subsectors that they have substantial connection with. If there are NPC deputies or CPPCC members who choose to register in other subsectors as described in this paragraph, then the number of ex-officio seats in that subsector will increase and the number of elected seats of that subsector will decrease accordingly. After the NPC deputies and CPPCC members are registered as the EC members of the relevant subsectors, the number of ex-officio members, and the number of EC members to be returned by nomination or election for each subsector should remain unchanged during that term of the EC.

[Added in July 2021]

⁹ This arrangement to designate a person to be the ex-officio member does not apply to the ex-officio seats in the Legal subsector nor the Members of the Legislative Council subsector.

Registration of Other Ex-officio Members

3.13 Generally speaking, the holders of the “specified offices” in each of the subsector (i.e. “specified persons”) may register as the ex-officio members of that subsector. A specified person who makes such a registration must indicate in the specified form in capacity of which specified office he/she is to be registered as an ex-officio member, and make a declaration specifying that he/she is eligible to be registered as an ex-officio member and is not disqualified from being so registered. *[Added in July 2021]*

3.14 However, under the following circumstances, the specified person may designate another person (i.e. “designated person”) who is holding an office in a relevant body to be registered as an ex-officio member of that subsector:

- (a) the specified person is not eligible to be registered as an ex-officio member, including:
 - (i) he/she has not been registered as an elector (or has not made an application to be so registered) under the LCO in the existing GC or is disqualified from being registered as an elector for a GC; or
 - (ii) he/she is a principal official appointed pursuant to a nomination under Article 48(5) of the Basic Law, a prescribed public officer¹⁰ or a civil servant who is holding a specified office in his/her official capacity; or

¹⁰ Namely, principal officials appointed pursuant to a nomination under Article 48(5) of the Basic Law, directorate officers, Administrative Officers, Information Officers, police officers or any other civil servants holding a specified office in their official capacity.

- (b) the specified person is holding more than one specified office.

[Added in July 2021]

3.15 The Amendment Ordinance has set out the substitution arrangement for the ex-officio member in the education subsector. If the Vice-Chancellor/President of a university is a specified person but is not eligible to be registered as an ex-officio member of the education subsector, then the Council Chairman/the Chairman of the Board of Governors of that university will take his/her place and be registered as such. This substitution arrangement is inapplicable to the seats of ex-officio members in the legal subsector, members of the LegCo subsector and the NPC and CPPCC subsector.

[Added in July 2021]

3.16 A designated person must complete the specified form for registration as an ex-officio member of the relevant subsector. The form shall include a declaration made by the relevant specified person stating that due to his/her ineligibility to be registered as an ex-officio member or having applied for the registration/having registered as another subsector's ex-officio member, he/she designates another person to be registered as an ex-officio member of the affected subsector. The form must also contain a declaration made by the designated person specifying that the designated person holds an office in a relevant body in relation to the specified office, is eligible to be registered as an ex-officio member and is not disqualified from being so registered. In addition to these declarations, the registration form must be signed by the specified person and the designated person. [Part 1A of the EAC (EP) (EC) Reg]

[Added in July 2021]

3.17 An ex-officio member or a holder of a specified office may not become an EC member through nomination or election. A specified person would be deemed to have resigned from the EC if he/she no longer holds the

relevant specified office. Each person may only be registered as an ex-officio member of one subsector only. *[Added in July 2021]*

3.18 For the EC to be constituted in 2021, the above registration forms must be submitted to the ERO no later than 5 July 2021 (from the year of 2021 onwards, the deadline for registration application is no later than 2 June of the year of the election). In other circumstances, after a person has become an NPC deputy, CPPCC member or holder of a specified office, his/her application for registration should also be submitted as soon as possible with the form specified by the ERO. [Part 1A of the EAC (EP) (EC) Reg] *[Added in July 2021]*

3.19 If the registration by a specified person or designated person has been determined by the CERC to be invalid, the specified person may submit another registration form to designate another person to be registered as ex-officio member (where applicable). The registration form must reach the ERO no later than 7 days before the date of publication of the IR of members of the EC. [Part 1A of the EAC (EP) (EC) Reg and ss 5J and 5L of the Schedule to the CEEO] *[Added in July 2021]*

PART III : REGISTRATION OF VOTERS FOR SUBSECTORS

Key Dates in Voter Registration

3.20 For the EC to be constituted in 2021, the REO conducted an exercise of “Special Voter Registration Arrangements”. Its timetable is different from the regular one to be adopted from the 2022 voter registration cycle onwards, as detailed below:

Statutory deadline	Special Voter Registration Arrangements in 2021	Regular Voter Registration Arrangement from 2022 and onwards
Submission of applications for change of particulars	N/A	2 June
Voters to apply for de-registration as a subsector voter	N/A	2 June
Submission of applications for new registration	5 July	2 June
Voters to respond to inquiry letters to retain their voter registration	N/A	2 June
Publication of PR and OL	18 July	1 August
Claims and objections period	18 to 22 July	1 to 25 August
Publication of FR	5 August	25 September

[Added in July 2021]

Eligibility to Vote

3.21 Only a registered voter for a subsector has the right to vote in the subsector election. A registered subsector voter refers to an individual or a body (the relevant body will have an AR to vote on its behalf as detailed in paras. 3.22 and 3.23 below) whose name appears on the subsector FR that is in force at the time of the subsector election. The FR shows the subsector of each registered voter. A registered individual voter or AR of a corporate voter

may only vote at that subsector election. [S 28 of the Schedule to the CEEO]
[Amended in September 2006 and July 2021]

Qualification for Registration as a Voter

3.22 There are 2 kinds of voters for the EC subsectors, namely a natural person (i.e. an individual) and a body (i.e. a corporate voter). All specified entities of the subsectors or those already registered in the existing subsector FR without being disqualified as voters are eligible to be registered as a voter for the relevant subsectors. In the case of an individual, he/she is eligible to be registered as a voter for a subsector only if he/she is a registered GC elector, or is eligible to be registered as a GC elector and has made an application to be so registered, and is not disqualified from being so registered. [S 12(1) of the Schedule to the CEEO] A corporate voter is required to appoint an eligible individual to be its AR for the purpose of casting its vote at the election, otherwise it cannot vote [s 28(3) of the Schedule to the CEEO]. An individual is eligible to be appointed as an AR of a corporate voter only if he/she:

- (a) is registered, or eligible to be registered and has made an application to be so registered, as an elector¹¹ of a GC;
- (b) has a substantial connection with the corporate voter (the substantial connection includes but is not limited to: being a member, partner, officer or employee of the relevant body included in the subsector (or of that body's corporate member));
and
- (c) is not disqualified from being registered or voting under s 31 or s 53 of the LCO.

¹¹ With effect from 1 May 2022, new applicants for voter registration for a GC must submit address proof.

[S 13(2) and (3) of the Schedule to the CEEO] *[Amended in July 2021]*

3.23 A person who is an AR of a corporate voter is not eligible to be appointed as the AR of another corporate voter. [S 13(3) of the Schedule to the CEEO] *[Added in July 2021]*

3.24 An AR must be registered with the ERO. The **corporate voter is required to give notice of appointment of its AR to the ERO in its application form for registration as a corporate voter.** Any decision to appoint, replace or substitute an AR of a corporate voter may only be made by the governing authority, by whatever name called, of the corporate voter. The corporate voter may from time to time replace the AR appointment by a specified form and the form must reach the ERO at least 14 days before the polling day of its subsector. [S 13(4), (5), (6) and (8) of the Schedule to the CEEO and s 20(5) of the EAC (ROE) (FCSEC) Reg] This 14-day limit may be relaxed if the ERO is satisfied that the original AR has died or has suffered a serious illness or has suffered physical or mental incapacity and the replacement notice must reach the REO not later than 3 working days before the relevant polling day. [S 20(6) of the EAC (ROE) (FCSEC) Reg] *[Amended in July 2021]*

3.25 If a person is eligible to be registered as a voter for the HYK subsector, the representatives of Hong Kong members of relevant national organisations subsector, Hong Kong and Kowloon District Committees subsector or the New Territories District Committees subsector, then he/she may only be registered as a voter for the relevant subsectors. If a person is eligible to be registered for more than one subsector, he/she could register as a voter in one subsector in accordance with the priority as set out in the Amendment Ordinance. [S 12(11) and (12) of the Schedule to the CEEO] *[Amended in September 2016 and July 2021]*

3.26 An individual/corporate voter is not entitled to be registered for more than one subsector. *[Amended in October 2011 and September 2016]*

Disqualifications from Voting

3.27 A natural person registered as a voter or AR of a corporate voter for a subsector is disqualified from being registered and voting at a subsector election for that subsector if:

- (a) he/she is no longer eligible to be registered as an elector for a GC (see para. 3.22 above);
- (b) the voter/corporate voter has ceased to be eligible to be registered as a voter for that subsector (this item inapplicable to ARs) [s 30(1)(a) of the Schedule to the CEEO];
- (c) he/she is found by the Court to be incapable, by reason of mental incapacity, of managing and administering his/her property and affairs under the Mental Health Ordinance (Cap 136)¹² [s 30(1)(e) of the Schedule to the CEEO]; or
- (d) he/she is a member of the armed forces of the People's Republic of China or any other country or territory [s 30(1)(f) of the Schedule to the CEEO].

[Added in September 2006, amended in January 2010 and July 2021]

¹² Regarding persons with other mental health problems, except for the condition stipulated in para. 3.27(c) above, the law imposes no restriction on such person's right to vote, provided that each must cast the vote on his/her own. If a voter is unable to mark the ballot paper on his/her own, the voter may request the PRO or the PRO's deputy to mark the ballot paper on his/her behalf according to his/her voting preference in the presence of 1 polling staff as a witness (please refer to para. 5.47 below for details).

3.28 A consular post to which any privilege or immunity is accorded under the Consular Relations Ordinance (Cap 557), or an organisation to which s 2 of the International Organisations and Diplomatic Privileges Ordinance (Cap 190) applies, or an international organisation defined in s 2 of the International Organisations (Privileges and Immunities) Ordinance (Cap 558), is not eligible to be registered as a corporate voter [s 12(21) and (22) of the Schedule to the CEEO]. *[Amended in July 2021]*

Application for Registration and Deregistration

3.29 The registration of voters for the subsector is undertaken in accordance with the provisions of the EAC (ROE) (FCSEC) Reg.

3.30 A person (either an individual or a body) may, by completing the specified form¹³, send his/her/its application for voter registration to the ERO at any time of the year. Any individual or body who was previously de-registered but is presently eligible for voter registration may submit an application for new registration to register again as a voter. *[Amended in September 2006, September 2016 and July 2021]*

3.31 For de-registration as a subsector voter, the voter may make an application in person at the REO. If the voter chooses to make the application in writing instead, no specified form is required. The voter may inform the REO by written notice, which must contain the voter's particulars and be signed by the voter¹⁴. De-registration will not take immediate effect upon REO's receipt of the application. After receipt of a written notice, the REO will contact the voter concerned to verify the application. Only after

¹³ The application forms are available at the website of the REO (www.reo.gov.hk), including "Election Committee Subsector Voter (Individual) Application for New Registration/Report on Change of Particulars" (REO-SS(I)), "Election Committee Subsector Voter (Body) Application for New Registration/Report on Change of Particulars" (REO-SS(B)), and "Election Committee Subsector Voter (Body) Notice of Replacement/Substitution of Authorised Representative" (REO-SSR).

¹⁴ In the case of a corporate voter, the application for de-registration as subsector voter must be signed by the person-in-charge.

verification will the voter be included in the OL for the relevant subsector. The voter so included in the OL for the subsector may inspect his/her/its voter registration particulars starting from the day of publication of the PR and OL till the end of the inspection period. Where necessary, the voter can lodge a claim with supporting proof to request for reinstatement of his/her voter status. If the application for de-registration cannot be verified by the REO in time, the name of the voter will remain on the PR of the relevant subsector in that year. Given that the voter's registration has not been removed, the voter may choose to vote or not for the relevant subsector on the polling day. The pending application for de-registration will be processed in the next voter registration cycle. *[Added in July 2021]*

3.32 The applications mentioned in paras. 3.30 and 3.31 above may be submitted at any time to the REO. However, if any person (either an individual or body) wishes his/her/its name to be included or excluded in the PR published in a current year, the application must reach the ERO **on or before** the deadline as specified in para. 3.20 above. Applications received by the ERO after the deadline will be regarded as requests for registration or de-registration for the PR of the next year. [Ss 19 and 20 of the EAC (ROE) (FCSEC) Reg] *[Amended in September 2006, September 2016 and July 2021]*

Change of Residential Address and Other Personal Particulars

3.33 A registered voter (either an individual or a body) is not required to re-apply for registration every year. *[Added in January 2010]*

3.34 Nevertheless, a registered individual voter is advised to take note of the following:

- (a) In the case of a change in his/her principal residential address in the FR, he/she **should notify** the ERO **of his/her new principal**

residential address in Hong Kong in order to update his/her registration particulars in the register for the next year.

- (b) He/She should notify the ERO of any change of circumstances that may affect his/her eligibility (e.g. his/her connection with a particular subsector). Based on the information provided by the voter, the ERO will decide whether he/she is still eligible to be registered and, if so, in which subsector he/she is eligible.
- (c) Apart from his/her principal residential address, a registered voter should also notify the ERO of any change of his/her other particulars (e.g. name, telephone numbers and email address).
- (d) He/She should notify the ERO of any change of the above registration particulars for action by using a specified form. If applying for change of principal residential address recorded in the FR¹⁵, the voter must provide relevant documentary evidence to prove that the address stated in the application is his/her principal residential address¹⁶ [s 26A(3) of the EAC (ROE) (FCSEC) Reg]. The address proof must comply with specific requirements, such as that the document must be issued within the last three months¹⁷. A voter who has reported a change of particulars will be notified by the ERO about the confirmation of his/her updated electoral record [s 26A(10) of the EAC (ROE) (FCSEC) Reg].

¹⁵ The application form of “Application for New Registration/Report on Change of Particulars by an Elector in a Geographical Constituency” (REO-GC), is available at the website of the REO (www.reo.gov.hk).

¹⁶ For voters who are authorised occupants of public rental housing under the Housing Department or registered residents in the tenancy of subsidised housing under the Hong Kong Housing Society, their applications for change of registered address can be exempted from the above address proof requirement if the reported new residential addresses match the tenancy records of the authorities concerned.

¹⁷ For details on the acceptable address proofs, please refer to the guidance notes of the application form “Application for New Registration/Report on Change of Particulars by an Elector in a Geographical Constituency” (REO-GC) .

- (e) If the voter has **failed to update the ERO of his/her new residential address in Hong Kong** or no longer ordinarily resides in Hong Kong, **his/her name and particulars may be removed from the register of voters.**

[Added in January 2010, amended in September 2016 and July 2021]

3.35 A registered corporate voter which has changed its particulars (e.g. name, business/correspondence address and telephone number) should also notify the ERO by using the specified form¹⁸. In other words, para. 3.34(b) and (d) above applies to a corporate voter in the same way as it applies to an individual voter. For the AR of a corporate voter, para. 3.34(a), (b), (c), (d) and (e) above applies to the change in his/her personal particulars. *[Added in January 2010 and amended in July 2021]*

“Ordinarily Residing in Hong Kong”

3.36 As mentioned in para. 3.22 above, a person must be eligible to be registered as an elector for the GC before he/she is eligible to be registered as an individual voter or be appointed as the AR of a corporate voter. One of the criteria for a person to be eligible to be registered as an elector for the GC is that he/she must “ordinarily reside in Hong Kong” [s 28 of the LCO]. The definition of “ordinarily residing in Hong Kong” is not set out in the subsisting electoral law. In assessing whether a person “ordinarily resides in Hong Kong”, one needs to take into account a host of factors and the specific situation of each case, and determine according to the relevant judgments of the Court, and the conclusion cannot be generalised. One cannot say someone does not “ordinarily reside in Hong Kong” simply because he/she has a place of

¹⁸ The application form of “Election Committee Subsector Voter (Body) Application for Registration/Report on Change of Particulars” (REO-SS(B)), is available at the website of the REO (www.reo.gov.hk).

residence abroad. According to a court precedent¹⁹, a person is considered ordinarily residing in a place if he/she remains in that place legally, voluntarily and for a settlement purpose (such as for education, employment or residence), regardless of the duration, and even if he/she is temporarily absent from that place for some reasons. The Court also pointed out that a person may ordinarily reside in two places at the same time. *[Added in July 2021]*

3.37 Generally speaking, for a Hong Kong permanent resident who used to reside in Hong Kong all along, if he/she has now set up for personal reasons another residence elsewhere but still returns to live in Hong Kong from time to time (such as for handling personal matters, social gatherings or family reunion), then he/she can still be regarded as maintaining a reasonable connection with Hong Kong. A condition which must be considered in parallel is that in accordance with the electoral law, the applicant must provide, for the purpose registration as an elector, a residential address which is his/her only or principal residence in Hong Kong (i.e. not a correspondence address but a residential address where he/she habitually resides when he/she is in Hong Kong). Under such circumstances, whether the person still satisfies the statutory requirement of “ordinarily residing in Hong Kong” must be determined according to the actual circumstances of individual case. *[Added in July 2021]*

3.38 On the other hand, if a Hong Kong permanent resident has left Hong Kong to reside in another place without maintaining connections with Hong Kong or any intention to reside in Hong Kong again, or no longer having an only or principal residence in Hong Kong, then he/she no longer meets the statutory eligibility requirements for registration. *[Added in July 2021]*

3.39 To sum up, the individual circumstances of the person must be considered when determining whether that person is “ordinarily residing in

¹⁹ *Lau San Ching v. Liu Apollonia* (1995) 5 HKPLR 23 citing *R.v. Barnet London Borough Council, ex parte Shah* [1983] 2 AC 309

Hong Kong”, and it is not a matter capable of summary determination. The REO will examine the details and actual circumstances of the relevant voter registration cases carefully, and seek legal advice where necessary. *[Added in July 2021]*

Inquiry Procedures

3.40 To enhance the accuracy of the register of voters, the REO has put in place suitable checking measures. **If it comes to the knowledge of the ERO or if the ERO is satisfied on reasonable grounds that a voter is no longer eligible to be registered in the relevant subsector**, the ERO will initiate the statutory inquiry procedure to ascertain whether the voter whose name is contained in the existing register is still eligible to be registered as a voter for the relevant subsector [s 22(1) and (2) of the EAC (ROE) (FCSEC) Reg]. If the voter (either an individual or a body) fails to provide the information requested by the ERO, or if the ERO, based on the information so received or otherwise obtained, is satisfied on reasonable grounds that the voter is no longer eligible to be registered, then **the voter’s name will be entered on the OL for the relevant subsector and may be removed from the next register of voters**. However, a special arrangement will be applied to the OL prepared in compiling the PR for the year of 2021. On that particular OL, the ERO shall, without going through the process of inquiry by letter, enter the personal particulars or relevant particulars of all persons whose names are recorded in the 2020 subsector FR, unless the ERO is satisfied that the voters concerned are eligible to be registered based on the applications and other information received. [S 24 of the EAC (ROE) (FCSEC) Reg] Before the publication of the next register, a person whose name is recorded in the existing register of voters is still a registered voter for the relevant subsector [s 15 of the Schedule to the CEEO]. In voter registration, it is of utmost importance to provide the ERO with information that is true, accurate and updated. It is an offence for a person to knowingly or recklessly give false or misleading information for voter registration no matter whether he/she subsequently votes

at an election. Offenders are liable to a fine at level 3 (\$10,000) and to imprisonment for 2 years. [S 42 of the EAC (ROE) (FCSEC) Reg] *[Added in July 2021]*

Provisional Register and Omissions List

3.41 The content of the PR shall include:

- (a) Regarding the PR compiled for the year of 2021:
 - (i) the names and principal residential addresses of individuals and the names and business addresses of bodies who/which have applied for registration in the subsector on or before the specified special deadline and whose eligibility and registration are confirmed by the ERO ; and
 - (ii) the names of the ARs of corporate voters.
- (b) Regarding the PR to be compiled from the year of 2022 onwards:
 - (i) the names and principal residential addresses/business addresses of those eligible voters whose names appear in the subsector FR in use at the time, with appropriate updates and correction by the ERO based on information reported or otherwise received;
 - (ii) the names and principal residential addresses/business addresses of the eligible new applicants who have applied for registration in the subsector on or before the new statutory deadline for registration in the year of compiling the register; and

(iii) the names of the ARs of the corporate voters.

A copy of the PR is available for inspection by specified persons during ordinary business hours at specified offices of the REO (please refer to paras. 3.46, 3.47 below and Appendix 4 for details) [s 29 of the EAC (ROE) (FCSEC) Reg] (As specified in the Gazette, the relevant legislative provision comes into operation on 1 May 2022). *[Amended in September 2006, September 2016 and July 2021]*

3.42 At the same time when the subsector PR is published, the ERO will also publish a copy of the OL for inspection by specified persons (please refer to paras 3.46, 3.47 below and Appendix 4 for details). The OL contains the names and principal residential addresses/business addresses of individuals or bodies who/which were registered as subsector voters but are temporarily struck out of the PR and proposed to be omitted from the next FR, because the ERO, based on the information obtained, is satisfied on reasonable grounds that they are disqualified from or no longer qualified for registration (such as persons who have passed away, those who have informed the ERO that they do not wish to be registered anymore, those having changed their principal residential address without the ERO's knowing such changes, or those who are no longer an eligible member of a prescribed body in the relevant subsector) [s 14(4)(a) and (b) of the Schedule to the CEEO and s 24(1) of the EAC (ROE) (FCSEC) Reg]. *[Amended in July 2021]*

3.43 For an imprisoned person who has used the address of his/her last dwelling-place in Hong Kong or the address last recorded under the Registration of Persons Regulations as his/her address for registration as a voter, if the ERO is satisfied on reasonable grounds that the voter has served a sentence of imprisonment and left the penal institution without informing the ERO of his/her new residential address, the ERO shall enter the name and principal residential address of the voter on the OL according to the procedures prescribed in the relevant legislation. [S 9(2A) of the Electoral Affairs

Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap 541A)]
[Amended in January 2010 and September 2016]

3.44 The names and the principal residential addresses/business addresses of persons/bodies included in the subsector OL will be excluded from the PR [s 14(4)(a) and (b) of the Schedule to the CEEO and s 24(1) of the EAC (ROE) (FCSEC) Reg]. However, the inclusion of a voter in the OL does not mean the voter status is immediately invalidated. If the voter lodges a claim to the ERO and the Revising Officer accepts the grounds submitted, the voter status will be retained (see paras. 3.51 to 3.53 below). *[Amended in January 2010, September 2016 and July 2021]*

3.45 The time and place for inspection of the copy of the PR and the OL will be published in a notice in the Gazette and newspapers. Publication of the PR is deemed to be done by publication of that notice. [Ss 25 and 29 of the EAC (ROE) (FCSEC) Reg] (As specified in the Gazette, the relevant legislative provisions come into operation on 1 May 2022) *[Amended in September 2006, January 2010 and September 2016]*

3.46 On 15 October 2019, the Junior Police Officers' Association of the Hong Kong Police Force applied to the Court of First Instance of the High Court for grant of judicial review (HCAL 3042/2019), seeking to prohibit the release by the ERO of any extract of FR containing the names and principal residential addresses (referred to as "linked information") of registered electors for public inspection or to candidates. The JPOA also applied to the court for an urgent interim injunction to stop the ERO from making the FR containing the linked information available for public inspection or providing such electors' information to any person. After the trial was concluded in the Court of First Instance, an appeal was brought to the Court of Appeal for review. The Court of Appeal handed down the judgment on 21 May 2020 and made an order at the hearing on 27 May 2020 (CACV 73/2020). Pursuant to the

judgment and order in that judicial review case, only validly nominated candidates, political parties²⁰ and members of the press²¹ are allowed, for election-related purposes, to inspect subsector FRs that show the linked information of individual voters. Regarding those parts of subsector FRs not showing individual voters' linked information, inspection by the general public is not affected. In accordance with the above court judgment and order, the REO has put in place interim measures for the inspection of registers. *[Added in July 2021]*

3.47 The Government has amended the relevant legislation relating to the inspection of the registers of voters. Starting from the 2022 voter registration cycle, only specified persons (detailed at **Appendix 4**) are allowed to inspect the copy of subsector registers (including the OL, PR and FR) containing entries of individual voters. Only the first character/word of the name of an individual voter (whether in Chinese or English) and his/her registered residential address will be shown on the subsector registers for inspection. A copy of the subsector registers which contains only the entries of corporate voters will be made available for inspection by the general public. [Ss 25, 29, 38 and 39 of the EAC (ROE) (FCSEC) Reg] (As specified in the Gazette, the relevant legislative provisions come into operation on 1 May 2022) The inspection of subsector registers shall comply with the above court judgment and order before the legislative amendments take effect. *[Added in July 2021]*

3.48 Upon request by a person imprisoned or held in custody by a law enforcement agency and if the ERO considers it appropriate to do so, the ERO may make available at a penal institution or premise of a law enforcement

²⁰ While there is no official definition of “political party” in the subsisting law, reference can be made to s 31 of the CEEO, under which a political party means:

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

²¹ As regards members of the press, the Court of Appeal accepts the practice of the REO in adopting the list of subscribers to the Government News and Media Information System.

agency, as the case may be, a copy of the PR and OL for that person's inspection subject to paras. 3.46 and 3.47 above. [Ss 25 and 39 of the EAC (ROE) (FCSEC) Reg] (As specified in the Gazette, the relevant legislative provisions come into operation on 1 May 2022) *[Amended in September 2006, January 2010 and July 2021]*

3.49 The ERO may require persons who wish to inspect the copy of the PR and/or OL to produce an identity document and complete a form specified by the ERO. [Ss 25 and 29 of the EAC (ROE) (FCSEC) Reg] (As specified in the Gazette, the relevant legislative provisions come into operation on 1 May 2022) *[Amended in September 2006 and January 2010]*

Online Voter Information Enquiry System

3.50 Registered voters (either an individual or a body) and ARs may log on to the OVIES (www.voterinfo.gov.hk) at any time to check their latest registration particulars, including their registered addresses and respective subsectors, and find out whether they are included in the statutory inquiry procedure. *[Added in September 2016 and amended in July 2021]*

Appeals – Objections and Claims

3.51 Members of the public may lodge in person with the ERO a notice of objection in the specified form as regards any entries in the subsector PR within the period for making objections or claims [s 30(2) of the EAC (ROE) (FCSEC) Reg]. The procedures for making claims or objections are provided in the REO website (www.reo.gov.hk) during the inspection period. An applicant who claims that he/she/the relevant body is entitled to be registered as a voter but whose name has not been recorded in the PR or has been included in the OL, or a voter/AR whose particulars have not been correctly recorded in the PR, may lodge in person with the ERO a notice of claim in the specified form in respect of the entry or any omission concerning

himself/herself/the relevant body by the deadline [s 31(1), (2) and (7) of the EAC (ROE) (FCSEC) Reg]. If a person imprisoned or held in custody by a law enforcement agency wishes to make such an objection or claim, he/she is allowed to deliver a notice of objection or claim to the ERO by post. [S 31(8A) of the EAC (ROE) (FCSEC) Reg] *[Amended in September 2006, January 2010, September 2016 and July 2021]*

3.52 The REO will issue reminding letters to voters on the OL. A message in red that reads “Immediate action required. Your voting right is at stake.” will be stamped on the envelop. Voters must observe the deadline if they wish to submit a notice of claim or if they need to respond to the reminding letter by replying and providing valid documentary proof to confirm their eligibility for registration in the relevant subsector. For a voter on the OL due to the statutory inquiry procedure, if he/she logs on to the OVIES to inspect his/her registration particulars, the OVIES will remind him/her to respond to the reminding letter issued by the REO as soon as possible to confirm his/her eligibility of registration in the relevant subsector. However, for the year of 2021, a special arrangement applies and the REO will not initiate the inquiry procedure or issue any reminding letter to voters who are listed on the OL. Please refer to para. 3.8 above for details. *[Added in July 2021]*

3.53 Cases of objections and claims will be referred to the Revising Officer for consideration. The Revising Officer will deliberate on each objection or claim and make a ruling on the inclusion, exclusion or revision of the entry concerned in the relevant FR. [Part VI of the EAC (ROE) (FCSEC) Reg] The appellant must provide sufficient information so as to inform the Revising Officer of the grounds of the objection or claim; the appellant is

required to attend the hearing (except for incontrovertible cases²²), otherwise the Revising Officer may dismiss the objection or claim [ss 2(5A) and 2B of the Registration of Electors (Appeals) Regulation (Cap 542B)]. However, for compilation of the PR for the year of 2021, the Revising Officer will make a ruling on the objections and claims based on written submissions without holding a hearing. *[Added in July 2021]*

The Final Register

3.54 The subsector FR consists of entries shown in the PR and incorporates, for the relevant year, all revised names and principal residential addresses/business addresses of voters based on new registration applications and reports on change of particulars, as well those updated and corrected in accordance with the Revising Officer's decisions on claims and objections [s 36(1) of the EAC (ROE) (FCSEC) Reg]. The ERO will also take the opportunity to delete entries of voters who are known to have passed away and to revise any incorrect information in the PR. The FR for the subsectors shall remain valid until the publication of the next FR in the following year. *[Amended in September 2016 and July 2021]*

3.55 The time and place for inspection of the copy of the FR will be published in a notice in the Gazette and newspapers. The publication of the notice is to be treated as the publication of the FR. The inspection of the FR shall be arranged as detailed in paras. 3.46 and 3.47 above. Upon request by a person imprisoned or held in custody by a law enforcement agency and if the ERO considers it appropriate to do so, the ERO may make available at a penal institution or the premises of a law enforcement agency, as the case may be, a copy of the FR for that person's inspection subject to paras. 3.46 and 3.47

²² In accordance with s 2A of the Registration of Electors (Appeals) Regulation, for an incontrovertible objection or claim, including cases where the person who lodges the objection or claim has not provided any ground in his/her notice, where the grounds submitted by the person are irrelevant to registration eligibilities, or where the case involves only a clerical error made in compiling or printing a PR, the Revising Officer must direct that the objection or claim be determined without a hearing on the basis of written submissions only.

above. The ERO may require persons who wish to inspect the FR to produce an identity document and complete a form specified by the ERO. [S 38(1), (2), (3), (4), (4A) and (6) of the EAC (ROE) (FCSEC) Reg] (As specified in the Gazette, s 38(2), (3), (4) and (4A) comes into operation on 1 May 2022) [Amended in September 2006, January 2010 and July 2021]

IMPORTANT:

Information relating to a person contained in any register of voters or in any extract of any register of voters **can only be used for election-related purposes** prescribed by the electoral law. Any **abuse** or **misuse** of such information is an **offence** and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months [s 42(3) of the EAC (ROE) (FCSEC) Reg].

PART IV : THE VOTING SYSTEM FOR SUBSECTOR ELECTIONS

3.56 EC subsector elections adopt the voting system of simple or relative majority, commonly known as the “first past the post” system. A voter may vote for as many candidates as the number of EC members to be elected by the subsector concerned at a subsector ordinary election or the number of members to be returned at the subsector by-election. In the case of a single vacancy to be filled, the candidate who obtains the highest number of votes will be elected. In the case of 2 or more vacancies, the candidates elected will be the candidate who obtains the highest number of votes followed by the candidate with the second highest number of votes, and so on, until all vacancies have been filled. [S 29(1), (2), (3), (4) and (5) of the Schedule to the CEEO]

3.57 In the event that there is 1 vacancy to fill but there is more than 1

remaining candidate having the equal highest number of votes, the RO shall arrange the drawing of lots to determine which one of these candidates should be elected to fill the last vacancy. [S 29(6) of the Schedule to the CEEQ]
[Amended in September 2006]

3.58 When the election result has to be determined by the drawing of lots, 10 table-tennis balls each marked with a number from 1 to 10 will be put into an empty opaque bag, to be provided by the RO. Each candidate is to draw 1 ball from the bag. The number marked on the ball should be noted by the RO and the ball should be put back into the bag. The other candidate(s) will draw in the same way until all the candidates have eventually drawn the table-tennis ball. The RO would draw the lot on behalf of the candidate if the candidate is absent at the time of drawing lots. The candidate on whom the lot falls is to be returned at the election as follows:

- (a) Where there is only 1 vacancy to be filled and there are 2 candidates, the candidate who draws the larger number from 1 to 10 will be the winner. If both candidates have drawn the same number, further draw(s) will be held until a candidate eventually wins. 1 is the smallest number and 10 is the largest number.
- (b) Where there is only 1 vacancy to be filled and there are more than 2 candidates, if in the first draw, the numbers drawn by the candidates are different, then the candidate who draws the largest number will win. If, on the other hand, 2 or more of the candidates have drawn the same larger number and the remaining candidate(s) has/have drawn a smaller number, there must be a second draw. Only those candidates who have obtained the same larger number in the first draw will participate in the second draw.
- (c) Where there are only 2 vacancies to be filled and there are 3

candidates having the equal number of votes, if the 3 candidates have drawn respectively the largest, the larger and the smallest numbers, the 2 candidates who have drawn the largest and the larger numbers should be successful in getting the 2 vacancies, and the remaining candidate will fail. If the 3 candidates have drawn respectively 2 larger equal and 1 smaller numbers, then again the 2 candidates who have obtained the larger equal numbers will be the winners to fill the 2 vacancies. If the 3 candidates have drawn respectively a larger and 2 equal smaller numbers, the candidate who has obtained the larger number will be successful and the remaining 2 candidates will participate in a second draw. The same principle will apply where there are more than 3 candidates having an equal number of votes competing for a smaller number of vacancies. *[Amended in September 2006]*

3.59 As soon as practicable after the result of the elections has been determined, the RO must publicly declare the successful candidates as elected.

Death or Disqualification of a Candidate

3.60 After the CERC has decided that a candidate is validly nominated but before the election day, if proof is given to the satisfaction of the RO that the candidate has died, the RO must give notice of the death of the candidate. If the notice of validly nominated candidates has already been published by the CERC, the RO must, publicly declare that the candidate has died and further declare which candidates are validly nominated for the relevant subsector election. Besides, if proof is given to the satisfaction of the CERC that a validly nominated candidate has been disqualified from being nominated, the CERC must vary its decision to the effect that the candidate is not validly nominated, and the relevant notice to the CEO and each candidate who remains validly nominated for the subsector election concerned should be issued by the

RO. If the notice of validly nominated candidates has already been published by the CERC, the CERC must publicly declare the decision has been varied and further declare which candidates are validly nominated for the relevant election. [S 23 of the Schedule to the CEEO and ss 20 and 21 of the EAC (EP) (EC) Reg] *[Amended in September 2016 and July 2021]*

3.61 If, on or after the election day but before the election result is declared, proof is given to the satisfaction of the RO that a validly nominated candidate has died or proof is given to the satisfaction of the CERC that a validly nominated candidate has been disqualified from being elected, the proceedings for the subsector election shall continue as if the death or disqualification had not occurred. After the counting of votes is finished, if the candidate concerned is found to be successful at the election and there is no other candidate at the relevant subsector election who can be returned in place of that candidate, then the RO shall declare that no candidate is returned at that subsector election or that the number of candidates returned at that subsector election is less than the number of members to be returned. [S 26 of the Schedule to the CEEO] *[Added in September 2016 and amended in July 2021]*

CHAPTER 4

NOMINATION OF CANDIDATES/NOMINEES

PART I : GENERAL

4.1 On 11 March 2021, the NPC passed the “Decision of the NPC on Improving the Electoral System of the HKSAR”. Pursuant to the Decision, the HKSAR shall establish a CERC which is responsible for assessing and validating the eligibility of candidates for the EC members, the CE, and the LegCo members; and the HKSAR shall improve the system and mechanisms related to qualification review, to ensure that the qualifications of candidates are in conformity with the Basic Law, the Law of the People’s Republic of China on Safeguarding National Security in the HKSAR, the NPCSC’s interpretation of Article 104 of the Basic Law, the NPCSC’s decision on the qualification of HKSAR LegCo members, and provisions of relevant local laws of the HKSAR. *[Added in July 2021]*

4.2 As stipulated in Annex I to the Basic Law, the CERC is responsible for reviewing and deciding the validity of nomination of candidates for EC members. The CERC may request the ROs to provide advice to the CERC regarding the nominations of candidates. It may also make decision pursuant to the opinion of the Committee on National Security. The Committee on National Security shall, on the basis of the review by the National Security Department of the Hong Kong Police Force, makes findings as to whether a candidate for EC member meets the legal requirements and conditions for “upholding the Basic Law and pledging allegiance to the HKSAR”, and issue an opinion to the CERC in respect of candidates who fail to meet such legal requirements and conditions. As stipulated in Annex I to the Basic Law and the electoral law, no legal proceedings may be instituted in respect of a decision made by the CERC on the

eligibility of a candidate pursuant to the opinion of the Committee on National Security. However, if the CERC's decision to disqualify a person from being a candidate/nominee is based on his/her failure to meet other statutory eligibility requirements (e.g. age, Hong Kong permanent resident status or criminal records), the person being disqualified may lodge an appeal to question the election result in accordance with the law. *[Added in July 2021]*

4.3 Legislative provisions governing the eligibility for being nominated as a candidate/nominee at the election of the EC subsectors, the disqualification from being nominated as a candidate/nominee or from being elected as a member of the EC, and the requirements to be complied with by nominated candidates/nominees are set out respectively in ss 8 and 17 of the Schedule to the CEEO, ss 9, 9A, 18 and 18A of the Schedule to the CEEO, and ss 7A and 17A of the Schedule to the CEEO (see Parts II, III and V of this chapter). *[Amended in September 2006 and July 2021]*

4.4 As stipulated in ss 7A and 17A of the Schedule to the CEEO, the nomination of a candidate/nominee is invalid unless a declaration is made in the nomination form to the effect that he/she will uphold the Basic Law and pledge allegiance to the HKSAR²³. In accordance with s 101 of the EAC (EP) (EC) Reg, a person who makes a false statement in the nomination form commits a criminal offence, and shall be subject to criminal liability upon conviction. *[Added in July 2021]*

²³ Upholding the Basic Law means to uphold all the provisions of the Basic Law, including:
 Article 1: The Hong Kong Special Administrative Region is an inalienable part of the People's Republic of China.
 Article 12: The Hong Kong Special Administrative Region shall be a local administrative region of the People's Republic of China, which shall enjoy a high degree of autonomy and come directly under the Central People's Government.
 Article 159(4): No amendment to this Law shall contravene the established basic policies of the People's Republic of China regarding Hong Kong.
 Please see s 3AA of the Interpretation and General Clauses Ordinance (Cap 1) for details of upholding the Basic Law and bearing allegiance to the HKSAR.

4.5 Under the subsisting law, the validity of a candidate/nominee's nomination is solely determined by the CERC. The EAC is neither empowered nor involved in the making of such decision and will not provide any advice. The EAC will only make practical arrangements for the election according to the validly nominated candidates determined by the CERC. In accordance with s 16 of the EAC (EP) (EC) Reg, if the CERC decides that a nomination is invalid, the CERC must endorse on the nomination form the decision and the reason(s) for it, and the RO will make available the nomination form for public inspection pursuant to s 10 of the EAC (EP) (EC) Reg. *[Added in July 2021]*

4.6 A candidate is not required by the law to provide information on his/her political affiliation. However, a candidate may state his/her political affiliation in the nomination form and the Introduction to Candidates. If a candidate chooses to state his/her political affiliation in the nomination form or the Introduction to Candidates, he/she should make sure that the information shown in those documents is not contradictory to other information provided (for example, if the candidate indicates membership of a political party in the nomination form, he/she must not indicate himself/herself as a non-affiliated candidate on the Introduction to Candidates). *[Added in July 2021]*

4.7 It is worth noting that it is imperative for any candidate claiming to be "independent" or "non-affiliated" (or other similar descriptions) to have factual basis for the claim. There were, for that matter, legal proceedings involving disputes over the political affiliation of candidates. In an election petition handled by the High Court in respect of the 2019 District Council ("DC") Ordinary Election (HCAL 3665/2019), the judge stated in the judgment that:

"A statement that a candidate in an election is '獨立' (independent) may mean different things depending on the context. It may mean, amongst others, that the candidate: (1) is not affiliated with any political party; or (2) is not running on a political party's ticket in the

election; or (3) is not supported by any political party in the election; or (4) is not affiliated with any body or organisation, or political body or organisation, irrespective of whether it is strictly a political party or purports to be one; or (5) is not affiliated with any ‘prescribed body’ (訂明團體) as that term is defined in s 2(1) of the Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) Regulation, Cap 541M, i.e. a ‘prescribed political body’ (訂明政治性團體) or a ‘prescribed non-political body’ (訂明非政治性團體).”

If candidates would like to use the word “independent” for electioneering publicity purpose, it is their responsibility to ensure unambiguous factual substantiation for such claim to prevent misunderstanding. To avoid doubt or dispute, candidates may consider a more prudent approach by illustrating the meaning and background for claiming to be “independent” in their introductions or publicity materials. *[Added in July 2021]*

4.8 In the judgment on the election petition case (HCAL 3665/2019) mentioned in para. 4.7 above, the judge also pointed out that:

“The expression ‘political party’ does not have a generally defined legal meaning. (1) There is no definition of that expression in the Interpretation and General Clauses Ordinance, Cap 1. (2) The expression ‘political party’ (政黨) is given a circular definition in s 31 of the Chief Executive Election Ordinance, Cap 569, to mean (a) a political body or organisation (whether operating in Hong Kong or elsewhere) which purports to be a political party; or (b) a body or organisation the principal function or main object of which is to promote or prepare a candidate for election as a member of the Legislative Council or any District Council. (3) The expression ‘political body’ (政治性團體) is defined in both the Societies Ordinance, Cap 151,

and the Electoral Affairs Commission Ordinance, Cap 541, to mean (i) a political party or an organisation that purports to be a political party, or (ii) an organisation whose principal function or main object is to promote or prepare a candidate for an election. (4) The expression ‘prescribed political body’ (訂明政治性團體) is defined in the Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) Regulation, Cap 541M, to mean a body or organisation operating in Hong Kong (a) that is a political party; (b) that purports to be a political party; or (c) the principal function or main object of which is to promote or prepare a candidate for election as a member. The above definitions are, however, for the purposes of those specific Ordinances only.”

Although these definitions are given only for the purposes of those specific ordinances, they could serve as reference for candidates in assessing the actual circumstances they are under. If candidates have any doubts about the political affiliation information to be provided for the nomination form and the Introduction to Candidates, they should seek independent legal advice before drawing up and providing the information. *[Added in July 2021]*

4.9 A candidate who makes a false statement about his/her political affiliation in an election-related document (e.g. nomination form, the Introduction to Candidates) commits an offence, and shall be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months upon conviction [s 101 of the EAC (EP) (EC) Reg]. *[Added in July 2021]*

PART II : ELIGIBILITY AND DISQUALIFICATION FOR NOMINATION

Eligibility

4.10 To be eligible for nomination as a candidate/nominee at the EC subsector election, a person must:

- (a) reach 18 years of age or over;
- (b) be both registered and eligible to be registered as an elector for a GC; and
- (c) (i) (for a person who is nominated as a candidate) be both registered and eligible to be registered as a voter for the relevant EC subsector or satisfy the RO for the relevant EC subsector that he/she has a substantial connection with the EC subsector; or

(ii) (for a person who is selected as a nominee) has a substantial connection with the EC subsector.

[Ss 8(1) and 17(1) of the Schedule to the CEEO]

Disqualification

4.11 A person is disqualified from being nominated as a candidate/nominee at a subsector election and elected as a member of the EC if he/she:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong, or in any other place, been sentenced to death or imprisonment (by whatever name called) and has not either served the sentence or any substitute sentence, or received a free pardon²⁴;
- (d) on the date of nomination or the polling day, is serving a sentence of imprisonment;
- (e) is or has been convicted within 5 years immediately before the date of nomination (for nominees) or the polling day (for candidates):
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the ECICO;
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201) (“POBO”); or
 - (iii) of any offence prescribed by the EAC Regulations;

²⁴ On 21 June 2012, the Court of First Instance handed down a written judgment on *Wong Hin Wai & another v. Secretary for Justice* (HCAL 51 & 54/2012), declaring that similar provisions under section 39(1)(b) of the LCO (similar to relevant provisions in para. 4.11(c) above or ss 9(1)(a) and 18(1)(c) of the Schedule to the CEEO) are unconstitutional. On 12 July 2012, the Government announced its decision not to appeal against the judgment. The future EC subsector elections will be organised in accordance with the prevailing legislation. Any person who wishes to be nominated as a candidate/nominee for an EC subsector election and is doubtful about his/her eligibility for nomination may seek independent legal advice and, where appropriate, apply to the NAC appointed by the EAC for advice in the EC subsector ordinary election.

- (f) is found to be incapable by reason of mental incapacity, of managing and administering his/her property and affairs under the Mental Health Ordinance (Cap 136);
- (g) is a member of the armed forces of the People's Republic of China or any other country or territory; or
- (h) has vacated an office or has been disqualified from entering on an office under the law for declining or neglecting to take a specified oath²⁵ within the 5 years before the date of nomination, or has been declared or decided in accordance with any law:
 - (i) to be in breach of a specified oath; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and pledging allegiance to the HKSAR of the People's Republic of China.

[Ss 9 and 18 of the Schedule to the CEEO] *[Amended in September 2006, October 2011, September 2016 and July 2021]*

4.12 Any person who is not a specified entity of the HYK subsector, the Hong Kong and Kowloon District Committees subsector, or the New Territories District Committees subsector is disqualified from being nominated as a candidate for the subsector concerned at the respective subsector election, or from being elected as an EC member representing the subsector concerned [s 18A of the Schedule to the CEEO]. *[Added in September 2006 and amended in October 2011]*

²⁵ Specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and pledge allegiance to the HKSAR of the People's Republic of China.

4.13 In addition, a person is disqualified from being a nominee for certain subsectors:

- (a) the accountancy subsector if the person is not a Hong Kong Accounting Advisor appointed by the Ministry of Finance of the People’s Republic of China;
- (b) the Chinese medicine subsector if the person is not a Hong Kong member of the Council of the World Federation of Chinese Medicine Societies;
- (c) the legal subsector if the person is not a Hong Kong member of the Council of the China Law Society; and
- (d) the technology and innovation subsector if the person is not a Hong Kong academician of the Chinese Academy of Sciences or the Chinese Academy of Engineering.

[S 9A of the Schedule to the CEEO] *[Added in July 2021]*

PART III : WHEN AND HOW TO NOMINATE

When and How to Nominate (EC members to be returned by election)

4.14 Any person who intends to stand as a candidate may submit a nomination form during the **nomination period** specified in the notice published in the Gazette [s 4 of the EAC (EP) (EC) Reg]. The nomination period for an EC subsector election must not be less than 7 days, and must end not less than 12 days before the date on which the relevant subsector election is to be held [s 5 of the EAC (EP) (EC) Reg]. An election timetable in the form of an “Action

Checklist for Candidates” (see **Appendix 1**) will be provided to each candidate by the RO for the relevant subsector. The ROs shall receive nominations during the ordinary business hours (i.e. from 9 am to 5 pm from Monday to Friday, and from 9 am to 12 noon on a Saturday) on each working day (i.e. any day other than a general holiday) in the nomination period. **Candidates are advised to submit their nominations in good time before the end of the nomination period to allow time for any errors in their nomination forms to be corrected.**

[Amended in September 2016 and July 2021]

4.15 Nomination forms specified by the EAC are available from any District Office (“DO”) or the REO, and may also be downloaded from the website of the REO (<https://www.reo.gov.hk>). *[Amended in September 2016]*

4.16 The nomination form comprises:

(a) The Nomination

It must be subscribed by not less than **5 voters registered for the EC subsector concerned** (other than the candidate himself/herself). Nomination must be made by ARs in the case of corporate voters. For each EC subsector, each voter may only subscribe **nominations up to the number of members required to be elected for that subsector** [s 8(1) and (2) of the EC Subscribers & Deposit Reg]. Once the number of the nomination forms subscribed by a certain voter and delivered to the RO has reached the above mentioned statutory limit (i.e. the number of members to be elected for a particular EC subsector), that voter’s signature on any other nomination forms will be inoperative [s 8(3) of the EC Subscribers & Deposit Reg].

If, however, the nomination subscribed by a voter has been held to be invalid, or the candidate has withdrawn his/her nomination or has died, the voter may make another nomination instead before the end of the relevant nomination period, and his/her signature shall be operative on the latter nomination form [s 8(4) of the EC Subscribers & Deposit Reg]. *[Amended in September 2006 and September 2016]*

IMPORTANT :

A candidate who submits a nomination form on the last few days of the nomination period is advised to include more than the required number of subscribers for his/her nomination to avoid the risk of invalidation of the nomination should any of the subscribers be subsequently found not to be qualified as subscribers. A candidate should ensure that the voters subscribing his/her nomination form are eligible to do so and that the voters have not subscribed more nomination forms than the number of members required to be elected for that EC subsector. Each voter subscribing a nomination shall sign the nomination form **personally**. A candidate should not sign as a subscriber in his/her nomination form. *[Amended in October 2006 and September 2016]*

No unlawful means shall be used to procure a voter to subscribe or not to subscribe a nomination. Intimidation is an offence under s 24 of the Crimes Ordinance (Cap 200). Offenders are liable on summary conviction to a fine and to imprisonment for 2 years, or on conviction upon indictment to imprisonment for 5 years. Engaging in bribery, which is a corrupt conduct, is also liable to a fine and to imprisonment. *[Amended in September 2006 and September 2016]*

Candidates are also required to observe Data Protection Principle 4 of Schedule 1 to the Personal Data (Privacy) Ordinance (Cap 486) (“PD(P)O”) in safeguarding the personal data of subscribers held for the nomination form. They should take all practicable steps to ensure that the aforesaid personal data are protected against accidental or unauthorised access, processing, erasure, loss or use.
[Added in September 2016 and amended in July 2021]

(b) Consent and Declarations on Nomination Form

According to the Schedule to the CEEO and the EAC (EP) (EC) Reg, a candidate must duly complete the nomination form and the declaration, which shall be attested by a witness²⁶. The candidate must make a declaration to the effect that he/she will uphold the Basic Law and pledge allegiance to the HKSAR; and that he/she is eligible to be nominated as a candidate for the particular subsector, is not disqualified from being so nominated, and consents to being so nominated. Failure to make the declaration will render him/her not validly nominated as a candidate. [Ss 17 and 17A of the Schedule to the CEEO and s 8(4) and (4A) of the EAC (EP) (EC) Reg]

A person who, in an election related document (including the nomination form and the declarations), makes a statement which he/she knows to be false in a material particular or recklessly

²⁶ A witness can be any person aged 18 years or above and in possession of an identity document. According to s 32(3) of the Schedule to the CEEO, identity document means:

- (a) an identity card issued to a person under the Registration of Persons Ordinance (Cap 177);
- (b) a document issued by the Commissioner of Registration to a person certifying that the person is exempt, under regulation 25 of the Registration of Persons Regulations (Cap 177A), from being required to register under that Ordinance; or
- (c) any other document issued to a person that is acceptable to the ERO as proof of the person’s identity.

makes a statement which is incorrect in a material particular, or omits a material particular from an election related document, commits an offence and shall be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months [s 101 of the EAC (EP) (EC) Reg]. *[Added in July 2021]*

IMPORTANT :

At an EC subsector ordinary election, a person is not eligible to be nominated as a candidate for that ordinary election if he/she is a specified person, a designated person or a nominee of a designated body [s 17(2) of the Schedule to the CEEO]. Besides, according to the requirements of by-election, a person is not eligible to be nominated as a candidate for that subsector by-election if he/she is a member of the EC, or a nominee of a designated body and the period during which the nomination under that section is to be made and the nomination period for the by-election coincide or partly coincide [s 17(3) of the Schedule to the CEEO]. No person shall be nominated for more than 1 EC subsector in the EC subsector election [s 20 of the Schedule to the CEEO]. When a person submits his/her nomination form, he/she must have withdrawn all his/her other prior nominations, if any. He/She is required to make a declaration in the nomination form that either he/she has not been nominated before for any other subsector in the election, or if he/she has been so, he/she has withdrawn all those prior nominations. Where a candidate stands nominated, any subsequent nominations for him/her will be rejected as invalid. *[Amended in July 2021]*

4.17 In the nomination form, a candidate may choose to state his/her occupation and/or political affiliation for public information if he/she so prefers.

If a candidate mentions the name of any organisation when stating his/her political affiliation, the consent of the organisation concerned must be sought beforehand. Candidates should make sure that their nomination forms are properly completed before submission. Information (such as occupation and political affiliation) provided by a candidate in the grid paper for the Introduction to Candidates should not be inconsistent with the information stated in the nomination form (for example, if the candidate indicates membership of a political party in the nomination form, he/she is not allowed to indicate himself/herself as a non-affiliated candidate in the Introduction to Candidates) and should be true. *[Amended in September 2016 and July 2021]*

4.18 Candidates should heed the guidelines in paras 4.6 to 4.8 above when drawing up and providing the relevant information, and pay extra attention to ensure that there is factual basis. *[Added in July 2021]*

4.19 Each nomination form must be submitted to the RO for the subsector concerned together with the payment of a required sum of election deposit (see Part V of this chapter for details). The RO may refuse to accept any nomination form bearing material alteration to its content.

4.20 The completed nomination form must be submitted to the RO for the subsector concerned by the candidate **in person** during ordinary business hours (i.e. from 9 am to 5 pm from Monday to Friday, and from 9 am to 12 noon on a Saturday) on a working day (i.e. any day other than a general holiday) in the nomination period. In exceptional circumstances (e.g. the candidate's temporary absence from Hong Kong or incapacity due to illness), the CEO may authorise other manner of submission of the nomination form to the RO. [S 8(13) of the EAC (EP) (EC) Reg] *[Amended in September 2016]*

4.21 The RO will also make available copies of the nomination forms for public inspection free of charge at the specified address during ordinary

business hours until the relevant notice of the election result is published [s 10 of the EAC (EP) (EC) Reg]. If the CERC decides that a nomination is invalid (see Part VII below), the CERC must endorse on the nomination form the decision and the reasons for it [s 16(1) of the EAC (EP) (EC) Reg]. *[Added in September 2016 and amended in July 2021]*

When and How to Nominate (EC members to be nominated by a designated body)

4.22 All members of the religious subsector and the representatives of associations of Hong Kong residents in the Mainland subsector, and some of the members of the technology and innovation subsector, accountancy subsector, legal subsector, sports, performing arts, culture and publication subsector and Chinese medicine subsector shall be nominated by the designated bodies in their subsectors. The respective designated bodies and the number of members assigned for each body are shown at **Appendix 3**. *[Added in July 2021]*

4.23 A designated body may nominate a number of persons selected by it as EC members of the subsector concerned during the **nomination period** specified in the notice published in the Gazette [s 3 of the EAC (EP) (EC) Reg]. The nomination period for election of the EC subsectors is to be determined by the CEO. Nominations shall reach the RO during ordinary business hours (i.e. from 9 am to 5 pm from Monday to Friday, and from 9 am to 12 noon on Saturday) on each working day (i.e. any day other than a general holiday) in the nomination period. A designated body must nominate all its nominees on **one** designated nomination form for submission to the RO at the specified address [s 7(3) and (7) of the EAC (EP) (EC) Reg]. **Designated bodies are advised to submit their nominations in good time before the end of the nomination period to allow time for any errors in their nomination forms to be corrected.** *[Added in July 2021]*

4.24 The designated nomination forms of the EAC can be obtained by designated bodies from the RO for the respective subsector or from the REO. Alternatively, it can be downloaded from the website of the REO (<https://www.reo.gov.hk>). *[Added in July 2021]*

4.25 The designated nomination form comprises:

(a) The Nomination

The nomination form must be signed by each nominee. It must also be signed on behalf of the designated body by a person authorised by the designated body for that purpose [s 7(4) of the EAC (EP) (EC) Reg]. *[Added in July 2021]*

If the number of persons to be nominated by a designated body exceeds the assigned number for the body or the number of vacancies to be filled, the designated body shall indicate which of the nominees are to be given preference in making up the assigned number or in filling the vacancy; and then rank the excess nominees, if more than one, in order of priority. If the CERC determines that any of the nominees to be given preference is not validly nominated, the assigned number is to be made up or the vacancy is to be filled from the excess nominees (subject to their being validly nominated) in their order of priority. [S 7(4) and (5) of the Schedule to the CEEO] *[Added in July 2021]*

If the number of persons nominated by a designated body exceeds the assigned number for the body or the number of vacancies to be filled but the body has not indicated which of the nominees are to be given preference; or the number of nominees to whom preference is given is less than the assigned number for that body

or the number of vacancies to be filled, the RO must determine, by drawing lots, the order of priority in which the nominees of that body are to make up the assigned number or to fill the vacancy [s 7(6) of the Schedule to the CEEO]. *[Added in July 2021]*

The CERC shall decide whether the nomination of a nominee is valid according to the order of priority indicated by the designated body or determined by drawing lots. When the assigned number for the body or the number of vacancies to be filled is filled, the CERC shall no longer have to decide on the validity of the nomination of the remaining nominees. [S 7(6A) of the Schedule to the CEEO] *[Added in July 2021]*

(b) The Nominees' Consent to Nomination and Declaration of Eligibility

The nomination form submitted by a designated body must contain a declaration completed and signed by each nominee, and be attested by a witness²⁷. The nominee must make the declaration to the effect that he/she will uphold the Basic Law and pledge allegiance to the HKSAR; and that he/she is eligible to be nominated as a member of the respective subsector, is not disqualified from being so nominated, consents to being so nominated, and consents to the order of priority (if any) in which the nominees are ranked in the nomination form. Failure to make the declaration will render him/her not validly nominated [s 7A of

²⁷ A witness can be any person aged 18 years or above and in possession of an identity document. According to s 32(3) of the Schedule to the CEEO, identity document means:

- (a) an identity card issued to a person under the Registration of Persons Ordinance (Cap 177);
- (b) a document issued by the Commissioner of Registration to a person certifying that the person is exempt, under regulation 25 of the Registration of Persons Regulations (Cap 177A), from being required to register under that Ordinance; or
- (c) any other document issued to a person that is acceptable to the ERO as proof of the person's identity.

the Schedule to the CEEO and s 7(2) and (2A) of the EAC (EP) (EC) Reg]. *[Added in July 2021]*

A person who, in an election related document (including the nomination form and the declaration), makes a statement which he/she knows to be false in a material particular or recklessly makes a statement which is incorrect in a material particular, or omits a material particular from an election related document, commits an offence and is liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months [s 101 of the EAC (EP) (EC) Reg]. *[Added in July 2021]*

IMPORTANT:

At an EC subsector ordinary election, a person is not eligible to be a nominee of a subsector at that ordinary election if he/she is a specified person, a designated person or a candidate at an election [s 8(2) of the Schedule to the CEEO]. In addition, under the requirements of supplementary nomination, a person is not eligible to be a nominee of a subsector under the supplementary nomination if he/she is a member of the EC, or a candidate at an EC subsector by-election where its nomination period coincides or partly coincides with the nomination period during which the supplementary nomination of the relevant subsector is to be made [s 8(3) of the Schedule to the CEEO]. A person who is selected as a nominee by a designated body is not eligible to be nominated by another designated body as a member of the EC if the period during which the nominations are to be made coincides or partly coincides [s 8(4) of the Schedule to the CEEO]. *[Added in July 2021]*

4.26 The RO concerned will make available copies of the nomination forms for public inspection free of charge at the specified address during ordinary business hours [s 10 of the EAC (EP) (EC) Reg] until the publication of the notice in the Gazette to declare which nominees are validly nominated as members of the EC [s 7(8) of the Schedule to the CEEO and s 19(1) of the EAC (EP) (EC) Reg]. If the CERC decides that a nomination is invalid, it must endorse on the relevant nomination form the decision and the reasons for it [s 16(1) of the EAC (EP) (EC) Reg]. *[Added in July 2021]*

False Declaration

4.27 A candidate/nominee who knowingly and wilfully makes a statement which is false in a material particular in the nomination form or makes a false declaration is in breach of s 101 of the EAC (EP) (EC) Reg. The provision stipulates that a person who makes a statement which he/she knows to be false in a material particular in an election-related document, or recklessly makes a statement which is incorrect in a material particular in such document, or omits a material particular in such document, commits an offence and shall be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months. The provision also specifies that an election-related document means a form, declaration, etc. required or used for the purposes of the EAC (EP) (EC) Reg. Besides, a person making a false statement in any statutory document is in breach of s 36 of the Crimes Ordinance and shall be liable to imprisonment for 2 years and to a fine. A violation against s 101 of the EAC (EP) (EC) Reg is a prescribed offence, with the same disqualification on conviction of a corrupt or illegal conduct under the ECICO (as described in paras. 16.52 and 17.37 of the Guidelines). *[Amended in September 2006, October 2011, September 2016 and July 2021]*

PART IV : NOMINATIONS ADVISORY COMMITTEES

4.28 The EAC is empowered to appoint NACs to provide advice, upon request, to prospective candidates/prospective nominees/designated bodies and the ROs on whether a candidate/nominee is eligible for nomination [ss 2 and 3 of the EAC (NAC) (EC) Reg]. In line with the established practice, each NAC is in the charge of either a Senior Counsel or a legal practitioner of not less than 10 years' standing who, in the opinion of the EAC, is independent and impartial without any connection with any candidate or political organisation in Hong Kong. *[Amended in September 2006]*

4.29 The NACs may provide advice to prospective candidates/prospective nominees/designated bodies and the ROs on whether a prospective candidate/prospective nominee is eligible to be, or is disqualified from being, nominated as a candidate/nominee. However, any advice given by an NAC or a refusal on its part to give any such advice does not preclude a person from seeking nomination as a candidate/nominee or proceeding with a nomination. [S 10 of the EAC (NAC) (EC) Reg] *[Added in July 2021]*

4.30 Notwithstanding this, according to s 2(2)(a) and (2)(b) of the EAC (NAC) (EC) Reg, the NACs are not empowered to advise on matters provided for under ss 7A, 17A and 19 of the Schedule to the CEEO (including declaration of candidates/nominees on upholding the Basic Law and pledging allegiance to the HKSAR, and the lodging of deposit by candidates). The advice provided by the NAC on whether a prospective candidate/prospective nominee is eligible to be validly nominated as a candidate/nominee does not indicate his/her validity. The decision on the validity of the nomination is ultimately a matter for the CERC to decide. *[Added in July 2021]*

**The NAC's Service to Prospective Candidates/Prospective Nominees/
Designated Bodies**

4.31 The NAC provides service to prospective candidates **at EC subsector ordinary elections only**. During a period specified by the EAC [s 4(4) of the EAC (NAC) (EC) Reg] (which generally ends before the commencement of the nomination period), a prospective candidate may apply, by completing a specified form obtainable from the REO or any DO, for the advice of the NAC as to whether he/she is eligible to be, or is disqualified from being, nominated as a candidate at a certain EC subsector ordinary election. Each prospective candidate can only make 1 application in respect of a particular EC subsector election [s 6(6) of the EAC (NAC) (EC) Reg]. For the avoidance of doubt, a prospective candidate may apply for the advice of the NAC in respect of more than 1 EC subsector [s 6(9) of the EAC (NAC) (EC) Reg]. *[Amended in September 2016 and July 2021]*

4.32 The completed application must be:

- (a) successfully sent to the CEO by post or facsimile transmission; or
- (b) served on the CEO in person,

on or before the deadline for application specified by the EAC. [S 6(4) of the EAC (NAC) (EC) Reg]

[Amended in October 2011]

4.33 The NAC may, before giving its advice, require the applicant to make available information, particulars and evidence relating to his/her intended candidature within a specified period. The NAC may also require the applicant to present himself/herself before the NAC at the specified time and location to

assist in the consideration of the application. The applicant may make representations to the NAC in person or through a person authorised by him/her in writing, at the specified time and location. [S 6(12) and (13) of the EAC (NAC) (EC) Reg]

4.34 Where an applicant does not make available the information, particulars or evidence required by the NAC, or fails to present himself/herself before the NAC as requested, the NAC may:

- (a) refuse to consider the application or to give any advice; or
- (b) give qualified advice on the application having regard to either or both of the following:
 - (i) the fact that information, particulars or evidence (any or all of them) have not been made available to the NAC;
 - (ii) the failure on the part of the applicant to present himself/herself before the NAC.

[S 6(14) of the EAC (NAC) (EC) Reg]

4.35 The NAC's advice to an applicant, including a decision of refusal to consider an application or to give advice, will be sent to the applicant in writing not later than a date specified by the EAC [s 6(15) of the EAC (NAC) (EC) Reg].

4.36 The service of the NAC on giving advice on the eligibility or disqualification of prospective nominees to be nominated by designated bodies is also available to the designated bodies and prospective nominees concerned

during the EC subsector ordinary elections [s 6(2) and (3) of the EAC (NAC) (EC) Reg].

The NAC's Service to ROs

4.37 The NAC provides service to the ROs **at both EC subsector ordinary elections and by-elections**. During a period specified by the EAC (which generally spans from the commencement of the nomination period to 1 day after the end of the nomination period), the ROs may, if necessary, apply for the NAC's advice on the eligibility for nomination of the following two groups of people, namely: (a) candidates who have submitted their nominations; and (b) nominees of designated bodies. The applications shall be submitted to the NAC in writing through the CEO. The NAC will, not later than a date specified by the EAC, advise the RO concerned as to whether the candidate/nominee concerned is eligible to be nominated. [S 7 of the EAC (NAC) (EC) Reg] *[Amended in September 2016]*

4.38 In forming an opinion on whether a person is eligible to be, or is disqualified from being, nominated as a candidate/nominee, the RO must take into account the advice given by the NAC on the candidate/nominee [s 14 of the EAC (EP) (EC) Reg and s 7(5) of the EAC (NAC) (EC) Reg]. The decision on the validity of nomination is ultimately a matter for the CERC to decide [s 13 of the EAC (EP) (EC) Reg]. *[Amended in July 2021]*

PART V : ELECTION DEPOSIT

Lodging of Election Deposit

4.39 When submitting a nomination form, each candidate must lodge an election deposit of \$1,000 in cash, cashier order or by cheque. The amount of

deposit is prescribed by the regulations [s 19 of the Schedule to the CEEO and s 3 of the EC Subscribers & Deposit Reg]. *[Amended in September 2016]*

4.40 A nomination form submitted to the RO will not be accepted unless it is accompanied by the payable election deposit.

IMPORTANT :

Candidates should pay their election deposit by cash or cashier order as far as practicable, although crossed cheque is also acceptable. In the event that a cheque is dishonoured, the nomination will be ruled invalid unless the unpaid amount of deposit is settled before the end of the nomination period. Candidates must note that, in the case of dishonoured cheques, the RO may not have sufficient time to inform the candidate(s) concerned to rectify the situation before the end of the nomination period. Therefore, to avoid the risk of their nominations being ruled as invalid due to dishonoured cheques, candidates should submit the election deposit in cash or cashier order as far as practicable. *[Amended in September 2016]*

Return of Election Deposit

4.41 The deposit will be returned to the candidate if:

- (a) he/she is not validly nominated;
- (b) he/she withdraws his/her candidature;

- (c) he/she dies or is disqualified from being nominated after his/her nomination is confirmed valid for the election and before the specified date of the election;
- (d) he/she is elected; or
- (e) the number of votes received by the candidate in his/her favour is either not less than 2.5% of the total number of valid ballot papers received in the EC subsector election or not less than 5 such ballot papers, whichever is the greater.

The deposit will be forfeited if none of the above conditions is satisfied. (For details, please see ss 4 and 5 of the EC Subscribers & Deposit Reg) Candidates are required to complete and submit a specified form for return of election deposit together with the original receipt of the election deposit to relevant RO for action. *[Amended in September 2016 and July 2021]*

PART VI : CANDIDATE ELIGIBILITY REVIEW COMMITTEE

4.42 As stipulated in the Annex I to the Basic Law and the CEEO, the CERC is responsible for reviewing and deciding the validity of nomination of candidates for EC members. The CERC may request the ROs to provide advice to the CERC regarding the nominations of candidates. It may also make decision pursuant to the opinion of the Committee on National Security. The Committee on National Security shall, on the basis of the review by the National Security Department of the Hong Kong Police Force, makes findings as to whether a candidate/nominee meets the legal requirements and conditions for “upholding the Basic Law and pledging allegiance to the HKSAR”, and issue an opinion to the CERC in respect of candidates/nominees who fail to meet such legal requirements and conditions. As stipulated in Annex I to the Basic Law and the

electoral law, no legal proceedings may be instituted in respect of a decision made by the CERC on the eligibility of a candidate pursuant to the opinion of the Committee on National Security. However, if the CERC's decision to disqualify a person from being a candidate/nominee is based on his/her failure to meet other statutory eligibility requirements (e.g. age, Hong Kong permanent resident status or criminal records), the person being disqualified may lodge an appeal to question the election result in accordance with the law. [S 9B of the CEEO] *[Added in July 2021]*

4.43 The CERC consists of the chairperson, at least 2 but not more than 4 official members and at least 1 but not more than 3 non-official members. Each member of the CERC is appointed by the CE by notice published in the Gazette. Only a principal official appointed pursuant to a nomination under Article 48(5) of the Basic Law is eligible for appointment as the chairperson or an official member. Only a person who is not a public officer is eligible for appointment as a non-official member. [S 9A of the CEEO] *[Added in July 2021]*

PART VII : VALIDITY OF NOMINATIONS

4.44 Whether a nomination is valid or not is determined by the CERC. The CERC must make a decision on the validity of a nomination as soon as practicable after receipt of a nomination form, and publish a notice stating which persons are validly nominated as candidates at the relevant subsector election and which persons are validly nominated as EC members within 14 days after the close of the nomination period [ss 7(8) and 22 of the Schedule to the CEEO and ss 18(1) and 19(1) of the EAC (EP) (EC) Reg]. *[Amended in September 2016 and July 2021]*

4.45 In the case of doubt as to whether a particular candidate/nominee is eligible to be nominated, the RO may apply for advice from the NAC (see para. 4.37 above).

4.46 If the RO detects on a nomination form an error which may amount to a ground for deciding that the nomination form is invalid, and the error can be rectified before the close of the nomination period, the RO may, before forming an opinion as to whether the nomination form is valid, as far as practicable, give the candidate/nominee/designated body a reasonable opportunity to rectify it [s 15 of the EAC (EP) (EC) Reg]. For example, if the qualification of any subscriber on the candidate's nomination form is in doubt, the prospective candidate may be allowed to make another substitution for his/her nomination form as soon as practicable after the submission. However, no substitution of subscriber or re-submission of a nomination form is allowed after the close of the nomination period. *[Amended in July 2021]*

4.47 A nomination may be ruled invalid if the errors on the nomination form are not rectified before the close of the nomination period.

4.48 The RO may require a candidate/nominee/designated body to furnish any other information that the RO considers appropriate for him/her to advise the CERC on any of the specified matters [ss 7(6) and 8(10) of the EAC (EP) (EC) Reg]. *[Amended in July 2021]*

4.49 A nomination form will be invalid unless it contains all information and signatures required on the form or other information required by the RO and the candidate has made the declaration referred to in paras. 4.16(b) and 4.25(b) above. *[Amended in October 2011]*

4.50 Without prejudice to ss 17, 17A, 18 and 18A of the Schedule to the CEEO²⁸, the CERC may determine a nomination of a candidate to be invalid only when:

- (a) the number or qualifications of subscribers does not meet the requirements under s 8 of the EC Subscribers & Deposit Reg;
- (b) the nomination form, including the parts on nomination and declaration thereof, has not been completed or signed as required under the EAC (EP) (EC) Reg;
- (c) the CERC is satisfied that the candidate is not eligible to be, or is disqualified from being, nominated as a candidate under the Schedule to the CEEO;
- (d) the cheque for the payment of the candidate's election deposit is dishonoured and the unpaid amount has not been settled before the close of the nomination period; or
- (e) the RO is satisfied that the candidate has died.

[S 13(3) of the EAC (EP) (EC) Reg] *[Amended in September 2016 and July 2021]*

4.51 Without prejudice to ss 7A, 8, 9 and 9A of the Schedule to the CEEO, the CERC may determine a nomination of a nominee to be invalid if and only when:

²⁸ Please refer to paras. 4.10, 4.11, 4.16(b), 4.25(b) and 4.27.

- (a) the nomination form or the nomination of a nominee on the form has not been completed or signed as required under s 7 of the EAC (EP) (EC) Reg;
- (b) the CERC is satisfied that the nominee is not eligible to be, or is disqualified from being, nominated as an EC member under the Schedule to the CEEO; or
- (c) the CERC is satisfied that the nominee has died.

In determining whether a candidate/nominee is validly nominated for a subsector, the CERC may require the RO to advise the committee as to any of the specified matters. The CERC may also require the candidate/nominee/designated body to furnish any other information that the committee considers appropriate for enabling the CERC to be satisfied as to the validity of the nomination/nomination form.

[Ss 12(5), (6) and 13(3A) of the EAC (EP) (EC) Reg] *[Added in July 2021]*

4.52 If, after the CERC has made a decision that a candidate is validly nominated, but before the polling day, proof is given to the satisfaction of the RO that the candidate has died, the RO shall publicly declare that the candidate has died and further declare which candidate or candidates is/are validly nominated for the relevant subsector election. The RO does not have to make any such declaration if the candidate who has died is uncontested for the relevant subsector election and the RO has publicly declared that the candidate was duly elected. [S 23(1), (2) and (3) of the Schedule to the CEEO and s 20 of the EAC (EP) (EC) Reg] *[Amended in July 2021]*

4.53 If, after the CERC has made a decision that a candidate is validly nominated, but before the polling day, proof is given to the satisfaction of the

CERC that the candidate is disqualified from being nominated as a candidate, the CERC must vary the decision to the effect that the candidate is not validly nominated. The CERC must also publicly declare that the decision has been varied and further declare which candidate or candidates is/are validly nominated for the relevant subsector election. The CERC does not have to vary the decision if the candidate who has been disqualified is uncontested in the relevant subsector election and the RO has publicly declared that the candidate was duly elected. [S 23(4), (5) and (6) of the Schedule to the CEEO and s 21 of the EAC (EP) (EC) Reg] *[Amended in July 2021]*

PART VIII : WITHDRAWAL OF CANDIDATURE

4.54 A candidate may withdraw his/her candidature only before the close of the nomination period. He/She is required to complete and sign a specified form entitled “Notice of Withdrawal of Candidature”, which must be delivered to the RO concerned by the candidate in person or the candidate’s election agent in person [s 21 of the Schedule to the CEEO and s 17 of the EAC (EP) (EC) Reg]. Under the existing law, candidates are not allowed to withdraw their candidature after the close of the nomination period and there is no such mechanism as so-called “abandonment of election”. Even if a candidate has made public his/her claim about the so-called “abandonment of election”, his/her name will still be shown on the ballot papers for voters/ARs to vote for if they so wish. All candidates must comply with the election-related legislation, including reporting all election expenses. *[Amended in July 2021]*

IMPORTANT :

It is an offence under ss 7 and 8 of the ECICO for a person to bribe, or to use or threaten to use force or duress against, a candidate to induce him/her to withdraw his/her candidature, and for a

candidate to solicit or accept a bribe to withdraw his/her candidature. *[Amended in September 2016]*

PART IX : NOTICE OF VALID NOMINATIONS

4.55 For subsectors for which EC members are to be nominated, the CERC must, within 14 days after the close of the nomination period, publish a notice in the Gazette declaring the nominee or nominees who is or are validly nominated as an EC member or EC members [s 19(1) of the EAC (EP) (EC) Reg]. The RO concerned will send the decision as to whether a nominee is validly nominated to the nominee concerned, the designated body that nominated that nominee and the other nominees who are nominated by that designated body [s 16(3) of the EAC (EP) (EC) Reg]. *[Added in July 2021]*

4.56 For subsectors for which EC members are to be returned by election, the CERC must publish a notice in the Gazette within 14 days after the close of the nomination period, stating the name and address²⁹ of each of all the validly nominated candidates for the subsector. In the case of a contested election, the number (which will be shown on the ballot papers) allocated to each candidate by the drawing of lots will also be stated in a notice in the Gazette [s 18 of the EAC (EP) (EC) Reg]. In the case of an uncontested election, the RO must also publish a notice in the Gazette to declare the candidates as being duly elected as EC members for that subsector [s 19(2) of the EAC (EP) (EC) Reg]. The RO must also send a notice of the CERC's decision as to whether a person is validly nominated as a candidate to each validly nominated candidate for the subsector concerned [s 16(4) of the EAC (EP) (EC) Reg]. *[Amended in September 2006, September 2016 and July 2021]*

²⁹ The address is the address provided by the candidates in the nomination form. For details, please refer to the notes on completion of the nomination form.

PART X : CANDIDATES' BRIEFING AND INTRODUCTION TO CANDIDATES

4.57 The EAC will conduct a briefing for all validly nominated candidates on important matters related to the election. After the end of the nomination period, the RO will inform all validly nominated candidates of the date and time of the lots drawing session and the Candidates' Briefing. In the case of a contested election, the RO will draw lots to determine for each of the validly nominated candidates the candidate number to be shown on the ballot paper and the designated spots allocated to each of them to display EAs (please refer to para. 8.37). *[Amended in January 2010 and September 2016]*

4.58 The REO will publish an **Introduction to Candidates**. The candidate number of each candidate allocated by the drawing of lots and to be shown on the ballot paper will also be shown on the Introduction to Candidates, which will be mailed to the voters/ARs together with the poll cards before the polling day. Copies of the Introduction to Candidates will be made available in the CSD and other law enforcement agencies for voters/ARs imprisoned or held in custody. *[Amended in January 2010 and September 2016]*

4.59 Candidates are free to make use of the Introduction to Candidates to promote their elections. Any candidate who so wishes should submit the following to the relevant RO **before the end of the nomination period**:

- (a) a duly completed grid paper affixing a colour photograph of the candidate which must be in a specified size and should be taken within the last 6 months; and
- (b) 2 additional copies of his/her photograph identical to the one affixed to the grid paper with his/her name label affixed on the back.

If a candidate does not submit the grid paper, the Introduction to Candidates will only show his/her name and candidate number, with the sentence “Relevant information has not been provided by the candidate” printed in the space provided for his/her electoral message. *[Amended in January 2010, October 2011 and September 2016]*

4.60 The contents, nature and presentation of a candidate’s message in the Introduction to Candidates are exclusively the idea and work of the candidate himself/herself. They will not be subject to alteration or editing by the REO unless they are considered obscene, immoral, indecent, offensive, defamatory, unlawful or containing information irrelevant to the promotion of the candidature of the candidate concerned. *[Amended in January 2010, October 2011 and July 2021]*

4.61 To assist persons with visual impairment in reading the contents of the Introduction to Candidates, candidates may provide the REO with typed texts of their messages to enable persons with visual impairment to read the contents of the document with the aid of computer software. The typed texts can be submitted after the end of the nomination period and by the deadline specified by the REO. With these typed texts, the REO will prepare a text version of the Introduction to Candidates for uploading onto the dedicated website of the EC subsector ordinary elections or the REO’s website in the case of a by-election. If a candidate does not provide the typed text for preparing the text version of the Introduction to Candidates, the website will only show his/her name and the number allocated with the remark that the candidate has not provided a text version of his/her electoral message. The EAC appeals to all candidates to support this initiative and make use of this text version to convey their electoral messages to persons with visual impairment. As a general principle, candidates should be sensitive to the needs of voters/ARs and, in the course of their electioneering campaign, make their utmost efforts to ensure that persons with

different needs can have fair access to the electoral messages. *[Added in September 2016 and amended in July 2021]*

CHAPTER 5

POLLING AND COUNTING ARRANGEMENTS

PART I : GENERAL

5.1 A voter/AR can only vote at the polling station allocated to him/her by the REO. In general, the polling station allocated will be close to his/her registered residential address. However, it is subject to venue owners or management's decision whether the venues previously used as polling stations are available for use in the current election. *[Added in July 2021]*

5.2 If a voter/AR with mobility difficulty is assigned to a polling station that is not accessible for him/her, the voter/AR may apply to the REO for re-assigning a barrier-free special polling station. Please refer to para. 5.21 below for details. *[Added in July 2021]*

5.3 A No Canvassing Zone ("NCZ") will be designated outside each polling station to ensure that voters/ARs can gain access to the polling station without interference. In addition, a No Staying Zone ("NSZ") in which no one is allowed to stay or loiter will also be designated immediately outside the entrance/exit of a polling station to avoid any obstruction of entry/exit. *[Added in July 2021]*

5.4 No canvassing activities are allowed within the NCZ. Regarding buildings within the NCZ, all canvassing activities by candidates and their campaigners are prohibited in the entire building where a polling station is located as well as on the ground floor of other buildings, regardless of whether they are government or private premises, and even if approval from the building

management concerned is obtained. Please refer to Part III of this chapter for details. *[Added in July 2021]*

5.5 The poll starts at 9:00 am and ends at 6:00 pm. For security reasons, polling hours for dedicated polling stations situated in penal institutions are from 9:00 am to 4:00 pm. About 30 minutes before the commencement of poll (or 15 minutes for dedicated polling stations situated in penal institutions), the Presiding Officer (“PRO”) will admit the candidates, their election agents or polling agents into the polling station to observe the opening of the sealed packets of ballot papers and the locking and sealing of ballot boxes. After the close of poll, ballot boxes will be locked and sealed in the presence of the candidates and their agents, if any. *[Added in July 2021]*

5.6 Only voters/ARs and designated/authorised persons are allowed entry to a polling station. Voters/ARs requiring assistance from others for entering a polling station may make a request to the PRO for discretionary arrangements as appropriate. *[Added in July 2021]*

5.7 In order to be more flexible, efficient and accurate in the issuance of ballot papers, an electronic poll register (“EPR”) system will generally be adopted for issuing ballot papers at polling stations (except for dedicated polling stations). Upon entry to a polling station, voters/ARs should follow the instructions on site and collect ballot papers at any of the ballot paper issuing desks. Please refer to Parts VI and VII of this chapter for details. *[Added in July 2021]*

5.8 The ballot is autonomous and secret. No one may use any force or threaten to use force against a person to make him/her vote or not vote for any particular candidate at an election. Also, no one is obligated to disclose which candidate he/she has voted for or is going to vote for. *[Added in July 2021]*

5.9 After collecting the ballot paper, a voter/AR should immediately proceed to a voting compartment to mark his/her vote on the ballot paper. Each voting compartment can only be used by one voter/AR at any one time. Based on the principle of autonomous and secret ballot, it is prohibited by the law to have anyone (not even the relative or friend of the voter/AR) to accompany or assist the voter/AR to vote. If a voter/AR has difficulty in marking his/her vote, he/she may, as stipulated under the law, ask the PRO or the PRO's deputy to mark the ballot paper on his/her behalf according to his/her voting preference in the presence of 1 polling staff as a witness. Please refer to para. 5.47 below for details. *[Added in July 2021]*

5.10 No one is allowed to display, circulate, share or discuss with others any material containing the name and/or number of a candidate inside the polling station or the NCZ. Such acts are against the law. Nevertheless, it is not prohibited by the law for a voter/AR to enter the polling station with a memorandum containing the name or number of the candidate of his/her choice (such as a leaflet bearing the information of the candidate or a reminder note commonly known as “thunder in the palm (掌心雷)”) for that voter/AR's own reference to mark the ballot paper inside the voting compartment. *[Added in July 2021]*

5.11 Under no circumstances is anyone allowed to induce a voter/AR to vote or not to vote for a particular candidate or candidates by offering advantages, food, drink or entertainment, by using force or duress against a person, or by a deception and obstruction. Such acts violate the ECICO. There are occasions when voters/ARs may require assistance from others or transportation service in accessing the polling station. However, in the course of the assistance and service, it must not involve the aforesaid unlawful acts under any pretext to induce a voter/AR to vote or not to vote for a particular candidate or candidates. For details about corrupt conduct to wilfully obstruct or prevent

another person from voting at an election, please refer to para.17.26 of Chapter 17. *[Added in July 2021]*

5.12 Exit polls may be conducted within the NCZ outside polling stations by organisations approved by the REO. Participation in any exit poll is entirely voluntary. Voters/ARs need not disclose to the organisations concerned which candidate they have voted for unless they wish to do so. Please see Chapter 15 for matters relating to exit polls. *[Added in July 2021]*

5.13 Polling stations are classified into three types:

- (a) **Ordinary Polling Stations** – for use by general voters/ARs to cast their votes.
- (b) **Dedicated Polling Stations** – set up inside penal institutions or other suitable places (e.g. police stations) for registered voters/ARs who are imprisoned or held in custody by law enforcement agencies on the polling day to cast their votes.
- (c) **Special Polling Stations** – for voters/ARs with mobility difficulty who have applied for re-assigning a barrier-free polling station because the originally assigned one is not accessible by wheelchairs. For EC subsector elections, a special polling station will be set up in a barrier-free ordinary polling station within the same area. Voters/ARs allocated a special polling station so located will cast their votes into the same ballot boxes used by the ordinary polling station.

Central counting will be adopted for all EC subsector elections. Ballot papers cast at all polling stations will be delivered to the central counting station for counting after the close of poll.

[Added in July 2021]

PART II : BEFORE THE POLL

Gazettal of Notice

5.14 As mentioned in para. 2.3 of Chapter 2, EC members are returned by 3 methods, namely ex-officio members, nomination by designated bodies of the relevant subsectors, and election by eligible corporate voters or individual voters in the relevant subsectors. In respect of subsectors with EC members returned by election, as the number of members to be elected in each subsector depends on the actual number of ex-officio members in the subsector (see para. 3.12 of Chapter 3), the CEO must publish before the nomination period a notice in the Gazette declaring the number of EC members to be elected for each subsector. *[Added in July 2021]*

5.15 Moreover, at least 10 days before the polling day, the CEO must designate by notice in the Gazette a place or places as polling station(s), dedicated polling station(s), special polling station(s) or counting station(s) in respect of a subsector election. Nonetheless, before the election, the CEO may designate other places in addition to or in substitution of places already designated as polling stations, if necessary [ss 28 and 29 of the EAC (EP) (EC) Reg]. *[Amended in January 2010, September 2016 and July 2021]*

5.16 Where premises occupied by any school or organisation/association/body receiving grant from the Government's general revenue are concerned, the CEO may require by written notice the owner or occupier to allow an authorised person to carry out site visits. If the CEO considers the premises suitable for use as a polling station or counting station, the

CEO may require by written notice the owner or occupier to make available the premises for use as a polling station or counting station in the subsector election and allow an authorised person to carry out preparatory work and store materials at the premises. Anyone failing to comply with the above requirements is liable to a fine of \$50,000. [Ss 28 and 28A of the EAC (EP) (EC) Reg] *[Added in July 2021]*

No Canvassing Zone and No Staying Zone

5.17 An area outside each polling station will be designated as the NCZ and NSZ. The boundaries will be determined by the RO. All candidates of the relevant subsector will be notified of the designation of these zones before the polling day [s 40 of the EAC (EP) (EC) Reg]. The RO may also authorise the PRO to vary the NCZ or NSZ boundary on the polling day [s 40(9A) of the EAC (EP) (EC) Reg]. (See Chapter 14) *[Added in July 2021]*

Polling Stations

5.18 The REO may set up one central polling station or a number of polling stations as required by circumstances [s 28 of the EAC (EP) (EC) Reg]. In the latter case, each voter or AR will be allocated a polling station based on their registered residential address (except for registered voters and ARs imprisoned or held in custody by the law enforcement agencies, who will be allocated a dedicated polling station as appropriate). At least 10 days before the polling day, the RO for each subsector must give notice in writing to all candidates for the relevant subsector of the time and place for the counting of votes [s 63 of the EAC (EP) (EC) Reg]. *[Amended in September 2006, January 2010 and September 2016]*

Poll Card

5.19 At least 5 days before the polling day, poll cards will be sent to voters/ARs of contested subsectors at their registered addresses or correspondence addresses (if applicable) to notify them of the date, time and place of the poll. If the CEO decides to change the location of any polling station, the CEO must as early as practicable inform the relevant voters/ARs, RO and PRO in a manner deemed appropriate. To allow voters/ARs serving a sentence of imprisonment on the polling day to receive the poll cards as early as possible, the REO will send the poll cards to the penal institutions where the voters/ARs are serving their sentences insofar as practicable. [S 31(1), (2A), (5) and (6) of the EAC (EP) (EC) Reg] *[Amended in January 2010, September 2016 and July 2021]*

Uncontested Election

5.20 If the number of validly nominated candidates for a subsector does not exceed the number of EC members to be elected by that subsector, the RO concerned will declare the candidate(s) as duly elected [s 19(2) of the EAC (EP) (EC) Reg]. Voters/ARs of that subsector do not need to vote, and will be issued a notice to that effect.

Special Polling Station

5.21 A voter/AR **may vote only at the polling station allocated to him/her** by the CEO [s 32 of the EAC (EP) (EC) Reg]. Most of the polling stations are accessible to persons with mobility difficulty. Accessibility of the polling station to persons who are wheelchair users or have difficulty in walking will be specified clearly in the location map attached to the poll card sent to each voter/AR. If a voter/AR with mobility difficulty is allocated a polling station not accessible to him/her, he/she may **at least 3 days** before the polling day apply to

the CEO for re-assigning a special polling station [s 33(2) of the EAC (EP) (EC) Reg]. If a special polling station is allocated as such to the voter/AR, then he/she may vote only at that polling station [s 32(2) of the EAC (EP) (EC) Reg]. Subject to availability, free Rehabus service may also be arranged to take those voters/ARs to and from the special polling station. In case special circumstances require, the CEO may allocate to a voter/AR an alternative polling station in addition to or in substitution of the one originally allocated to him/her [s 30(4) of the EAC (EP) (EC) Reg]. Voters/ARs concerned may make enquiries with the REO on this subject by telephone or in writing. *[Amended in September 2006 and September 2016]*

Dedicated Polling Station

5.22 Due to security reasons, there is a need to separate some persons imprisoned or held in custody from others inside penal institutions. The Commissioner of Correctional Services shall assign a time slot during the polling hours of a dedicated polling station situated in a penal institution to a voter/AR allocated to that polling station to vote, and inform the voter/AR of the time slot assigned. The Commissioner of Correctional Services must assign time slots for the voters/ARs so as to give them a reasonable opportunity to vote. A voter/AR to whom a time slot is assigned may only cast his/her vote during that time slot (see para. 5.50 below). [S 27(2A), (2B), (3A) and (4A) of the EAC (EP) (EC) Reg] *[Added in January 2010]*

PART III : OUTSIDE THE POLLING STATION

5.23 The PRO will arrange for the display of a copy of the relevant Introduction to Candidates produced by the REO outside the polling station (or inside if it is a dedicated polling station) for easy reference by voters/ARs, unless it is not practicable to do so. *[Amended in October 2011 and September 2016]*

5.24 The CEO will arrange for a map or plan showing the respective boundary of the polling station to be displayed outside the polling station (or inside if it is a dedicated polling station) [s 43(1A) of the EAC (EP) (EC) Reg]. An NCZ will be designated outside each polling station to ensure the undisturbed access of voters/ARs to the polling station. In addition, an NSZ in which no one is allowed to stay or loiter will be designated immediately outside the entrance/exit of a polling station to avoid obstruction to voters/ARs who enter or exit. Canvassing activities within an NCZ are prohibited (except for the static display of EAs authorised by the RO, such as EAs mounted at designated spots). A notice of the determination of the NCZ and a map or plan showing the boundary of the area will be put up at or near the polling station [s 40(8) of EAC (EP) (EC) Reg]. (See Chapter 14) *[Amended in September 2006, January 2010, October 2011, September 2016 and July 2021]*

5.25 On the polling day, a person must not:

- (a) engage in canvassing votes (including suggesting not voting for any candidate) within the NCZ, except for the door-to-door canvassing activities stated in para. 5.26 below;
- (b) use a sound amplifying system or device for any purpose in the NCZ, except for the performance of duties by officers of the CSD on the polling day at dedicated polling stations in penal institutions;
- (c) use a sound amplifying system or device or conduct any activity (e.g. lion dance) for canvassing votes so that the sound emitted by it can be heard in the NCZ;

- (d) display or wear in the NCZ any promotional material, such as any badge, emblem, clothing or head-dress (except for the static display of EAs authorised by the RO, such as EAs mounted at designated spots), which:
 - (i) may promote or prejudice the election of a candidate or candidates at the election; or
 - (ii) makes direct reference to a body any member of which is standing as a candidate in the election or to a political body in Hong Kong; or
- (e) stay or loiter in the NSZ without the express permission of the PRO;

otherwise he/she commits an offence and is liable to the maximum penalty of a fine at level 2 (\$5,000) and to imprisonment for 3 months [ss 40(14), (14A) and 45(4) and (7) of the EAC (EP) (EC) Reg]. *[Amended in September 2006, October 2011 and September 2016]*

5.26 Canvassing activities are prohibited in the entire building where a polling station is located. Besides, no canvassing is allowed on the street level (i.e. ground floor) within the NCZ. Door-to-door canvassing may be allowed on the storeys above or below the street level in any building other than the building where the polling station is located within an NCZ, provided that permission has been obtained for entry into the building for canvassing votes, that no obstruction is caused to any person, and that no sound amplifying system or device is used. For the purpose of such door-to-door canvassing, it is permitted to display or wear promotional materials (e.g. any badge, emblem, clothing or head-dress which may promote or prejudice the election of a candidate or candidates at the election) or materials making direct reference to a body a member of which is

standing as a candidate in the election or to any political body in Hong Kong, but under no circumstances are such materials allowed to appear on the street level within the NCZ. [S 40(14), (15) and (16) of the EAC (EP) (EC) Reg] (See Chapter 14). *[Added in July 2021]*

PART IV : POLLING HOURS

5.27 The poll starts at 9:00 am and ends at 6:00 pm. For security reasons, polling hours for dedicated polling stations situated in penal institutions are from 9:00am to 4:00pm. About 30 minutes before the commencement of poll (or 15 minutes for dedicated polling stations situated in penal institutions), the PRO at a polling station will admit the candidates, their election agents or polling agents into the polling station to observe the opening of the sealed packets of ballot papers and the locking and sealing of ballot boxes. In front of these observers, the PRO will show that the sealed packets are not tampered with before opening the packets, and that the ballot boxes are empty before locking and sealing the boxes. [S 48 of the EAC (EP) (EC) Reg] The PRO will also inform and show to such persons of the number of ballot papers of the subsectors in his/her possession. For each candidate, only 1 person (i.e. either the candidate or his/her election agent or polling agent) may be present to observe the opening of the sealed packets of ballot papers and the locking and sealing of ballot boxes. *[Amended in July 2021]*

5.28 For dedicated polling stations situated in penal institutions, the following restrictions are set due to security reasons:

- (a) only a maximum of 2 candidates may be present to observe the opening of the sealed packets of ballot papers and the locking and sealing of the ballot boxes at a dedicated polling station situated inside a maximum security prison;

- (b) only a maximum of 2 persons (candidates, their election agents or polling agents) may be present to observe the opening of the sealed packets of ballot papers and the locking and sealing of the ballot boxes at a dedicated polling station situated in a penal institution (except maximum security prisons).

Admission of candidates, election agents or polling agents to the aforesaid dedicated polling stations to observe the opening of the sealed packets of ballot papers and the locking and sealing of ballot boxes will be on a **first-come-first-served basis**. (See also Chapter 7 on the application procedures for admission to dedicated polling stations situated in penal institutions by election agents or polling agents.) *[Amended in July 2021]*

5.29 Where no candidates or none of their agents are present at the polling station, the above process of opening of the sealed packets of ballot papers and the locking and sealing of ballot boxes will be conducted in the presence of any 2 of the following persons inside the polling station: police officers, members of the Civil Aid Service (“CAS”), officers of the CSD or polling staff (as the case may be). *[Amended in January 2010, October 2011, September 2016 and July 2021]*

5.30 For easy identification of ballot papers during the polling and counting process, colour patterns and code numbers of ballot papers of each subsector are different. *[Amended in September 2016 and July 2021]*

PART V : PERSONS TO BE ADMITTED TO THE POLLING STATION

5.31 In addition to voters/ARs, only the following persons may be admitted to a polling station:

- (a) the PRO and other polling staff;
- (b) the Chief Returning Officer (“CRO”) (Subsectors), the ROs and Assistant Returning Officers (“AROs”) for the relevant subsectors;
- (c) members of the EAC;
- (d) the CEO;
- (e) public officers on duty at the polling station, including police officers, members of the CAS, etc.;
- (f) officers of the CSD and other law enforcement agencies on duty at dedicated polling stations;
- (g) candidates and election agents of relevant subsectors, subject to para. 5.32 below;
- (h) polling agents appointed for the polling station (not applicable to dedicated polling stations situated in maximum security prisons), subject to para. 5.32 below;
- (i) public officers authorised in writing by the CEO;
- (j) any person authorised in writing by a member of the EAC;

- (k) a person authorised in writing by the RO for liaison duties; and
- (l) children accompanying a voter/AR who enters the polling station for the purpose of voting (if the PRO considers that the children should not be left unattended while the voter/AR is in the polling station, and that the children will not disturb or cause inconvenience to any person in the polling station).

[S 44(4), (5) and (13) of the EAC (EP) (EC) Reg] *[Amended in September 2006, January 2010 and September 2016]*

A notice will be displayed at the entrance to the polling station, or inside if it is a dedicated polling station, stating that only voters/ARs and designated/authorised persons may be allowed to enter.

5.32 For the purpose of maintaining order in the polling station, the PRO may regulate the number of voters/ARs, candidates, election agents and polling agents to be admitted to the polling station at any one time [s 44(2) of the EAC (EP) (EC) Reg]:

- (a) For each candidate, only 1 person among the candidate, his/her election agent and polling agents may enter and be present in the polling station at any one time [s 44(6), (7), (8) and (9) of the EAC (EP) (EC) Reg];
- (b) A notice will be displayed outside each polling station specifying the capacity of the designated area inside the polling station for candidates, their election agents or polling agents to observe the poll;

- (c) Admission of candidates, election agents and polling agents will be on a **first-come-first-served basis**. In order that as many candidates, election agents and polling agents as possible may have the chance to observe the poll in the polling station, any candidate, election agent or polling agent who has been admitted to the polling station may only stay for 1 hour. He/She must then leave the polling station unless there is no other candidate, election agent and polling agent waiting for admission. He/She may apply for re-admission into the polling station again on a first-come-first-served basis;
- (d) As stated in (c) above, to ensure fairness, waiting slots for entering a polling station are all allocated on a first-come-first-served basis for candidates, election agents and polling agents. If a candidate or his/her agent seeks admission to a polling station but all the waiting slots are full until the close of poll, no vacant slot can be allocated to the candidate or his/her agent. However, if no one among this candidate and his/her agents has earlier entered the polling station to observe the poll on the polling day, the PRO concerned will endeavour to give the candidate/agent an opportunity to enter the polling station to observe the poll before the close of poll under a special arrangement. Under this special arrangement, the person will replace the candidate or his/her agent who has been allocated the last waiting slot for admission to the polling station if this last candidate or any of his/her agents has already been given an earlier slot to observe the poll in that polling station;
- (e) Anyone on admission into a polling station has to sign and register his/her time of entry on a log sheet. A candidate, election agent or polling agent who has to queue outside the polling station for his/her turn to observe the poll at the designated area will be given

a number chit that indicates the order of admission. The polling staff will call out the number to admit the holder of the number chit concerned. If the holder concerned is not present at the time, his/her place will be taken over by the person next in line. He/She who has lost his/her place due to his/her absence will have to obtain a new number chit when he/she returns; and

- (f) For security reasons, only a maximum of 2 candidates may be present at any one time to observe the poll at a dedicated polling station situated inside a maximum security prison, and a maximum of 2 candidates, election agents or polling agents may be admitted to a dedicated polling station situated in a penal institution other than a maximum security prison at any one time. Observers will have to take turn in case more than 2 candidates/agents intend to observe the poll at the same time. The PRO may regulate the number of people entering the dedicated polling station (see also Chapter 7).

[Amended in January 2010, September 2016 and July 2021]

5.33 Except for voters/ARs and police officers, officers of the CSD, officers of any law enforcement agencies or members of the CAS on duty, all other persons permitted to enter a polling station are required to make a **Declaration of Secrecy** on a specified form³⁰ before entering the polling station and adhere to the provisions governing the secrecy of voting [s 92 of the EAC (EP) (EC) Reg]. *[Amended in January 2010, October 2011, September 2016 and July 2021]*

³⁰ The declaration can be made in the presence of a Commissioner for Oaths/a member of the EAC/the RO/the CEO or a person whose official designation is that of a deputy to the CEO/a Justice of the Peace/a solicitor with a practising certificate.

PART VI : HOW TO ISSUE BALLOT PAPERS

5.34 In accordance with s 53 of the EAC (EP) (EC) Reg, an EPR system will be adopted for issuing ballot papers at polling stations (except for dedicated polling stations) for a more flexible, efficient and accurate issuance of ballot papers. The printed copy of FR will be used in issuing ballot papers where the EPR system cannot be adopted (i.e. at dedicated polling stations or polling stations lacking network coverage) and in the event of system failure.

(a) Use of EPR System in Issuing Ballot Papers

Upon entry to the polling station, a voter/AR will be directed to one of the ballot paper issuing desks to collect the ballot paper. The polling staff will check the voter/AR's identity document, and then scan his/her Hong Kong Permanent Identity Card ("HKID") with a tablet so as to verify whether the voter/AR is registered in respect of the subsector concerned and ascertain the number (either 1 or 2) and types of ballot papers to be issued. If other specified identity document is presented by the voter/AR, then the PRO's authorisation is to be obtained for the manual input of the voter/AR's HKID number into the EPR system for verification purpose.

The polling staff will softly call out the name of the voter/AR as stated in the entry in the EPR system and make a record. Then the polling staff will issue to the voter/AR either 1 or 2 ballot papers according to his/her entitlement. If the voter/AR is entitled to be issued with 2 ballot papers, all the ballot papers must be handed over to him/her at the same time. The polling staff will show the ballot papers to the voter/AR to confirm that each ballot paper given to him/her is unmarked, and request the voter/AR to acknowledge the number of ballot papers so received to ensure the correct issuance of ballot

papers. The EPR system will record the number and types of ballot papers issued to the voter/AR and the time of issuance, but **no record will be made** as to which particular ballot paper is given to the voter/AR. To ensure accurate record-keeping, the voter/AR may check his/her name, partial HKID number and types of ballot papers issued to him/her as shown on the screen of the EPR system during the issuance process.

(b) Use of Printed Copy of FR in Issuing Ballot Papers

The printed copy of FR will be used in issuing ballot papers where the EPR system cannot be adopted (i.e. at dedicated polling stations or polling stations lacking network coverage) or in the event of system failure. The polling staff will check the voter/AR's identity document against the entry in the printed copy of FR to verify whether the voter/AR is registered in respect of the subsector concerned. Thereafter, the polling staff will softly call out the name of the voter/AR as stated in the entry in the printed copy of FR, and draw a line across the name and the identity document number therein to indicate that the ballot papers have been issued to the voter/AR. The polling staff will conduct the line-drawing under observation of the voter/AR to ensure accuracy, while at the same time covering up the entries of other voters/ARs in the printed copy of FR to safeguard personal data privacy.

Then the polling staff will issue to the voter/AR either 1 or 2 ballot papers according to his/her entitlement. If the voter/AR is entitled to be issued with 2 ballot papers, all the ballot papers must be handed over to him/her at the same time. The polling staff will show the ballot papers to the voter/AR to confirm that each ballot paper given to him/her is unmarked, and request the voter/AR to acknowledge the

number of ballot papers so received to ensure the correct issuance of ballot papers. No record will be made as to which particular ballot paper is given to the voter/AR.

(c) **Use of Printed Copy of FR in the Event of EPR System Failure**

In case the EPR system breaks down while in use on the polling day that renders the system inoperable, the fallback mode has to be activated to retrieve the information from the local storage device of the system inside the polling station. With this fallback device the polling staff can check and ascertain that a voter/AR applying for ballot papers has not collected any ballot papers at the polling station when the EPR system was in use. The HKID numbers of voters/ARs who have collected their ballot papers are captured in the storage system in an encrypted form, but personal particulars of the voters/ARs, such as their names, will not be recorded. The polling staff will then issue ballot papers to voters/ARs using the printed copy of FR (as stated in (b) above).

[S 53 of the EAC (EP) (EC) Reg] *[Amended in September 2016 and July 2021]*

5.35 To keep track of the total number of ballot papers issued, the counterfoil of each ballot paper bears a serial number on its front. However, the serial number will not appear on the ballot paper, and neither the polling staff nor the EPR system will record the serial number of the ballot paper issued to a voter/AR. [Ss 49(11) and 53(6) of the EAC (EP) (EC) Reg] The polling staff and the EPR system will only register the quantity of ballot papers issued to voters/ARs at the ballot paper issuing desks for calculating the hourly voter turnout and cumulative voter turnout. While the voter turnout statistics will be posted outside the polling stations for the public's information, they are for reference only. *[Amended in July 2021]*

5.36 According to the established procedures, all ballot papers issued at the ballot paper issuing desks are counted towards the cumulative voter turnout. “TENDERED” ballot papers and ballot papers issued to voters/ARs in replacement of “SPOILT” ballot papers must be handled and issued by the PRO at the PRO desk (please refer to paras. 5.55 and 5.56 below for details). *[Added in July 2021]*

PART VII : QUEUING ARRANGEMENT

5.37 Voters/ARs have to queue up to enter the polling station. As stipulated in s 49A of the EAC (EP) (EC) Reg, the PRO may make special queuing arrangements for persons with special needs including, by definition:

- (1) persons who are not less than 70 years of age;
- (2) pregnant women; or
- (3) persons who are not able to queue for a long time or have difficulty in queuing because of illness, injury, disability or dependence on mobility aids.

The PRO may set up two queues outside the polling station, one for persons with special needs and the other for the ordinary public. The actual arrangement for collecting ballot papers at ballot paper issuing desks may vary depending on the methods for issuing ballot papers. Seats may also be provided in the polling station for persons with special needs to take rest while waiting to join the special queue for collecting ballot papers.

(a) **Queuing Arrangement When the EPR System is Used**

When ballot papers are issued via the EPR system, all ballot paper issuing desks installed with the tablets of the EPR system are able to serve any voter/AR. Given such flexibility, the ballot paper issuing desks are no longer individually confined to a group of HKID prefixes allocated with the printed copy of FR, which would otherwise be split and distributed to them.

As a caring initiative for persons with special needs (see para. 5.37 above), the PRO will assign a number of ballot paper issuing desks (special ballot paper issuing desks) for their use. Other ballot paper issuing desks are available for use by the ordinary public. Voters/ARs may collect their ballot papers at the respective ballot paper issuing desk as directed by the polling staff.

When there is a long queue of persons with special needs, the PRO may assign more special ballot paper issuing desks so as to shorten the waiting time in that queue. The PRO may also direct people in the ordinary queue to use special ballot paper issuing desks when the desks are free or when few people are in the special queue.

Having regard to the order and the overall situation of the polling station, the PRO may flexibly deploy the use of ballot paper issuing desks and make other special arrangements as appropriate to give priority to persons with special needs and shorten their waiting time.

[S 49A of the EAC (EP) (EC) Reg]

(b) **Queuing Arrangement When Printed Copy of FR is Used**

Polling stations which cannot use the EPR system due to their locations or other circumstances will use the printed copy of FR instead for issuing ballot papers. To avoid duplicate issuance of ballot papers, the printed copy of FR will be split into parts, by the alphabetical prefixes of HKID number, in a number that matches the number of the ballot paper issuing desks, and then distributed to the issuing desks accordingly. A line will be drawn across the entry of the voter/AR in the printed copy of FR when that voter/AR has collected the ballot papers.

The PRO may also set up two queues outside the polling station, one for the use of persons with special needs and the other for the ordinary public.

Regarding the collection of ballot papers, past experience has shown that most holders of HKID numbers prefixed with A, B, C and so forth are senior citizens. More ballot paper issuing desks will therefore be assigned by the PRO for these HKID number alphabetical prefixes to shorten the waiting time of this group of persons with special needs. Meanwhile, holders of other HKID number alphabetical prefixes may also have special needs due to age or physical conditions. The PRO may likewise set up a special queue for each ballot paper issuing desk to shorten their waiting time.

(c) **Queuing Arrangement When Switch to Printed Copy of FR is Required due to EPR System Failure**

In case the EPR system breaks down while in use that renders it inoperable, the polling station should activate the fallback mode and

switch to use the printed copy of FR for issuing ballot papers. The aforementioned procedures regarding the use of the printed copy of FR for issuing ballot papers will be adopted at ballot paper issuing desks, except that the polling staff must first check the record in the encrypted local storage device and ascertain that the voter/AR has not obtained any ballot papers prior to activation of the fallback mode so as to avoid duplicate issuance of ballot papers. The special queuing arrangement regarding the use of the printed copy of FR for issuing ballot papers may also apply.

[Added in July 2021]

5.38 Based on past experience, when polling staff request to go to vote at their assigned polling stations, the PRO will arrange as far as practicable and release them to do so usually during meal breaks or off-peak hours of the polling station. The operation of the polling station, if having heavy workload and stringent manpower, may still be affected anyhow. In this regard, to facilitate their early resumption of work to serve voters/ARs, if a polling staff goes to vote at the assigned polling station but finds a long queue waiting for admission thereto, after the polling staff presents his/her polling staff identification to the staff on duty there, he/she may be permitted to enter the polling station for priority queuing to collect ballot papers and cast his/her votes, with a view to returning to the polling station where he/she works as soon as practicable and resuming service for voters/ARs. *[Added in July 2021]*

PART VIII : PRESENTATION OF DOCUMENT FOR COLLECTING BALLOT PAPER

5.39 On arrival at the polling station, a voter/AR should show to the polling staff at the ballot paper issuing desk the original of any of the following documents, to the satisfaction of the PRO or polling staff, before he/she can be issued with the ballot papers:

- (a) the original of the voter/AR's HKID;
- (b) alternative documents:
 - (i) a document issued by the Commissioner of Registration to the voter/AR certifying that the voter/AR is exempt, under regulation 25 of the Registration of Persons Regulations (Cap 177A), from being required to register under the Registration of Persons Ordinance (Cap 177);
 - (ii) a document issued by the Commissioner of Registration acknowledging that the voter/AR has applied:
 - (1) to be registered under the Registration of Persons Ordinance; or
 - (2) for a new HKID issued under regulation 13 or 14 of the Registration of Persons Regulations but is awaiting its issuance;
 - (iii) a valid HKSAR Passport issued to the voter/AR under the Hong Kong Special Administrative Region Passports Ordinance (Cap 539);

- (iv) a valid HKSAR seaman's identity book issued to the voter/AR under regulation 3 of the Immigration Regulations (Cap 115A);
 - (v) a valid document of identity issued to the voter/AR under regulation 3 of the Immigration Regulations; or
- (c) a document evidencing the voter/AR's report to a police officer of the loss or destruction of document referred to in para. 5.39(a), (b)(i) or (ii) above, together with the original of a valid passport or similar travel document (not being one referred to in para. 5.39(a), (b)(i) to (v) above) issued to him/her showing his/her name and photograph.

[S 50 of the EAC (EP) (EC) Reg] [*Amended in July 2021*]

5.40 For a voter/AR applying for a ballot paper at a dedicated polling station situated in a penal institution, the document to be shown is a document issued by the Commissioner of Correctional Services showing the voter/AR's name, photograph and prisoner registration number allocated by the Commissioner to the voter/AR for identification purpose. [S 50 of the EAC (EP) (EC) Reg] [*Added in July 2021*]

5.41 If there are reasonable grounds for questioning the *bona fides* of a voter/AR, the PRO shall ask him/her the following questions at the time of his/her application for a ballot paper (but not afterwards):

- (a) "Are you the person registered in the subsector final register now in effect for this subsector, as follows (the Presiding Officer to read the whole entry as it is recorded in the register)?"

- (b) “Have you already voted for this subsector?”

The voter/AR will not be issued with any ballot paper unless he/she has answered the questions to the satisfaction of the PRO. [S 51(3) and (5) of the EAC (EP) (EC) Reg]

5.42 Where there is reasonable cause to believe that a person has engaged in corrupt conduct of by impersonating a voter/AR, the PRO may request the police to arrest that person. If the polling station is a dedicated polling station, the PRO may request the officer of the CSD or the law enforcement agency to remove the person concerned from the polling station and report the case to the police [s 52(1), (2) and (2A) of the EAC (EP) (EC) Reg]. *[Amended in January 2010 and September 2016]*

PART IX : VOTING METHODS

5.43 When issued with the ballot paper(s), a voter/AR will also be provided with a colour cardboard to indicate the number of ballot papers issued (i.e. **white** for 1 ballot paper and **red** for 2 ballot papers). This arrangement helps the polling staff manning the ballot boxes to ensure that a voter/AR has cast all his/her votes (1 or 2) before leaving the polling station and that no person can take away any ballot paper from the polling station. The cardboard will be collected by the polling staff after the voter/AR has inserted his/her ballot papers into the ballot boxes and before he/she leaves the polling station.

5.44 After being issued with the ballot paper, the voter/AR should immediately proceed to one of the voting compartments to mark the ballot paper to indicate his/her choice of candidates. Each voting compartment can only be used by one voter/AR at one time. The marking of the vote should be done in the following manner, as appropriate:

- (a) when the usual type of ballot papers with **circles** against the names of the candidates and a chop with a “✓” sign (provided by the polling staff) are used, the voter/AR must use the chop supplied by the polling station to mark his/her choice of candidates in the circles up to the number of vacancies to be filled. The chop is to be affixed to give a single “✓” in the circles on the ballot paper opposite the names of the candidates of the voter/AR’s choice; **or**
- (b) when a specially designed ballot paper with **ovals** against the names of the candidates is used, the voter/AR should use the black pen supplied by the polling station to shade the ovals for his/her choice of candidates up to the number of members to be elected by the subsector concerned.

It is an offence for anyone to undertake photographing, filming or making video or audio recording within a polling station. Voters/ARs must not take photos of their marked ballot papers (please refer to para. 5.60 below). After marking the ballot paper, a voter/AR should cast his/her vote in the manner as directed by the EAC. The ways deemed fit by the EAC for casting votes are as follows:

Envelope(s) Provided³¹

- (a) (i) insert the ballot paper, unfolded, into the envelope provided by the polling station; and
- (ii) put the ballot paper contained in the envelope into the ballot box; or

³¹ In general, electronic counting will be adopted in subsector ordinary elections. Voters/ARs are required to insert the ballot paper into the envelope provided by the polling station and then put the ballot paper contained in the envelope into the ballot box.

- (b) (i) fold the ballot paper so that the marked side is inside;
- (ii) insert the folded ballot paper into the envelope provided by the polling station; and
- (iii) put the ballot paper contained in the envelope into the ballot box.

Envelope(s) Not Provided³²

- (a) put the ballot paper, unfolded, into the ballot box with the marked side facing down; or
- (b) (i) fold the ballot paper so that the marked side is inside; and
- (ii) put the folded ballot paper into the ballot box.

[Ss 54 and 56 of the EAC (EP) (EC) Reg] *[Amended in September 2006 and September 2016]*

5.45 Upon leaving the voting compartment, the voter/AR should immediately put his/her marked ballot paper (whether folded or enveloped as indicated in para. 5.44 above) into the ballot box as directed by the polling staff and return the cardboard to the polling staff. Afterwards the voter/AR should leave the polling station without undue delay. [S 54(1A), (1B), (2) and (3) of the EAC (EP) (EC) Reg] *[Amended in September 2006 and September 2016]*

³² Mainly applicable to by-elections.

NOTE :

After collecting the ballot paper, a voter/AR must proceed to a voting compartment to mark the ballot paper immediately and afterwards must leave the polling station after casting his/her vote without undue delay. A person who fails to obey any order of the PRO or misconducts himself/herself commits an offence. The PRO may seek assistance from the police and order the person to leave the polling station immediately [s 46(2) and (3) of the EAC (EP) (EC) Reg].

If a voter/AR deliberately makes an error in marking the ballot paper and asks the PRO to issue a new ballot paper to him/her repeatedly, the PRO may reject his/her request. If there is a reasonable cause to believe that a person impersonates a voter/AR to apply for a ballot paper, the PRO may request the police to arrest that person [s 52(2) and (2A) of the EAC (EP) (EC) Reg]. A person engages in corrupt conduct if he/she directly or indirectly uses a deception to induce another person not to vote at the election or obstruct or prevent another person from voting at the election [s 14 of the ECICO]. It is an offence for a person to take away a ballot paper from a polling station. It will also be a corrupt conduct if any person, without lawful authority, destroys, defaces, takes or otherwise interferes with a ballot paper in use or having been used at the election; or without lawful authority, destroys, removes, opens or otherwise interferes with a ballot box in use at the election [s 17 of the ECICO].

Candidates/their agents and voters/ARs should make a complaint to PROs, ROs, law enforcement agencies or the EAC in the case of any possible contravention of the electoral law. All complaints will

be treated in strict confidence. The EAC will refer any complaints of suspected violation of the law to the law enforcement agencies for follow-up actions.

[Amended in July 2021]

5.46 A voter/AR with visual impairment who so requests will be provided with a **braille template** to facilitate his/her marking of the ballot paper by himself/herself [s 57(3) of the EAC (EP) (EC) Reg]. The template should be returned to the polling staff after use. (For details about the template, see para. 7.41 of Chapter 7.) *[Amended in September 2016]*

5.47 A voter/AR must mark his/her vote on the ballot paper by himself/herself and cannot request other voters/ARs to do it on his/her behalf. If the voter/AR is unable to mark the ballot paper by himself/herself (e.g. due to inability to read or visual impairment or other physical cause) to indicate the choice of candidates, he/she may ask the PRO, Deputy PRO or Assistant PRO to mark the ballot paper on his/her behalf. The marking of the ballot paper as such must be made in the presence of 1 polling staff as a witness. [S 57(1) and (2) of the EAC (EP) (EC) Reg] *[Amended in October 2011 and September 2016]*

5.48 **The ballot is secret. No one is allowed to use force or duress, or threaten to use force or duress, against a person to make him/her vote or not to vote for any particular candidate at an election** [s 13 of the ECICO]. **Also, no one is obligated to disclose which candidate he/she has voted for or is going to vote for.** It is an offence for anyone to, without lawful authority, require or purportedly require a voter/AR to disclose the name of, or any particular relating to, the candidate whom the voter/AR has voted for [s 37 of the Schedule to the CEEO]. Some other prohibited acts which may infringe the secrecy of the vote during the polling and counting process are also specified under s 93 of the EAC (EP) (EC) Reg. It is an offence to commit any of the acts prohibited under

this section, and offenders will be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months. *[Amended in September 2006, September 2016 and July 2021]*

5.49 To safeguard the secret ballot by voters/ARs, no one is allowed to disclose at any time whether a voter/AR has or has not applied for a ballot paper or voted, or disclose the identity of a voter/AR at a dedicated polling station. Anyone who makes such disclosure, unless otherwise permitted by the law, commits an offence and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months. [S 93(1), (1A), (2) and (10) of the EAC (EP) (EC) Reg] *[Added in January 2010 and amended in September 2016]*

Issuance of “UNUSED”, “SPOILT” or “TENDERED” Ballot Papers

5.50 A voter/AR who has collected the ballot papers (1 or 2 in number, depending on his/her entitlement) but leaves the polling station without casting any one of or all his/her votes is not allowed to return to the polling station later to cast the votes not yet cast, except under the following circumstances:

- (a) if, after having been issued with the ballot papers (1 or 2 in number), the voter/AR has become incapacitated from voting or completing the voting by physical illness and needs to leave the polling station without marking any one of or all the ballot papers, he/she may return to the polling station to vote before the close of poll provided that prior to his/her leaving the polling station his/her ballot paper(s) has been given back to the PRO [s 55(6) of the EAC (EP) (EC) Reg]; or
- (b) for a reason considered justified by the PRO, the voter/AR who has not marked the ballot paper(s) issued to him/her may, with the

permission of the PRO, hand back the ballot paper(s) to the PRO and return later to vote [s 55(2) of the EAC (EP) (EC) Reg]; and

- (c) in the case of a dedicated polling station situated in a penal institution, the voter/AR concerned is allowed to return to vote only within the existing or any newly assigned time slot [s 55(3A) of the EAC (EP) (EC) Reg].

[Amended in September 2006, January 2010, October 2011 and September 2016]

5.51 If the above situations arise in a polling station other than a dedicated polling station, the following procedures must be taken by the PRO:

- (a) the PRO must keep the ballot paper(s) in his/her custody and, when the voter/AR returns to the polling station to vote before the close of poll, return such ballot paper(s) to the voter/AR in the presence of a police officer [s 55(4) and (6) of the EAC (EP) (EC) Reg]; and
- (b) where the voter/AR has not returned to the polling station at the close of poll, the PRO must endorse the ballot paper(s) with the words “**UNUSED**” and “**未用**” and show them to each candidate or his/her election agent or polling agent who is present at the time. Ballot paper(s) endorsed as such must not be put into the ballot box and must be excluded from the counting of votes [ss 59 and 77(1)(c) of the EAC (EP) (EC) Reg].

[Amended in September 2006, January 2010, October 2011, September 2016 and July 2021]

5.52 If the situations arise in a dedicated polling station, the following procedures must be taken by the PRO and/or the Commissioner of Correctional Services or his/her officer:

- (a) the PRO must keep the ballot paper(s) in his/her custody and, when the voter/AR returns to the dedicated polling station to vote before the close of poll, return such ballot paper(s) to the voter/AR in the presence of an officer of the CSD or any law enforcement agency [s 55(4) and (6) of the EAC (EP) (EC) Reg];
- (b) where a dedicated polling station situated in a penal institution is concerned, the Commissioner of Correctional Services or his/her officer must as far as practicable assign to the voter/AR a new time slot during the polling hours appointed for that dedicated polling station, and notify the voter/AR of the new time slot [s 55(3B) and (6A) of the EAC (EP) (EC) Reg]; and
- (c) where the voter/AR has not returned to the dedicated polling station at the close of poll, the PRO must endorse the ballot paper(s) with the words “**UNUSED**” and “**未用**” and show them to each candidate or his/her election agent or polling agent who is present at the time. Ballot paper(s) endorsed as such must not be put into the ballot box and must be excluded from the counting of votes [ss 59 and 77(1)(c) of the EAC (EP) (EC) Reg].

[Added in July 2021]

5.53 If any issued ballot paper (whether marked or unmarked) is found abandoned or left behind in a voting compartment or other areas inside the polling station, it must be handed in to the PRO. The ballot paper will then be endorsed with the words “**UNUSED**” and “**未用**” on the front and be kept by the

PRO. In no circumstances can ballot papers endorsed as such be put into the ballot box. These ballot papers will be excluded from the counting of votes. [Ss 59 and 77(1)(c) of the EAC (EP) (EC) Reg] *[Amended in October 2011 and September 2016]*

5.54 The PRO is required to keep in his/her custody those ballot papers handed in under the circumstances described in para. 5.50 above only if he/she knows by which voters/ARs are they left behind. Otherwise, ballot papers left behind in the polling station should be endorsed as “**UNUSED**” and “**未用**” and be excluded from the counting of votes [ss 59 and 77(1)(c) of the EAC (EP) (EC) Reg]. *[Amended in September 2006 and September 2016]*

5.55 Any voter/AR who has inadvertently torn or damaged any ballot paper or has made an error in marking any ballot paper issued to him/her may ask the PRO to exchange it for another unmarked ballot paper. If the PRO considers the request reasonable, he/she will issue 1 new ballot paper to the voter/AR in exchange for the spoilt ballot paper. The spoilt ballot paper will be endorsed with the words “**SPOILT**” and “**損壞**” on the front and be kept by the PRO. Spoilt ballot papers will be excluded from the counting of votes. [Ss 60 and 77(1)(d) of the EAC (EP) (EC) Reg] *[Amended in September 2016]*

5.56 Where a person, claiming to be a particular voter/AR entered on the FR, applies for a ballot paper after a person has already been issued with a ballot paper as such a voter/AR, the PRO may issue a tendered ballot paper to the voter/AR **only if** the PRO is not certain that the latter person is the former person who had been issued with a ballot paper earlier, and the latter person has answered the questions set out by the law (see para. 5.41 above) to the satisfaction of the PRO. The PRO may in such circumstances issue a ballot paper with the words “**TENDERED**” and “**重複**” endorsed on the front. Ballot papers endorsed as such will be excluded from the counting of votes. [Ss 58 and 77(1)(b) of the EAC (EP) (EC) Reg] *[Amended in September 2016]*

PART X : CONDUCT INSIDE THE POLLING STATION

5.57 Subject to para. 5.58 below, no person (including voters/ARs) is allowed to interfere with or attempt to influence other voters/ARs. In particular, no one is allowed to:

- (a) speak to or communicate with other voters/ARs contrary to a direction of the RO, ARO, PRO or any polling staff not to do so;
- (b) attempt to obtain or disclose any information, on the vote of other voters/ARs;
- (c) display or distribute any canvassing material;
- (d) display or wear any promotional material, e.g. any badge, emblem, clothing or head-dress which:
 - (i) may promote or prejudice the election of a candidate or candidates at the election; or
 - (ii) makes direct reference to a political body in Hong Kong or a body any member of which is standing as a candidate in the election; or
- (e) use a mobile telephone, paging machine or any other form of electronic communication device contrary to a direction of the RO, ARO, PRO or any polling staff not to do so.

Any person who contravenes the above regulations commits an offence, and is liable to a fine at level 2 (\$5,000) and to imprisonment for 3 months [s 45 of the EAC (EP) (EC) Reg]. *[Amended in September 2006, October 2011 and September 2016]*

5.58 Only the following persons may speak to or communicate with voters/ARs, and use a mobile telephone, paging machine or any other form of electronic communication device inside a polling station:

- (a) the PRO and other polling staff;
- (b) the ROs and AROs for the relevant subsectors;
- (c) members of the EAC;
- (d) the CEO;
- (e) police officers and members of the CAS on duty at the polling station;
- (f) officers of the CSD or other law enforcement agencies on duty at a dedicated polling station;
- (g) any person authorised in writing by the ROs to perform liaison duties; and
- (h) any person authorised in writing by a member of the EAC.

[S 45(1) and (6) of the EAC (EP) (EC) Reg] *[Amended in September 2006, January 2010 and September 2016]*

5.59 Any person who misconducts himself/herself or fails to obey the lawful orders of the RO or the PRO at a polling station or its vicinity commits an offence, and is liable to a fine and imprisonment. He/she may be ordered by such officers to leave the polling station or the vicinity of the polling station. A person

misconducts himself/herself if he/she disrupts the poll, or disturbs or causes inconvenience to other persons in the polling station. A voter/AR must cast his/her vote without undue delay, otherwise he/she may be ordered by the RO or the PRO to leave the polling station immediately. Any person who fails to leave the polling station immediately as ordered by the RO or the PRO may be removed by:

- (a) a police officer (if the polling station is not a dedicated polling station);
- (b) an officer of the CSD or other law enforcement agencies (if the polling station is a dedicated polling station); or
- (c) any other person authorised in writing by the RO or the PRO to do so.

The person so removed is not allowed to re-enter the polling station on that day except with the permission of the RO or the PRO. Nevertheless, the powers conferred on the RO and the PRO are not to be exercised to order a voter/AR to leave or remove a voter/AR from the polling station for the purpose of preventing the voter/AR from voting at the polling station allocated to him/her. [S 46(2), (2A), (3), (4) and (5) of the EAC (EP) (EC) Reg] *[Amended in January 2010, September 2016 and July 2021]*

5.60 Any person who undertakes photographing, filming or making video or audio recording within a polling station without the express permission of the PRO or a member of the EAC, or the express permission, in writing, of the RO, commits an offence and is liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months [s 45(2) and (8) of the EAC (EP) (EC) Reg]. Generally speaking, such permission is only granted to government

photographers for performing publicity duties. *[Amended in September 2006 and September 2016]*

PART XI : CLOSE OF POLL

5.61 A voter/AR who intends to vote but is not already at the door of the assigned polling station by the close of poll will not be allowed in afterwards. When the close of poll at 6:00 pm is nearing but there is a long queue of voters/ARs outside the polling station waiting to vote, the PRO will arrange for polling staff to hold up a signboard to direct voters/ARs to proceed to the end of the queue. If there are still voters/ARs queuing outside the entrance of the polling station at 6:00 pm, polling staff will stand at the end of the queue to stop latecomers from joining the queue and, if practicable, let voters/ARs already in the queue enter the polling station and close the entrance of the polling station. If there are too many such voters/ARs in the queue and arrangement cannot be made for all of them to enter the polling station, polling staff will stand at the end of the queue, holding a signboard to show that no latecomers will be allowed to join the queue. *[Amended in September 2016 and July 2021]*

5.62 In short, all voters/ARs who have arrived and queued up outside the polling station before the close of poll may enter the polling station to cast their votes. However, some polling stations are located at a place inside a building. If a voter/AR has arrived at the building but has not reached the entrance of the place where the polling station is located or has not queued up outside the entrance by the close of poll, he/she will not be allowed to enter the polling station to cast the vote. The PRO will close the entrance of the polling station only when all voters/ARs having arrived at the entrance of the polling station or queued up outside the entrance of the polling station before the close of poll have entered the polling station. *[Added in July 2021]*

5.63 At the close of poll, a notice will be displayed by the PRO outside the polling stations (except for dedicated polling stations) to inform the public that the poll has ended. Moreover, for each polling station using the EPR system, the PRO must confirm the close of poll through the system. After the close of poll, candidates and their election agents and polling agents may stay in the polling station to observe the process of locking and sealing of ballot boxes. The ballot boxes will be locked and sealed by the PRO in the presence of the candidates and/or their agents, if they are present. The PRO will also inform them of the numbers of unissued ballot papers, spoilt ballot papers and unused ballot papers in his/her possession. All such ballot papers and the marked copies of the FR, if having been used, will then be made up into separate sealed packets. The PRO will prepare a ballot paper account to estimate the number of ballot papers in the ballot boxes. [S 61(1) and (3) of the EAC (EP) (EC) Reg] *[Amended in September 2016 and July 2021]*

5.64 Not more than 2 candidates and/or their agents of the subsectors, if they so wish, will be allowed to accompany the PRO in the delivery of the locked and sealed ballot boxes, the sealed packets of relevant electoral documents and the ballot paper account prepared by the PRO, from the polling station to the counting station under police escort. Where there are more than 2 of them wishing to accompany in the delivery, the PRO will draw lots to determine which 2 persons are to do so. Candidates and their agents are allowed to remain in the polling station only until they see that the police escort for the delivery is available, and thereafter all of them, except those 2 persons who are to accompany in the delivery, must leave the polling station. *[Amended in September 2006, January 2010, September 2016 and July 2021]*

PART XII : THE COUNT

5.65 A central counting station will be set up to conduct the count for each subsector and announce the election results. The RO for each subsector must, at least 10 days before the polling day, give notice of the time and place of counting of votes to the candidates [s 63(4) of the EAC (EP) (EC) Reg]. The CRO (Subsectors) is to maintain the order of the central counting station, while ROs for the respective subsectors are in charge of the counting zone for the relevant subsector. The RO for each subsector, assisted by his/her AROs and counting staff, will be responsible for the conduct of the count. *[Amended in September 2006 and September 2016]*

5.66 After the delivery of all ballot boxes from the polling stations to the central counting station and the transfer of the ballot boxes and ballot paper accounts to the RO in charge (“the relevant RO”), each ballot box will be checked to see if it is properly sealed. The seal on the ballot box will be broken by the relevant RO in the presence of the candidates or their election agents or counting agents, if any. The relevant RO will then open the ballot box and empty the contents onto a counting table. The relevant RO, assisted by the counting staff, shall:

- (a) arrange for the ballot papers to be sorted according to each subsector;
- (b) arrange for the number of the ballot papers to be counted and recorded for each subsector for verification of the number by comparing it with the ballot paper account for that subsector;
- (c) hand over ballot papers of subsectors outside he/she purview and the corresponding (verified) ballot paper accounts to the ROs for those subsectors;

- (d) count the votes recorded on the ballot papers for the subsector retained by him/her (for which he/she is appointed);
- (e) count the votes recorded on the ballot papers for the subsector (for which he/she is appointed) handed over to him/her from other ROs;
- (f) determine the validity of questionable ballot papers; and
- (g) compile the final counting results.

The above steps will be modified as appropriate if the counting process is computerised [ss 73 and 74 of the EAC (EP) (EC) Reg]. *[Amended in September 2016 and July 2021]*

5.67 Only the following persons may be present at the counting of votes at the counting station:

- (a) the CRO (Subsectors);
- (b) the ROs for the relevant subsectors, their AROs and counting staff;
- (c) members of the EAC;
- (d) the CEO;
- (e) candidates and their election agents and counting agents of the relevant subsectors;

- (f) police officers and members of the CAS on duty at the counting station;
- (g) public officers authorised in writing by the CEO;
- (h) any person permitted by the CRO (Subsectors) or the ROs responsible for the counting zone of the central counting station; and
- (i) any person authorised in writing by any member of the EAC.

The CRO (Subsectors) or the RO (as the case may be) will designate a restricted zone inside the counting zone for the counting staff to count the votes. Candidates and their agents are prohibited from entering the restricted zone. Members of the public may observe the counting of votes from an area (“the public area”) at the counting station set apart for that purpose by the CRO (Subsectors) or the ROs, unless the CRO (Subsectors) or the ROs consider that the presence of a person may:

- (a) cause disorder or disturbance in the counting station; or
- (b) prejudice the secrecy of individual votes.

[S 66 of the EAC (EP) (EC) Reg] *[Amended in September 2016 and July 2021]*

5.68 Members of the public and the media have the rights to observe the count at the counting station. In order to maintain the order inside the counting station, all along the CRO (Subsectors) or ROs will not allow further entrants to the counting station when the area designated for the public reaches the maximum capacity. To enhance the transparency of the admission arrangement,

a notice setting out the maximum capacity of the public area will be displayed by the CRO (Subsectors) or ROs outside the counting station. *[Added in July 2021]*

5.69 Besides, photography and/or video-recording is allowed inside the counting station. Members of the public, including the media, can take photographs and/or videos inside the public area (excluding inside the counting zone). For record purposes, closed-circuit televisions will be installed in the counting station (including inside the counting zone) to record the actual situation of the counting station (including the public area). *[Added in July 2021]*

5.70 Except for police officers and members of the CAS on duty, every person authorised to enter a counting zone must make a **Declaration of Secrecy** on the specified form³³ before entering the zone, and observe the regulations on the secrecy of voting [s 92 of the EAC (EP) (EC) Reg]. Members of the public and the media at the public area and the media zone are not required to make a Declaration of Secrecy. *[Amended in September 2016 and July 2021]*

5.71 Except with the express permission of the CRO (Subsectors), the relevant RO or a member of the EAC, as the case may be, any person who takes photographs, films or makes any audio or video recording within a counting zone during the period commencing from the time at which the counting of votes is to begin at the zone and ending upon the completion of the counting and re-count, if any, at the zone, commits an offence [s 67(1) and (2) of the EAC (EP) (EC) Reg].

5.72 Any person who misconducts himself/herself or fails to obey the lawful orders of the CRO (Subsectors) or the RO at or in the vicinity of a counting station commits an offence, and will be liable to a fine at level 2

³³ The declaration can be made in the presence of a Commissioner for Oaths/a member of the EAC/the RO/the CEO or a person whose official designation is that of a deputy to the CEO/a Justice of the Peace/a solicitor with a practising certificate.

(\$5,000) and to imprisonment for 3 months. He/she may be ordered by the CRO (Subsectors) or the RO, as the case may be, to leave the area immediately. A person misconducts himself/herself if he/she disrupts the counting of votes, or disturbs or causes inconvenience to other persons in the counting station. The CRO (Subsectors) or the RO may also order a person to leave the counting station immediately if, having regard to the conduct of the person, his/her presence at the counting station is for a purpose other than that for which such presence is permitted or authorised. If the person fails to leave immediately, he/she may be removed by a police officer or by a person authorised in writing by the CRO (Subsectors) or the RO. Any person so removed is not allowed to enter the relevant counting station again on that day unless otherwise permitted by the CRO (Subsectors) or the RO. [Ss 67 and 68 of the EAC (EP) (EC) Reg] *[Amended in September 2016]*

5.73 The RO will conduct the count in the presence of the candidates, their election agents or counting agents, if present. After the RO has opened the ballot boxes, the candidates, their election agents or counting agents may request to inspect any paper, other than ballot papers, taken from the ballot boxes before the paper is disposed of. **At no time should a candidate, his/her election agent or counting agent touch any ballot paper.** [S 72 of the EAC (EP) (EC) Reg] *[Amended in January 2010]*

5.74 The cumulative voter turnout announced on the polling day is an estimate based on the statistics on ballot papers issued to voters/ARs by polling staff at the ballot paper issuing desks (see para. 5.36 above). Under certain circumstances, the cumulative voter turnout may not tally with the number of ballot papers in the ballot box because it does not take into account the numbers of ballot papers endorsed with the words “TENDERED”³⁴ and “重複” issued at

³⁴ “TENDERED” ballot papers are issued at the PRO desk. They are not counted in the cumulative voter turnout, but are put into the ballot box and included in the number of ballot papers actually counted from the ballot box.

the PRO desk and ballot papers endorsed with the words “UNUSED”³⁵ and “未用” found abandoned or left behind and not put into the ballot box (see paras. 5.53 and 5.56 above). After adding the number of “TENDERED” ballot papers and deducting the number of “UNUSED” ballot papers, the cumulative voter turnout should, in principle, tally with the number of ballot papers in the ballot box³⁶. A discrepancy may also occur between the two numbers if any ballot paper is taken away without authorisation and consequently not put into the ballot box. In any event, the counting results will base on the number of ballot papers actually counted from the ballot box, while the cumulative voter turnout is for reference only. *[Added in July 2021]*

Invalid Ballot Papers

5.75 A ballot paper is invalid if:

- (a) it is endorsed on the front with the words “**TENDERED**” and “**重複**”;
- (b) it is endorsed on the front with the words “**UNUSED**” and “**未用**”;
- (c) it is endorsed on the front with the words “**SPOILT**” and “**損壞**”;
- (d) no vote has been marked on it; or

³⁵ Ballot papers may be occasionally found abandoned or left behind in the polling station. The PRO will endorse such ballot papers with the words “UNUSED” and “未用”, and keep them in his/her custody. These ballot papers have been counted in the cumulative voter turnout although they will not be put into the ballot box.

³⁶ See para. 5.36 above. Ballot papers issued to voters/ARs in replacement of “SPOILT” ballot papers are issued at the PRO desk. The “SPOILT” ballot papers to be kept by the PRO were issued at the ballot paper issuing desks, so they have been counted in the cumulative voter turnout. As for the ballot papers issued to voters/ARs by the PRO in replacement of “SPOILT” ballot papers, they will be put into the ballot box and hence subsequently be included in the number of ballot papers actually counted from the ballot box.

- (e) votes on it are recorded for a number of candidates exceeding the number of EC members to be returned by the subsector concerned.

These ballot papers will be set aside as invalid on the spot. They will not be counted and will not be treated as questionable ballot papers. A candidate, an election agent or a counting agent may inspect these ballot papers but is not entitled to make representations to the RO concerning these ballot papers. [Ss 74A(b) and 77 of the EAC (EP) (EC) Reg] *[Amended in September 2006, October 2011 and July 2021]*

Questionable Ballot Papers

5.76 Ballot papers with doubtful validity in the following categories are set aside as questionable ballot papers. A questionable ballot paper will be decided as invalid if in the opinion of the RO:

- (a) it has any writing or mark by which the voter/AR can possibly be identified;
- (b) it is not marked in accordance with s 56 of the EAC (EP) (EC) Reg, i.e.:
 - (i) not marked by filling in black the ovals on it opposite the names of the candidates of the voter/AR's choice; or
 - (ii) in case where a chop with a "✓" is to be used:
 - (aa) not marked with the chop; or

- (bb) not marked by affixing the chop to give a single “✓” in the circles on the ballot paper opposite the names of the candidates of the voter/AR’s choice, and the voter/AR’s intention is unclear. However, the RO may count the vote on that ballot paper if he/she is satisfied that the intention of the voter/AR is clear, notwithstanding the “✓” mark is not placed inside the circle; or
- (c) it is substantially mutilated; or
- (d) it is void for uncertainty.

Questionable ballot papers must be separated and forwarded to the RO to decide whether the votes are to be counted [s 74A(a) of the EAC (EP) (EC) Reg]. When deciding on the validity of the ballot papers in (a) above, the RO will make reference to the judgment made by the Court on an election petition case (HCAL 127/2003). In that case, the Court ruled that the handwritten tick found on the ballot paper in question in the said election petition was considered a mark by which the elector could possibly be identified. The validity of ballot papers with any other writings or mark will remain to be determined by the RO on a case-by-case basis [ss 74A(a) and 78(4) of the EAC (EP) (EC) Reg]. *[Amended in September 2016 and July 2021]*

5.77 The validity of all questionable ballot papers shall be decided by the RO. The RO will invite the candidates, their election agents or counting agents present to participate in the determination process of questionable ballot paper. *[Amended in September 2016]*

5.78 The determination process will be conducted in the following manner:

- (a) the RO will inform the candidates and their agents of his/her initial decision on the validity of a questionable ballot paper. The candidate, or his/her election agent or counting agent may inspect and make representations in regard to the questionable ballot paper [s 78(3) of the EAC (EP) (EC) Reg];
- (b) the RO will then consider their representations and make a final decision on the validity of the questionable ballot paper (see para. 5.79 below) [s 78(4) of the EAC(EP) (EC) Reg];
- (c) if the RO decides that a questionable ballot paper is invalid and, therefore, not to be counted, he/she must endorse the words “不獲接納” and “rejected” on the front of it. In that case, if any candidate, election agent or counting agent objects to the RO’s final decision, the RO must also endorse the words “反對此選票不獲接納” and “rejection objected to” on that ballot paper [s 78(5) of the EAC (EP) (EC) Reg];
- (d) if any candidate, election agent or counting agent objects to the decision of the RO to count a questionable ballot paper, the RO must endorse the words “反對此選票獲接納” and “acceptance objected to” on that ballot paper [s 78(6) of the EAC (EP) (EC) Reg]; and
- (e) the RO shall prepare a statement to record his/her decisions made in respect of all questionable ballot papers [s 78A of the EAC (EP) (EC) Reg].

[Amended in September 2016 and July 2021]

5.79 The decision of the RO for a particular subsector in regard to any question arising in respect of any ballot paper relating to that subsector shall be **final** [s 79 of the EAC (EP) (EC) Reg], subject to an appeal lodged by the relevant person [s 39 of the Schedule to the CEEO]. The appeal is to be heard by the Revising Officer³⁷ and any application for an appeal has to be made to him/her [see Part I of Chapter 6]. *[Amended in September 2016]*

5.80 The counting of votes will proceed continuously, as far as possible, until the counting of all the votes is completed.

5.81 After vote counting is completed for a particular subsector, the RO for the subsector will make known the counting result to the relevant candidates, their election agents or counting agents present. The candidate or his/her election agent may request the RO to re-count the votes and the RO shall comply with such request unless in his/her opinion it is unreasonably made. [S 76 of the EAC (EP) (EC) Reg] *[Amended in January 2010]*

PART XIII : DECLARATION OF RESULT

5.82 When the counting of votes and re-counts, if any, are completed and a result is obtained, the RO for the relevant subsector shall declare the candidate(s) elected for the relevant subsector. In the event that a vacancy is yet to be filled for that subsector and more than 1 of the remaining candidates hold the same number of votes, the relevant RO shall determine the result of the election by drawing lots at the counting station (see para. 3.58 of Chapter 3 for detailed procedures for the drawing of lots). The RO shall declare the successful

³⁷ The Revising Officer may be any magistrate, former magistrate, retired magistrate; or any legal officer as defined by the Legal Officers Ordinance (Cap 87) appointed by the Chief Justice [s 46(5) of the Schedule to the CEEO].

candidate in the drawing of lots as elected and display a notice of result of the election of that subsector in a prominent place outside the counting station. The result of the election shall also be published in the Gazette within 7 days of the declaration of the result. [Ss 80 and 81 of the EAC (EP) (EC) Reg]

PART XIV : DISPOSAL OF DOCUMENTS

5.83 As soon as practicable after the result of the poll has been ascertained, the RO shall pack all the relevant documents and ballot papers into sealed packets. Candidates and their agents may be present to observe the packing. [S 82(1) and (4) of the EAC (EP) (EC) Reg]

5.84 These sealed packets and other documents including nomination forms, notices of appointment of agents, etc. will then be deposited with the CEO for safe custody for at least 6 months from the date of the subsector election to which they relate before destruction. [Ss 83 and 85 of the EAC (EP) (EC) Reg]
[Amended in September 2016]

5.85 **Except pursuant to an order** made by a Revising Officer in an appeal under s 39 of the Schedule to the CEEO or **an order of court** made in criminal proceedings, **no person may inspect any ballot paper in the custody of the CEO.** [S 84 of the EAC (EP) (EC) Reg]

PART XV : POSTPONEMENT OR ADJOURNMENT OF THE ELECTION, THE POLL OR THE COUNT OF VOTES

5.86 The Schedule to the CEEO and the EAC (EP) (EC) Reg provide for the postponement or adjournment of the election, the poll or the count for an EC subsector election or at an individual polling station. *[Added in July 2021]*

5.87 Regarding the postponement or adjournment of a **subsector election and the poll at all polling stations and/or the count at all counting stations for the relevant subsector**, if, before or during the subsector election is held or during the poll or counting of votes in respect of a subsector election, the EAC is of the opinion that the election, the poll or the count is likely to be obstructed, disrupted, undermined or seriously affected by the occurrences of (a) a typhoon or other climatic condition of a serious nature; (b) riot, open violence or any danger to public health or safety; or (c) an occurrence which appears to the EAC to be a material irregularity relating to the election, the poll or the count, the EAC may postpone or adjourn the holding of the election, the poll or the count in respect of the election. [S 24(1) and (2) of the Schedule to the CEEO and s 1 of Schedule 1 to the EAC (EP) (EC) Reg] *[Added in July 2021]*

5.88 For the **poll at a particular polling station**, if, at any time during the poll of a subsector election, it appears to the PRO that the poll at the polling station is likely to be obstructed, disrupted, undermined or seriously affected by the occurrences of (a) a typhoon or other climatic condition of a serious nature; (b) riot, open violence or any danger to public health or safety; or (c) an occurrence which appears to the PRO to be a material irregularity relating to the election or the poll, the PRO may announce the adjournment of the poll at that polling station. [S 2 of Schedule 1 to the EAC (EP) (EC) Reg] *[Added in July 2021]*

5.89 If a subsector election or by-election, or the poll or count has to be postponed or adjourned in accordance with s 24 of the Schedule to the CEEO or Schedule 1 to the EAC (EP) (EC) Reg, the EAC is to appoint a date for holding the election, the poll or the count as soon as practicable after the postponement or adjournment. The date appointed must not be later than 14 days after the date originally scheduled. Pursuant to the established contingency measures of the EAC, the election, the poll or the count will usually be postponed or adjourned to

the fallback polling day on the following Sunday. There is no provision in the relevant electoral legislation regarding further postponement or adjournment of an already postponed or adjourned election, poll or count. [S 24(4) of the Schedule to the CEEO and s 6 of Schedule 1 to the EAC (EP) (EC) Reg] *[Added in July 2021]*

PART XVI : SUPPLEMENTARY NOMINATION OR SUBSECTOR BY-ELECTION TO BE HELD

5.90 Regarding supplementary nominations and subsector by-elections, in case the number of members representing a particular subsector is confirmed to be less than the number of members allocated to the subsector concerned after the ERO has published the EC PR, the EAC will, in accordance with regulations in force under the Schedule to the CEEO:

- (a) arrange for a supplementary nomination if members of the subsector are returned by nomination; or
- (b) arrange for a subsector by-election if members of the subsector are returned by election,

to fill the vacancies of members representing the subsector concerned in EC.

[S 5 of the Schedule to the CEEO] *[Added in July 2021]*

5.91 There is no provision in the subsisting law regarding the holding of any subsector by-election to cater for the event that a subsector election, poll or count has to be postponed or adjourned due to the circumstances mentioned in paras. 5.87 to 5.88 above but cannot be held within 14 days after the scheduled date as stipulated in the law. *[Added in July 2021]*

CHAPTER 6

APPEALS

PART I : APPEALS AGAINST RESULT OF AN ELECTION

6.1 Pursuant to s 39 of the Schedule to the CEEO and s 3 of the EC (Appeals) Reg, a person claiming to be a candidate at an EC subsector election may appeal to a Revising Officer³⁸ against the result of that election (including the decision made by the CERC) by lodging an appeal in the form of an appeal notice. However, no legal proceedings may be instituted in respect of a decision made by the CERC on the eligibility of a candidate pursuant to the opinion of the Committee on National Security [s 9B of the CEEO]. An appeal to question an EC subsector election may be lodged on the ground that the person declared by the RO in accordance with the regulations in force under the EACO to have been elected as a member of the EC at that election was not duly elected because:

- (a) the person was ineligible to be, or was disqualified from being, a candidate at the election; or
- (b) material irregularity occurred in relation to the election, or to the polling or counting procedures at the election.

6.2 The appeal notice can only be lodged during the period of 7 days following the date on which the RO has published in the Gazette the result being appealed against, and must reach the Revising Officer on a date not later than the last day of such period. [S 39 of the Schedule to the CEEO and s 3 of

³⁸ The Revising Officer may be any magistrate, former magistrate, retired magistrate or any legal officer as defined by the Legal Officers Ordinance (Cap 87), appointed by the Chief Justice [s 46(5) of the Schedule to the CEEO].

the EC (Appeals) Reg] If the deadline for lodging appeal notices falls on an inclement weather warning day, it will be extended to the next working day which is not an inclement weather warning day [s 2A of the EC (Appeals) Reg].
[Amended in July 2021]

PART II : APPEALS IN RELATION TO DECLARATION AND REGISTRATION OF NOMINEES AS MEMBERS OF THE EC

6.3 Subject to s 9B of the CEEO³⁹, if a person considers that a nominee who has been declared as an EC member is not eligible to be declared and registered as a member of the EC on the ground that:

- (a) the nominee who has been declared as a member of the EC was ineligible to be selected as, or was disqualified from being, a nominee;
- (b) material irregularity occurred in relation to the process of nomination;
- (c) a processing error occurred in relation to the process of registration;
- (d) material irregularity occurred in relation to the determination of the CERC as to the validity of the nomination of the nominee who has been declared as a member of the EC; or

³⁹ According to s 9B of the CEEO, no legal proceedings may be instituted in respect of a decision made by the CERC on the eligibility of a candidate for member of the EC, a candidate for the office of Chief Executive or a candidate for Member of the Legislative Council pursuant to the opinion of the Committee on National Security.

- (e) material irregularity occurred in relation to the determination of the RO under s 7(6) of the Schedule to the CEEO,

he/she may, by submitting a written representation, object to the declaration and registration of the nominee as a member of the EC in the IR or the FR (subject to the election)⁴⁰. The written representation must be submitted to the Revising Officer during the period of 7 days after the date of the publication of the IR or the FR concerned and must reach the Revising Officer on a date not later than the last day of such period. [S 4 of the EC (Appeals) Reg] If the deadline for submitting written representations falls on an inclement weather warning day, it will be extended to the next working day which is not an inclement weather warning day [s 2A of the EC (Appeals) Reg]. *[Amended in September 2006 and July 2021]*

PART III: APPEALS IN RELATION TO REGISTRATION OF EX-OFFICIO MEMBERS AS MEMBERS OF THE EC

6.4 Subject to s 9B of the CEEO⁴¹, if a person considers that an ex-officio member is not eligible to be registered as a member of the EC on the ground that:

- (a) the ex-officio member who has been registered as an EC member was ineligible to be registered as, or was disqualified from being, a member of the EC;
- (b) a processing error occurred in relation to the process of registration; or

⁴⁰ IR in the case of a subsector ordinary election, and FR in the case of a subsector by-election.

⁴¹ According to s 9B of the CEEO, no legal proceedings may be instituted in respect of a decision made by the CERC on the eligibility of a candidate for member of the EC, a candidate for the office of Chief Executive or a candidate for Member of the Legislative Council pursuant to the opinion of the Committee on National Security.

- (c) material irregularity occurred in relation to the determination of the CERC as to the validity of the registration of the ex-officio member who has been registered as an EC member,

he/she may, by submitting a written representation, object to the registration of the ex-officio member as a member of the EC in the IR or the FR (subject to the election)⁴². [S 4A of the EC (Appeals) Reg] *[Added in July 2021]*

6.5 In addition, a person whose registration has been determined by the CERC to be invalid may, subject to s 9B of the CEEO, claim that he/she is eligible to be, and is not disqualified from being, registered as an ex-officio member by submitting a written representation. [S 4A of the EC (Appeals) Reg] *[Added in July 2021]*

6.6 The above written representation must reach the Revising Officer not later than 7 days after the following relevant dates:

- (a) the date of publication of the IR concerned; or
- (b) in case the relevant determination of the CERC is made after the date of publication of the IR concerned,
 - (i) the date of publication of the relevant notice under s 41(4) of the Schedule to the CEEO if the registration is valid; or
 - (ii) the date of issuance of the notice informing the relevant person of the determination if the registration is invalid.

[S 4A of the EC (Appeals) Reg]

⁴² IR in the case of a subsector ordinary election; FR in the case of a subsector by-election.

If the deadline for submitting written representations falls on an inclement weather warning day, it will be extended to the next working day which is not an inclement weather warning day [s 2A of the EC (Appeals) Reg]. *[Added in July 2021]*

PART IV : HEARING OF APPEAL AND RULING OF REVISING OFFICER

6.7 When the Revising Officer receives an appeal notice or a written representation (as the case may be), he/she will arrange to hold a hearing as soon as practicable. At the hearing, the appellant is entitled to appear in person and to be represented by a legal practitioner or any other person authorised by the appellant. At the end of the hearing, the Revising Officer shall determine whether the person whose election is questioned was or was not duly elected or whether the person whose declaration or registration as an EC member is questioned should have been registered as a member of the EC. The determination of the Revising Officer on an appeal shall be final. Moreover, the Revising Officer may review any ruling made and for that purpose, may rehear the matter wholly or in part and reverse or confirm his/her previous ruling. If necessary, the Revising Officer, will direct the ERO to amend the IR or the FR (subject to the election)⁴³ after the hearings. [S 39 of the Schedule to the CEEO and ss 3 to 10 of the EC (Appeals) Reg] *[Amended in September 2006 and July 2021]*

⁴³ Ditto.

CHAPTER 7

APPOINTMENT AND ROLES OF ELECTION AGENT, ELECTION EXPENSE AGENTS, POLLING AGENTS AND COUNTING AGENTS

PART I : GENERAL

7.1 This chapter deals with the appointment of agents at an election and their roles. Each candidate may appoint 4 types of agents, namely election agent, election expense agent, polling agent and counting agent. If a candidate intends to send the notice of appointment of polling agents and counting agents by hand, by post, by electronic mail or by facsimile transmission, the notice must be delivered to the CEO or the RO, as the case may be, at least 7 days before the polling day so as to enable timely delivery of the information to the relevant PRO. After the said deadline, the candidate or his/her election agent must deliver in person the notice to the relevant PRO or RO, as the case may be, on the polling day. The REO will remind all candidates of the deadline for the appointment of agents about 10 days before the polling day and will also provide all candidates with name lists of election agents, polling agents and counting agents received by the REO for their reference 3 days before the polling day. *[Amended in July 2021]*

7.2 The aggregate amount of election expenses incurred by a candidate and his/her election expense agents must not exceed the maximum amount as prescribed by the law. An election expense agent must not incur election expenses in excess of the maximum amount specified by the candidate in the agent's authorisation. *[Added in July 2021]*

7.3 A candidate should think carefully before selecting any of his/her agents. He/She should choose persons suitable for the task. The agents will be viewed as his/her representatives and their conduct may affect the public's perception of him/her and his/her election.

PART II : TYPES AND NUMBERS OF AGENTS

7.4 A candidate may appoint the following agents to assist him/her in an election:

- (a) **1** election agent [s 23(1) of the EAC (EP) (EC) Reg];
- (b) **any number** of election expense agents [s 25 of the EAC (EP) (EC) Reg] [*Amended in September 2006 and October 2011*];
- (c) a maximum of **2** polling agents for **each polling station** other than a dedicated polling station situated in a penal institution in respect of the EC subsector for which he/she is nominated [s 42(3) and (5A) of the EAC (EP) (EC) Reg];
- (d) **1** polling agent for **each dedicated polling station** situated in a penal institution other than a maximum security prison [s 42(5A) of the EAC (EP) (EC) Reg]; and

(Only candidates themselves may enter maximum security prison (see para. 7.26 below). For arrangements regarding admission of election agents or polling agents to dedicated polling stations situated in penal institutions, please refer to paras. 7.13 to 7.16 and paras. 7.25 to 7.27 below.)

- (e) not more than such number of counting agents as will be specified by the EAC⁴⁴ [s 64(2) of the EAC (EP) (EC) Reg].

[Amended in January 2010 and September 2016]

PART III : QUALIFICATIONS OF AGENTS

7.5 The election, polling and counting agents should be holders of the Hong Kong identity card and have attained the age of 18 years [ss 23(2), 42(4) and 64(3) of the EAC (EP) (EC) Reg] while an election expense agent needs to be a person who has attained the age of 18 years [s 25(1) of the EAC (EP) (EC) Reg].

PART IV : CIVIL SERVANTS ACTING AS AGENTS

7.6 Civil servants, other than directorate officers, Administrative Officers, Information Officers and Police Officers and those officers acting in the above grades or ranks with a view to substantive appointment thereto (i.e. other than acting for temporary relief purpose), may act as agents or assist in electioneering activities **provided that** they are not already appointed as the CRO, ROs, AROs, PROs, polling or counting staff, that there is no conflict of interest with their official duties, that no use of public resources is involved, and that no government uniform is worn when participating in electioneering activities. To avoid any unfairness or appearance of unfairness or conflict of interest, civil servants who work in a subsector or have extensive contacts with the public in a subsector are strongly advised not to accept appointment by a candidate in that subsector to be his/her agent and/or participate in electioneering

⁴⁴ The number of counting agents to be specified by the EAC will be stated in the specified form for the appointment of counting agents.

activities in the subsector concerned. Civil servants who participate in electioneering activities, including the seeking of election donations, for any candidates should not use or give the impression of using any public resources in such activities. The guidelines set out in this paragraph are equally applicable to the non-civil service government staff⁴⁵. *[Amended in October 2011 and September 2016]*

PART V : ELECTION AGENT

Appointment

7.7 A candidate may appoint 1 election agent to assist him/her and to act on his/her behalf in an election [s 23(1) of the EAC (EP) (EC) Reg]. The appointment may be made at any time after a candidate hands in his/her own nomination form.

7.8 The candidate must give notice of such appointment to the RO for the relevant subsector for which the candidate is nominated [s 23(3) of the EAC (EP) (EC) Reg]. The notice must be in the specified form, signed by both the candidate and the election agent, and delivered by hand, by post, by electronic mail or by facsimile transmission to the RO. If the notice of appointment is given on the polling day, it should not be delivered to the RO by post. [S 23(5), (6) and (13) of the EAC (EP) (EC) Reg] The appointment will not be effective until the notice of appointment is received by the RO [s 23(4) of the EAC (EP) (EC) Reg]. *[Amended in September 2016]*

⁴⁵ For the purpose of these Guidelines, non-civil service government staff refer to the following types of staff appointed on non-civil service terms directly employed by the HKSAR Government –

- (a) those employed under the Non-Civil Service Contract Staff Scheme pursuant to Civil Service Bureau (CSB) Circular No. 2/2001;
- (b) those employed under the Post-retirement Service Contract Scheme pursuant to CSB Circular No. 13/2015; and
- (c) those employed on non-civil service terms holding public offices that do not fall under the categories of (a) or (b) above.

7.9 An election agent must not incur election expenses for or on behalf of a candidate unless he/she has been appointed as an election expense agent. Expenses incurred by any purported agent before the notice of appointment is received by the RO for promoting the election of a candidate or for prejudicing the election of another candidate or other candidates may, depending on the circumstances, still be treated as the election expenses incurred in respect of the candidate. It is **important** to note that it is an **illegal conduct** for any person other than a candidate or a candidate's election expense agent to **incur election expenses at or in connection with an election** [s 23(1) of the ECICO]. *[Amended in September 2016]*

Revocation

7.10 The appointment of an election agent may be revoked by the candidate at any time. The candidate must also give notice of the revocation in writing in the specified form and deliver the signed notice by hand, by post, by electronic mail or by facsimile transmission to the RO. If the notice of revocation is given on the polling day, it should not be delivered to the RO by post. A revocation of an appointment of an election agent will not be effective until such notice is received by the RO [s 23(8), (9), (10) and (13) of the EAC (EP) (EC) Reg]. *[Amended in October 2011 and September 2016]*

7.11 If an election agent passes away or has his/her appointment revoked, the candidate may appoint another election agent. In such a case, the candidate must give notice of the replacement appointment in the specified form to the RO in accordance with para. 7.8 above [s 23(11), (12) and (13) of the EAC (EP) (EC) Reg]. Like other election agents, the new election agent has to follow the arrangements set out in paras. 7.13 to 7.16 below, including the need to submit an application to the CEO if he/she wishes to observe the poll at a

dedicated polling station situated in a penal institution (other than a maximum security prison). *[Amended in January 2010 and September 2016]*

Notification

7.12 Not later than 5 days after the end of the nomination period, and thereafter as required, each validly nominated candidate or his/her election agent will receive from the RO a notice containing the particulars of all the election agents (such as names and correspondence addresses) appointed by all candidates for the subsector concerned [s 24 (1), (2), (3) and (4) of the EAC (EP) (EC) Reg]. The RO must also display outside his/her office a notice of the particulars of the election agents [s 24(5) of the EAC (EP) (EC) Reg]. *[Amended in October 2011 and September 2016]*

Role of an Election Agent

7.13 A duly appointed election agent ranks in the **most important position** amongst all kinds of agents of a candidate. He/She has the **authority to do everything a candidate is authorised to do** under the EAC (EP) (EC) Reg for the purposes of the election, **except:**

- (a) to sign the nomination form or make any requisite declaration in relation to a candidate's nomination;
- (b) to withdraw the candidate's candidature;
- (c) to incur election expenses save where he/she has been appointed as an election expense agent by the candidate;
- (d) to authorise an election expense agent to incur election expenses;
and

- (e) to be present in a dedicated polling station situated in a maximum security prison.

[S 23(14) and (15) of the EAC (EP) (EC) Reg] *[Amended in September 2006, January 2010, October 2011 and September 2016]*

IMPORTANT :

An election agent is, along with the candidate, responsible for the management of the election campaign. A candidate is responsible for all the acts of his/her election agent. If the election agent fails in his/her duties, he/she may contravene the law, in particular, the ECICO, and may commit criminal offences for which the candidate may also be liable, with serious consequences. An election agent will need to be authorised as an election expense agent by a candidate to incur election expenses. If so authorised, the election agent becomes also an election expense agent (see Part VI of this chapter). *[Amended in October 2011 and September 2016]*

7.14 Candidates and their election agents are normally allowed admission to all polling stations in respect of the subsector concerned and are entitled to be present at the counting of the votes. Due to security reasons, only candidates may enter dedicated polling stations situated in maximum security prisons to observe the poll. An election agent, who wishes to observe the poll at a dedicated polling station situated in a penal institution other than a maximum security prison, must deliver an application in the specified form to the CEO by hand, by post, by electronic mail or by facsimile transmission at least 1 week before the polling day. The election agent may not be present at that dedicated polling station unless the Commissioner of Correctional Services has given

consent to his/her presence. If the Commissioner of Correctional Services refuses to give consent to the application received, he/she will notify the candidate or the election agent as soon as practicable. [S 23(15) and (18) of the EAC (EP) (EC) Reg] *[Amended in January 2010 and September 2016]*

7.15 The Commissioner of Correctional Services may, on an application delivered to the CEO during the week before the polling day, give consent if he/she is satisfied that a person imprisoned or held in custody by the CSD, who is entitled to vote for the relevant subsector at the dedicated polling station concerned, is admitted or transferred to the penal institution concerned during that week and the application is made without undue delay after the admission or transfer [s 23(17) of the EAC (EP) (EC) Reg]. The REO will post and update on its website the number of registered voters/ARs who are imprisoned or held in custody in individual penal institutions daily from Monday to Friday (other than a general holiday) starting from 3 weeks before the polling day and on the Saturday immediately before the polling day for candidates' reference. *[Added in January 2010 and amended in September 2016]*

7.16 No election agent may be present at a dedicated polling station situated in a penal institution if a polling agent has already been appointed by the same candidate for that polling station [s 23(16) of the EAC (EP) (EC) Reg]. *[Added in January 2010]*

7.17 The PRO of a polling station may regulate the number of candidates, election agents and polling agents to be admitted to the polling station at any one time, for the purpose of maintaining order in the polling station and ensuring that the polling is conducted smoothly [s 44(2) of the EAC (EP) (EC) Reg]. **Whilst inside a polling station or a counting station, the provisions to be observed by polling agents and counting agents are also applicable to candidates and their election agents.** They are therefore advised to familiarise themselves also with the guidelines set out in Parts VII and VIII of this chapter.

PART VI : ELECTION EXPENSE AGENTS

Authorisation

7.18 A candidate may authorise **any number** of election expense agents to incur election expenses on his/her behalf in an election. The authorisation will remain in force until the end of the election period, i.e. the end of the polling day or the last polling day if there is more than 1 polling day, unless it is revoked earlier [ss 2 and 23 of the ECICO]. *[Amended in October 2011]*

7.19 The authorisation shall be in writing on a specified form and state the name, identity document number and address of the election expense agent, and must specify the maximum amount of election expenses the agent may incur [s 25(2) and (3) of the EAC (EP) (EC) Reg]. It should be signed by both the candidate and the election expense agent [s 25(4) of the EAC (EP) (EC) Reg]. A copy of the authorisation must be delivered by hand, by post, by electronic mail or by facsimile transmission to the relevant RO, or the CEO if the RO has not been appointed [s 25(5) and (6) of the EAC (EP) (EC) Reg]. *[Amended in September 2016]*

7.20 The authorisation is not effective until it has been received by the relevant RO or the CEO as the case may be [s 25(7) of the EAC (EP) (EC) Reg]. Before the authorisation is received, no election expenses should be incurred by a person purporting to be authorised as an election expense agent. It is also important to note that it is an **illegal conduct** for any person other than a candidate or his/her election expense agent to **incur election expenses** [s 23(1) of the ECICO]. The expenses so incurred may also be counted as the candidate's election expenses.

Revocation

7.21 The authorisation of an election expense agent may be revoked by a candidate at any time. The candidate must give notice of the revocation as soon as possible in writing in the specified form and deliver the signed notice by hand, by post, by electronic mail or by facsimile transmission to the relevant RO, or the CEO if the RO has not been appointed [s 25 (8), (9) and (9A) of the EAC (EP) (EC) Reg]. The revocation will only be effective when the relevant RO or the CEO, as the case may be, receives the notice [s 25 (10) of the EAC (EP) (EC) Reg]. The election expenses already incurred before the RO or the CEO receives the notice will still be counted as election expenses of the candidate. *[Amended in October 2011 and September 2016]*

Role of Election Expense Agents

7.22 An election expense agent is authorised **to incur election expenses on behalf of a candidate**. He/She must not incur election expenses in excess of the amount specified in the form of authorisation; otherwise he/she commits a criminal offence [s 23(4) of the ECICO].

Candidate's Duty to Know the Details of Election Expenses Incurred by his/her Election Expense Agents

7.23 Every candidate, whether elected or not, or who was returned uncontested, or who has withdrawn the candidature before the close of nominations, or has been decided by the CERC as not validly nominated, or has not incurred any election expenses, is under a **duty**, subject to criminal penalty for breach, to submit to the CEO a return and declaration of his/her election expenses and election donations (thereafter referred to as "election return") with supporting invoices and receipts issued by the goods or service providers. The candidate must ensure that the election return is lodged before the expiry of the

period of 30 days after the election is settled in relation to all EC subsector elections to be held on the same date (if the subsector elections become settled on different dates, the last of those dates) or within such extended period as may be allowed by the Court of First Instance (“CFI”) under the relevant law. An election is settled in relation to a subsector on which any of the following events occurs –

- (a) the result of the election is notified in the Gazette;
- (b) a declaration that no candidate was validly nominated is made,

[s 37(1), (1D), (1E) and (1N) of the ECICO and Part V of Chapter 16].

For the efficient and effective discharge of his/her duty, the candidate should **make sure** that his/her election expense agents will keep account of all election expenses incurred on his/her behalf and will provide to him/her, as soon as practicable but not later than the same period, a detailed statement of expenditure in which each item of expenditure of \$500 or above has to be supported by an invoice and a receipt. If any item of expenditure incurred by the election expense agents is paid or defrayed or contributed to by a donation, the candidate should **make sure** that they will provide him/her with a statement stating the expenses. If an item is not explicit in monetary terms, it should be assessed at a reasonable value; and if any item of donation is more than \$1,000, it should be supported by a copy of the receipt for the donation issued to a donor (in a standard form signed by the candidate). Without such statements, invoices and receipts issued by the goods or service providers or to donor(s), as the case may be, provided by the election expense agents, the candidate will have difficulty in discharging his/her duty to file the election return, which **may render him/her liable for a criminal offence** under s 38 of the ECICO. *[Amended in September 2006, October 2011, September 2016 and July 2021]*

Public Inspection of Authorisation of Election Expense Agents

7.24 The RO or the CEO, as the case may be, will make available for public inspection all copies of authorisations of election expense agents submitted by candidates until the expiration of the period for which copies of the election return lodged by the candidates are available for inspection, i.e. the period ending with the 30th day before the first anniversary of the date of the deadline for lodging the relevant election return (disregarding any order made by the CFI under s 40 of the ECICO allowing a candidate to lodge an election return within a further period as specified by the CFI) [s 41(6) of the ECICO]. This offers the public and other candidates an opportunity to scrutinise the maximum amount of election expenses that could be incurred by the election expense agents on behalf of the candidates. [S 26 of the EAC (EP) (EC) Reg] *[Amended in October 2011 and September 2016]*

PART VII : POLLING AGENTS

Appointment

7.25 A candidate may appoint **a maximum of 2 polling agents** for each polling station, other than a dedicated polling station situated in a penal institution, in respect of the subsector for which he/she is nominated [s 42(2) and (3) of the EAC (EP) (EC) Reg]. The notice of appointment must be in writing, in the specified form, signed by the candidate and delivered by hand, by post, by electronic mail or by facsimile transmission to the CEO, at least **7 days** before the polling day [s 42(5), (5AA) and (8) of the EAC (EP) (EC) Reg]. Where a candidate wishes to appoint a polling agent after the above deadline, he/she is required to give notice of the appointment to the PRO of the polling station for which that agent has been appointed. Such a notice must be given by the candidate or the election agent **in person** by delivering the notice of appointment

to the PRO at the relevant polling station on the polling day [s 42(6) of the EAC (EP) (EC) Reg]. The appointment will not be effective until the notice of appointment is received by the CEO or the PRO, as the case may be [s 42(7) of the EAC (EP) (EC) Reg]. *[Amended in January 2010 and September 2016]*

7.26 In respect of the appointment of polling agent to be admitted to a dedicated polling station situated in penal institution, the following provisions would apply:

- (a) only the candidate is allowed to be present in a dedicated polling station situated at a maximum security prison [s 42(5A)(c) of the EAC (EP) (EC) Reg];
- (b) only 1 polling agent may be appointed for a dedicated polling station situated in a penal institution which is not a maximum security prison and the Commissioner of Correctional Services has given consent to the presence of the agent. The appointment is effective only when an application made in a specified form is delivered to the CEO by hand, by post, by electronic mail or by facsimile transmission at least **7 days** before the polling day [s 42(5), (5AA), (5A) and (8) of the EAC (EP) (EC) Reg];
- (c) for a dedicated polling station situated in a penal institution which is not a maximum security prison, no polling agent may be appointed if the Commissioner of Correctional Services has already given consent to the presence of the election agent of the same candidate at that polling station [s 42(5A)(b) of the EAC (EP) (EC) Reg].

[Added in September 2016]

7.27 If the Commissioner of Correctional Services refuses to give consent to the application received, he/she will notify the candidate or the election agent as soon as practicable [s 42(5C) of the EAC (EP) (EC) Reg]. The Commissioner of Correctional Services may, upon receipt of a notice of appointment given during the week before the polling day, still give consent if he/she is satisfied that a voter/AR imprisoned or held in custody by the CSD, who is entitled to vote for the relevant subsector at the dedicated polling station concerned, is admitted or transferred to the penal institution concerned during that week and that the notice of appointment is given without undue delay after the admission or transfer [s 42(5B) of the EAC (EP) (EC) Reg]. The REO will post and update on its website the number of registered voters/ARs who are imprisoned or held in custody in individual penal institutions on every Monday to Friday (other than a general holiday) starting from 3 weeks before the polling day and on the Saturday immediately before the polling day for candidates' reference. *[Added in January 2010 and amended in September 2016]*

Revocation

7.28 The appointment of a polling agent may be revoked by the candidate at any time. The candidate must give notice of revocation in writing in the specified form and deliver the signed notice by hand, by post, by electronic mail or by facsimile transmission to the CEO (other than on the polling day). If the notice of revocation of appointment is given on the polling day:

- (a) for a polling agent appointed for a polling station other than a dedicated polling station situated in a penal institution, such notice must be delivered to the relevant PRO by either the candidate or the election agent **in person**;
- (b) for a polling agent appointed for a dedicated polling station situated in a penal institution, such notice must be delivered to the

CEO by hand, by electronic mail or by facsimile transmission.

[S 42(10), (11) and (11A) of the EAC (EP) (EC) Reg] *[Amended in January 2010 and September 2016]*

7.29 A revocation of appointment of a polling agent is not effective until the notice thereof is received by the CEO or the PRO, as the case may be [s 42(12) of the EAC (EP) (EC) Reg]. If a replacement of polling agent is appointed and he/she wishes to observe the poll at a dedicated polling station in a penal institution (other than a maximum security prison), he/she is required to follow the arrangements set out in paras. 7.25 to 7.27 above. *[Amended in January 2010 and September 2016]*

Role of a Polling Agent

7.30 Polling agents are appointed **to assist a candidate in observing the conduct of the poll**, to detect impersonation or irregularity at polling stations.

Provisions which the Polling Agents should be Aware of

7.31 On behalf of each candidate, only 1 polling agent may be admitted at any one time to the polling station for which he/she has been appointed [s 44(6) of the EAC (EP) (EC) Reg]. He/she is required to stay and keep his/her movements within the area designated for observation of the poll and not outside. Where a candidate or his/her election agent is present within a polling station, a polling agent of that candidate will not be allowed to be present at the same time within the polling station [s 44(7) and (8) of the EAC (EP) (EC) Reg]. (See also Part V of Chapter 5 regarding the admission of candidates, election agents and polling agents to the polling station.) *[Amended in January 2010]*

7.32 Before entering a polling station, every person, other than a voter/AR, a police officer, an officer of the CSD or an officer of any law enforcement agency or a member of the CAS on duty, must make a Declaration of Secrecy on a specified form and observe the provisions governing the secrecy of voting [s 92 (1), (2) and (5) of the EAC (EP) (EC) Reg]. This is to make sure that, subject to penalty of making a false declaration, all persons inside a polling station will observe the secrecy of the vote of the voter/AR and, in particular, not to divulge which voter/AR has voted for which candidate(s). *[Amended in January 2010]*

7.33 On attending the polling station for which he/she has been appointed, a polling agent shall report to the PRO and produce his/her identity card and the Declaration of Secrecy completed by him/her for inspection [s 44(10) of the EAC (EP) (EC) Reg].

7.34 The following procedures shall apply on the polling day:

(a) Before the poll

- (i) About 30 minutes before the commencement of the poll (or 15 minutes for dedicated polling stations situated in penal institutions), the PRO will inform the candidates or their agents (either election agent or polling agent) if they are present, of the number of ballot papers in the PRO's possession, and open the sealed packets of ballot papers to show them the books of ballot papers not yet issued to any voter/AR ("**UNISSUED ballot papers**").
- (ii) About 15 minutes before the commencement of the poll, the PRO will show the empty ballot boxes to such persons before proceeding to lock and seal them.

(b) During the poll

- (i) Where a person, claiming to be a particular voter/AR entered on the FR, applies for a ballot paper after a person has already been issued with a ballot paper under the name of such a voter/AR, the PRO may issue a tendered ballot paper to the latter voter/AR **only if** he/she is not certain that the latter person is the former person who had been issued with a ballot paper earlier, and the latter person has answered the appropriate questions in accordance with the law as set out in para. 5.41 to the satisfaction of the PRO. The PRO will in such circumstances issue a ballot paper with the word “**TENDERED**” and “重複” endorsed on the front. Such a ballot paper shall not be counted at the counting of votes. [Ss 58(1) and 77(1)(b) of the EAC (EP) (EC) Reg]
- (ii) Any voter/AR who has inadvertently torn or damaged any ballot paper or has made an error in marking any ballot paper issued to him/her may ask the PRO to exchange it for another unmarked ballot paper. If the PRO considers the request reasonable, he/she will issue a new ballot paper to the voter/AR in exchange for the spoilt one and shall endorse on the front of it with the word “**SPOILT**” and “損壞” and keep it in his/her own custody. The spoilt ballot paper will not be put into a ballot box and will not be counted at the counting of votes. [Ss 60 and 77(1)(d) of the EAC (EP) (EC) Reg]
- (iii) The PRO shall endorse on the front of any ballot papers that have been issued and abandoned or found left behind

anywhere in the polling station with the word “**UNUSED**” and “**未用**” and keep them in his/her own custody. Such ballot papers shall not be put into a ballot box and will not be counted at the counting of votes. [Ss 59 and 77(1)(c) of the EAC (EP) (EC) Reg] Under these circumstances, the PRO will show to each candidate or his/her election agent or polling agent, who is present at the relevant time, such ballot papers.

(c) After the poll

The PRO shall, in the presence of persons at the polling station, lock and seal the flaps of the inserting slots of the ballot boxes. He/She will also inform each candidate or his/her agent, if present, of the types of ballot papers in his/her possession (i.e. the number of unissued ballot papers, unused ballot papers, and spoilt ballot papers [s 62(2) of the EAC (EP) (EC) Reg].

[Amended in September 2016 and July 2021]

7.35 Generally speaking, a polling agent may observe all proceedings in the polling station for which he/she has been appointed and record his/her observations but shall not do anything that may interfere with the conduct of the poll. A polling agent **may**:

- (a) observe the opening of sealed packets of ballot papers and the locking and sealing of empty ballot boxes before the poll commences, and the locking and sealing of the ballot boxes during or at the close of poll;

NOTE :

Any polling agent who signs the sealing certificate of a ballot box as witness is required to write his/her name in block letters beneath his/her signature for easy identification. Candidates are advised to keep a list of their own polling agents to facilitate checking when the sealing certificate is broken at the counting station.

- (b) leave the polling station at any time within the 1-hour slot after he/she is admitted to the polling station in which case his/her place may be taken by the relevant candidate, election agent or another polling agent (representing the same candidate) appointed to attend at the polling station (see para. 7.31 above);
- (c) subject to para. 7.36(b) below, observe the issue of ballot papers to voters/ARs and (either through the EPR system or the drawing of a line across concerned entries in the printed copy of the FR (if used)) , subject to the condition that they will not interfere with the work of the polling staff;
- (d) where there is reasonable ground for questioning the bona fides of a voter/AR, ask the PRO to put the following prescribed questions (subject to necessary modifications) to that person at the time of his/her application for a ballot paper (but not afterwards):
 - (i) “Are you the person registered in the subsector final register now in effect for this subsector, as follows (the Presiding Officer to read the whole entry as it is recorded in the register)?”
 - (ii) “Have you already voted for this subsector?”

NOTE :

The person will not be issued with any ballot paper unless he/she has answered the questions to the satisfaction of the PRO.

[S 51(3), (4) and (5) of the EAC (EP) (EC) Reg]

- (e) where there is a reasonable cause to believe that a person who has applied for a ballot paper has engaged in corrupt conduct by impersonation, inform the PRO for appropriate action before that person leaves the polling station. This may possibly lead to the arrest of the person. The polling agent must however undertake in writing to give evidence to substantiate the allegation in a court of law. [S 52(1) of the EAC (EP) (EC) Reg]

[Amended in January 2010, September 2016 and July 2021]

- 7.36 Inside a polling station, a polling agent **must not**:
- (a) interfere with or attempt to influence any voter/AR;
- (b) speak to or communicate with any voter/AR, or interfere with or attempt to interfere with any ballot boxes, ballot papers, backup storage facilities of the EPR system, the marked copy of the FR in printed form (if used) or other relevant election materials. In this regard, a polling agent should station within the designated area demarcated by red adhesive tape, and must not enter, or move close to, the restricted zone delineated with yellow tapes which is about 1 metre, or 2 metres (depending on the configuration), around the voting compartments. Moreover, it is improper for a polling agent

to ask a voter/AR about his/her identity card number, and also most improper to check a voter/AR's identity card;

- (c) attempt to obtain information, or disclose any knowledge acquired, concerning the vote of any voter/AR. A polling agent should read and observe carefully the provisions governing the secrecy of voting issued with the form of Declaration of Secrecy;
- (d) exhibit or leave or distribute any campaign material;
- (e) display or wear any promotional material, e.g. any badge, emblem, clothing or head-dress which:
 - (i) may promote or prejudice the election of a candidate or candidates at the election; or
 - (ii) makes direct reference to a body any member of which is standing as a candidate in the election or to a political body in Hong Kong; or
- (f) use a mobile telephone, paging machine or any other form of electronic communication device.

[Ss 45 and 93 of the EAC (EP) (EC) Reg] *[Amended in September 2006 and September 2016]*

7.37 A polling agent must not misconduct himself/herself in or in the vicinity of a polling station or fail to obey any lawful order of the RO or the PRO; otherwise he/she commits an offence and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 3 months [s 45(4) and (7) of EAC (EP) (EC)]

Reg] and may be ordered by such officer to leave the area. If he/she fails to leave immediately, he/she may be removed by:

- (a) a police officer if the polling station is not a dedicated polling station;
- (b) an officer of the CSD or any law enforcement agency if the polling station is a dedicated polling station; or
- (c) any other person authorised in writing by the RO or the PRO to remove him/her.

The person so removed may not re-enter the polling station during that day except with the permission of the RO or the PRO. [S 46(2), (3) and (4) of the EAC (EP) (EC) Reg] *[Amended in January 2010]*

Other Useful Information for Polling Agents

7.38 Polling staff, candidates, their election agents and polling agents will be required to wear an identification device issued by the RO or the PRO for identification. If in doubt, a polling agent may enquire with the PRO as to the identities of the persons inside the polling station. No attempt, however, should be made to obtain information as to the identity of any voter/AR who is about to vote or has voted [s 93(8) of the EAC (EP) (EC) Reg]. *[Amended in September 2016]*

7.39 Voters/ARs with mobility difficulty may be permitted to vote in a special polling station designated for that purpose. Candidates or their agents can make inquiries with the RO for information. *[Amended in September 2016]*

7.40 Only the PRO, the Deputy PRO or an Assistant PRO may, in the presence of one of the polling staff as a witness, help a voter/AR to mark a ballot paper if he/she claims that he/she is unable to read or is incapacitated from casting his/her vote by himself/herself due to visual impairment or other physical cause [s 57 (1) and (2) of the EAC (EP) (EC) Reg]. The responsible officer should inform the candidates or their agents who are present when such a request for assistance is received. A candidate or his/her polling agent in the polling station may suggest the PRO, the Deputy PRO or an Assistant PRO to choose a particular polling staff who is not working at the issuing counter as the witness, but the final decision as to which polling staff should be the witness remains with the PRO, Deputy PRO or Assistant PRO. A voter's relative, friend or any other person is in no circumstances allowed to accompany the voter/AR in the course of voting. *[Amended in September 2016]*

7.41 In each polling station designated for an election, subject to practicability of production, a number of **braille templates** are made available for the use of persons with visual impairment, if they so choose, to facilitate them to mark their vote on the ballot paper [s 57(3) of the EAC (EP) (EC) Reg]. The basic features of the template are as follows:

- (a) the template for each subsector is of the same width and length as the ballot paper;
- (b) the template contains numbers in braille starting with the first numeral in a sequence assigned to the candidates of the subsector from the top downwards and on the right hand side against each of the number is a round / oval hole;
- (c) the **top left hand corner** of the ballot paper and the template is cut so as to guide the person with visual impairment to place the

template on top of the face of the ballot paper in the proper direction; and

- (d) when the template is placed properly over the ballot paper, each braille number corresponds with the candidate number in the subsector, and each of the holes on the template corresponds with the circle / oval on the ballot paper against the candidate number. The number of holes equals the number of candidates in the subsector.

A person with visual impairment should fill the oval, or affix chop provided at the polling station to give a single “✓” in the circle, as the case may be, through the holes on the templates against the candidate numbers of the candidates of his or her choice. Whenever it is necessary, the polling staff will help the person with visual impairment to identify the different ballot papers before the person proceeds to mark his/her choice. *[Amended in September 2016]*

7.42 No person may canvass, display or wear any promotional material relating to any candidate or the election within a polling station. Candidates and their agents should not bring electioneering materials into the polling station or leave them there, and should remove any promotional badges, emblems, clothing or head-dress before entering. A person must not use a sound amplifying system or device for any purpose within the NCZ; nor should he/she use such system or device or conduct any activities (e.g. lion dance) for canvassing, so that the sound emitted by it can be heard within the NCZ. [Ss 40(14) and 41(1) of the EAC (EP) (EC) Reg] However, an officer of the CSD may use a sound amplifying system or device in the NCZ of a dedicated polling station situated in a penal institution for the performance of his/her duties on the polling day [ss 40(14A) and 41(1A) of the EAC (EP) (EC) Reg]. Also, a person must not stay or loiter in the NSZ without the express permission of the PRO [s 41(1)(e) of the EAC (EP) (EC) Reg]. Any person who undertakes photographing, filming and video or audio

recording within a polling station without the express permission of the PRO, the RO for the relevant subsector, or a member of the EAC, commits an offence and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months [s 45(2) and (8) of the EAC (EP) (EC) Reg]. Normally such permission is only granted to government photographers for publicity purposes. Polling agents should also read Parts II to XI of Chapter 5 on all matters relating to polling and in particular, paras. 5.57 and 5.60 for activities that are prohibited, and the consequences of conducting such activities, in a polling station. *[Amended in September 2006, October 2011 and September 2016]*

7.43 If a candidate or his/her election or polling agent has any complaint about whatever happens inside a polling station, he/she should follow the procedures laid down in Chapter 20 on Complaints Procedure of the Guidelines.

PART VIII : COUNTING AGENTS

Appointment

7.44 A candidate may appoint not more than such number of counting agents as will be specified by the EAC to attend at a counting station to observe the counting of votes [s 64(1) and (2) of the EAC (EP) (EC) Reg]. The same persons may, but need not, be appointed also as polling agents. *[Amended in September 2016]*

7.45 The notice of appointment must be in writing, in the specified form signed by the candidate and delivered by hand, by post, by electronic mail or by facsimile transmission to the relevant RO at least **7 days** before the polling day [s 64(4), (5), (5A) and (8) of the EAC (EP) (EC) Reg]. Where a candidate wishes to appoint a counting agent after the above deadline, the notice of the appointment must be delivered by the candidate or the election agent **in person** to

the RO on the polling day during the period from the commencement of the poll to the conclusion of the count [s 64(6) of the EAC (EP) (EC) Reg]. The appointment is only effective when the notice of such appointment is received by the RO [s 64(7) of the EAC (EP) (EC) Reg]. *[Amended in September 2006 and September 2016]*

Revocation

7.46 The appointment of a counting agent may be revoked by the candidate at any time. The candidate must also give notice of revocation in writing in the specified form and deliver the signed notice by hand, by post, by electronic mail or by facsimile transmission to the RO (other than on the polling day) [s 64(9), (10) and (10A) of the EAC (EP) (EC) Reg]. If the notice of revocation is given on the polling day, such notice must be delivered by the candidate or his/her election agent **in person** to the RO [s 64(11) of the EAC (EP) (EC) Reg]. A revocation of appointment of a counting agent is not effective until notice thereof is received by the RO [s 64(12) of the EAC (EP) (EC) Reg]. *[Amended in September 2016]*

Role of Counting Agents

7.47 Counting agents are appointed to attend at the counting stations **to observe the breaking of the seals on the ballot boxes, the sorting, separation and counting of ballot papers and the counting of votes on the valid ballot papers**. This arrangement ensures the transparency of the counting process and is conducive to the principle of openness and fairness (see Part XII of Chapter 5).

Provisions which the Counting Agents should be aware of

7.48 Before the counting of votes commences, every person authorised to be present at a counting station, other than police officers and members of the

CAS on duty, must make a Declaration of Secrecy on a specified form and observe the provisions governing the secrecy of voting [s 92(2) of the EAC (EP) (EC) Reg]. This is to make sure that, subject to penalty of making a false declaration, all persons inside a counting station will observe the secrecy of the vote of the voter/AR and, in particular, not to divulge which voter/AR has voted for which candidate. Members of the public present within the area designated by the CRO (Subsectors) or the RO will not be required to make a Declaration of Secrecy. *[Amended in October 2011]*

7.49 On attending the counting station, a counting agent shall report to the relevant RO and produce his/her identity card and the Declaration of Secrecy completed by him/her for inspection [s 66(5) of the EAC (EP) (EC) Reg]. *[Amended in September 2016]*

7.50 Counting agents are entitled to be present throughout the count to observe the entire counting proceedings. They will be allowed by the RO to stay close to, and round the counting tables to observe the count. Nonetheless, they must not touch any ballot papers. A counting agent **may**:

- (a) observe the breaking of the seals on the ballot boxes and the opening of the ballot boxes by the RO/ AROs;
- (b) inspect any papers other than ballot papers taken from the ballot boxes before they are disposed of;
- (c) observe the conduct of the count by counting staff including how ballot papers relating to a subsector are separated from those relating to other subsectors and how votes on individual ballot papers are counted;

- (d) observe the determination of the validity of questionable ballot papers by the RO and make representations on behalf of the candidate [s 78(3) of EAC (EP) (EC) Reg]; and
- (e) observe, where he/she wishes, the packing of ballot papers by the counting staff and the RO at the conclusion of the count.

[Amended in September 2016]

7.51 A counting agent **must not**:

- (a) touch, handle, separate or arrange ballot papers; and
- (b) misconduct in or in the vicinity of a counting station or fail to obey any lawful order of the CRO (Subsectors)/RO, as the case may be, otherwise he/she commits an offence and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 3 months and may be ordered by the CRO (Subsectors)/RO to leave the area [s 67(3) and (4) of the EAC (EP) (EC) Reg]. If he/she fails to leave immediately, he/she may be removed by a police officer or by other person authorised in writing by the CRO (Subsectors)/RO to remove him/her. The person so removed may not re-enter the counting station during that day except with the permission of the CRO (Subsectors)/RO, as the case may be. [S 68 of the EAC (EP) (EC) Reg] *[Amended in September 2016]*

7.52 Counting agents should read Part XII of Chapter 5 on all matters relating to counting of votes and in particular, paras. 5.71 and 5.72 for activities that are prohibited, and the consequences of conducting such activities, within the counting station.

CHAPTER 8

ELECTION ADVERTISEMENTS

PART I : GENERAL

8.1 Election expenses are regulated by the law to ensure that the candidates compete on a level playing field within a reasonable level of expenditures. For the regulation of election expenses, please refer to Chapter 16. *[Added in July 2021]*

8.2 EAs account for a major portion of election expenses. Given that only candidates and their election expense agents are permitted to incur election expenses (also see Chapter 7), they are the only persons allowed to incur election expenses because of the publication of EAs. It is, therefore, necessary to set down statutory regulations for EAs. *[Added in July 2021]*

8.3 EAs refer to any publicity materials which are published for the purpose of promoting or prejudicing the election of a candidate or candidates. As to whether an individual statement will be construed as an EA, the overall circumstances, including the background, time of publication (e.g. whether the candidate has publicly declared his/her intention to stand for the election or whether the incident happens during the election period), the expenses incurred etc., must be taken into account so as to infer whether there is any intention to promote or prejudice the election of a candidate or candidates. If the statement is simply for expression of views or comments based on the facts without any intention to promote or prejudice the election of a candidate or candidates, then it is not to be treated as an EA. *[Added in July 2021]*

8.4 A candidate is required under the law to post a copy of any EA he/she has published as well as the relevant information and documents onto an

open platform⁴⁶ maintained by the CEO or a person authorised by the CEO (“Central Platform”) or an open platform maintained by the candidate(s) or a person authorised by the candidate(s) (“Candidate’s Platform”), or submit a copy of the EA to the RO for public inspection within 1 working day after publication of the EA. This is not to restrict the contents of EAs. Rather, it keeps track of candidates’ publication of EAs for the purpose of regulating their election expenses. If any false statement is contained in EAs, it will be regulated by other provisions under the subsisting law (see para. 8.23 below). *[Added in July 2021]*

8.5 It is an illegal conduct to publish false or misleading statements about a candidate under s 26 of the ECICO (please see para. 17.11 of Chapter 17 for details). In this regard, candidates publishing EAs should pay extra attention to ensure that the contents in their EAs have factual basis to avoid controversies and legal proceedings. Besides, if a candidate makes references to another candidate/other candidates in the EAs, he/she should ascertain the factual basis of such references and should not constitute a false or misleading statement. In the 2019 DC Ordinary Election, the CFI of the High Court ruled in the election petition (HCAL 3665/2019) that an elected candidate (i.e. the first respondent), who had published a false and misleading statement about another candidate in one of the EAs, to be not duly elected. *[Added in July 2021]*

8.6 Interactive EAs published on Internet platforms can be updated constantly. The law permits candidates to upload the relevant hyperlinks onto the Candidate’s Platform or Central Platform showing the publication of the EAs concerned and allowing public inspection of the EA contents. *[Added in July 2021]*

8.7 With the proliferation of the Internet, online platforms are widely used to publish election-related opinions. As such opinions may sometimes constitute

⁴⁶ An open platform means a platform operated through the Internet to which the public has access without having to go through an access control process put in place for that platform.

EAs, if the publication involves the incurrance of election expenses, the publisher may have committed offences relating to election expenses if he/she is not a candidate or a candidate's election expense agent. Hence, legislative amendments have been made that where such person has published information constituting EAs, he/she will be exempted from criminal liability for incurring election expenses not in the capacity of a candidate or a candidate's election expense agent if the only expenses incurred are either electricity charges and/or charges necessary for accessing the Internet. However, **it must be noted that** the exemption only applies to third parties who are neither candidates nor candidates' election expense agents (for details, please refer to para. 8.11 below).

[Added in July 2021]

PART II : WHAT CONSTITUTES AN ELECTION ADVERTISEMENT

8.8 An EA, in relation to the subsector election, means:

- (a) a publicly exhibited notice, leaflet, circular, bill, booklet, placard or poster;
- (b) a notice, leaflet, circular, bill, booklet, placard or poster delivered by hand or electronic transmission;
- (c) a public announcement made by radio or television or by video or cinematographic film; or
- (d) any other form of publication,

published for the purpose of promoting or prejudicing the election of a candidate or candidates at the election.

[S 2 of the ECICO and s 1 of the EAC (EP) (EC) Reg] *[Amended in September 2016]*

IMPORTANT :

“Candidate” includes a person who has publicly declared an intention to stand for an election at any time before the end of the nomination period for the election, whether or not he/she has submitted a nomination form [s 2 of the ECICO and s 1(2) of the EAC (EP) (EC) Reg]. *[Amended in September 2016]*

“Publish” means print, display, exhibit, distribute, post up, publicly announce or make publicly known by any other means, and includes continue to publish [s 107(1) of the EAC (EP) (EC) Reg]. *[Added in September 2016]*

If any candidate has authorised the publication of an EA by another person, that EA is taken to have been published by that candidate [s 107(2) of the EAC (EP) (EC) Reg]. *[Added in September 2016]*

8.9 **An EA** includes the following if it is published for the purpose of promoting or prejudicing the election of any candidate or candidates in an election: *[Amended in October 2011]*

- (a) any address, notice, bill, placard, poster, board, banner, roll-up banner, flag, standard, colour, sign, message, sound, name card, letter paper bearing the name and/or logo of the candidate, image or picture and any article, thing or material; *[Amended in October 2011]*

- (b) audio/video cassette tape or disc, diskette, electronic message (e.g. messages published through social media, mobile messaging apps, communication networks, etc.), website, facsimile transmission, balloon, badge, emblem, carrier bag, head-dress and clothing; or
[Amended in September 2006 and October 2011]

- (c) any thing or material published by any person or any organisation, including political organisation, professional or trade organisation, owners' corporation, mutual aid committee ("MAC"), tenants' association, owners' committee, etc. (irrespective of whether or not the candidate concerned is its office-bearer or member) showing his/her or its support for any candidate or advertising the platform or services of such an organisation with reference to a candidate or candidates by name or photograph or in any other form or manner.

[Amended in July 2021]

8.10 As stated in para. 8.8 above, an EA is defined to include any messages published for the purpose of promoting or prejudicing the election of a candidate or candidates at an election under s 2 of the ECICO. Any publicity materials published by any person or organisation during or before the election period to appeal directly or indirectly to voters/ARs to vote or not to vote for certain candidates or organisations which certain candidates belong to or are affiliated with, irrespective of the form of publication and whether they contain any names or photographs of candidates, may also be regarded as EAs depending on all the circumstances at the time when read in their whole context (e.g. the materials concerned may be capable of being reasonably understood by a voter/AR as referring to certain identified candidate(s)). Materials issued through the press with the intent to promote or prejudice the election of a candidate or candidates at an election may also be regarded as EAs. The expenses incurred for the publication of such materials will be regarded as

election expenses incurred by or on behalf of the candidate(s). If expenses are involved in the publication of an EA and the publisher is neither a candidate nor a candidate's election expense agent, the publisher may have violated s 23 of the ECICO. If a candidate instructs that person or organisation to publish the EA, and such expenses are not accounted for as election expenses, the candidate will also violate the law. *[Added in September 2016 and amended in July 2021]*

8.11 In accordance with s 23(1A) of the ECICO, a person (other than candidates or their election expense agents) is exempted from the relevant criminal liability under s 23(1) of the ECICO if the person publishes an EA on the Internet, and the only election expenses incurred by the person for the purpose of publishing the EA are either or both of electricity charges and charges necessary for accessing the Internet. However, if a candidate, a candidate's election expense agent, or a person who is authorised by a candidate or his/her election expense agent publishes an EA of the candidate on the Internet, any costs incurred, even though the costs only involve electricity charges and/or charges necessary for accessing the Internet, will still have to be included in the election expenses of the candidate. The candidate should also fully fulfil the requirements relating to publication of EAs as set out in para. 8.56 below. *[Added in September 2016 and amended in July 2021]*

8.12 Any publicity materials containing the name or photograph of a candidate issued or displayed during the election period (i.e. the period beginning on the first day of the nomination period for the election and ending on the day on which the polling for the election ends, or on the day on which the RO is required to make relevant declaration in accordance with s 22 of the EAC (EP) (EC) Reg) may also be regarded as EAs if they are published for the purpose of publicity with the intent to promote the election of the candidate. *[Amended in September 2016 and July 2021]*

8.13 Under s 107(1) of the EAC (EP) (EC) Reg, the definition of “publish” includes “continue to publish”. In this regard, for any person who intends to stand as a candidate at the election (including but not limited to an incumbent member of the LegCo or a DC), if he/she continues to display any previously published publicity materials with an intent to promote his/her election, once he/she has been nominated as a candidate or has publicly declared an intention to stand as a candidate at the election, such publicity materials **may** be regarded as EAs. Particular attention should be drawn to posters or banners bearing that person’s name or photograph displayed at a public place or at the common parts of a building (and the terms and conditions under the Lands Department’s Management Scheme for the Display of Roadside Non-commercial Publicity Materials shall also apply if the publicity materials are being displayed under the said scheme). For the sake of prudence, the person concerned should remove all the published publicity materials before he/she is nominated as a candidate or publicly declares an intention to run for the election.
[Added in September 2016 and amended in July 2021]

8.14 Under s 107(4) of the EAC (EP) (EC) Reg, a document published by a candidate **during** an election period that gives details of the work done by the candidate in the capacity of:

- (a) the CE;
- (b) an EC member;
- (c) a member of the LegCo;
- (d) a member of a DC;
- (e) a member of the HYK;

- (f) the Chairman or Vice-Chairman or a member of the Executive Committee of a Rural Committee within the meaning of s 3(3)(a) of the Heung Yee Kuk Ordinance (Cap 1097); or
- (g) an RR,

is also regarded as an EA. *[Amended in September 2016 and July 2021]*

8.15 For the avoidance of doubt, if a person has publicly declared his/her intention to stand as a candidate at an election **before** the election period and then publishes a document as mentioned in para. 8.14 above, the document will also be regarded as an EA as long as it is published for the purpose of promoting or prejudicing the election of a candidate or candidates at the election. It is important to note that a document referred to in this paragraph and para. 8.14 above must comply with all the requirements for an EA and the expenses so incurred be accounted for as election expenses. *[Amended in September 2016]*

8.16 If a person publishes a document to give details of the work done by him/her in a capacity listed in para. 8.14 above without promoting or prejudicing the election of a candidate or candidates at the election before submitting the nomination form or publicly declaring an intention to stand as a candidate, the document will not be construed as an EA. On such basis, the expenses incurred in the publication of such a document would not be counted as election expenses. *[Amended in September 2016]*

8.17 A candidate in an election should put up and display EAs in accordance with all the relevant laws and regulations and the guidelines herein. *[Amended in September 2016]*

Election Advertisements Prejudicing the Election of a Candidate

8.18 There are occasions that a candidate or a third party may publish EAs for the purpose of prejudicing the election of other candidates at the election. The concept of “promoting” and “prejudicing” the election of someone can be relative. Any kind of publication with the intent to persuade voters/ARs not to vote for a candidate or candidates would have the effect of improving the chances of success of the remaining candidate(s), and could therefore be said to have the purpose of promoting the latter’s election. For example:

- (a) If candidate A criticises candidate B in his/her own EAs with a view to prejudicing B’s candidature at the election, candidate A has to include the expenses incurred in his/her election expenses;
- (b) If a third party criticises candidate B in an EA and the EA has the effect of indicating support for candidate A, the third party must obtain candidate A’s prior written authorisation for incurring the production expenses before he/she produces that EA, and the expenses incurred will have to be included in candidate A’s election expenses; or
- (c) If the third party publishes an EA as described in (b) above without the prior written authorisation of candidate A, that third party will be breaching s 23 of the ECICO (unless exempted under s 23(1A) as mentioned in para. 8.11 above) because only a candidate or a person who has been duly authorised by a candidate as his/her election expense agent may incur election expenses. It would only be fair to candidate A that the third party needs to obtain candidate A’s written authorisation before incurring such expenses. This requirement would also prevent candidate A from circumventing the law by asking the third party to publish materials prejudicing

candidate B without having to account for the expenses of those materials.

[Amended in September 2016 and July 2021]

8.19 Materials published by any person, including a candidate, for the purpose of prejudicing the election of a candidate or candidates are treated as EAs, if reference could be made from the materials to identify the candidate or candidates being prejudiced.

8.20 The **election expenses** allowed by the law to be incurred by a candidate include the expenses he/she incurs for the preparation and publication of EAs, and he/she should therefore be careful in planning how much he/she should spend in this area. (For the definition of election expenses, see s 2 of the ECICO.)

8.21 Subject to the maximum amount that can be incurred by a candidate for election expenses [s 24 of the ECICO], there is no restriction as to the quantity of EAs employed by him/her. The maximum amounts allowed for the elections of respective subsectors are specified in the Maximum Scale of Election Expenses (Election Committee) Order (For details, see para. 16.15 of Chapter 16). *[Amended in October 2011]*

8.22 The costs incurred for the display of EAs must be counted as election expenses. A candidate must not incur election expenses in excess of the prescribed maximum amount, otherwise he/she will commit an offence. However, if election expenses in excess of the prescribed maximum amount have been incurred by a candidate, he/she may apply to the CFI for a relief order according to the relevant legislation. The CFI may make an order relieving the candidate from consequences of the illegal conduct if it is satisfied that the illegal conduct caused by the act was due to inadvertence, an accidental miscalculation

or any other reasonable cause and was not due to bad faith, and considers that the candidate should not be subjected to corresponding penalties/punishments under the principle of justice [s 31 of the ECICO]. Any person who, because of any reason not due to bad faith, may need to incur election expenses in excess of the prescribed maximum amount should seek independent legal advice to ascertain whether the statutory requirements for applying a court relief order may be fulfilled before incurring such election expenses. *[Added in July 2021]*

8.23 A candidate must ensure the correctness and accuracy of factual information in his/her EAs. In particular, a candidate is reminded to comply with the requirements for obtaining prior written consent of support from other persons or organisations, which are summarised in Chapter 18. If a candidate has any question about the legal requirements on EAs and election expenses, he/she should seek independent legal advice. (For criminal sanctions, see ss 25, 26 and 27 of the ECICO.) *[Amended in September 2016 and July 2021]*

PART III : PERIOD AND AREA OF DISPLAY

8.24 Subject to the necessary **written permission or authorisation**, a candidate may display EAs on government or private land and property. [S 104A(1) of the Public Health and Municipal Services Ordinance (Cap 132) (“PHMSO”) and s 4 of the Land (Miscellaneous Provisions) Ordinance (Cap 28)] *[Amended in October 2011]*

8.25 Display spots are classified into 2 types:

- (a) **designated spots** which are spots on government land/property and sometimes even on land/property owned or occupied privately that have been made available to the Government for allocation to candidates of the subsectors; and

- (b) **private spots** which are spots on private land/property in respect of which written permission or authorisation for display has to be obtained from the owner or occupier concerned by the candidate himself/herself.

Government or Private Land/Property - Designated Spots

8.26 Allocation of designated spots for the use of **contested** candidates to display their EAs will be made by the RO for the relevant subsectors. Some of the government land/property have been allocated to some public authorities, such as the Housing Authority, and are under their respective control. The RO for the relevant subsectors may designate spots on such allocated land/property in coordination with the said authorities. **Each candidate competing in the same subsector** will be allocated **the same number of designated spots**. *[Amended in October 2011 and September 2016]*

8.27 Prospective candidates as well as political organisations are welcome to suggest to the ROs the locations of display in which they are interested. The ROs concerned will take into consideration such suggestions in drawing up the list of “**designated spots**”, but with absolute discretion to decide whether to adopt the suggestions.

NOTE :

Suggestions under para. 8.27 should reach the CEO **not later than 8 weeks before the polling day**. *[Amended in October 2011]*

Other Land/Property - Private Spots

8.28 Candidates who wish to display their EAs on land/property other than government land/property and other than the designated spots must obtain the **prior written permission or authorisation** of the owner or occupier [s 104A(1) of the PHMSO]. The obtaining of written permission or authorisation from the private owner or occupier is a matter for private arrangement between the candidate and the owner or occupier, and the spots concerned are therefore called “**private spots**”. A copy of all the permissions or authorisations obtained by a candidate himself/herself must be provided by him/her for public inspection in the manner as set out in para. 8.56 below. (Please also see para. 8.33 below.) Any consideration, fee or money incurred or agreed to be paid by or on behalf of the candidate to the owner or occupier for display of his/her EAs forms part of his/her election expenses. If the private spot secured for displaying the EA is normally used for commercial purpose, the actual rent charged or the usual rent or market rent that would normally be charged should be counted as the election expenses of the candidate concerned, irrespective of whether that private spot is owned by the candidate or whether the owner of it allows the candidate to use it free of charge (in which case it would be a donation of the rent). Where a space provided by a particular private owner or occupier for a candidate to display EAs is not used for commercial advertising, but similar space belonging to other owners or occupiers is available for commercial advertising, the market value of the space should also be accounted for. The provision of this kind of rent-free space should be regarded as election donation and counted as election expenses. This requirement is to ensure that the candidate concerned will not have unfair advantage over the others who do not have access to such facilities. For details on how the estimated value should be assessed, please refer to para. 16.29 of Chapter 16. If a space is not the type normally used by any private owners or occupiers for commercial advertising, there is no need for the candidate to account for its value. *[Amended in October 2011 and September 2016]*

8.29 For the display of EAs at the common parts of private land/property (those parts for which exclusive rights of use or occupation do not belong to a particular owner or tenant), the EAC appeals to owners or occupiers of private land/property concerned to give all candidates competing in the same subsector **fair and equal treatment**. (For details, please see Chapter 9)
[Amended in September 2016]

8.30 Candidates should note that public corporations (e.g. the MTR Corporation Limited) may have their own rules for display of EAs in properties under their management. *[Amended in September 2016]*

Allocation of Designated Spots

8.31 The RO for the relevant subsector will allocate the designated spots to candidates either in accordance with the agreement among the candidates or by the drawing of lots after the end of the nomination period, when the number of candidates in that subsector has been ascertained. **No designated spot will be provided to a candidate who is returned uncontested. No display of EAs will be allowed at any designated spots before the allocation** (also see the requirements in para. 8.37 and Part VII below). EAs displayed by the candidates on government land/property other than designated spots are unauthorised and will be removed, save those EAs displayed in connection with electioneering activities conducted on government land/property with approval by the authorities concerned. A candidate will be provided with a list of the designated spots allocated to him/her, together with a set of maps to help identify the locations. *[Amended in October 2011 and September 2016]*

8.32 Candidates using the designated spots are required to read and comply with all the requirements and conditions stipulated in the “Conditions for Display of Election Advertisements at Designated Spots”, which will be provided to each candidate in the candidate’s folder and uploaded onto the

EAC's website. To safeguard the safety of road users, candidates must ensure that the EAs on display do not distract motorists or interfere with the sight lines of motorists and pedestrians, or obscure any traffic sign or traffic light signal.

[Added in September 2016]

Written Permission or Authorisation

8.33 The RO will obtain prior approval from the relevant authorities under s 104A(1) of the PHMSO and s 4 of the Land (Miscellaneous Provisions) Ordinance for candidates to display their EAs at designated spots. Immediately after the allocation of designated spots is made, a copy of that written permission or authorisation as required under the relevant legislation will be provided to the candidates by the RO of the subsector concerned (see Part IV below). For display of EAs on private land/property, written permission or authorisation of the private owner or occupier will have to be obtained by the candidates themselves [s 104A(1) of the PHMSO]. A person displaying an EA without the necessary written permission or authorisation commits an offence and will be liable to a fine at level 3 (\$10,000) and, where the offence is a continuing offence, an additional daily penalty of \$300 for each day during which it is proved to the satisfaction of the court that the offence has continued [ss 104A(2) and 150 of the PHMSO]. A copy of all the permissions or authorisations obtained by a candidate himself/herself, as opposed to those provided to him/her by the RO, must be provided by him/her for public inspection in the manner as set out in para. 8.56 below. All candidates are also reminded that if carrying out of building works (including erection of any signboard) in private premises is involved for the display of an EA, the relevant provisions of the Buildings Ordinance (Cap 123) ("BO") and the subsidiary regulations should be complied with. In this regard, the candidates are strongly advised to consult building professionals, registered contractors and, where necessary, authorised persons on the compliance with the BO, and to make submission in accordance with the simplified requirements under the Minor Works Control System or formal

application for approval and consent from the Buildings Department as appropriate before the carrying out of such works. *[Amended in October 2011 and September 2016]*

No Canvassing Zone

8.34 No EA may be displayed within the boundaries of a polling station (including all storeys and the outer walls of the premises) or within the **NCZ** on the polling day (see Chapter 14), but except for static display of EAs that are authorised by the RO (e.g. EAs mounted at designated spots). Where there are premises situated within the NCZ, the ROs should issue a notice in advance to all the candidates for the subsector asking them to remove all of their EAs posted up at the premises within the NCZ before the polling day. The exhibition of portable displays of EAs on vehicles (whether in motion or parked within the NCZ) or held or carried by persons is also regarded as a canvassing activity which is forbidden within an NCZ. Therefore, candidates should arrange the removal of EAs on the windows or bodywork of any public service vehicles (e.g. public light buses or taxis) before the polling day if those vehicles will pass through or be parked within the NCZ on the polling day. If a candidate fails to remove the EAs as requested by the RO, the RO may issue a warning to him/her to remove the offending EAs immediately. If the candidate does not comply, the EAC may issue a censure or reprimand. The RO for the relevant subsector will provide each candidate of that subsector with 1 set of sketch maps or plans showing the boundaries of all polling stations and all NCZs outside those polling stations. *[Amended in October 2011, September 2016 and July 2021]*

PART IV : ALLOCATION OF DESIGNATED SPOTS

8.35 A candidate can obtain the following information from the relevant subsector's RO when he/she submits the nomination form:

- (a) the general locations of the designated spots, which may include unleased government land, property and buildings managed by the Housing Department, and occasionally private land/property (if any) available for allocation of designated spots to the candidates. The number and size of spots for allocation will be finalised by the RO, taking into account the number of contested candidates in the subsector, **after** the end of the nomination period. In order to allow all contested candidates to display their EAs at all locations, particularly popular ones, the size of each spot may vary from location to location; and
- (b) the date and time for conducting the allocation of designated spots, which would normally be held within 7 working days after the end of the nomination period. The RO will invite representatives from the relevant authorities relating to government land/property, save those that have already given a blanket approval, to be present to give the necessary written authorisation for the spots allocated.

[Amended in September 2016]

8.36 The RO for the subsector will need to know the exact number of candidates who wish to display EAs at designated spots, so that he/she can finalise the number of designated spots and their size for allocation. Therefore, candidates who wish to display EAs at designated spots **must register their interest in writing by filing a completed form to the relevant RO within the**

nomination period. Only candidates of contested subsectors will be allocated with designated spots. *[Amended in September 2016]*

8.37 The principle of allocation of designated spots is that candidates contesting in the same subsector should each be allocated the same number of designated spots and an equal area of space for mounting EAs. Designated spots are allocated by agreement among the representatives of all the contested candidates of a subsector or by drawing of lots. After allocation of the spots and the necessary authorisations have been obtained from the relevant authorities [s 104A(1) of the PHMSO and s 4 of the Land (Miscellaneous Provisions) Ordinance] and after complying with the requirements set out under Part VII, the candidate may display EAs at the allocated spots. *[Amended in October 2011 and September 2016]*

8.38 A copy of the permissions or authorisations obtained by a candidate himself/herself, as opposed to those provided to him/her by the RO, must be provided in the manner as set out in para. 8.56 below [s 108(2) and (3) of the EAC (EP) (EC) Reg]. *[Amended in October 2011 and September 2016]*

8.39 Subject to para. 8.40, designated spots allocated are neither transferable nor exchangeable with other spots. Where a candidate of a particular subsector no longer wishes to use one or more designated spots allocated to him/her, he/she should inform the RO of that subsector in writing within 1 week after the allocation of those spots. At a contested election, upon request by any other candidate of the same subsector, the RO, if he/she considers appropriate, will re-allocate by agreement or by the drawing of lots the designated spots among all other candidates who are eligible to be allocated with designated spots of the same subsector. In such a case, paras. 8.36 and 8.37 above apply. *[Amended in October 2011 and September 2016]*

8.40 An EA advertising 2 or more candidates of the same or different subsectors jointly is allowed to be displayed at the designated spots allocated to the candidates. Nevertheless, it is important to ensure that, for each one of the joint candidates, the total area of all the spaces actually occupied for advertising the candidate on all his/her EAs, including the joint EAs, mounted at the designated spots (as measured by the dimension of EAs) does not exceed the total area of the designated spots allocated to the candidate. A joint EA is also subject to the size restrictions specified in para. 8.44 below. Candidates using a joint advertisement to promote themselves at the election would all benefit from the joint advertisement. The expenses incurred for the joint EA will therefore have to be borne by the candidates concerned in equal or proportional shares as their respective election expenses, to be calculated by the proportion of the size of the portion advertising each. In this connection, it is important to note that only a candidate himself/herself or his/her election expense agent may incur election expenses on his/her behalf [s 23 of the ECICO]. In order to comply with the requirement stipulated in s 27 of the ECICO, the candidates concerned also have to seek prior written consent of support from each other before publishing the joint EA. Besides, each of the candidates must make available a copy of each of his/her EAs and the relevant information/documents for public inspection in accordance with para. 8.56 below. (See also paras. 7.18 to 7.20 of Chapter 7 and para. 18.12 of Chapter 18) *[Amended in September 2006, October 2011, September 2016 and July 2021]*

PART V : CONDITIONS AND LIMITATIONS ON DISPLAY

Name of the Subsector

8.41 To avoid possible confusion to voters/ARs, all EAs of any candidate for a subsector must bear the name of the subsector for which the candidate concerned is standing. Similarly, in respect of joint EAs, the name of

the subsector should be stated clearly in relation to each of the candidates advertised. Either the full name of the subsector or its abbreviated name (to be advised by the RO for the subsector) may be used, dependent on the choice of the candidate. In the case of a breach for EAs displayed at designated spots, the approval for the use of the designated spots in question may be revoked. *[Amended in September 2016]*

8.42 Likewise, all candidates should make known to the public the name of their respective subsectors when they conduct joint canvassing activities.

Re-use of Old Publicity Boards

8.43 A candidate may re-use old publicity boards used at a previous election. However, any information in relation to the previous election, e.g. the candidate number, name of subsector, party affiliation and names of persons who supported the candidate at that election, should be fully obliterated before any old publicity board is re-used. This would not only avoid confusion to voters/ARs but would also help the candidate avoid laying himself/herself open to allegations of false claim of support of persons who might not have consented to support him/her at the current election. The cost incurred in refurbishing as well as the estimated value of the old publicity boards will be counted towards the candidate's election expenses. *[Amended in October 2011]*

Size

8.44 As a general rule, EAs displayed at designated spots should not exceed 1 metre high and 2.5 metres long. In the case of designated spots at roadside railings, the promotional messages of the relevant EAs must be **printed on one side only** and **facing the designated direction of the spots**. Before displaying any EAs, candidates are reminded to ensure that the EAs must not distract motorists or interfere with the sight lines of motorists and pedestrians,

obscure any traffic sign or traffic light signal, or obstruct the circulation of pedestrians (see also para. 8.32 above). For the rules on display of joint advertisements, see para. 8.40 above. *[Amended in October 2011 and September 2016]*

Mounting and Installation

8.45 The EAs must be firmly and separately fastened. The mounting and display of EAs must not cause any risk to injuries or property damage. *[Amended in September 2016]*

8.46 Permanent fixing devices, such as nails or insoluble glue, should not be used.

8.47 “Tie-on” posters (rather than “stick-on” posters or metallic wires) should be used to facilitate subsequent removal. *[Amended in September 2016]*

8.48 Use of metal wires for fixing flags onto any highway structure, railing, barrier, fence, post or any other street furniture is strictly prohibited. *[Added in July 2021]*

8.49 Do not stick posters on painted or varnished surfaces as their subsequent removal will cause damage or leave irremovable marks.

8.50 Do not install into or erect any structure on public pavements, e.g. nailing boards to the ground. Do not use any tree or plant as anchor point for EAs. *[Amended in September 2016]*

8.51 Owners or occupiers of a property including a government authority may specify the way in which EAs are to be displayed, and may require

an indemnity against any claim or damage arising from the display of such materials.

Dismounting

8.52 All candidates should remove all their EAs displayed on government land/property **within 10 days** following an election. Failure to do so may result in prosecution being brought against the offending candidate and such EAs removed and seized by the relevant authority. Relevant authorities will issue demand notes for the removal costs to the candidates concerned within 21 days after the publication of the election results in the Gazette (normally the first Friday after the polling day). The **cost of removal** will be construed as **election expenses** and the candidates must include all these costs as election expenses in their election returns. *[Amended in September 2006, October 2011 and September 2016]*

PART VI : APPLICATION FOR TEMPORARY OCCUPATION OF GOVERNMENT LAND AT PUBLIC PLACE FOR HOLDING ELECTIONEERING ACTIVITIES

8.53 For temporary occupation of government land including any public street, pavement, footbridge, public escalator system and pedestrian tunnel for holding electioneering activities (such as setting up a manned street counter and displaying EAs which may include banners, roll-up banners and vertical flying posters or bunting), candidates are required to submit applications specifying the scheduled date, time, location/spot and brief description of the proposed set-up to relevant District Lands Office (“DLO”) of the Lands Department for consideration. Only applications from validly nominated candidates will be considered by DLOs, whereas applications from uncontested candidates will not be considered. The site approved for occupation must not exceed 2 m² (i.e. 1 m x

2 m) in area and 2 m in height. The respective DLO will consult the government departments concerned in considering the applications. Where necessary, DLOs may adjust the location of the government site to be occupied in light of the physical setting and actual situation. The decision of the DLO shall prevail.

[Added in September 2016 and amended in July 2021]

8.54 The Lands Department will issue detailed guidelines for candidates to apply for temporary occupation of government land at public places for holding electioneering activities during election period. The deadlines for submission of applications will be specified in the guidelines. Applications should be submitted to the relevant DLO according to the designated deadlines. Applications for occupying government land on the polling day should be submitted to the relevant DLO by the deadline as specified in the guidelines. The DLO will arrange drawing of lots to determine the allocation if necessary. If the allocated spot falls within the NCZ on the polling day, the approval will be deemed to have been revoked. *[Added in September 2016]*

8.55 DLOs will not consider applications for holding electioneering activities on government land outside the designated periods; no fee is required for the applications above. The display of EAs will not be permitted for a street counter not manned by staff. *[Added in September 2016]*

PART VII : REQUIREMENTS RELATING TO PUBLICATION OF ELECTION ADVERTISEMENTS

Copies for Public Inspection

8.56 A candidate must make available a copy of each of his/her EAs and the relevant information/documents (see **Appendix 5**) including the publication information, permission or consent in relation to the EAs for public inspection

within 1 working day (i.e. any day other than a general holiday or Saturday)
after the publication of the EAs by the following means:

- (a) posting an electronic copy of each of his/her EAs and relevant information/documents onto the Central Platform in accordance with the procedures set out in **Appendix 5**;
- (b) posting an electronic copy of each of his/her EAs and relevant information/documents onto the Candidate's Platform and provide the **electronic address** of the platform to the CEO **at least 3 working days before the publication of the first EA (for details, please see Appendix 5)**;
- (c) if it is technically impracticable to comply with (a) or (b) above for EAs published through an open platform on the Internet (for example, when messages are exchanged on social networking or communication websites on the Internet, such as Instagram, Twitter, Facebook or blogs, in a real-time interactive manner), a hyperlink of the open platform and the information/documents relevant to the EAs should be posted onto the Candidate's Platform or Central Platform in accordance with the procedures set out in **Appendix 5**. In this case, if the hyperlink of the EA has already been posted onto the Candidate's Platform or the Central Platform, there is no need for the candidate to upload each and every comment separately;
- (d) providing 2 hard copies of each EA (or 2 identical full colour photographs/printouts/photocopies of each EA which cannot be practically or conveniently produced in specie) and a hardcopy of information/documents in relation to the EA to the RO; or

- (e) providing 2 identical copies of a CD-ROM or DVD-ROM each containing the EAs and a hardcopy of information/documents in relations to the EAs to the RO.

As an interim arrangement pending the appointment of the RO and the establishment of the Central Platform, candidates should deposit their EAs and the related information/documents with the CEO in the same manner as stated in (d) or (e) above.

[S 108(2) and (3) of the EAC (EP) (EC) Reg] *[Added in September 2016 and amended in July 2021]*

Publication Details

8.57 A candidate should provide information related to the printing/publication of his/her EAs (i.e. the name and address of the printer, date of printing/publication and number of copies printed) when posting the EAs onto the Candidate's Platform or Central Platform or submitting relevant information in a specified form to the RO **within 1 working day after the publication of the EA** (see **Appendix 5**) [s 108(4) and (6) of the EAC (EP) (EC) Reg]. A candidate must ensure the accuracy of all the information provided. *[Added in September 2016]*

8.58 If the information uploaded onto the Candidate's Platform or Central Platform or provided to the RO as set out in para. 8.57 above contains a mistake, the candidate should post the amended information onto the Candidate's Platform or Central Platform or submit the amended information in a specified form to the RO for public inspection. All the amended information must be posted onto the Candidate's Platform or Central Platform or deposited with the relevant RO **within 3 working days at the latest after the polling day**. The

information will be used as the basis for checking the candidate's election return and for removing unauthorised or offending EAs on display. For the avoidance of doubt, any amendment to the content of an EA will be regarded as the publication of a new EA and hence subject to the requirements stated in paras. 8.56 and 8.57 above. However, for the addition of a candidate number allocated to the candidate in a published EA, a copy of the EA bearing the newly added and amended information must be made available for public inspection as per this paragraph. *[Added in September 2016 and amended in July 2021]*

8.59 All EAs published must be posted onto the Candidate's Platform or Central Platform or deposited with the RO by the candidate for public inspection in the manner specified in this Part VII. *[Added in September 2016]*

8.60 A candidate must not display his/her EAs other than at the places permitted or authorised. *[Added in September 2016]*

8.61 Speeches orally delivered by a candidate during election meetings or ad hoc visits will not be treated as EAs, but the copies of the speech provided to the audience or media will be regarded as printed EAs. Given that the copies of speeches provided to the audience are regarded as printed EAs, the candidates concerned are required to comply with the requirements in this Chapter regarding the distribution of copies of an EA and those on making available the copies for public inspection. *[Added in September 2006 and amended in October 2011 and September 2016]*

8.62 In the case where candidates contesting in the same or different subsectors use identical copies of an EA, each of the candidates concerned should post an electronic copy of the EA and the relevant information/documents onto his/her respective Candidate's Platform or the Central Platform or deposit 2 copies of the EA and 1 copy of the relevant information/documents with the

RO(s) concerned. [S 108(2) and (3) of the EAC (EP) (EC) Reg] [*Amended in September 2016 and July 2021*]

8.63 All copies of the EAs and the relevant information/documents must be made available for public inspection till the end of the period in which copies of election returns are available for inspection under s 41 of the ECICO, i.e. the period ending with the 30th day before the first anniversary of the date of the deadline for lodging the relevant election return (see para. 7.23 of Chapter 7) [s 41(6) of the ECICO and s 108(7) of the EAC (EP) (EC) Reg]. A candidate electing to comply with para. 8.56(b) above must ensure that the Candidate's Platform is maintained till the end of the aforesaid inspection period to facilitate public inspection of the EAs [s 108(2)(b) of the EAC (EP) (EC) Reg]. The CEO will also make public the Central Platform and the electronic address of the Candidate's Platform to facilitate public inspection of the EAs. For a candidate electing to comply with para. 8.56(d) or (e) above, the RO concerned will make available a copy of the EAs and the relevant information/documents for public inspection at a specified address as soon as practicable after copies of such EAs and information/documents have been furnished till the end of the aforesaid public inspection period [s 108(7) of the EAC (EP) (EC) Reg]. [*Added in September 2016*]

PART VIII : REQUIREMENTS RELATING TO PRINTED ELECTION MATERIALS

Printing Details

8.64 All printed EAs, with the exception of those printed in a registered local newspaper, should bear the printing details in Chinese or English stating the name and address of the printer, the date of printing and the number of copies printed. It applies to all materials reproduced by any method of making copies

(e.g. using printing machines, duplicators or photocopiers). The following are some suggested formats:

- (a) Printed by ABC Printing Works,
XX XZY Street, HK
On (date) in (number) copies

or

- (b) Printed by own office machine
XX XZY Street, HK
On (date) in (number) copies

[S 108(4), (5) and (6) of the EAC (EP) (EC) Reg]

[Amended in October 2011 and September 2016]

Election Advertisements Placed in Print Media

8.65 Where an EA is placed in the print media and takes the form of a news report or any other form which does not clearly show that it is an EA, the words “**Election Advertisement**” or “**選舉廣告**” must be stated in the advertisement, to avoid misunderstanding among readers that it is not an EA.

Inadvertent Omission of Printing Details

8.66 A candidate who has inadvertently omitted the printing details from his/her printed EAs can make a statutory declaration to give the omitted details, and deposit such declaration with the RO of the respective subsector **within 7 days after** the publication of the offending EA [s 108(6) of the EAC (EP) (EC) Reg]. Candidates who have taken this remedial step will not be prosecuted for contravention of s 108(4) of the EAC (EP) (EC) Reg. The

statutory declaration will be made available for public inspection by the relevant RO till the end of the period in which copies of election returns are available for inspection under s 41(6) of the ECICO [s 108(7) of the EAC (EP) (EC) Reg].
[Amended in October 2011 and September 2016]

PART IX : NON-COMPLIANCE WITH THE LAW AND ITS CONSEQUENCES

Enforcement and Penalties

8.67 A candidate who fails to comply with the requirements set out in Parts VII and VIII above commits an offence and is liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months [s 108(9) of the EAC (EP) (EC) Reg].
[Amended in October 2011 and September 2016]

8.68 Each candidate must observe and comply with the conditions imposed by the permissions or authorisations for the display of EAs. Any EAs displayed in contravention of these requirements will be removed and seized. Candidates and their supporters should report any non-compliance to the RO and should not take removal action by themselves against any unauthorised or offending EAs. *[Amended in September 2016]*

8.69 Any unauthorised or offending EAs displayed may be seized, disposed of, destroyed, obliterated or covered by the RO or any person authorised by him/her [s 110 of the EAC (EP) (EC) Reg]. The candidate or his/her election agent responsible may also be prosecuted, and if convicted, may be liable to a fine and to imprisonment [s 108(9) of the EAC (EP) (EC) Reg]. The cost of removal, being a civil debt, will be counted as election expenses and must be reported in the candidate's election return. The seized articles may be kept as evidence and will be disposed of or returned upon application in accordance with

the PHMSO or the Housing Ordinance (Cap 283), as the case may be, and the procedures of the relevant authority [s 104C of the PHMSO and s 24 of the Housing Ordinance]. *[Amended in September 2006, October 2011 and September 2016]*

8.70 Each candidate must observe and comply with the conditions agreed between him/her and the owner or occupier of the private land or property concerned for the display of EAs, and any additional charges or damages payable by a candidate to the owner or occupier may be construed as election expenses.

8.71 Complaints, if any, should be made to the relevant RO. After a complaint is received, the EAC may also issue a public statement in such manner as it deems fit to reprimand or censure any non-compliance with the guidelines. Despite the fact that a censure may be a further detriment to a candidate in addition to his/her liability for removal expenses and criminal liability, the EAC will not hesitate to publish one as appropriate. *[Amended in September 2016]*

Relief for Election Advertisements

8.72 A person who publishes an EA without complying with the requirements as set out in paras. 8.56 (except that related to the submission of permission/authorisation document under s 104A(1) of the PHMSO), 8.57, 8.58, and 8.64 above may apply to the CFI for an order allowing the publication of the above EAs to be excepted from the relevant requirements and relieving him/her from the penalties. The CFI may make such an order provided that the CFI is satisfied that the non-compliance was due to inadvertence, an accidental miscalculation or any reasonable cause and was not due to bad faith. [S 109 of the EAC (EP) (EC) Reg] The judgments of precedent court decisions⁴⁷ regarding

⁴⁷ *Yiu Chun Fat* (HCMP 1482/2007), *Leung Wai Kuen Edward v. Secretary for Justice* (HCMP 1321/2012) and *Lee Hin Long (Timothy Lee) v. Secretary for Justice* (HCMP 1183/2020).

applications for the relief of election-related penalties and liabilities are as follows:

“if an applicant did not place enough significance on the obligation to file an election return, the court would require some good reason before it should exercise its discretion to grant relief. Section 40(2) gives the court a discretion. I think it is important that the discretion should be exercised in a manner which is consistent with the integrity of our election legislation. Those participate in election should be aware that these are serious matters and therefore they should take reasonable steps to comply with their legal obligation at the time when they put themselves forward as a candidate for any election.”

[Added in September 2016 and amended in July 2021]

PART X : ADVERTISEMENTS OF POLITICAL/ PROFESSIONAL BODIES, TRADE ORGANISATIONS OR OTHER ORGANISATIONS

8.73 Any thing or material published by any organisation, including a political body, professional body or trade organisation, owners’ corporation, MAC, tenants’ association, owners’ committee, etc., which advertises its platform or services **with reference to a candidate** (irrespective of whether the candidate concerned is its office-bearer or member) **during or even before the election period** by name or photograph or otherwise with the intent to promote the election of the candidate may be treated as an EA put up by, or on behalf of, or on account of, the candidate. The expenses of such EA may be construed as election expenses incurred by or on behalf of the candidate. A candidate should be responsible for election expenses incurred by himself/herself or his/her authorised election expense agents, excluding those incurred without his/her

knowledge and consent. It is therefore a prudent step for the relevant organisations to suspend such advertising activities. However, if the material published by the organisation concerned, as opposed to the candidate himself/herself, advertises only a particular activity which:

- (a) is organised from time to time either as part of the organisation's normal functions, and/or according to the local tradition;
- (b) is not related to the election; and
- (c) does not explicitly or implicitly promote or prejudice the election of a candidate in the election,

then the appearance of the name and/or photograph of a candidate who is involved in organising the activity in the published material will not be regarded as an EA. *[Amended in October 2011 and July 2021]*

8.74 It is an offence for anyone to incur election expenses unless he/she is a candidate or an election expense agent of a candidate. [S 23 of the ECICO]

8.75 To protect their own interest, candidates should advise their political bodies or their organisations of these guidelines as soon as they have any intention or plan to run for an election.

8.76 In short, if any organisation, including a political organisation, publishes an EA to promote a candidate, then:

- (a) the expenses incurred will be treated as the candidate's election expenses;

- (b) the officer-in-charge of the organisation should be authorised in writing by the candidate to be the candidate's election expense agent before any election expense is incurred, or else the organisation or the responsible person commits an offence under s 23 of the ECICO;
- (c) such advertisement must comply with the requirements of s 108 of the EAC (EP) (EC) Reg; and
- (d) such advertisement can only be displayed at the locations with relevant written permission or authorisation.

[Amended in September 2016]

PART XI : FREE POSTAGE FOR ELECTION ADVERTISEMENTS

Conditions for Free Postage

8.77 A candidate of a subsector who is declared to have been validly nominated in the notice of valid nominations published in the Gazette in accordance with regulations made under the EACO is permitted to send **1** letter to each voter/AR of the subsector for which he/she is validly nominated free of postage [s 38 of the Schedule to the CEEO]. However, before the publication of the notice of valid nominations in the Gazette, a candidate wishing to exercise his/her right to free postage must furnish the Postmaster General with a security (i.e. the postage of all items in that bulk to be posted) in default of the postage payment in the event that his/her name is not subsequently shown in the notice of valid nominations. In the case of joint election mail, a candidate whose letters contain the information on any other candidate(s) is liable for payment of postage

for the whole batch of letters if the name(s) of any of such candidate(s) is/are not subsequently shown in the notice of valid nominations. Under such circumstances, the security payment made by the candidate will not be refunded and the relevant joint election mail will not be regarded as postage-free election mail of the candidate. The other candidate(s) who is/are validly nominated is/are still entitled to exercise his/her right to free postage. [Reg 6(2)(a) of the Post Office Regulations (Cap 98A)]. *[Amended in October 2011 and September 2016]*

8.78 The purpose of the free postage is to enable candidates to mail EAs to promote or advertise himself/herself in relation to the election to voters/ARs in the relevant subsector. The free postage arrangement, which is a privilege of validly nominated candidates, should not be abused. In particular, it cannot and should not be used for any other purpose or any other election, or for promoting or advertising any other person. **As a general requirement, a candidate should publish EAs in accordance with all applicable laws and the guidelines herein. In this regard, EAs sent by a candidate through free postage should not contain any unlawful content.** *[Amended in October 2011 and September 2016]*

8.79 Joint election mail sent by a candidate containing the information on other candidate(s) will not be regarded as election mail sent by the other candidate(s) through free postage. This means that the other candidate(s) is/are still entitled to the free postage of 1 letter addressed to each voter/AR of the subsector concerned. [S 38(2A) of the Schedule to the CEEO] *[Added in September 2016]*

8.80 Specifically, each letter must:

- (a) be posted and delivered to an address in Hong Kong;

- (b) contain materials relating only to the candidature of the candidate or candidates of the same subsector in the case of joint election mail mentioned in para. 8.77 at the election concerned;
- (c) not exceed 50 grams in weight;
- (d) be not larger than 165 mm x 245 mm and not smaller than 90 mm x 140 mm in size;
- (e) not exceed 5 mm in thickness; and
- (f) not contain any obscene, immoral, indecent, offensive or libellous writing, picture or other thing.

[S 99(1) of the EAC (EP) (EC) Reg, s 38(2A) of the Schedule to the CEEO and s 32(1)(f) of the Post Office Ordinance (Cap 98)] [*Amended in July 2021*]

IMPORTANT:

Under s 99(3)(a) of the EAC (EP) (EC) Reg, a candidate sending postage-free mail items to voters/ARs in bulk is liable for payment of postage for all items in that bulk if any item therein does not meet the requirements in (a) to (e) above. Besides, according to s 32(1)(f) of the Post Office Ordinance, item (f) above refers to prohibited articles.

In the case of joint election mail, the candidates concerned should comply with the following requirements regarding (i) the obtaining of prior written authorisation to act as election expense agents; (ii) the sharing of expenditure in respect of the joint election mail among the candidates concerned for the

submission of election return; and (iii) the obtaining of written consent of support from the other candidate(s) before sending the joint election mail (see paras. 18.10 and 18.12 of Chapter 18).

[Amended in October 2011, September 2016 and July 2021]

Postal Requirements Stipulated by Hongkong Post

Make-up

8.81 The letter may take the form of an envelope, a lettergramme, a postcard or a folder. Items in roll form or enclosed in plastic wrappers are **not** acceptable.

8.82 Postcards and folders must be made of ordinary cardboard or paper not less than 0.25 mm thick, and must be rectangular in shape.

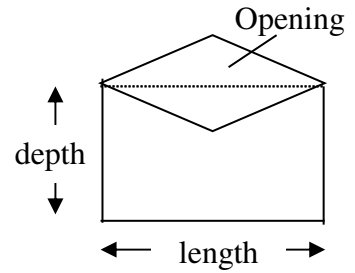
8.83 When a wrapper is used, it must be long enough to cover the full length of the item to be enclosed. Envelopes must not be fastened with staples or paper fasteners with sharp or pointy edges, but they may be sealed by means of an adhesive flap or tape.

8.84 Envelopes, folders and lettergrammes with an opening large enough to entrap smaller letters are prohibited. The **unsealed mail item** contained in envelopes with ordinary tuck-in flaps may be used subject to the following size limits (s 6.3 of the Post Office Guide):

Not over 90 mm in depth - opening not over 150 mm in length

Not over 100 mm in depth - opening not over 140 mm in length

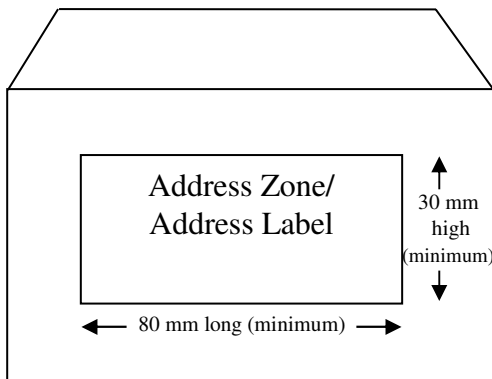
Over 100 mm in depth - opening not over 115 mm in length



8.85 Folders (e.g. A4 size paper) with openings should be sealed by means of adhesive flap or tape to avoid entrapping other letters of smaller sizes. All open edges must not be longer than 90 mm in width. Otherwise, adhesive tapes should be applied to the middle of the open edges to reduce the width. For details, please refer to the illustration in **Appendix 6**. [Amended in October 2011]

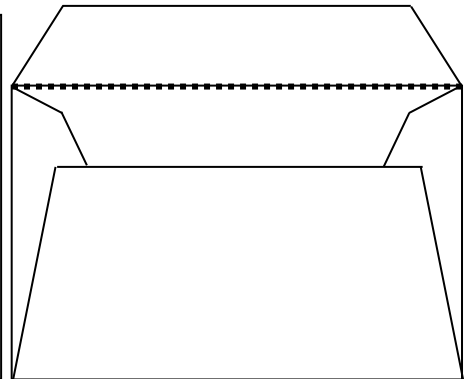
8.86 **The Chinese characters “選舉郵件” or “選舉廣告” or English words “Election Mail” or “Election Advertisement” must be printed on the front (address) side of the election mail, or the address side of the folder (unenvveloped mail). The layout of the election mail is as follows:**

Front Side of an Election Mail



The Chinese characters “選舉郵件” or “選舉廣告” or the English words “Election Mail” or “Election Advertisement” must be printed on the front (address) side of the election mail.

Back Side of an Election Mail



[Amended in October 2011 and September 2016]

Address

8.87 To avoid delay or misdelivery, the full postal address should be typed or legibly written on the front of the envelope in 4 rows as follows:

Name of addressee

Floor and flat number and name of building

Street number, name of street

Name of district

8.88 Address slips may be used for the mailing of EAs, provided that they are legible and **securely affixed to** the election mail.

IMPORTANT :

For the purpose of posting election mail, candidates may request the REO to provide one set of mailing labels in respect of the voters/ARs of the relevant subsectors and/or USB flash drives containing the “Candidate Mailing Label System” (CMLS). To protect the environment and respect the wishes of voters/ARs, candidates will not be provided with mailing labels in respect of voters/ARs who have provided their e-mail addresses for receiving EAs or who have indicated that they do not wish to receive any EA.

[Added in September 2016 and amended in July 2021]

8.89 The name(s) of the candidate(s) and other publicity slogans, including photographs, should appear on the back or the front (address side) of the mail item. An address zone of at least 80 mm long and 30 mm high, preferably at the right-hand half or at the centre of the front (address side), should be reserved exclusively for the address. If an adhesive address label is used, it should not be less than 80 mm long and 30 mm high. The address label should

only contain the name and address of voter(s)/AR(s). The whole address zone and address label should be free of advertisement and the entire address label should be affixed to the address zone on the front of the item. The background colour of the address zone and address label should be white while the text colour of the postal address should be black. (Please refer to the clear illustration in para. 8.86) *[Amended in October 2011]*

8.90 No free postage will be given to any EA bearing an address outside Hong Kong. Specifically, **only 1 address is allowed on the postage-free election mail to voters/ARs.** *[Amended in October 2011]*

Posting Arrangements

8.91 In order to allow adequate time for Hongkong Post to process election mail during the election period, candidates are advised to send their postage-free EAs **before the cut-off date as designated by Hongkong Post.** Candidates and their agents are therefore **reminded that mail sent after the cut-off date will likely fail to reach the voters before the polling day.** *[Amended in October 2011 and September 2016]*

8.92 **Candidates should apply for a written approval from Hongkong Post of their EA specimens for free postage. They should read carefully the requirements regarding free postage for EAs before deciding on the content of their EAs, and should seek advice from Hongkong Post relating to the postal requirements and from the REO in respect of other matters as appropriate if in doubt. Candidates should make every effort to submit their EA specimens to Hongkong Post for written approval as early as possible before mass production of their EAs, so as to allow sufficient time for revising the content of their EA specimens when necessary.** *[Added in October 2011 and amended in September 2016]*

8.93 Candidates should submit 3 unsealed specimens of their EAs, together with a “Notice of Posting of Election Mail” in duplicate (the notice will be provided by the REO to the candidates when they submit their nominations) to the designated manager(s) of Hongkong Post for written approval. At least **2 clear working days** (excluding any Saturday, Sunday and public holiday) are required for Hongkong Post to process each set of specimens, and the EA should only be posted after an official approval has been received from Hongkong Post. As Hongkong Post may have to process a large quantity of EA specimens at the same time, there is no guarantee that the EA specimens will necessarily be approved in 2 working days immediately after the submission. Candidates who wish to post joint election mail should indicate their intention in the “Notice of Posting of Election Mail”, which should be signed jointly by the candidates/election agents concerned. The specimens of joint election mail should also be submitted to the designated manager(s) of Hongkong Post for approval. *[Amended in October 2011, September 2016 and July 2021]*

8.94 To save time, candidates may consider submitting their EA specimens before being assigned with a candidate number or confirming the printing details of the election mail. Once the specimens concerned have been approved in writing by Hongkong Post, candidates may insert the candidate number or printing details into the election mail **without altering the approved design and content of the election mail**. There is no need for the candidates to re-submit the revised specimens to Hongkong Post for approval. *[Added in July 2021]*

8.95 To comply with the relevant requirements, candidates should attach the translations in Chinese or English together with the “Notice of Posting of Election Mail” if the specimens contain languages other than Chinese and English. *[Added in July 2021]*

8.96 Candidates should post their postage-free mail at the respective post offices designated by Hongkong Post for election mail. When posting mail, candidates should furnish a copy of the election mail to the manager(s) of the designated post office(s) for record purpose. *[Amended in October 2011 and September 2016]*

8.97 The election mail should be packed in bundles of 50 or 100 for easy counting. All of them must be stacked on the same side and arranged in the same order as the address labels/address lists (e.g. by building name or block number) provided by the REO. *[Amended in September 2016]*

8.98 When posting a mail item, the candidate or his/her election agent must present a signed “Declaration for Posting of Election Mail” (which will be given to the candidate by the REO when he/she submits the nomination) **in duplicate** (the original to be kept by Hongkong Post while the duplicate copy to be duly signed by Hongkong Post and kept by the candidate or his/her election agent as a confirmation of the posting) on each occasion:

- (a) stating the quantity of mail items in the posting and the name of the candidate;
- (b) declaring that the mail to be sent is free of postage;
- (c) declaring that each mail packet contains materials relating only to the candidature of the candidate or candidates of the same subsector (in the case of joint election mail) at the election, and that the items are identical to the unsealed specimen submitted by the candidate or his/her election agent for inspection and application for approval; and

- (d) declaring that not more than 1 postage-free mail will be sent to any voters/ARs.

It is important to note that under s 99(3)(b) of the EAC (EP) (EC) Reg, a candidate sending postage-free mail items to voters/ARs in bulk is liable for the payment of postage for all the items in that bulk if the declaration made by him/her or his/her election agent is false in any particular. *[Amended in October 2011 and September 2016]*

8.99 If a candidate sends the election mail in more than 1 batch, he/she must present the same declaration form at the same designated post office on each occasion. *[Amended in October 2011 and September 2016]*

8.100 If the name, logo or pictorial representation of a person or an organisation is included in the election mail, and the publication is in such a way as to imply or to be likely to cause voters/ARs to believe that the candidate(s) has/have secured the support of the person or organisation concerned, the candidate(s) must ensure that **prior written consent** has been obtained from the person or organisation concerned. Please refer to Chapter 18 for the detailed requirements. *[Added in September 2016]*

8.101 The Government reserves the right to charge a candidate postage if any of the requirements under s 99 of the EAC (EP) (EC) Reg is not met or the free postage arrangements are abused in any way [s 99(3) of the EAC (EP) (EC) Reg]. The charge on postage counts towards the candidate's election expenses and must be included in his/her election return to be sent to the CEO. The EAC may also issue public statements in such a manner as it deems fit to censure any abuse of the free postage arrangements. *[Amended in October 2011]*

8.102 **The postal requirements stated in the above guidelines (paras. 8.81 to 8.99) are for general reference only. Candidates should comply with**

the latest requirements issued by Hongkong Post at the time of the election.

[Added in October 2011 and amended in September 2016]

Enquiries

8.103 For general enquiries concerning the posting of EAs, please contact:

Assistant Manager (Retail Business Support/Hong Kong)
Room 1M05
General Post Office
2 Connaught Place
Central
Hong Kong

Telephone: 2921 2190 / 2921 2307

Fax: 2501 5930

[Amended in October 2011, September 2016 and July 2021]

**PART XII : ELECTION ADVERTISEMENTS FOR REGISTERED
VOTERS AND AUTHORISED REPRESENTATIVES
IN THE CUSTODY OF CSD AND OTHER LAW
ENFORCEMENT AGENCIES**

8.104 Candidates may send EAs to registered voters/ARs in the custody of the CSD if the voters/ARs have provided the addresses of the penal institutions concerned as their correspondence addresses for receiving EAs. For security reasons, candidates should adhere to the guidelines laid down by the CSD at **Appendix 17** when sending EAs to these voters/ARs. *[Added in January 2010 and amended in September 2016]*

8.105 Candidates may note that registered voters/ARs imprisoned or held in custody by law enforcement agencies may have access to election-related information through the mass media in accordance with the existing policies of the law enforcement agencies on access to the mass media. *[Added in January 2010]*

PART XIII : COMMERCIAL ADVERTISEMENTS RELATING TO CANDIDATES

8.106 Any commercial advertisement in physical form showing the portrait and/or name of a candidate (e.g. commercial advertisements displayed on the bodywork of buses or the exterior walls of buildings) will not be regarded as an EA if it is merely for business promotion without any intention to promote or prejudice the election of any candidate. However, such a commercial advertisement may give extra publicity to the candidate concerned even though it is not an EA. In order to avoid such unfair publicity, the candidate should make his/her best endeavours to request the person(s)-in-charge not to display the advertisement after his/her declaration of intention to stand for the election or during the election period. The EAC appeals to the aforesaid person(s)-in-charge to accede to such a request as far as practicable in order to avoid giving unfair publicity to the person concerned. If any complaint about unfair publicity of a candidate is received, the EAC will handle it according to established procedures. Nevertheless, if the display of the advertisement cannot be suspended due to contractual obligation, and the candidate has made best endeavours to request the person(s)-in-charge concerned not to display the advertisement, the candidate will not be subject to any liability. (For commercial advertisements broadcast on television/radio or in cinemas, please refer to paras. 11.29 to 11.30 of Chapter 11.) *[Added in July 2021]*

CHAPTER 9

ELECTIONEERING ACTIVITIES IN PREMISES OR BUILDINGS WHERE VOTERS/ARs RESIDE, WORK OR FREQUENT

PART I : GENERAL

9.1 There are occasions when candidates may wish to target their electioneering activities at an individual voter/AR or a group of voters/ARs:

- (a) at his/her/their living/working places;
- (b) in the premises of the organisation(s) to which the voter(s)/AR(s) belong; or
- (c) in the building(s) which the voter(s)/AR(s) frequent.

These electioneering activities may include visits to, personal contact with people, using amplifying devices to advertise in the common parts of the building, display or distribution of EAs and holding of election meetings at, the places mentioned above. **Appendix 7** gives some kind of reference as to what activity is to be regarded as an electioneering activity. This chapter explains the general guidelines to be observed by candidates in conducting electioneering activities, the rights of all concerned and appeals to the voters/ARs, the management bodies of the organisations to which the voters/ARs belong and the management organisations of the buildings which the voters/ARs frequent to **provide fair and equal treatment** to all candidates so as to ensure that the election is conducted fairly. *[Amended in September 2006]*

9.2 Occupiers who have exclusive possession of private properties (houses, flats, shops, office buildings or factories) have the right to decide whether to allow individual candidates to display EAs or conduct electioneering activities in their premises without having to treat all candidates equally. *[Added in July 2021]*

9.3 However, management organisations (such as owners' corporations, MACs, property management companies, etc.) of the common parts of buildings should accord fair and equal treatment to all candidates. Applications of all candidates for the display of EAs or the conduct of electioneering activities in the common areas of buildings should be processed impartially, especially if the chairmen or executive committee members of the management organisations are candidates or their relatives or friends, where the principle of fair treatment must be upheld and no preferential treatment should be given. *[Added in July 2021]*

9.4 Candidates are reminded that different organisations/buildings may have their own guidelines to allow or disallow the conduct of electioneering activities in the premises under their management. To ensure the smooth conduct of electioneering activities in public or private places, candidates should consult the relevant authorities or management organisations in advance and, if required, obtain prior permission from them for the conduct of electioneering activities in the places within their jurisdiction. *[Added in September 2006 and amended in September 2016]*

9.5 The general guidelines to be observed for conducting electioneering activities at the living and working places of voters/ARs, premises of organisations to which voters/ARs belong and buildings which voters/ARs frequent are set out in Part II below. The specific guidelines to be observed for conducting electioneering activities in the premises managed by the Housing Department and the Hong Kong Housing Society are set out in **Appendix 8**. *[Added in September 2006]*

9.6 For the purpose of ensuring fair treatment and equal opportunity of access for all candidates in conducting electioneering activities and to avoid causing disturbance to the public, Part III below provides the owners/management organisations of premises and organisations with some guidelines in handling applications for conducting electioneering activities in the premises under their control. *[Added in September 2006]*

PART II : GUIDELINES TO BE OBSERVED BY CANDIDATES IN THE CONDUCT OF ELECTIONEERING ACTIVITIES

Visits to Living and Working Places of Voters/ARs

9.7 Candidates should note that voters/ARs have the right to allow or deny access by anyone, including the candidates, to their own living or working places. In other words, voters/ARs are free to invite, or accept the request from, a particular candidate(s), but not the others, to visit them at their living or working places. *[Amended in September 2006, October 2011 and September 2016]*

9.8 However, access to a private office may require the approval of the management organisations of the office building or the companies which employ the voters/ARs, and such management organisations when making a decision should have due regard to the **fair and equal treatment principle** mentioned in Part III below. In conducting electioneering activities at the common parts of the living or working places of voters/ARs, candidates should observe the general guidelines set out in paras. 9.11 to 9.18 below.

9.9 Any government offices, which are working places of voters/ARs, will be treated in the same manner as the premises referred to in this chapter. Government offices may allow or disallow electioneering activities as they wish, but such decision should comply with the fair and equal treatment principle mentioned in Part III below. *[Amended in September 2006]*

9.10 Due to security reasons, arrangements will not be made to facilitate in-person canvassing activities in a penal institution or the premises of a law enforcement agency. A visitor, who visits a penal institution or the premises of a law enforcement agency for a business or official purpose, is not allowed to canvass for votes. This is to ensure that such a visitor will not have an advantage over other persons who cannot make the visit. A person, who canvasses for votes during the aforesaid visit, commits an offence and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 3 months. [S 87A of the EAC (EP) (EC) Reg] *[Added in January 2010 and amended in September 2016]*

Respect for the Decision and Privacy

9.11 After a candidate has been notified of the decision made by the management organisation relating to electioneering activities, he/she should ensure that he/she and his/her supporters comply with the decision and should not avail himself/herself of or obtain any unfair advantage over any other candidate(s). *[Amended in September 2006 and October 2011]*

9.12 If a decision to disallow electioneering activities in an organisation or a building has been made by the management organisation, the candidate and his/her supporters should conduct no electioneering activity in such places. If the candidate concerned acts against the decision of the organisation or building in whatever manner, then he/she commits trespass and the organisation or building management can simply stop him/her from doing the contravening act or carry out the decision to exclude the candidate concerned. If the candidate refuses to

leave, it would be wise in such circumstances for the organisation or building management, as the case may be, to report the matter to the Police in the first instance and then make a complaint to the EAC or its Complaints Committee. The EAC may publish a reprimand or censure against the candidate concerned.

[Amended in September 2006 and September 2016]

9.13 A candidate and his/her supporters should respect the decisions of the organisation or building management, and it is unwise to enter into arguments with members of the organisation or the building residents who obstruct the candidate's electioneering inside the premises of the organisation or the building. Such arguments may affect the candidate's reputation or image with members of the organisation or the residents of the building. Any dissatisfaction with the decision or act of the organisation or the building should more properly be made a subject of a complaint as soon as possible to the EAC or its Complaints Committee which will decide whether the decision or act is fair or unfair.

9.14 **Privacy of the voters/ARs should be respected.** The Guidance on Election Activities for Candidates, Government Departments, Public Opinion Research Organisations and Members of the Public ("the Guidance") at **Appendix 9**, prepared by the Office of the Privacy Commissioner for Personal Data ("PCPD"), serves as a general reference on compliance with the requirements of the PD(P)O in relation to electioneering activities that may involve the collection and use of personal data of an individual. According to the Guidance, the act of canvassing for votes is not in contravention of the PD(P)O provided that collection and handling of personal data is in compliance with the data protection principles in Schedule 1 to the PD(P)O. The Guidance also reminds candidates, inter alia, that:

- (a) individuals should be informed of the purpose of collection of their personal data when collecting the data directly from them for electioneering;
- (b) personal data should not be collected by deceptive means or by misrepresentation (e.g. collecting personal data in the pretext of opinion poll or assisting citizens to apply for government welfare);
- (c) before using personal data from sources other than the extract from the FR provided by the REO for electioneering purpose, express consent from the data subjects should be obtained unless the original purpose of collection of the data is directly related to the electioneering purpose; and
- (d) if election agents or other contractors are engaged to process personal data of voters/ARs on behalf of the candidates for electioneering purpose, necessary means (contractual or otherwise) must be adopted to prevent the personal data transferred to the election agents or other contractors from: (i) being kept longer than is necessary for the electioneering purpose; and (ii) unauthorised or accidental access, processing, erasure, loss or use.

In addition, in order to facilitate better understanding of the privacy concerns of the voters/ARs and compliance with the requirements of the PD(P)O, the PCPD has provided relevant complaint cases in the Guidance for illustration purpose. **Candidates and their election agents are strongly advised to strictly follow the guidance provided by the PCPD in the Guidance when conducting electioneering activities.** *[Amended in September 2006, October 2011, September 2016 and July 2021]*

9.15 Validly nominated candidates are supplied by the REO with an **extract of the FR** in respect of their respective subsectors which contains the names and residential addresses of the voters/ARs of the relevant subsector and their email addresses (where the voters/ARs concerned have provided such to REO for the purpose of receiving election mails from candidates), but **not their telephone numbers**. As a general rule, candidates should respect the privacy of voters/ARs when using their contact information for canvassing. In particular, for mass distribution of election mails by email, candidates are reminded to use the “bcc” function of email or other proven means to ensure that the email addresses of individual voters/ARs would not be inadvertently disclosed to other recipients. Candidates should note that some people do not like or even detest being called over the telephone or the entrance intercom system and some do not like their names being called out aloud. Many voters/ARs also consider canvassing messages sent to them through electronic devices annoying. Their disapproval may be reflected in their choice of candidates on the polling day. It is therefore unwise to call or send messages through electronic devices to voters/ARs who find such approaches objectionable or to act in any other way that may antagonise them. As a good practice, candidates and their supporters should maintain a list of voters/ARs that they know finding such electioneering telephone calls or messages or visits objectionable and avoid approaching these voters/ARs through these means again. On the other hand, voters/ARs who receive objectionable telephone calls or messages can just disconnect them or block the sender. If the caller or sender does not desist from calling or sending messages and causes a nuisance, the voter/AR should report the matter as soon as possible to the **Police** who may take action against the caller or sender. *[Amended in September 2006, October 2011, September 2016 and July 2021]*

IMPORTANT:

Information relating to a person contained in any register of voters or in any extract of any register of voters **can only be used for election-related purposes** under the electoral legislation. Any **abuse** or **misuse** of such information is an **offence** and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months [s 42(3) of the EAC (ROE) (FCSEC) Reg].

In accordance with Data Protection Principle 3 of Schedule 1 to the PD(P)O, personal data relating to a person (as a data subject) contained in any register of voters or in any extract of any register of voters shall not, without the prescribed consent of an individual⁴⁸, or if the exemption under Part 8 of the PD(P)O is not applicable, be used for a new purpose⁴⁹. Moreover, according to s 64(2) of the PD(P)O, a person who discloses any personal data relating to a person (as a data subject) contained in any register of voters or in any extract of any register of voters without the consent of the REO (as a data user), and the disclosure causes psychological harm to the data subject, commits an offence and will be liable on conviction to a fine of \$1,000,000 and to imprisonment for 5 years.

[Amended in July 2021]

9.16 Some candidates or their supporters may use **loud-hailers** to assist their campaign. They should exercise restraint in the use of loud-hailers so as not

⁴⁸ In accordance with s 2(3) of the PD(P)O, prescribed consent means (a) the express consent of the person given voluntarily, (b) does not include any consent which has been withdrawn by notice in writing served on the person to whom the consent has been given (but without prejudice to so much of that act that has been done pursuant to the consent at any time before the notice is so served).

⁴⁹ In accordance with Data Protection Principle 3(4) of Schedule 1 of the PD(P)O, new purpose, in relation to the use of personal data, means any purpose other than the purpose for which the data was to be used at the time of the collection of the data or a purpose directly related to that purpose

to create a nuisance to the persons in the vicinity, including those who live in the buildings nearby. They should be mindful that some people working shift hours need to take rest during the daytime and the noise generated from the use of loudspeakers for electioneering activities may affect their daily life. In order to reduce the nuisance caused to members of the public, candidates are required **not** to use loudspeakers in electioneering **between 9 pm and 9 am**. If the EAC comes to know that a candidate has breached the time restriction, it may make a reprimand or censure against the candidate. Excessive noise will amount to an offence and the Police may be called. Anyway, it is unwise to create a nuisance through the use of loud-hailers, for the annoyance of the voters/ARs will obviously be reflected in their choice of candidates (see also Chapter 12). *[Amended in September 2016]*

9.17 Canvassing through the use of the **entrance intercom system** by candidates and their supporters in a building is prohibited unless it is expressly allowed by the building management organisation. *[Added in October 2011]*

Identification of Canvassers

9.18 For security reasons and for prevention of abuse, the EAC advises that each candidate should provide some forms of identification to his/her canvassers for them to enter the premises of an organisation or a building for electioneering purposes. The EAC suggests that the candidate should devise an authenticated identification document containing the name and photograph of his/her canvasser who should produce his/her identification document together with his/her identity card for inspection to gain entry into the premises of an organisation or a building. Candidates should note that the production costs of this kind of identification document will be counted as election expenses.

**PART III : GUIDELINES TO BE OBSERVED BY OWNERS,
MANAGEMENT AND ORGANISATIONS FOR
HANDLING APPLICATIONS FOR CONDUCT OF
ELECTIONEERING ACTIVITIES IN THE PREMISES
WITHIN THEIR JURISDICTION**

**Electioneering in Premises of Organisations to which Voters/ARs Belong
and Buildings which Voters/ARs Frequent**

9.19 The premises of the organisations to which the voters/ARs belong and the buildings which voters/ARs frequent usually do not belong to a particular voter/AR or group of voters/ARs. They are usually under the control of the management organisations of the organisations or the buildings concerned.
[Amended in September 2006]

9.20 The EAC appeals to all management organisations of the organisations or buildings concerned to provide **equal opportunity** to all candidates competing in the same EC subsector for the purposes of electioneering. However, if it is decided **not** to allow a particular candidate to conduct electioneering activities in the premises of the organisation or in the common parts of the building, no other candidate in the same EC subsector should be allowed to do so, for **it is important to provide fair and equal treatment to all candidates** so as to ensure that the election is conducted fairly. Discriminatory treatment of candidates may also lead to unequal treatment of tenants/occupiers, and have the undesirable effect of giving rise to dissatisfaction and discord amongst neighbours in the same building. *[Amended in September 2016]*

9.21 The **common parts** of a building (those parts to which exclusive rights of use or occupation do not belong to a particular owner or tenant) are

usually under the control and management of the owners of the various units in the building. Where there is an owners' corporation of the building incorporated under the former Multi-storey Buildings (Owners Incorporation) Ordinance or the present Building Management Ordinance (Cap 344), the control and management of the common parts are exercised by the owners' corporation representing all the owners of the building. *[Amended in September 2016]*

9.22 For all types of building organisations be it an owners' corporation, owners' committee, MAC, tenants' association, residents' association, management company or managers of the building, the decision that it makes relating to electioneering activities of candidates in the common parts of the building, including the office premises of the organisation and all private streets, etc., **must comply with the fair and equal treatment principle.**

IMPORTANT :

The office bearers of building organisations must not abuse their positions in the organisations to give unfair treatment to any candidate in the conduct of electioneering or canvassing activities in the buildings concerned. This is particularly the case when the office bearers themselves or their close relatives are candidates in the election. Furthermore, it would be the responsibility of the building organisations to ensure that the fair and equal treatment principle is strictly complied with in all circumstances and no candidates will be given unfair advantage in the election.

[Amended in September 2016]

9.23 The organisation concerned should make a decision that applies equally and fairly to all candidates of each subsector instead of dealing with each

application from them separately. This will avoid having to convene a meeting to deal with each application upon its receipt, sometimes incurring delay in dealing with some applications. The EAC may treat such delay as a device to avoid compliance with the fair and equal treatment principle and may issue a reprimand or censure. *[Amended in September 2016]*

9.24 As a motion on whether or not electioneering should be allowed in a building concerns the rights of tenants and occupiers more than those of owners, it is advisable for owners or owners' corporations to allow occupiers who are not owners to vote on the motion and a secret ballot is always the fairest way of voting on such a controversial subject. If approval or consent has been obtained from the owners having the control of the common parts of the building or the owners' corporation, the building management organisation may conduct a questionnaire survey to collect the views of the tenants and occupiers of each flat and act according to the majority view relating to matters covered by and in accordance with this chapter.

Notification of Decision

9.25 The management organisations of organisations and buildings are urged to notify the relevant RO in writing as soon as possible of their decision on electioneering by candidates, so as to equip the RO with the correct information to be provided to the candidates/public who may make inquiries with him/her. A **form** of the notification to the RO can be obtained from the REO and can be downloaded from the REO's website. Enquiries may be made with the RO concerned. Nevertheless, candidates are advised to note that some buildings may not be able to make a decision on electioneering by candidates and therefore have not yet given the notification to the RO as required. When candidates come across these buildings, they should respect the interim decision of these buildings not to allow electioneering. *[Amended in September 2006, October 2011, September 2016 and July 2021]*

Display of Election Advertisements

9.26 The management organisations of the organisations or buildings concerned should avoid handling applications by candidates for display of EAs on a first-come-first-served basis as this may create unfairness. For example, if one candidate knows the decision and applies for putting up posters and banners on all available spots in the common parts of the building, no space will be left for other candidates who apply after him/her. To ensure fairness, management organisations are advised to:

- (a) ascertain all the available spots in the premises for candidates to display posters and banners;
- (b) decide on the maximum size of posters and banners to be allowed;
- (c) after the close of nominations, check with the relevant RO how many candidates are contesting in the EC subsector(s) concerned;
- (d) divide all the available spaces according to quality and quantity to ensure equality as far as possible into portions equivalent to the number of candidates;
- (e) when one of the candidates of the EC subsector concerned applies for display of EAs, allow him/her to draw lots to obtain a portion of the spots still available at the time of his/her application; and
- (f) where 2 or more candidates wish to display their joint EAs, they should be allowed to do so but the joint EAs should occupy no more than the total of all the portions of the spots allocated to them

by the restriction of size under (b) and the drawing of lots under (e) mentioned above.

[Amended in September 2006 and October 2011]

9.27 Any person who puts up any publicity materials, including those which do not look election-related, before or during the nomination period in private premises should declare to the management organisation concerned in writing whether he/she is a candidate or intends to stand as a candidate in the election. This is to prevent a prospective candidate from making use of such device to promote himself/herself. The management organisation is also advised to exercise its own judgement on whether the publicity materials are serving electioneering purposes and then make a decision with due regard to the fair and equal treatment principle.

PART IV: CONDUCT OF ELECTIONEERING ACTIVITIES IN PREMISES UNDER THE MANAGEMENT OF HOUSING DEPARTMENT AND HONG KONG HOUSING SOCIETY

9.28 The specific guidelines to be observed by candidates and their agents in the conduct of electioneering activities in premises under the management of the Housing Department and the Hong Kong Housing Society are set out in **Appendix 8**. *[Amended in September 2006]*

PART V: SANCTION

9.29 If the EAC receives a complaint of **unfair or unequal treatment** of candidates by any organisation or building or a person acting or purporting to

act on behalf of such organisation or building, and is satisfied that the complaint is justified, it may make a **reprimand** or **censure** in a public statement which will include the names of the candidates favourably and unfavourably treated. Candidates should therefore advise the organisation management or building owners whom they approach of these guidelines. On the other hand, however, if it is proved that a person has made a false, unfounded or unreasonable allegation of unfair treatment by an organisation or a building, the EAC may issue a reprimand or censure in a public statement against that person.

9.30 Candidates should also refrain from accepting any unfair advantage over other candidates in the same subsector even though such may be ready on offer by an organisation or a building. The EAC may publish a public **reprimand** or **censure** against the candidate who contravenes the guidelines in this chapter or whose act or behaviour results in any unfair or unequal treatment by organisations or buildings towards any other candidate.

CHAPTER 10

ELECTION MEETINGS

PART I : GENERAL

10.1 An **election meeting** is a meeting held to promote or prejudice the election of a particular candidate or particular candidates [s 12(5) of the ECICO]. Expenses incurred before, during or after the EC subsector elections (in relation to machinery of the election) on account of an election meeting organised for any of the purposes stated above are election expenses [s 2 of the ECICO]. For the avoidance of doubt, election forums organised for all candidates in the same subsector are not treated as election meetings (see Part III of Chapter 11). During the election period, a candidate may attend any other meetings as part of his/her normal activities which are **not election-related**. Insofar as such meetings are **not** held for the purpose of promoting or prejudicing the election of a particular candidate or particular candidates, they will not be regarded as election meetings. *[Amended in September 2006]*

10.2 There may be cases where a meeting is not organised for any of the above purposes, but has nevertheless been used for such purposes by a candidate or any other person on his/her behalf. In that event, it will be for the candidate to assess the expenses which have been incurred for the said purposes (see Chapter 16). The person who uses the meeting for promoting the candidate may also be liable for prosecution for his/her failure in obtaining the candidate's prior authorisation to appoint him/her as the candidate's election expense agent for incurring election expenses on behalf of the candidate [s 23 of the ECICO]. *[Amended in July 2021]*

10.3 Similarly, sometimes a candidate may be invited to a meeting which is entirely non-election-related, but during the meeting, someone may

act out of his/her own volition to promote the election of the candidate or prejudice the election of other candidates. In such case, the candidate should immediately make it clear that he/she has nothing to do with the acts of the person and ask the organiser to stop any act relating to the election. If the organiser fails to do so, the candidate should leave the meeting immediately in order to avoid any liability concerned. Otherwise, the meeting will be regarded as an election meeting held to promote the election of the candidate or prejudice the election of other candidates and the expenses so incurred will have to be counted towards the candidate's election expenses. The organiser will contravene the relevant legislation for his/her failure in obtaining the candidate's prior authorisation to appoint him/her as the candidate's election expense agent for incurring election expense on behalf of the candidate. *[Added in July 2021]*

10.4 In addition to the election expenses incurred, candidates are responsible for the election meetings or public processions which they organise, including the keeping of order and safety, controlling noise level, cleanliness and other liabilities.

10.5 An election meeting may take place in a public place or at private premises. A public procession for election campaigning purposes is a form of election meeting, as is an exhibition organised with a view to promoting or prejudicing the election of a particular candidate or particular candidates.

10.6 Candidates are reminded that individual government departments and management authorities may have their own guidelines to allow or disallow the conduct of election meetings in the premises under their control. To ensure the smooth conduct of election meetings in public or private places, **candidates should consult the relevant authorities concerned in advance and if required, obtain prior permission from each of them for the conduct of election meetings in the premises within their jurisdiction.** *[Added in September 2006 and amended in September 2016]*

10.7 The relevant statutory requirements for holding public meetings under the purview of the Hong Kong Police Force and the guidelines of the Housing Department/Hong Kong Housing Society for premises under their jurisdiction are set out in paras. 10.9 to 10.21 below. *[Added in September 2006, amended in September 2016 and July 2021]*

PART II : ELECTION-RELATED “TREATING”

10.8 A person must not at any time provide or pay all or part of the cost of providing another person with any food, drink or entertainment for the purpose of influencing that person’s or a third person’s voting preference (see also the part on “Treating” in Part IV of Chapter 17). Nevertheless, the serving of non-alcoholic drinks at an election meeting per se, without more, will not be deemed corrupt for the aforementioned purposes only because of that unless the purpose of treating is influencing the voting preference of voters/ARs. If an election meeting held by a candidate involves consumption of food and drink, and the participants have shared the costs of the food and drink that do not have the purpose of influencing the participants’ voting preference, it may not fall within the scope of s 12 of the ECICO. Nevertheless, since the election meeting is for the purpose of promoting or prejudicing the election of a candidate or candidates, such costs borne by each participant should be treated as election expenses and election donations and the candidate should comply with the legal requirements accordingly. *[Added in July 2021]*

PART III : ELECTION MEETINGS IN PUBLIC PLACES

10.9 Any person who organises an election meeting in a public place must notify the Commissioner of Police in writing **not later than 11 am on the same day (if a general holiday, the first day immediately preceding that day which is not a general holiday) of the week in the preceding week as**

the day on which the meeting is intended to be held [s 8(1) of the Public Order Ordinance (Cap 245) (“POO”)]. “Public place” means any place to which for the time being the public or any section of the public are entitled or permitted to have access, whether on payment or otherwise, and, in relation to any meeting, includes any place which is or will be, on the occasion and for the purposes of such meeting, a public place [s 2 of the POO]. *[Amended in October 2011 and September 2016]*

10.10 The written notification shall be **handed in** to the officer in charge of any police station in person by the person who gives notice, or by any person on his/her behalf. It should contain the following particulars:

- (a) the name, address and telephone number of the person organising the meeting, any society or organisation promoting or connected with the holding of the meeting and a person able to act, if necessary, in place of the organiser;
- (b) the purpose and subject matter of the meeting;
- (c) the date, location, time of commencement and duration of the meeting;
- (d) an estimate of the number of people expected to attend the meeting;
- (e) the number and names of persons proposed as platform-speakers for the meeting;
- (f) the sound amplifying devices, if any, intended to be used at the meeting; and
- (g) the nature, form and contents of the advertisements, printed matter, posters or banners intended for publication, distribution or

display in respect of the meeting.

[S 8(4) of the POO] *[Amended in October 2006 and October 2011]*

A **form** of notification for a public meeting or procession together with guidance notes provided by the Police will be given to a candidate upon his/her submission of nomination. The Police has advised that the use of the form will speed up processing time.

10.11 Notification to the Commissioner of Police of an election meeting is not required if the meeting is to be:

- (a) attended by not more than 50 persons;
- (b) held in private premises where the number of persons attending will not exceed 500 persons; or
- (c) held in a school registered or provisionally registered or exempted under the Education Ordinance (Cap 279), college registered under the Post Secondary Colleges Ordinance (Cap 320), or educational establishment established by any Ordinance with the approval of an accredited society or similar body of such school, college or educational establishment **and** consent of the governing body of the establishment concerned.

[S 7(2) of the POO]

Where in doubt, a candidate should seek advice from the Police. *[Amended in October 2011 and September 2016]*

10.12 The Commissioner of Police may prohibit the holding of any public meeting notified (referred to in paras. 10.9 and 10.10 above) where he/she reasonably considers such prohibition to be necessary in the interests of

national security or public safety, public order or the protection of the rights and freedoms of others, and under such circumstances, he/she shall give notice of the prohibition to the person who gave the notification in accordance with s 8 of the POO or to the person who acts in place of the organiser not later than 48 hours prior to the time of commencement of the meeting or by publication in writing in such manner, or by posting a notice of the prohibition in such place, as the Commissioner of Police may think fit [s 9 of the POO]. On the other hand, the Commissioner of Police may give notice to the organisers and impose conditions for the meeting to take place, and the organisers must comply with such conditions and comply forthwith with any direction given by a police officer for ensuring compliance with or the due performance of the conditions and the requirements referred to in para. 10.13 below [s 11(2) and (3) of the POO]. *[Amended in October 2006, October 2011, September 2016 and July 2021]*

10.13 At every public meeting:

- (a) there shall be present throughout the meeting either the organiser, or if he/she is not present, a person nominated by him/her to act in his/her place;
- (b) good order and public safety shall be maintained throughout the meeting; and
- (c) the control of any amplifying device that is used in such a manner that it causes a noise that would not be tolerated by a reasonable person shall, if so required by a police officer, be surrendered to the police officer for the duration of the meeting.

[S 11(1) of the POO] *[Amended in October 2011]*

10.14 A guidance note on safe conduct of election-related activities is at **Appendix 10**. It serves as a general advice to candidates and organisers of

election-related activities, to enable them to conduct such activities safely.

Public Processions

10.15 A public procession for election campaigning purposes may be held without notification to the Commissioner of Police where:

- (a) it consists of not more than 30 persons;
- (b) it is held at a place other than a public highway, public thoroughfare or public park; or
- (c) it is of a nature or description specified by the Commissioner of Police by notice in the Gazette.

[S 13(2) of the POO] *[Amended in October 2011 and September 2016]*

10.16 In all other cases, written notification of a public procession, including a vehicle procession, must be given by the person organising the procession or by any person on his/her behalf, to the Commissioner of Police (which may be handed in to the officer in charge of any police station) **not later than 11 am on the same day (if a general holiday, the first day immediately preceding that day which is not a general holiday) of the week in the preceding week as the day on which the procession is intended to be held** containing the following information:

- (a) the name, address and telephone number of the person organising the procession, any society or organisation promoting or connected with the holding of the procession and a person able to act, if necessary, in place of the organiser;
- (b) the purpose and subject matter of the procession;

- (c) the date, precise route, time of commencement and duration of the procession;
- (d) in respect of any meeting to be held in conjunction with the procession, the location, time of commencement and duration of the meeting; and
- (e) an estimate of the number of people expected to attend the procession.

A notification form mentioned in para. 10.10 above should be used. [S 13A(1) and (4) of the POO] *[Amended in October 2011 and September 2016]*

10.17 The Commissioner of Police may object to a public procession being held if he/she reasonably considers that the objection is necessary in the interests of national security or public safety, public order or the protection of the rights and freedoms of others. If the Commissioner of Police objects to the public procession being held, he/she shall as soon as reasonably practicable and within the time limit specified under the POO:

- (a) notify in writing the person who gave notice under s 13A of the POO or a person named for the purposes of s 13A(4)(a)(i) of the POO of his/her objection and reasons;
- (b) publish a written notice of objection and reasons in the manner he/she thinks fit; or
- (c) post a written notice of objection and reasons in the place he/she thinks fit.

[Ss 14(1) and (2), and 15(2) of the POO] *[Amended in October 2006, October 2011 and September 2016]*

10.18 The Commissioner of Police shall not issue a notice of objection for a public procession –

- (a) if notice of a procession is given in accordance with s 13A(1)(b) of the POO, later than 48 hours before the notified commencement time of the procession;
- (b) if shorter notice of 72 hours or more is accepted by the Commissioner of Police under s 13A(2) of the POO, later than 24 hours before the notified commencement time of the procession;
or
- (c) if shorter notice of less than 72 hours is accepted by the Commissioner of Police under s 13A(2) of the POO, later than the notified commencement time of the procession.

[S 14(3) of the POO] *[Amended in October 2006, October 2011 and September 2016]*

10.19 At every public procession:

- (a) there shall be present throughout the procession either the organiser of the procession, or if he/she is not present, a person nominated by him/her to act in his/her place;
- (b) good order and public safety shall be maintained throughout the procession; and
- (c) the control of any amplifying device that is used in such a manner that it causes a noise that would not be tolerated by a reasonable person shall, if so required by a police officer, be surrendered to the police officer for the duration of the procession.

[S 15(1) of the POO] *[Amended in October 2011]*

PART IV: ELECTION MEETINGS IN PRIVATE PREMISES

10.20 Any person who organises an election meeting in private premises should consult the owner, occupier, owners' corporation, building management or the MAC concerned, etc. in advance and if required, obtain prior permission from them. Insofar as the decision regarding election meetings by candidates in the common areas of a building accords fair and equal treatment to all candidates, the EAC will not intervene. Specific guidelines for conducting election meetings in the premises managed by the Housing Department and the Hong Kong Housing Society are set out in **Appendix 8**. *[Amended in September 2006 and September 2016]*

10.21 Notification in writing to the Commissioner of Police will need to be given, in accordance with the procedures set out in paras. 10.9 and 10.10 above, if at the proposed meeting the attendance will exceed 500 persons.

PART V : ELECTIONEERING EXHIBITIONS

General

10.22 A candidate may hold an exhibition for election campaigning purposes. If such an exhibition is to be held, the candidate should consult the relevant management authorities of the premises concerned in advance, and if required, obtain prior permission from the estate manager or officer-in-charge, owner, occupier, owners' corporation, building management or the MAC concerned, etc. Relevant guidelines in the other parts in this chapter should also be observed, in addition to compliance with regulations and conditions imposed by other relevant authorities. *[Amended in September 2006]*

Premises under the Purview of the Housing Department and the Hong Kong Housing Society

10.23 Where approval has been given by an estate manager or officer-in-charge for such an exhibition in any estate managed by the Housing Department and the Hong Kong Housing Society, the display of EAs at the venue of the exhibition will normally be subject to the conditions that they are displayed in connection with the activity in question and for a temporary duration of less than a day. The guidelines in Chapter 8 are applicable to such displays and must be observed by the candidate concerned. The estate manager or officer-in-charge should send a copy of the letter of approval to the relevant RO for record and for public inspection. Please also see **Appendix 8** for reference. *[Amended in September 2006 and July 2021]*

PART VI : FUND RAISING ACTIVITIES AT ELECTION MEETINGS

10.24 A permit is required for organising, participating in, or providing equipment for any collection of money or sale of badges, tokens or similar articles or exchange the same for donations in a public place [s 4(17) of the Summary Offences Ordinance (Cap 228) (“SOO”)]. Any person who wishes to raise funds at an election meeting for non-charitable purposes should apply to the Secretary for Home Affairs. A copy of the administrative guidelines and licensing conditions for the issue of such permits with an application form is at **Appendix 11** for general information. *[Amended in September 2006]*

CHAPTER 11

ELECTION BROADCASTING, MEDIA REPORTING AND ELECTION FORUMS

PART I : GENERAL

11.1 Based on the **fair and equal treatment principle**, the EAC promulgates the guidelines for election-related programmes and reports, including news reports, election forums and feature reports produced and published by broadcasters (covering television and radio stations licensed under the Broadcasting Ordinance (Cap 562) and the Telecommunications Ordinance (Cap 106) respectively) and the print media. *[Amended in July 2021]*

11.2 The EAC highly respects the freedom of the press and hopes that voters/ARs are able to obtain sufficient election information through media reporting in making informed choices. In setting out the guidelines in this chapter, the EAC does not seek to regulate the contents of media reporting, but aims to ensure an equal opportunity of media coverage for all candidates. *[Added in July 2021]*

11.3 During the election period (i.e. from the commencement of the nomination period up to the close of poll), the media should treat all candidates in accordance with the **principle of fair and equal treatment** in handling programmes and reports relating to the election and candidates and ensure that no favourable or unfavourable treatment be given to any candidates. *[Amended in July 2021]*

11.4 Provided that fair and equal treatment is given in reporting all candidates, the media can freely express opinions and comments based on the

facts, expressing approval or disapproval on the platforms of individual candidates. *[Amended in July 2021]*

11.5 Most importantly, media organisations should ensure that their programmes or reports will not become EAs (i.e. promoting or prejudicing the election of a particular candidate or particular candidates) in order to avoid breaching the law and legal requirements on incurring election expenses in not being a candidate or an authorised election expense agent. Please see Chapters 8 and 16. *[Added in July 2021]*

IMPORTANT :

The definition of “candidate” in this chapter (i.e. Chapter 11) is different from the definition under s 2 of the ECICO. According to s 2 of the ECICO, “candidate” means a person who stands nominated as a candidate at an election and also means a person who, at any time before the close of nominations for an election, has publicly declared an intention to stand as a candidate at the election. This legislative provision is applicable to the requirements on candidates’ EAs, election expenses or other requirements under the ECICO.

For the purpose of the principle of fair and equal treatment of candidates under the guidelines in this chapter (i.e. Chapter 11), “candidate” means a person whose nomination form has been received by the RO⁵⁰. Given the diverse means and platforms employed by different persons to publicly declare their intention to stand for the election, the media may have practical difficulties

⁵⁰ After receiving the nomination form, the RO must, as soon as practicable, forward the form to the CERC for determining the validity of nomination. Meanwhile, the information of the person being nominated will be uploaded onto the relevant election website for public information on the day when the RO receives the nomination form.

in obtaining full information on all such persons. Hence, a definition of “candidate” for the operational convenience of the media is specially given in this chapter. The media may, based on the list of candidates whose nomination forms have been received by the RO as provided on the election website, treat all the candidates of the same subsector in accordance with the principle of fair and equal treatment. **It should be noted that the definition of “candidate” in this chapter is only an operational definition for the purpose of the implementation of the principle of fair and equal treatment, but is not a legal definition under any legislation.** On the legislation aspect, as mentioned above, for compliance with the requirements on EAs, election expenses or other requirements under the ECICO, the definition of “candidate” under s 2 of the ECICO must be followed.

[Amended in July 2021]

PART II : NEWS REPORTS (BROADCASTERS AND PRINT MEDIA)

11.6 News report means the report of events happening on the day or of a recent period. *[Added in July 2021]*

11.7 The media should follow the **principle of fair and equal treatment** in reporting news relating to the election and the candidates. However, the requirement of equivalent time/number of words is not applicable. *[Amended in July 2021]*

11.8 Election-related news involving a particular candidate can be reported by itself even if no other news on other candidates of the same

subsector is carried that day. However, the other candidates of the same subsector must at least be mentioned. The mention should be made in the same programme or publication by the media in an appropriate way. They may not necessarily appear within the content of the same report, but in principle, should enable the viewers, listeners or readers to be informed of the other candidates. *[Added in July 2021]*

11.9 News unrelated to the election, even if a candidate is involved, can be factually reported, as long as the status as a candidate is not mentioned in the report. Reference to other candidates of the same subsector need not be made. In any case, the relevant news reporting should not give favourable or unfavourable treatment to any candidates. *[Added in July 2021]*

11.10 When determining whether any news reporting by the media is in breach of the principle of fair and equal treatment, the EAC may take into consideration the overall reporting by the media organisation during the election period. *[Added in July 2021]*

PART III : ELECTION FORUMS

11.11 During the election period, broadcasters may organise election forums. Broadcasters should ensure that the principle of fair and equal treatment is applied to all candidates. If a candidate is invited to take part in an election forum, then all candidates contesting in the same subsector should also be invited so as to give them an equal opportunity to attend the forum and present their election platforms. Some candidates may choose not to attend due to personal or other reasons. Under such circumstances, the broadcaster may proceed with the programme without contravening the principle of fair and equal treatment. A record must be kept by the broadcaster of the date, time and contents of the invitation and notice until 3 months after the election. *[Amended in July 2021]*

11.12 The entire election forum should be produced and conducted by the broadcaster according to the fair and equal treatment principle. The principle does not require broadcasters to give each participating candidate equal time in the entire election forum, but it requires broadcasters to give each candidate “equivalent time” in the relevant session of the forum to present his/her election platform. For other sessions of the forum, such as the debate session in which each candidate may freely express his/her views on specific issues, most importantly, the presenter should try his/her best to ensure that each candidate has the opportunity to express views or make responses in accordance with the fair and equal treatment principle at any time throughout the programme. *[Amended in July 2021]*

11.13 Other organisations or groups, such as professional bodies or trade organisations, academic institutions or schools, may also organise election forums for promoting civic education or other purposes. In line with the principle of fair and equal treatment of candidates, the EAC appeals to all organisers to invite all candidates of the same subsector to attend these forums, so that no unfair advantage will be accorded to or obtained by any candidate over others regarding election campaigning. Some candidates may choose not to attend due to personal or other reasons. Under such circumstances, the forum organisers may proceed with the activities without contravening the principle of fair and equal treatment. Information and records relating to the invitation must be kept by the relevant organisation or group until 3 months after the election. *[Amended in July 2021]*

11.14 During the conduct of election forums, broadcasters and other organisations or groups should not give favourable or unfavourable treatment to any candidates, causing unfairness to any candidates. *[Amended in July 2021]*

11.15 The EAC appeals to all candidates to attend these election forums

as far as possible so as to keep voters/ARs and the public apprised of their election platforms. *[Amended in July 2021]*

PART IV : FEATURE REPORTS (BROADCASTERS)

11.16 Under the principle of fair and equal treatment, whether producing a feature programme or interview to introduce individual candidates, in news bulletins or during the airtime of other programmes, the broadcasters should give equal opportunity and approximate time to all the candidates of the same subsector. *[Added in July 2021]*

11.17 When inviting any candidate to an interview, broadcasters should invite all candidates contesting in the same subsector and give them an equal opportunity to appear. The EAC appeals to all candidates to accept invitations to interviews as far as possible in order to enable voters/ARs and the public to be apprised of their election platforms. Some candidates may choose not to accept the invitations due to personal or other reasons. Under such circumstances, the broadcaster may proceed with the programme without contravening the principle of fair and equal treatment. A record must be kept by the broadcaster of the date, time and contents of the invitation and the notice until 3 months after the election. *[Amended in July 2021]*

11.18 To avoid any possible misunderstanding, broadcasters should provide the audience of the programmes with clear information on the total number and names of candidates in the same subsector. Furthermore, to ensure fair treatment to all candidates concerned, broadcasters should in particular take heed of the observations by the Court in an election petition relating to the 2010 LegCo By-election as set out in **Appendix 12**, and where appropriate, follow the arrangements set out therein when producing election-related multi-episode feature reporting. *[Amended in October 2011, September 2016 and July 2021]*

11.19 When determining whether an election-themed feature report produced by a broadcaster is in breach of the principle of fair and equal treatment, the EAC may take into consideration the overall circumstances of relevant feature reporting produced by the broadcaster during the election period. *[Added in July 2021]*

PART V : FEATURE REPORTS (PRINT MEDIA)

11.20 If the print media conducts interviews to introduce individual candidates during the election period, it should also give the other candidates contesting in the same subsector an equal opportunity to be interviewed so as to ensure the voters/ARs receive more relevant information about the election, so as to make informed choices. *[Amended in July 2021]*

11.21 In the interview reports of individual candidates by the print media, mention of other candidates of the same subsector should be made. Such mention may be made in an appropriate way by the media organisations. They may not necessarily appear within the content of the same report, but in principle, should enable readers to be informed of the other candidates. For instance, when an interview with a candidate is published on a newspaper, the names of other candidates of the same subsector may be listed on the same page of the report or on other pages. *[Added in July 2021]*

11.22 The EAC appeals to the print media to accord **fair and equal treatment** and equal opportunity as far as practicable to all candidates in respect of reporting on candidates contesting in the same subsector and their electioneering activities. How to treat the candidates fairly and equally in practice depends on the actual circumstances. Reference may be made to the elaboration in **Appendix 13**. When determining whether any feature reporting by the print media is in breach of the principle of fair and equal

treatment, the EAC may take into consideration the overall reporting by the media organisation during the election period. *[Amended in July 2021]*

11.23 The print media should ensure that, during the election period, their reporting will not give unfair publicity to particular candidate, or lead the public to perceive that such reporting is made for the publicity of particular candidate. Publications (e.g. newspaper supplements or leaflets) that promote or prejudice the election of a particular candidate or particular candidates, whether for free or otherwise, may be regarded as EAs for the candidate(s) concerned and will be subject to the requirements on election expenses as stipulated in Chapter 16. The publisher may contravene the relevant legislation if not being an authorised election expense agent. *[Amended in July 2021]*

PART VI : NON-ELECTION-RELATED PROGRAMMES AND ARTICLES

11.24 During the election period, a candidate may appear as guest in a non-election-related programme on television/radio or an interview by the print media insofar as his/her participation is pertinent to his/her position, i.e. the candidate is invited because his/her professional knowledge or past experience is in close connection with the subject matters of the programme or interview. A record should be kept by the broadcaster/print media for providing justification regarding the choice of guests, including no better choice of alternative guests, etc. The broadcaster/print media should ensure that no election-related topics (including the machinery of the election of the candidate) would be mentioned in the programme/article and no unfair publicity will be given to the candidate. Otherwise, under the principle of fair and equal treatment, the broadcaster/print media should also give the other candidates contesting in the same subsector an equal opportunity of appearance/being interviewed. *[Amended in July 2021]*

11.25 Similarly, during the election period, if a representative of a political party or political organisation with members contesting in the election is invited to take part as a guest in a non-election-related programme/interview, the broadcaster/print media should also ensure that the participation of the representative is pertinent to his/her position, i.e. the representative is invited because his/her professional knowledge or past experience is in close connection with the subject matters of the programme/interview. A record should be kept by the broadcaster/print media for providing justification regarding the choice of guests, including no better choice of alternative guests, etc. The broadcaster/print media should ensure that no election-related topics (including machinery of the election) would be mentioned in the programme/article, that no election-related materials (including badges and clothing) of the political party or political organisation to which the representative belongs would be displayed in the programme/article, and that the programme/article will not cause any unfairness to any candidate. Otherwise, under the principle of fair and equal treatment, the broadcaster/print media should also give all political parties or political organisations with members contesting the election (whether or not they are contesting in the same subsector) and all independent candidates an equal opportunity of appearance/being interviewed. *[Amended in July 2021]*

PART VII : AVOIDING UNFAIR PUBLICITY

11.26 During the election period, media organisations should ensure that no favourable or unfavourable treatment will be given to any of the candidates, and **no** such unfair advantage should be **obtained** by candidates. If a candidate has more opportunities for publicity than other candidates on the basis of his/her background or profession, he/she should also endeavour to avoid obtaining such unfair publicity. *[Amended in July 2021]*

Candidates Appearing on Television/Radio/Movie as Presenters, Regular Contributors, Actors, Musicians, Singers or Other Entertainers

11.27 A presenter, including a guest presenter, or a regular contributor should not appear in any programme in his/her normal programme role after he/she has publicly declared his/her intention to stand for election or during the election period if he/she becomes a candidate. This is to avoid unfair publicity for him/her at the critical time. A presenter or regular contributor may, of course, appear as a candidate in election forums referred to in Part III above.

11.28 A person who has been contracted to appear as presenter, regular contributor, actor, musician, singer or any other form of entertainer in any performance scheduled to be shown before his/her declaration of intention to stand for election or before and after the election period may always do so and continue to do so. However, such a person should make his/her utmost endeavours to request the person(s)-in-charge not to broadcast his/her appearance in any media after his/her declaration of intention to stand for election or during the election period if he/she becomes a candidate. The EAC appeals to the aforesaid person(s)-in-charge to accede to such a request as far as practicable in order to avoid giving unfair publicity to the person concerned. *[Amended in October 2011]*

Candidates Appearing in Commercial Advertisements

11.29 A person should not participate in the making of any advertisement in which his/her image, name or voice appears (the relevant advertisement) while knowing that the advertisement will be broadcast on television/radio/cinema after his/her declaration of intention to stand for election or during the election period if he/she becomes a candidate.

11.30 If, after the relevant advertisement has been made, the person

then decides to stand for election and knows that the relevant advertisement will be broadcast on television/radio/cinema after his/her declaration of intention to stand for election or after the nomination period has commenced if he/she becomes a candidate during that period, he/she should make his/her utmost endeavours to request the person(s)-in-charge not to broadcast the relevant advertisement after his/her declaration of intention to stand for election or during the election period. The EAC appeals to the aforesaid person(s)-in-charge to accede to such a request as far as practicable in order to avoid giving unfair publicity to the person concerned. *[Amended in October 2011]*

Candidates Contributing Regularly to Print Media

11.31 A regular columnist should not contribute articles to the print media after he/she has publicly declared his/her intention to stand for election or during the election period if he/she becomes a candidate. This is to avoid unfair publicity for him/her at the critical time. A person who has been contracted to serve as a regular columnist should make his/her utmost endeavours to request the person(s)-in-charge not to publish his/her commentaries in any media after his/her declaration of intention to stand for election or during the election period if he/she becomes a candidate. The EAC appeals to the aforesaid person(s)-in-charge to accede to such a request as far as practicable in order to avoid giving unfair publicity to the person concerned. *[Amended in October 2011]*

PART VIII : PLACING ELECTION ADVERTISEMENTS IN MEDIA

11.32 Television stations licensed under the Broadcasting Ordinance are not allowed to broadcast advertisements of a political nature under the law. Radio stations licensed under the Telecommunications Ordinance are not

allowed to broadcast advertisements of a political nature under the Code of Practice issued by the Communications Authority unless prior approval has been given by the Communications Authority. *[Amended in July 2021]*

11.33 A candidate may advertise in the print media to promote his/her candidacy. Where such an EA is placed in the print media and takes the form of a news report or any other form which does not clearly show that it is an EA, the words “**Election Advertisement**” or “**選舉廣告**” must be stated therein to avoid misunderstanding by readers that it is not an EA (see para. 8.65 of Chapter 8). The expenses so incurred must be accounted for in the return and declaration of election expenses and elections donations. An EA placed in a registered local newspaper is exempted from the requirement on bearing printing details (see para. 8.64 of Chapter 8 for details). The EAC appeals to all members of the print media to give all candidates contesting in the same subsector **equal opportunity** for placing EAs in the print media. *[Amended in October 2011 and September 2016]*

PART IX : SANCTION

11.34 Whether the principle of fair and equal treatment is complied with or whether there is any favourable or unfavourable treatment by the media should be determined having regard to the overall reporting by the media organisation during the election period. *[Added in July 2021]*

11.35 Any broadcaster, member of the print media or forum organiser who is found to have treated the candidates in an unfair or unequal manner may be **reprimanded** or **censured** by the EAC in a public statement, in which the names of the candidates receiving favourable or unfavourable treatment as well as the names of the broadcaster, member of the print media or forum organiser concerned will be released. The EAC may also notify the relevant authorities

for appropriate action to be taken. Moreover, the programme, news report or article concerned may very likely have the effect of promoting or prejudicing the election of a particular candidate or particular candidates and thus be construed as an EA for the candidate(s) concerned. As such, it may contravene the statutory requirements on EAs and election expenses (see Chapters 8 and 16), and both the media organisation and candidate(s) concerned may be subject to criminal liability. The EAC will refer cases of possible breaches to the relevant law enforcement agencies for follow-up. In view of the above, the EAC appeals to all broadcasters, members of the print media, forum organisers and candidates to strictly comply with the guidelines set out in this chapter and avoid any conduct which will cause public concern about the fairness of the election. *[Amended in July 2021]*

11.36 Candidates mentioned in paras. 11.27 to 11.31 above should make their best endeavours to avoid unfair publicity according to the respective guideline stipulated in each paragraph. If the EAC receives any complaint about the unfair publicity of a candidate and subsequently discovers that he/she fails to make such endeavours, it may **reprimand** or **censure** the candidate concerned in a public statement. *[Added in October 2011]*

CHAPTER 12

USE OF SOUND AMPLIFYING DEVICE AND VEHICLES

PART I : GENERAL

12.1 The law relevant to this chapter can be found in the POO, the SOO, the Noise Control Ordinance (Cap 400) (“NCO”) and the Road Traffic Ordinance (Cap 374) (“RTO”).

12.2 Candidates are reminded that some members of the public find the sound or noise emitted by loudspeakers annoying and intrusive. When using loudspeakers, candidates should particularly bear in mind possible annoyance caused to people in hospitals, homes for the elderly, kindergartens, nurseries, schools and dwelling houses. Voting preference of voters/ARs may be affected as a result of any noise nuisance caused by candidates or their supporters. *[Amended in September 2006]*

12.3 The use of loudspeakers is not permitted within the NCZ outside the polling station, nor will it be permitted in the vicinity where the sound emitted can be heard within the NCZ. Candidates should also arrange the removal of EAs on the windows or bodywork of any public service vehicles if those vehicles will pass through or be parked within the NCZ on the polling day. Otherwise, the vehicles on which EAs are displayed will not be allowed to enter the NCZ on the polling day (please also see Chapter 14). *[Added in July 2021]*

PART II : USE OF LOUDSPEAKERS AND VEHICLES

12.4 With effect from July 1995, the Commissioner of Police ceases issuing loudspeaker permits under s 4(29) of the SOO. Candidates are therefore **not** required to submit any application for a permit. However, this does not exempt candidates from complying with the requirements of the relevant law when any amplifying device is used in an election meeting or procession. An amplifying device includes a loudspeaker and any device which can emit or amplify sound (please refer to Chapter 10). *[Amended in October 2011]*

12.5 Although no permit is now required, any person using a loudspeaker should ensure that the noise emitted through the loudspeaker does not cause a nuisance to any other person. Under s 5(1)(b) of the NCO, making a nuisance by using a loudspeaker, megaphone, or other device or instrument for magnifying sound from which the noise emitted is a source of annoyance in either domestic premises or public places at any time of the day is an offence, and this includes use of loudspeakers attached to vehicles. Candidates should be mindful that some people working shift hours need to take rest during the daytime and the noise generated from the use of loudspeakers for electioneering activities may affect their daily life. In order to reduce the nuisance caused to members of the public, candidates are required **not** to use loudspeakers in electioneering **between 9 pm and 9 am**. If the EAC comes to know that a candidate has breached the time restriction, it may make a **reprimand** or **censure** against him/her. Candidates should note that some members of the public may find the noise emitted from loudspeakers on vehicles disturbing. They should therefore seriously consider the public's tolerance over the sound level and try to keep the volume at a reasonable level. *[Amended in September 2006, October 2011 and September 2016]*

12.6 Should any complaint be received by the Police concerning the volume of loudspeakers, the volume of sound should be reduced on the

instructions of any police officer. If verbal warning or instruction by the police officer is ignored, prosecution may be instituted.

12.7 All vehicles used for and in connection with canvassing activities must comply with the provisions and regulations of the RTO. Drivers of such vehicles are obliged to obey all directions given by uniformed police officers and traffic wardens. Additionally, drivers of all vehicles must comply strictly with all the stopping and parking regulations of the RTO. Deliberate slow driving may constitute “careless driving” as it could be deemed as driving “without reasonable consideration for other persons using the road”.
[Amended in October 2011]

12.8 Paraphernalia attached to a vehicle must also comply with the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap 374A) of the RTO, and should not affect the safe operation of the vehicle. For the display of EAs on public light buses and taxis, their owners/operators shall obtain prior written approval from the Transport Department (“TD”) and ensure that the display of EAs is in compliance with the conditions as stipulated by the TD in an approval letter, including in particular the following conditions:

- (a) (i) for taxi, no EA may be displayed on all windows;
- (ii) for public light bus, no EA may be displayed:
 - (1) on all windows except on the interior surface of:
 - the window on the left of the first row of single-seat; and
 - the window on the right of the second row of double-seat.

EA(s) to be displayed in each of the abovesaid windows shall not exceed a total size measuring 210 mm by 297 mm (equivalent to A4 size);

- (2) at areas between the windows and the exterior roof panel; and
 - (3) on the exterior roof panel (except sticker-type EAs);
- (b) no luminous or reflecting material may be used for EAs; and
 - (c) no EA may obstruct any statutory lighting/label/markings required to be shown on the vehicle body as specified by the Commissioner for Transport or stipulated in the RTO and its subsidiary legislation.

According to the TD's performance pledge which is applicable to only public light buses and taxis, it normally takes no more than 7 working days to process an application for the display of an advertisement on a public light bus or taxi. The TD has issued general approval to all franchised bus companies for advertising on the bodies and windows of buses subject to conditions imposed by the TD. The bus companies should comply with the conditions set out in the TD approval letters when they handle all kinds of advertisements. In this connection, there are no special guidelines on the display of EAs on buses. For those non-franchised buses with approval from TD for advertising on the bodies and windows of buses, they are subject to the conditions imposed by the TD. The non-franchised bus operators should comply with the conditions set out in the TD approval letters when they handle all kinds of advertisements. For the other modes of public transport, the operators concerned have their internal rules to govern the display of advertisements. In this regard, candidates should check with the operators for the relevant procedures and comply with the conditions imposed.

[Amended in September 2006, October 2011, September 2016 and July 2021]

IMPORTANT:

The definition of “publish” in the context of publication of EAs includes “continue to publish”. If any person who intends to stand as a candidate at an election continues to display publicity materials previously published (e.g. EAs displayed on public light buses or taxis during the previous election), in particular posters or banners bearing his/her name or photograph with the intent to promote his/her election at the current election in public places or common areas in buildings, after he/she has been nominated as a candidate or has publicly declared the intention to stand for election, such publicity materials may be regarded as EAs. For the sake of prudence, that person should remove the publicity materials previously published before he/she is nominated as a candidate or has publicly declared an intention to run for the election. *[Added in July 2021]*

12.9 Candidates and their supporters are reminded that they should observe the statutory requirements of the Road Traffic (Safety Equipment) Regulations (Cap 374F) and Road Traffic (Traffic Control) Regulations (Cap 374G) under the RTO, including those relating to seating requirement, wearing of seat belts and permission to carry passengers in a vehicle. Standing up in moving vehicles is **illegal** for both the drivers and standees except on trams, single-decked public service buses and the lower deck of double-decked buses. Passengers can also stand up on a vehicle used as a float if approved by the Commissioner for Transport. The registered owner of the vehicle concerned should apply to the Licensing Office of the TD for the exemption of the vehicles from carriage of standing passengers. *[Amended in September 2006, October 2011 and September 2016]*

12.10 Any vehicle modified to a float configuration for display or canvassing purposes must be approved beforehand by the Commissioner for

Transport and have a movement permit for a vehicle. Application procedures for approval of float design are included at **Appendix 14**.

12.11 Candidates should also note that the use of loudspeakers will not be permitted within the NCZ outside the polling station, nor will it be permitted in the vicinity where the sound emitted can be heard within the NCZ [s 40(14) of the EAC (EP) (EC) Reg]. Candidates should also arrange the removal of EAs on the windows or bodywork of any public service vehicles (e.g. public light buses or taxis) if those vehicles will pass through or be parked within the NCZ on the polling day. Otherwise, the vehicles on which EAs are displayed will not be allowed to enter the NCZ on the polling day (see also Chapter 14).
[Amended in July 2021]

PART III : SANCTION

12.12 If the EAC comes to know that any candidate is in breach of the guidelines in this chapter, apart from notifying the relevant authorities for actions to be taken, it may make a **reprimand** or **censure** in a public statement which will include the name of the candidate concerned. The censure may be in addition to the criminal liability for offences inside the NCZ. The candidates concerned may be liable to a fine at level 2 (\$5,000) and to imprisonment for 3 months [s 45(7) of the EAC (EP) (EC) Reg]. Candidates should also remind their supporters to observe these guidelines when they are campaigning on behalf of the candidates. *[Amended in September 2006 and October 2011]*

CHAPTER 13

ELECTIONEERING ACTIVITIES CONDUCTED IN SCHOOLS OR PARTICIPATED BY SCHOOL PUPILS

PART I : GENERAL

13.1 Candidates, school supervisors, principals and teachers are requested to take note of these guidelines when considering allowing the conduct of electioneering activities in schools or seeking the assistance of pupils in electioneering activities.

13.2 Involvement of school pupils in electioneering activities has always been a matter of public concern. Anybody in authority must **not** use his/her position to exert undue influence on youngsters of school age under his/her charge to recruit them for electioneering activities. If the EAC comes to know that a person has abused his/her position by involving youngsters of school age under his/her charge in electioneering activities, it may make a reprimand or censure against the person. For the regulatory provisions on use of force or duress on a person's voting preference, see s 13 of the ECICO.

13.3 Candidates who are school administrators (e.g. school principals, teachers) should not distribute their EAs to the parents of pre-primary, primary or secondary school pupils through these pupils to avoid any impression of undue influence on youngsters of school age under the charge of these persons in authority in the school. *[Added in July 2021]*

PART II : SCHOOL PUPILS

13.4 While it is for the promotion of civic education that school pupils are encouraged to take an interest in community affairs, including elections, it is considered undesirable to involve them in electioneering activities at too young an age. Unattended young children may cause control problems and, particularly where in large numbers or in overcrowded situations, may create a danger to themselves and others. Therefore, pre-primary or primary school pupils should not take part in electioneering activities. *[Amended in September 2016]*

13.5 Distribution of EAs is a form of electioneering activity. School supervisors, principals or teachers may be supporters of a particular candidate. While they are free to support any candidate they prefer, they should not distribute or help in the distribution of EAs of any candidate to the parents of pre-primary, primary or secondary school pupils through these pupils. Moreover, they should not ask pupils to request their parents to vote for any particular candidate. The guideline above also applies to candidates who are themselves school supervisors, principals or teachers. This guideline is based on the same principle stated in para. 13.2 above, and could avoid any impression of undue influence on young children under the charge of these persons in authority in the school.

13.6 The EAC adopts the advisory circular issued by the Secretary for Education to all schools for general guidance, emphasising the following points:

- (a) participation by pupils in electioneering activities must be **entirely voluntary**;
- (b) the **written consent** of a parent or guardian must be obtained beforehand;

- (c) in no circumstances should pre-primary or primary school pupils be asked to take part in such activities;
- (d) there should be no disruption of the pupils' education, and in no circumstances should normal lessons be interrupted to enable pupils to take part in such activities; and
- (e) in no circumstances should pupils be asked to take part in activities in areas where they may be subject to various elements of danger, including those of traffic.

13.7 Pupils who take part in canvassing activities should pay attention to their own school regulations, and in particular those regarding the wearing of school uniform in such activities.

13.8 The EAC recognises that school pupils who are 18 years of age or above are by law responsible for their own acts and making election-related decisions for themselves.

PART III : ELECTIONEERING ACTIVITIES IN SCHOOLS

13.9 During the election period, school supervisors, principals or teachers may invite or be approached by candidates to give talks on topical issues to students in their schools. Regardless whether the topic to be covered by such a talk involves an election, the presence of a candidate delivering the talk and copies of the speech which may be circulated to students and brought home to their parents may have the effect of promoting or advertising that candidate. Such activities should, therefore, be regarded as the relevant candidate's electioneering activities (see also para. 13.5 above).

13.10 In line with the **fair and equal treatment** principle, the EAC appeals to all school supervisors, principals and teachers to provide equal opportunity to all candidates of the same subsector for the purpose of electioneering. If a school authority has decided to allow a particular candidate to conduct electioneering activities in the school, other candidates of the same subsector should be given the opportunity to do the same, so that no unfair advantage will be accorded to or obtained by any candidate over others regarding election campaigning. *[Amended in July 2021]*

PART IV : SANCTION

13.11 If the EAC comes to know that any candidate or school or person is in breach of the guidelines in this chapter, it may make a **reprimand** or **censure** in a public statement which will include the name of the candidate, the school or person concerned, and may also refer the case to the Education Bureau. Candidates should therefore apprise the school or person concerned who offers them assistance of these guidelines. *[Amended in October 2011]*

CHAPTER 14

PROHIBITION AGAINST CANVASSING ACTIVITIES OUTSIDE POLLING STATIONS

PART I : GENERAL

14.1 This chapter deals with the ban on canvassing activities **outside polling stations** on the polling day. An NCZ will be designated outside each polling station to ensure that voters/ARs can gain access to the polling station without interference. In addition, an NSZ in which no one is allowed to stay or loiter will also be designated immediately outside the entrance/exit of a polling station to avoid any obstruction of the entry/exit. *[Amended in September 2016 and July 2021]*

14.2 No canvassing activities are allowed within the NCZ. Regarding buildings within the NCZ, all canvassing activities by candidates and their campaigners are prohibited in the entire building where a polling station is located as well as on the ground floor of other buildings, regardless of whether they are government or private premises, and even if approval from the building management concerned is obtained. *[Added in July 2021]*

14.3 Any deliberate but disguised conduct for the canvassing of votes in the NCZ is prohibited, such as staying or loitering in the NCZ, smiling or showing goodwill to the voters/ARs, etc. for the purpose of canvassing votes. For details, please refer to **Appendix 7**. *[Added in July 2021]*

PART II : DETERMINATION OF NO CANVASSING ZONE AND NO STAYING ZONE

14.4 The RO for a subsector must determine, in respect of each polling station designated for that subsector an area outside the polling station to be an NCZ. In so doing, he/she will take into account the characteristics and special conditions of the polling station. He/She must also determine an area within the NCZ outside the entrance/exit of the polling station as an NSZ. These two zones are to be determined with reference to a map or plan [s 40(1) of the EAC (EP) (EC) Reg]. *[Amended in September 2006 and September 2016]*

14.5 For a polling station which is used for more than one subsector, the determination of the NCZ and NSZ is to be made by the RO specified for the purpose by the CEO [s 40(2) of the EAC (EP) (EC) Reg].

14.6 The RO who made the determination of an NCZ and an NSZ in respect of a polling station must, at least **7 days** before the polling day, give a notice of the determination to the candidates of his/her own subsector and, where appropriate, to the ROs of other subsectors for which polling will be held at the polling station; and thereafter each of the ROs of these other relevant subsectors must give the notice of the determination to the candidates of his/her own subsectors as soon as practicable [s 40(3), (4), (5) and (6) of the EAC (EP) (EC) Reg]. *[Amended in September 2006]*

14.7 The notice will be given in writing, and delivered by hand, by post, by electronic mail or by facsimile transmission, to the candidates or to the election agents or to the polling agents of the candidates [ss 40 (3), (4), (12) and 95(2) of the EAC (EP) (EC) Reg]. *[Amended in September 2016]*

14.8 Where the circumstances so warrant, the RO may vary the NCZ or NSZ. Notice of the variation must be given as soon as practicable after the variation in the same manner as a notice referred to in para. 14.7 above [s 40(7)

of the EAC (EP) (EC) Reg]. The notice of variation of an NCZ or NSZ on the polling day may however be given orally if delivering it in the manner as referred to in para 14.7 above is not practicable or is not suitable in the circumstances [s 95(3) of the EAC (EP) (EC) Reg]. However, a notice of variation need not be given to the candidates if it is not reasonably practicable to do so before the close of poll [s 40(11) of the EAC (EP) (EC) Reg]. *[Amended in September 2016 and July 2021]*

14.9 A notice of the determination or the variation, together with indication of the boundaries of the NCZ or the NSZ, must be displayed on the polling day at or near the relevant polling station in order to make the determination or variation effective [s 40(8), (9) and (10) of the EAC (EP) (EC) Reg].

14.10 The RO who is empowered to determine NCZ and NSZ may authorise his/her ARO or the PRO of the relevant polling station to exercise the power to vary the determination and to perform the associated duties on the polling day [ss 40(9A) and 89 of the EAC (EP) (EC) Reg]. *[Amended in September 2006 and October 2011]*

PART III : CONDUCT INSIDE THE NO CANVASSING ZONE AND NO STAYING ZONE

14.11 Canvassing activities (including displaying or wearing of promotional materials, or suggesting voting or not voting for any candidate) will not be allowed within an NCZ, except for static display of EAs that are authorised by the RO (e.g. EAs mounted at designated spots) and the permitted activities described in para. 14.12 below [s 40(14) of the EAC (EP) (EC) Reg]. *[Added in July 2021]*

14.12 Apart from the building in which the polling station is located, no

canvassing is allowed on the street level (i.e. ground floor) within the NCZ. Door-to-door canvassing may be allowed on the storeys above or below the street level in any building other than the building in which the polling station is located within an NCZ, provided that permission has been obtained for entry into the building for canvassing votes, that no obstruction is caused to any person, and that no sound amplifying system or device is used. For the purpose of such canvassing, the display or wearing of any promotional material (e.g. badge, emblem, clothing or head-dress which may promote or prejudice the election of any candidate at the election) or any material making direct reference to a body any member of which is standing as a candidate in the election or to a political body in Hong Kong, may be allowed but in no case to appear on the street level within the NCZ [s 40(14), (14A), (15) and (16) of the EAC (EP) (EC) Reg]. *[Amended in September 2006, September 2016 and July 2021]*

14.13 Where there are private premises situated within the NCZ, the ROs should issue a notice in advance to all the candidates in the subsectors concerned asking them to remove all of their EAs, posted up at the private premises within the NCZ before the polling day. The exhibition of portable displays on vehicles (whether in motion or parked within the area), or held or carried by persons is also regarded as a canvassing activity which is forbidden within an NCZ. Therefore, candidates should arrange the removal of EAs on the windows or bodywork of any public service vehicles (e.g. public light buses or taxis) if those vehicles will pass through or be parked within the NCZ on the polling day. If the candidates fail to remove the EAs as requested by the ROs, the ROs may issue a warning to them to remove the offending EAs immediately. If the candidate fails to do so, the EAC may issue a censure or reprimand. Canvassing activities may take many different forms. A list of common canvassing activities which are forbidden in an NCZ is at **Appendix 7**. *[Amended in September 2006, September 2016 and July 2021]*

14.14 On the polling day, the PRO will use his/her best endeavours to

ensure that no person carries out any activity other than those permitted activities described in para. 14.12 above in the NCZ in respect of his/her polling station to persuade or induce any voter/AR to vote or not to vote [s 41(1) of the EAC (EP) (EC) Reg]. Any unauthorised display of EAs in the area will be removed by the RO or other persons authorised by the RO [s 110 of the EAC (EP) (EC) Reg]; and any person found to have conducted canvassing activities prohibited in the area will be asked to leave the area [s 41(2) of the EAC (EP) (EC) Reg]. *[Amended in September 2006 and September 2016]*

14.15 The use of loudspeakers or loud-hailers will not be permitted within the NCZ, nor will any such device or any activity (e.g. lion dance) be permitted in the vicinity so that the sound emitted can be heard within the NCZ [ss 40(14) and 41(1) of the EAC (EP) (EC) Reg]. However, an officer of the CSD may on the polling day use a sound amplifying system or device for the performance of his/her duties in the NCZ of a dedicated polling station situated in a penal institution [ss 40(14A) and 41(1A) of the EAC (EP) (EC) Reg]. Save for canvassing activities allowed in para. 14.12, candidates and their supporters are not allowed to pass, let alone shout, appeal message to persons while inside the NCZ (see Part II of Chapter 12 regarding the use of loudspeakers). *[Amended in September 2006 and September 2016]*

14.16 Within the NCZ but immediately outside the entrance/exit of each polling station (and sometimes the entrance is also the same as the exit), there will be an **NSZ**, in which no person is allowed to stay or loiter, except where a person has been expressly permitted to do so by the PRO [ss 40(14) and 41(1)(e) of the EAC (EP) (EC) Reg]. This is for the purpose of securing safe and smooth passage of voters/ARs into and out of polling stations. *[Amended in September 2006]*

14.17 A person shall not obtain or attempt to obtain (in any manner) information as to which candidate a voter/AR of the relevant polling station is about to vote for or has voted for in an NSZ, or in an NCZ without the express

permission of the EAC or the PRO. The PRO should have regard to exit pollsters who have complied with the requirements set out in Chapter 15. [S 93(7) of the EAC (EP) (EC) Reg]

14.18 Any person who misconducts himself/herself or carries out any forbidden activity in an NCZ or NSZ, or fails to obey any lawful order of the RO (who has made the determination in respect of that NCZ or NSZ) or the PRO, commits an offence and will be liable to a fine and to imprisonment and may be ordered by such officer to leave the NCZ or NSZ [ss 41(2), 45(4) and (7) of the EAC (EP) (EC) Reg]. If he/she fails to leave immediately, he/she may be removed from the relevant zone by a police officer, an officer of the CSD or any law enforcement agency, or by any other person authorised in writing by the RO or the PRO [s 41(3) of the EAC (EP) (EC) Reg]. The person so removed may not re-enter the NCZ or NSZ on that day except with the permission of the RO or the PRO [s 41(4) of the EAC (EP) (EC) Reg]. *[Amended in September 2006 and January 2010]*

14.19 Nevertheless, the RO or the PRO shall not exercise their powers to order a voter/AR to leave or remove a voter/AR from the NCZ or NSZ so as to prevent him/her from voting at the polling station allocated to that person [ss 41(5), 44(14) and 46(5) of the EAC (EP) (EC) Reg]. *[Amended in July 2021]*

PART IV : PENALTY

14.20 Any canvassing within an NCZ except those exempted and any conduct prohibited under paras. 14.16 and 14.18 above will be an offence and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 3 months [s 45(7) of the EAC (EP) (EC) Reg]. Any attempt to obtain information as described in para. 14.17 above without the necessary permission will be an offence under s 93(10) of the EAC (EP) (EC) Reg and will be liable to a fine at

level 2 (\$5,000) and to imprisonment for 6 months. *[Amended in October 2011 and September 2016]*

CHAPTER 15

EXIT POLL

PART I : GENERAL

15.1 This chapter sets out the guidelines for the conduct, publication and broadcast of exit polls on the polling day. The EAC respects academic freedom and freedom of expression in conducting exit polls. However, the EAC also strives to conduct public elections under the principles of openness, fairness and honesty to avoid the voters/ARs being unduly influenced and interfered with, and to maintain the order outside the polling stations. As such, a fair balance between the two ends must be maintained. *[Amended in October 2011 and July 2021]*

15.2 Secrecy of the vote is an important principle under the electoral system. It is entirely voluntary for voters/ARs to participate in any exit polls and they are not required to disclose to the persons or organisations conducting the exit polls their voting preference unless they wish to do so. *[Added in July 2021]*

15.3 Voting polls inside a polling station or an NSZ are strictly prohibited under the law. However, exit polls may be conducted outside the exit of the polling station within the NCZ if approval from the EAC is obtained [s 93(7) of the EAC (EP) (EC) Reg]. *[Added in July 2021]*

15.4 Exit polls approved by the EAC are not for electioneering purpose in promoting or prejudicing the election of a candidate or candidates. Persons or organisations conducting exit polls must not be affiliated with the candidates. The persons or organisations have to ensure that the results of exit polls must not be announced or disclosed to any candidate and other persons before the close of

poll. The interviewers should make clear to the voters/ARs that participation in the exit poll is entirely voluntary. *[Added in July 2021]*

15.5 To strictly regulate the exit polls, all applicants for the conduct of exit polls are required to make a statutory declaration to abide by the relevant terms and guidelines (see para. 15.12 below), in breach of which the approval may be revoked. If the person or organisation concerned deliberately makes false statutory declaration, they will be in breach of s 36 of the Crimes Ordinance and be sentenced to imprisonment for 2 years and to a fine. *[Added in July 2021]*

15.6 Except for exit polls conducted within the NCZ on the polling day mentioned in para. 15.3 above, election-related opinion polls conducted outside the NCZ or before the polling day are not regulated by the subsisting legislation. These polls do not fall within the scope of exit polls regulated by the EAC. *[Added in July 2021]*

15.7 **The EAC appeals to the media to act with self-discipline, goodwill and in a spirit of voluntary cooperation in publishing and broadcasting the results of exit polls and other election-related opinion polls by refraining from announcing the said results before the close of poll so that voters/ARs' voting behaviour will not be unduly affected.** *[Amended in October 2011 and July 2021]*

PART II : SECRECY OF THE VOTE

15.8 **The ballot is secret.** It is a voter's right to keep his/her vote secret. A voter/AR does not have to disclose his/her choice of candidate if he/she does not want to. **It is a criminal offence for a person, without lawful authority, to require, or purport to require, a voter/AR to disclose the name of, or any particular relating to, the candidate for whom the voter/AR has voted at an**

election [s 37 of the Schedule to the CEEO and s 93(7) of the EAC (EP) (EC) Reg]. **Those who conduct exit polls must respect the voters/ARs' right and wish not to be disturbed.** The interviewers should inform the voters/ARs being interviewed that their participation in the exit poll is voluntary prior to the conduct of exit poll. *[Amended in October 2011]*

15.9 Any announcement or disclosure of results of exit polls or predictions, particularly in relation to any individual candidate during the polling hours may affect voters/ARs' behaviour and have an impact on election results. **The EAC, therefore, reminds the media and organisations concerned that they should not announce the results of exit polls or make specific remarks or predictions on the performance of individual candidate before the close of poll. Furthermore, interviewers of approved exit poll should not speak to or communicate with candidates or their agents when conducting the poll outside polling stations.** *[Amended in October 2011 and September 2016]*

PART III : CONDUCT OF EXIT POLLS

15.10 Any person or organisation may apply for conducting exit polls in respect of any subsector to the REO, which is appointed to handle such applications on behalf of the EAC. Individual applicants must reach the age of 18 as they are required to make a statutory declaration (see para. 15.12 below) and the consequences of failing to abide by the relevant terms and guidelines governing the conduct of exit polls are serious and may attract criminal liability. To forestall public perception of unfairness, approval would normally not be granted in one or more of the following circumstances:

- (a) the applicant has publicly expressed support for any candidate(s) contesting in the election;

- (b) the applicant organisation has member(s) contesting in the election;
- (c) the person(s) responsible for the exit poll(s) or interviewers deployed for the poll(s) are currently members of the organisation(s) to which any of the candidates contesting in the election belong, or which have publicly expressed support for any candidate(s) contesting in the election.

[Added in September 2016 and amended in July 2021]

15.11 For security reasons, no exit poll may be conducted for dedicated polling stations. For the purpose of better control of the conduct of exit poll, persons or organisations intending to conduct exit polls must provide the following to the REO at **the latest 10 days before the polling day**:

- (a) the name and address of the person or organisation intending to conduct an exit poll on the polling day;
- (b) the identity document number and name of the person responsible together with his/her telephone number(s) for contact, especially during the polling hours; and
- (c) a list showing the number of persons who will be deployed for the conduct of the exit poll at each polling station on the polling day together with the identity document number and name of each of all the persons who will be so deployed.

[Amended in January 2010, October 2011 and September 2016]

15.12 A person or an organisation applying for the conduct of exit poll must make a statutory declaration by virtue of the Oaths and Declarations Ordinance (Cap 11) to abide by the relevant terms and the guidelines governing the conduct of exit poll. On the receipt of the application, the REO will consider the application and issue approval to the person or organisation concerned as appropriate. If a person or an organisation fails to comply with the terms stipulated in the approval letter and the guidelines set out in this chapter, the approval to conduct exit poll on the polling day or during the polling hours may be revoked. The EAC may also make a reprimand or censure in a public statement which will include the name of the person or organisation who/which fails to comply with the terms stipulated in the approval letter and the guidelines. A notice showing the persons or organisations allowed to conduct exit poll and their contact telephone numbers will be released to the public prior to the polling day for the reference of the public and candidates. Such a notice will also be displayed at the respective polling stations.

IMPORTANT :

Persons or organisations applying for the conduct of exit polls are not allowed to collect or retain any personal data relating to the identity of the voters (i.e. any data relating directly or indirectly to the voters/ARs, from which it is practicable for their identities to be directly or indirectly ascertained, such as names, HKID numbers, telephone numbers and addresses).

[Amended in October 2011, September 2016 and July 2021]

15.13 Exit polls are not allowed inside polling stations and the NSZ. Interviewers should note that canvassing activity is prohibited within the NCZ and is subject to criminal sanction, with the exception of door-to-door canvassing activities (in both residential premises and commercial premises such as

restaurants or shops) on any storey above or below street level (i.e. not including the storey at the street level) in buildings other than the one in which a polling station is located, provided that permission has been obtained for entry to the building for canvassing votes, and that obstruction is not caused to voters/ARs and no sound amplifying device is used. Interviewers must therefore be extremely careful in conducting exit poll so as not to give rise to any suspicion that they are canvassing voters/ARs inside the NCZ. Interviewers, like any other person, are not allowed to stay or loiter in the areas designated as the NSZ (within the NCZ but immediately outside the entrance/exit to each polling station). [S 41(1) of the EAC (EP) (EC) Reg] Interviewers are also not allowed to accost voters/ARs in the NSZ. All these measures are for the purpose of securing safe and smooth passage of voters/ARs into and out of polling stations. *[Amended in September 2006, October 2011 and July 2021]*

15.14 The PRO of a polling station may, if circumstances require, designate an area **outside the exit of the polling station** so that interviewers may only conduct exit poll within that area. As the entrance and exit of some polling stations are at the same location, interviewers conducting exit polls should keep a reasonable distance from the exit and ensure that voters/ARs entering the polling station will not be affected when the said exit polls are being conducted. *[Added in July 2021]*

PART IV : IDENTIFICATION OF INTERVIEWERS

15.15 There had been occasions where exit poll interviewers were mistaken for government officials or polling staff. Such interviewers are therefore required to display prominently an identification device showing the identity of the person or organisation conducting exit poll so that voters/ARs will not be misled into thinking that they are appointed by the Government. In addition, the interviewers are required to make known to the voters/ARs that any

response is entirely voluntary. Arrangements should be made for voters/ARs to be aware of the name of the person or organisation conducting the exit poll at the start of the interview and the fact that the exit poll is not commissioned by the Government. *[Amended in October 2011 and September 2016]*

15.16 After receipt of the information referred to in para. 15.11 above, the REO will notify the person or organisation concerned to collect a number of identification devices bearing the name of the person or organisation that is required to be displayed prominently by each of the persons included in the list in para. 15.11(c) above when conducting an exit poll. Any person not displaying prominently such a device will not be allowed to conduct an exit poll outside any polling station. *[Amended in October 2011]*

PART V : USE OF EXIT POLLS AND OTHER OPINION POLLS FOR ELECTIONEERING

15.17 As mentioned in para. 15.4, exit polls approved by the EAC are in all circumstances not for electioneering purpose. *[Added in July 2021]*

15.18 If a candidate makes use of the results of other opinion polls for the purpose of promoting himself/herself or prejudicing the election of other candidate(s), the expenses incurred for conducting the polls will be regarded as his/her election expenses. *[Added in July 2021]*

15.19 If persons other than candidates or the authorised election expense agents make use of the results of the exit polls or other opinion polls for the purpose of promoting or prejudicing the election of any candidate, they will commit the offence of incurring election expenses without being authorised as an election expense agent. *[Added in July 2021]*

PART VI : SANCTION

15.20 Apart from the criminal sanction provided in the CEEO and the EAC (EP) (EC) Reg, if the EAC comes to know that any broadcaster or organisation has failed to heed or comply with the guidelines in this chapter, it may make a **reprimand** or **censure** in a public statement which will include the name of the broadcaster or the organisation concerned. *[Amended in October 2011 and July 2021]*

CHAPTER 16

ELECTION EXPENSES AND ELECTION DONATIONS

PART I : GENERAL

16.1 The law has prescribed the maximum amount of election expenses in order to ensure that all candidates compete on a level playing field within a reasonable level of expenditures. Candidates must submit a return and declaration of election expenses and election donations (“election return”) to the CEO after the election, listing the election expenses incurred and the election donations received by them and their election expense agents. *[Added in July 2021]*

16.2 “Candidate” is defined as a person who stands nominated as a candidate at an election, including a person who, at any time before the close of nomination period for an election, has publicly declared an intention to stand for the election. “Election expenses” is defined as expenses incurred or to be incurred for the purpose of promoting or prejudicing the election of a candidate without any time constraint, including the expenses incurred before, during or after the election period. Please refer to Part II of this chapter for details. “Election expense agent” refers to a person authorised by a candidate to incur election expenses at an election on the candidate’s behalf. *[Added in July 2021]*

16.3 To ensure that election expenses do not exceed the statutory maximum amount, the law stipulates that only candidates and their authorised election expense agents may incur election expenses. In other words, persons other than the candidates and their election expense agents are not permitted to incur any election expense, or else an illegal conduct is engaged. Nevertheless,

a third party (other than a candidate and a candidate's election expense agents) who publishes an EA on the Internet is exempted from the relevant criminal liability if the only election expenses incurred are either electricity charges and/or charges necessary for accessing the Internet. *[Added in July 2021]*

16.4 Election expenses incurred by a third party without the consent or knowledge of a candidate are not attributed to the candidate concerned and the third party has to bear the expenses. However, if the election expenses are incurred by the third party under the instruction of the candidate, especially when the maximum amount of election expenses is exceeded, the candidate should be held legally responsible. *[Added in July 2021]*

16.5 If the expenses incurred by a candidate are partly related to the election and are part of the recurrent expenditures for other purposes, the candidate is required to apportion the election-related expenses and include them in the election return. The apportionment can be made on a pro rata basis having regard to the time and usage involved. *[Added in July 2021]*

16.6 Voluntary service is defined as any service provided by any natural person voluntarily, personally and free of charge in his/her own time for the purpose of promoting the election of a candidate or prejudicing the election of other candidates. Voluntary service is the only service rendered free of charge which can be excluded from being counted as election expenses. Nonetheless, goods or materials incidentally given to the provision of voluntary service will be counted as election donations; such donations will be counted as election expenses when used. *[Added in July 2021]*

PART II : WHAT CONSTITUTES ELECTION EXPENSES

16.7 For the provisions relating to election expenses, please refer to the ECICO.

16.8 **“Election expenses”**, in relation to a candidate at an election, means expenses incurred or to be incurred **before, during or after the election period**, by or on behalf of the candidate for the purpose of promoting the election of the candidate, or prejudicing the election of another candidate or other candidates, and includes the value of election donations consisting of goods and services used for that purpose [s 2 of the ECICO]. The term “candidate” includes a person **who has publicly declared an intention to stand as a candidate** at an election in respect of a subsector at any time before the close of nominations for the election, regardless of whether he/she has submitted his/her nomination form, whether he/she has withdrawn his/her nomination after submission of the nomination form, or whether his/her nomination is ruled invalid by the CERC [s 2 of the ECICO]. Regarding what it means to “have publicly declared an intention to stand as a candidate”, it depends on the overall circumstances as well as the objective facts and evidence. As to whether a particular item of expense would amount to election expenses, candidates and the relevant persons concerned should take heed of the points made by the CFA in a case relating to the 2008 LegCo General Election (FACV 2/2012), which state that expenses are likely to qualify as “election expenses” if they meet the following five criteria⁵¹:

- (a) They have been incurred by or on behalf of a candidate (as such a person is defined under s 2(1) of the ECICO);
- (b) Having identified the activities or matters to which the relevant expenses relate, such activities or matters are referable to a specific election;

⁵¹ (a) If there is any inconsistency or ambiguity between the English version and the Chinese version of the relevant criteria and issues, the English version shall prevail.

(b) In case of doubt on whether an election expense falls within the criteria as mentioned above or whether an expense should be regarded as an election expense, please consult an independent legal advisor, and any legal fees so incurred will not be regarded as election expenses.

- (c) Such activities or matters go to the conduct or management of the election, in particular to the machinery of the election;
- (d) The expenses were incurred for the purpose of promoting the election of the relevant candidate or prejudicing the election of another candidate; and
- (e) The activities or matters financed by the expenses have taken place or occurred either during the election period (as defined in s 2(1) of the ECICO) or during the period when the relevant person was a candidate.

The following two issues should also be noted:

- (a) The date when the relevant expenses were incurred should be ascertained (although this is not a critical question since election expenses may be incurred before, during or after an election period); and
- (b) In relation to the relevant activities or matters of which the expense may be incurred for more than one purpose, it should be considered whether an apportionment exercise appropriate between election expenses and non-election expenses is necessary.

[Amended in September 2016 and July 2021]

16.9 A candidate may receive **election donations** for the purpose of meeting the costs of his/her election expenses. “Election donations”, in relation to a candidate at an election, means any of the following donations:

- (a) any money given to or in respect of the candidate for the purpose of meeting or contributing towards meeting the election expenses;
- (b) any goods given to or in respect of the candidate for the purpose of promoting his/her election or of prejudicing the election of another candidate or other candidates and includes any goods incidentally given to the provision of voluntary service; or
- (c) any service provided to or in respect of the candidate for the purpose of promoting his/her election or of prejudicing the election of another candidate or other candidates, but does not include voluntary service (see para. 16.30 below).

[S 2 of the ECICO]

All such donations, whether in cash or in kind, are counted as election expenses when they are spent or used. (For details, see Part IV of this chapter.)

[Amended in September 2016]

16.10 Whether an expense incurred should be counted as election expenses depends on the facts of each case. As long as the expense is incurred for the purpose of:

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

it will be counted as an election expense, irrespective of whether it is incurred before, during or after the election period, and regardless of the source of funding. *[Amended in September 2016]*

16.11 Whether a particular item of expenditure should be regarded as an election expense depends on the circumstances of the case. In addition to the actual use of the expenses, one should also take into account the nature, circumstances and context of the expenditure incurred. If an expense is used for more than one purpose, the expense should be apportioned between election-related purpose and other purposes. The candidate concerned should include relevant particulars of the expense in his/her election return. As a general principle, time and usage are relevant factors for consideration. The candidate may refer to the examples on the apportionment of expenses shown in the guide and the video on the completion of election returned mentioned in para. 16.34(c) below (see also para. 16.32 below). The candidate may seek professional advice on the apportionment of expenses when necessary. Any fees incurred for such professional advice will not be regarded as election expenses. *[Amended in September 2016 and July 2021]*

16.12 Staff and other resources available for use by a candidate in his/her official capacity or when discharging his/her duties for the purpose of promoting his/her candidature in the election should be counted as an election expense. A list of common expenditure items to be counted towards election expenses is at **Appendix 15**. The list serves only as an illustration and should not be regarded as taking precedence over the legislation. Candidates should consult a legal adviser in case of doubt on whether an expenditure item should be counted as an election expense. Any legal fees so incurred will not be regarded as election expenses. *[Amended in September 2016]*

16.13 A candidate shall not use any public resources for the purpose of promoting his/her election or prejudicing the election of another candidate or other candidates at the election. *[Amended in October 2011 and September 2016]*

PART III : WHO MAY INCUR ELECTION EXPENSES AND THE LIMIT

Maximum Scale of Election Expenses

16.14 The maximum amounts of election expenses for the EC subsector elections are prescribed by the Maximum Scale of Election Expenses (Election Committee) Order made by the CE in Council pursuant to s 45 of the ECICO. These expense limits serve to control the scale of election campaigns and prevent candidates with ample financial resources from having an unfair advantage. *[Amended in October 2011]*

16.15 The election expenses limits are set out in the following table. For the determination of the number of registered voters for a subsector, inquiries can be directed to the RO for the EC subsector concerned.

EC Subsectors	Election Expense Limits
(a) for an election for an EC subsector with not more than 500 registered voters	\$100,000
(b) for an election for an EC subsector with more than 500 but not more than 5 000 registered voters	\$160,000
(c) for an election for an EC subsector with more than 5 000 but not more than 10 000 registered voters	\$320,000
(d) for an election for an EC subsector with more than 10 000 registered voters	\$480,000

[S 2 of the Maximum Scale of Election Expenses (Election Committee) Order (Cap 554I)]

[Amended in October 2011, September 2016 and July 2021]

16.16 A candidate and his/her election expense agents must not incur election expenses in excess of the maximum amount prescribed [s 24(1) of the ECICO].

Persons Authorised to Incur Election Expenses

16.17 Only a candidate or a person who has been duly authorised by a candidate as the candidate's election expense agent may incur election expenses [s 23(1) of the ECICO]. The authorisation should follow the procedures specified in Part VI of Chapter 7. *[Amended in October 2011]*

16.18 Any person who is going to carry out **negative campaigning (i.e. canvassing against other candidates)** for or for the benefit of a candidate and hence incurring expenses should obtain the prior authorisation of the candidate to act as the election expense agent of the candidate. The expenses will be counted towards the election expenses of the candidate. If the negative campaigning includes EAs, it should also comply with all the requirements of the ECICO and of the EAC (EP) (EC) Reg. *[Amended in September 2006]*

16.19 Candidates who have the intention or plan to run for an election should inform the organisations with which they are associated and which may incur expenses to support them of these requirements as soon as possible, to prevent the organisations from committing an offence out of ignorance.

16.20 A candidate is responsible for the whole amount of his/her election expenses. If the total amount of expenses incurred by the candidate and/or the person acting on his/her behalf exceeds the prescribed limit, the

candidate shall be liable for contravening the law, unless he/she can prove that the excess amount is incurred without his/her consent or authorisation and is not due to any negligence on his/her part. Besides, the election expense agents should not incur election expenses exceeding the limit authorised by the candidate, or else he/she contravenes s 23(4) of the ECICO. [Ss 23 and 24 of the ECICO] *[Amended in October 2011]*

PART IV : ELECTION DONATIONS

General Requirements

16.21 Any person who has made clear his/her intentions to stand as a candidate in an election may receive election donations for meeting his/her election expenses only. *[Amended in September 2016]*

16.22 Election donations can only be used for meeting, or contributing towards meeting a candidate's election expenses. If an election donation consists of goods or services, it can only be used for the purpose of promoting the election of the candidate or of prejudicing the election of another candidate or other candidates [s 18 of the ECICO]. *[Amended in September 2016]*

16.23 Election donations can be made in cash or in kind, and include any money value, any valuable security or other equivalent of money and any valuable consideration. Election donations in kind include goods and services obtained free of charge or at a discount. All spent or used election donations, whether in cash or in kind, received before, during or after the election period (in relation to machinery of the election), are counted towards the total election expenses, and are subject to the maximum amount prescribed. *[Amended in September 2016]*

16.24 Any unspent or unused election donations must be given to charitable institution(s) or trust(s) of a public character chosen by the candidate(s). Any amount of election donations that exceeds the maximum amount of election expenses must also be given to such charitable institution(s) or trust(s). It must be done before the election return is lodged in accordance with s 37 of the ECICO. [S 19(3), (4) and (5) of the ECICO] *[Amended in October 2011 and September 2016]*

16.25 Since it is only lawful for election donations to be spent for meeting or contributing towards meeting election expenses, donations are often regarded as election expenses. Every item of election expense which is avoided or reduced as a result of the provision of goods or services free of charge or at a discount normally involves a corresponding item of election donation. The only exception is voluntary services obtained which are not treated as election donations (however, any goods incidentally given to the provision of a voluntary service will be counted as an election donation). Relevant details are elaborated in paras. 16.28 to 16.30 below. *[Amended in October 2011 and September 2016]*

16.26 On receiving an election donation in the form of money or in kind of more than \$1,000 in value, a candidate must issue to the donor a receipt which specifies the name and address of the donor (as supplied by the donor) as well as the particulars of the donation. A standard form of receipt is made available at the REO and will be given to a candidate when he/she submits the nomination form. Though it is common that some donors would like to make it anonymous, a donation, whether in cash or in kind, more than \$1,000 in value must not be used for election-related purpose unless the donor's name and address (as supplied by the donor) are shown as required by the standard form of donation receipt. Donations over \$1,000 or, in the case of an election donation consisting of goods, of more than \$1,000 in value received from anonymous donors must not be used for meeting election expenses. Instead, it must be given to a charitable institution or trust of a public character chosen by

the candidate. [S 19(1) and (2) of the ECICO] *[Amended in September 2006 and September 2016]*

16.27 Any person or organisation (including a political party) acting as an agent to solicit, receive or collect election donations for a candidate or candidates should comply with all the requirements under the ECICO as in the case of election donations received by the candidate(s) direct. To avoid causing confusion to donors/members of the public, the agent is advised to note the points and adopt the good practice suggested in **Appendix 16**. *[Added in September 2016]*

Election Donations in Kind

16.28 Election donations in kind include goods and services obtained free of charge or at a discount. Unless the discount is generally available to all customers, the difference between the market/regular price and the price charged is an election donation and must be declared and included as such and correspondingly as an election expense in the election return. The same principle applies to loans obtained at no interest or at an interest rate lower than usual. Unless the loan conditions are generally available to others, the waived interest must be declared and included as an election donation and election expense in the election return. For premises provided free of charge to a candidate for his/her election campaign, a reasonable amount should be determined as the assessed rental for the premises, and should be declared and included as an election donation and election expense in the election return. *[Amended in September 2016]*

16.29 For services or goods obtained free of charge, a candidate must include in the election return their estimated value as in the case of expenses being incurred. Where the services or goods are furnished by a person who deals in similar services or goods with the public, the estimated value of such services or goods should be assessed at the lowest price at which the person

offers his/her services or goods to the public at the time when they are furnished. Where such services or goods are furnished by persons who do not deal in similar services or goods with the public, their estimated value should be assessed at the lowest market retail price at that time.

16.30 **Voluntary service** is the only service rendered free of charge which can be excluded from being counted as election expenses. Nonetheless, goods or materials incidentally given to the provision of voluntary service will be counted as election donations. Apart from being provided free of charge, the service must be provided by a natural person voluntarily and personally in his/her own time for the purpose of promoting the election of the candidate or candidates, or of prejudicing the election of another candidate or other candidates [s 2 of the ECICO]. Otherwise, the service provided should be treated as an election donation and be counted towards election expenses at a fair estimated value. *[Amended in September 2006 and September 2016]*

PART V : ELECTION RETURN

16.31 A candidate must keep an accurate account of all election expenses incurred and election donations (whether in cash or in kind) received, and submit to **the CEO an election return before the expiry of the 30-day period after the election is settled in relation to all EC subsector elections to be held on the same date (if the subsector elections become settled on different dates, the last of those dates) or within the extended period as permitted by the CFI under the relevant electoral law. The election return must be completed in the specified form. An election is settled on the date on which any of the following events occurs in relation to the election –**

- (a) **the result of the election is published in the Gazette;**

- (b) a declaration that no candidate was validly nominated is made.**

[S 37(1), (1D), (1E) and (1N) of the ECICO]. *[Amended in September 2006, September 2016 and July 2021]*

16.32 The election return should set out all the election expenses incurred by the candidate and his/her election expense agent(s). For each election expense of \$500 or more, the return must be accompanied by an invoice and a receipt issued by the goods or service providers [s 37(2)(b) of the ECICO]. The invoice and receipt for an election expense may be submitted in separate documents, or may be included in the same document. Invoices and receipts submitted by a candidate should contain the following particulars, including:

- (a) date;
- (b) details of the expenditure item (i.e. information and amount of the goods or services);
- (c) information of the organisation or person (other than the candidate himself/herself) providing the goods or services; and
- (d) the information which proves that the organisation or person (other than the candidate himself/herself) providing the goods or services has received the relevant payment in full (e.g. name and signature of the payee or stamp of the organisation or signature of its authorised representative).

[Amended in October 2011, September 2016, and July 2021]

16.33 A candidate must also set out in the election return all election donations, whether in cash or in kind (including goods and services obtained free of charge or at a discount), received by or on behalf of him/her in connection with the election. The election return must be accompanied by copies of receipts issued by the candidate for each election donation of more than \$1,000 in value and copies of receipts issued by charitable institutions or trusts of a public character for the collection of any unspent or unused election donations, anonymous donations of more than \$1,000 in value or election donations exceeding the limit of election expenses. A declaration verifying the contents of the election return must also be submitted together with the election return. [S 37 of the ECICO] *[Amended in October 2011, September 2016 and July 2021]*

16.34 At the time when a candidate submits his/her nomination form, he/she will be given:

- (a) the specified form for election return mentioned in para. 16.31 above, together with a standard form of receipt for election donations mentioned in para. 16.26 above;
- (b) the standard form for advance return and declaration of election donations (see paras. 16.41 to 16.43 below);
- (c) a guide and a video on how to complete the election return; and
- (d) a full set of Frequently Asked Questions (“FAQs”) relating to the election return.

Candidates should read the explanatory notes attached to the election return carefully, and refer to the guide, the video and the FAQs before completing the election return. *[Amended in October 2011 and September 2016]*

Statutory Relief Mechanism for Errors and False Statements

16.35 If a candidate is unable or fails to send to the CEO the election return before the statutory deadline (please see para. 16.31 above) due to his/her illness or absence from Hong Kong, or the death, illness, absence from Hong Kong or misconduct of any agent or employee of the candidate; or by reason of inadvertence or accidental miscalculation by the candidate or any other person, or any reasonable cause, and was not due to the candidate's bad faith, he/she can make an application to the CFI for an order allowing him/her to send in the election return within a further period as specified by the CFI [s 40(1) and (2) of the ECICO]. The legal costs so incurred will not be regarded as his/her election expenses. For previous court's decisions regarding applications for the relief of election-related penalties and liabilities, please see para. 8.72 of Chapter 8 for the relevant judgments. *[Amended in September 2006, October 2011, September 2016 and July 2021]*

16.36 If a candidate makes an error or a false statement in the election return due to misconduct of any agent or employee of the candidate, or by reason of inadvertence or accidental miscalculation by the candidate or any other person, or any reasonable cause, and was not due to the candidate's bad faith, he/she may apply to the CFI for an order allowing him/her to correct any error or false statement in the election return or in any document accompanying the election return [s 40(3) and (4) of the ECICO]. The legal costs so incurred will not be regarded as his/her election expenses. For previous court's decisions regarding applications for the relief of election-related penalties and liabilities, please see para. 8.72 of Chapter 8 for the relevant judgments. *[Amended in October 2011, September 2016 and July 2021]*

16.37 Notwithstanding the provision set out in para. 16.36 above, if a candidate makes any error and/or false statement in the election return, the nature of which is either a failure to set out in the election return any election expense of the candidate at the election or any election donation received by or

on behalf of the candidate in connection with the election, or incorrectness in the amount of any election expense or any election donation, **and** the aggregate value of the error(s) and/or false statement(s) does **not** exceed \$5,000, [item (5) of the Schedule to the ECICO] he/she may, subject to the conditions set out in para. 16.38 below, seek to have the error and/or false statement rectified in accordance with a simplified relief arrangement for minor errors or false statements as provided under s 37A of the ECICO. Under the arrangement, the candidate may write to notify the CEO of his/her request for lodging a revised election return to rectify the error and/or false statement and provide the necessary details for consideration of the request. If the CEO deems it appropriate to allow the candidate to lodge a revised election return under the simplified relief arrangement, the CEO would issue a notice to the candidate. Upon receipt of the notice, the candidate may, within the specified period, lodge with the CEO a revised election return, which should be a copy of the original election return earlier submitted to the CEO marked with the necessary revision to have the error(s) or false statement(s) in question corrected. An error or false statement made in an election return also includes an error or false statement in any document accompanying the election return; or a failure to send any document required by s 37(2)(b) of the ECICO in relation to the election return [s 37A(12) of the ECICO]. *[Added in October 2011, amended in September 2016 and July 2021]*

16.38 A revised election return lodged by a candidate is of no effect unless it is:

- (a) lodged within 30 days after the date on which the candidate receives a notice from the CEO relating to the error(s) and/or false statement(s) in the election return;
- (b) accompanied by all relevant documents as required under s 37(2)(b) of the ECICO (e.g. invoice and/or receipt) and, if applicable, an explanation; and

- (c) accompanied by a declaration to be made by the candidate in a specified form verifying the contents of the revised election return.

[S 37A(6) of the ECICO]

A copy of the revised election return made under the relief arrangement cannot be withdrawn or further amended after it has been lodged with the CEO. If the candidate fails to correct the error(s) or false statement(s) within the specified period, the election return will be subject to the normal checking and investigation under the ECICO. *[Added in October 2011, amended in September 2016 and July 2021]*

16.39 **If, after including the cumulative amount of errors or false statements, the aggregate amount of election expenses incurred at or in connection with the election exceeds the maximum amount of election expenses prescribed for a candidate the candidate engages in an illegal conduct under s 24 of the ECICO.** In such case, the relief arrangement will not be applicable. If the ICAC has received complaints or information indicating that a candidate may have made a statement that he/she knows or ought to know is materially false or misleading (an act which amounts to corrupt conduct under s 20 of the ECICO), the ICAC will conduct investigation into the case despite the relief arrangement set out above. The rectifications of the election return under the relief arrangement will not exempt the candidate from being investigated or subsequently prosecuted under the ECICO in such circumstances. Moreover, this relief arrangement will not relieve the candidate from liabilities for other offences provided under the ECICO if the election return concerned is in breach of any such provisions. [S 37A of the ECICO] *[Added in October 2011 and amended in September 2016]*

16.40 If the candidate finds himself/herself in any of the situations set out in paras. 16.35 and 16.36 above, other than the situations where correction of errors or false statements is allowed under the relief arrangement in para. 16.37, it is advisable for him/her to make an application to the CFI and inform the REO as soon as possible. The legal costs so incurred will not be regarded as his/her election expenses. It is a corrupt conduct if a candidate who, in an election return lodged under s 37 of the ECICO or a copy of an election return lodged under s 37A of the ECICO, makes a statement that he/she knows or ought to know is materially false or misleading [s 20 of the ECICO]. *[Amended in September 2006 and October 2011]*

PART VI : ADVANCE RETURN OF ELECTION DONATIONS

16.41 Any candidate who is an incumbent public servant under the POBO, e.g. a serving member of the LegCo or a DC, etc., may disclose to the CEO in advance any election donations received. This may enable the incumbent member to avoid any inadvertent contravention of the provisions of the POBO relating to the acceptance of “advantages”. The election donations so disclosed must also be set out in the election return to be submitted to the CEO before the expiry of the period, or the extended period provided under s 37 of the ECICO for lodging an election return (see para. 16.31 above) [s 37(1), (1D), (1E) and (1N) of the ECICO]. Candidates must also observe the general provisions regarding election donations in Part IV. *[Amended in September 2006 and September 2016]*

16.42 Any **advance return of election donations** must be made on the standard form mentioned in para. 16.34 above. *[Amended in September 2016]*

16.43 Depending on the time and the number of election donations received, a candidate may submit any number of advance returns of election donations to the CEO. *[Amended in September 2016]*

PART VII : ENFORCEMENT AND PENALTY

Enforcement

16.44 The election returns will be made available at the REO for public inspection up to the 30th day before the first anniversary of the date of the deadline for lodging the relevant election return (disregarding any order made by the CFI under s 40 of the ECICO allowing a candidate to lodge an election return within a further period as specified by the CFI) (please see para. 16.31 above). Copies of the election returns will be furnished to any person upon request subject to the payment of a copying fee at a fixed rate. [S 41 of the ECICO] *[Amended in September 2016]*

16.45 Any complaint or report of breach of the relevant legislation may be made to the relevant RO, the REO, the EAC or its Complaints Committee direct. The EAC or its Complaints Committee may, after consideration, refer the cases to the relevant authorities for investigation and prosecution.

16.46 The REO will check all election returns. Irregularities detected will be reported to the relevant authorities for investigation.

Penalties

16.47 It is an illegal conduct for a candidate to incur election expenses in excess of the maximum amount prescribed, and for an election expense agent to incur election expenses in excess of the amount authorised. It is also an illegal conduct for a person, other than a candidate or a candidate's election expense agent, to incur election expenses. In these cases, the offender is liable to a fine of \$200,000 and to imprisonment for 3 years [ss 22, 23 and 24 of the ECICO]. In accordance with s 23(1A) of the ECICO, a person (other than a candidate or

an election expense agent) is exempted from the relevant criminal liability under s 23(1) of the ECICO if the person publishes an EA on the Internet, and the only election expenses incurred by the person for that purpose are either or both of electricity charges and charges necessary for accessing the Internet. However, if a candidate, a candidate's election expense agent or a person authorised by a candidate or his/her election expense agent publishes an EA of the candidate on the Internet, any costs incurred should be included in the election expenses of the candidate even though the costs only involve electricity charges and/or charges necessary for accessing the Internet. *[Amended in July 2021]*

16.48 A candidate who uses any election donation for any purpose other than meeting his/her election expenses, or fails to dispose of unspent or excessive election donations in accordance with s 19 of the ECICO engages in corrupt conduct and shall be liable to a fine of \$500,000 and to imprisonment for 7 years. [Ss 6, 18 and 19 of the ECICO] *[Amended in October 2011 and September 2016]*

16.49 If a candidate fails to submit the election return by the prescribed date or fails to provide an accurate account of all election expenses incurred and all election donations received with the required supporting invoices and receipts issued by the recipient(s) of the payments, he/she commits an offence and shall be liable to a fine of \$200,000 and to imprisonment for 3 years. [S 38(1) of the ECICO] *[Amended in October 2011 and September 2016]*

16.50 A candidate who knowingly makes a materially false or misleading statement in his/her election return lodged under s 37 of the ECICO or a copy of an election return lodged under s 37A of the ECICO, engages in corrupt conduct and shall be liable to a fine of \$500,000 and to imprisonment for 7 years. [Ss 6 and 20 of the ECICO] *[Amended in October 2011 and September 2016]*

16.51 If a candidate who, having been elected to the EC, acts in the office or participates in the affairs of the EC without filing an election return before the statutory deadline, he/she commits an offence and shall be liable to a fine of \$5,000 for each day for acting in the office or participating in the affairs of the EC as a member, in contravention of s 37 of the ECICO [s 39(1) and (2) of the ECICO]. *[Amended in September 2016]*

16.52 A person convicted of a **corrupt or illegal conduct** of the ECICO will, in addition to the penalties set out in paras. 16.47 to 16.51 above, be disqualified:

- (a) from being nominated as a candidate for the election of, or from being elected as, the CE, a member of the LegCo or DC, or an RR, if the election is held within 5 years after the date of conviction [ss 14 and 20 of the CEEO, s 39 of the LCO, s 21 of the District Councils Ordinance (Cap 547) (“DCO”) and s 23 of the Rural Representative Election Ordinance (Cap 576) (“RREO”)]; and
- (b) from being nominated as a candidate at the EC Subsector Elections and from being elected as a member of the EC if the election is held within 5 years after the date of conviction, or from being nominated as an EC member subsector for 5 years from the date of conviction, or from being registered as an ex-officio member of the EC within 5 years after the date of conviction [ss 5M, 9 and 18 of the Schedule to the CEEO].

[Amended in September 2006, January 2010, October 2011, September 2016 and July 2021]

16.53 If a candidate is convicted of the offence under s 38(1) of the ECICO (i.e. having failed to lodge an election return as required by s 37), apart from facing the penalties set out in para. 16.49 above, he/she will also be

subject to the same disqualifications as a person convicted of having engaged in illegal conduct (see para. 16.52 above). [S 38(4) of ECICO] [*Added in July 2021*]

CHAPTER 17

CORRUPT AND ILLEGAL CONDUCT

PART I : GENERAL

17.1 This chapter sets out the guidelines against corrupt and illegal conduct in conducting election-related activities. It is important that candidates are aware of the common pitfalls in election activities, which may involve corrupt and illegal conduct, and take appropriate preventive measures to guard against committing offences due to oversight.

17.2 Provisions relating to corrupt and illegal conduct can be found in the ECICO. To help candidates and their agents to get acquainted with the major provisions of the Ordinance, the ICAC has prepared an information booklet on “Clean Election Committee Subsector Elections” for distribution to candidates. The content of the information booklet has also been uploaded onto the relevant webpage of the ICAC (www.icac.org.hk/elections).
[Amended in October 2011 and September 2016]

17.3 A person who engages in:

- (a) a **corrupt conduct** will be liable to a fine of \$500,000 and to imprisonment for 7 years and to pay to the court the amount or value of any valuable consideration he/she or his/her agents received in connection with the conduct or such part of the amount or value as specified by the court [s 6(1) and (3) of the ECICO]; and
- (b) an **illegal conduct** will be liable to a fine of \$200,000 and to imprisonment for 3 years [s 22(1) of the ECICO].

In addition to these penalties, a convicted person will be disqualified from being nominated as a candidate in future elections. For details, please see para. 17.37 below. *[Amended in January 2010 and September 2016]*

17.4 The ECICO applies to all conduct concerning an election, whether the conduct is engaged in within Hong Kong or elsewhere. [S 5 of the ECICO] *[Added in September 2016]*

17.5 Under no circumstances is it permissible to induce a voter/AR to vote or not to vote for a particular candidate or particular candidates by offering advantages, food, drink or entertainment, by using force or duress against a person, or by a deception or obstruction; such acts violate the ECICO. The voters/ARs may sometimes require assistance from others or transportation service in accessing a polling station. However, the above acts must not be done deliberately during the process to induce a voter/AR to vote or not to vote for a particular candidate or particular candidates. *[Added in July 2021]*

17.6 According to s 27 of the ECICO, if a candidate includes the name, logo or pictorial representation of a person or an organisation in his/her EA as an indication of support from that person or organisation, he/she has to obtain written consent to the inclusion before the publication of the EA. Oral consent or retrospective written consent obtained after the publication of the EA does not comply with the legal requirements. For details, please refer to paras. 17.12 to 17.16 and Chapter 18. *[Added in July 2021]*

PART II : CORRUPT CONDUCT RELATING TO NOMINATION AND WITHDRAWAL OF CANDIDATURE

Offences Relating to Candidature

17.7 Any act to affect a person's candidature by bribery, force, duress

or deception is prohibited. Candidature includes standing as a candidate, not standing as a candidate, or withdrawal of nomination. A person engages in corrupt conduct if the person corruptly:

- (a) offers an advantage to another person as an inducement or reward to affect his/her candidature or for not using his/her best endeavours to promote his/her election;
- (b) offers an advantage to another person as an inducement or reward to affect the candidature of a third person or get the third person not to use his/her best endeavours to promote his/her election;
- (c) solicits or accepts an advantage from another person as an inducement or reward to affect his/her candidature or for not using his/her best endeavours to promote his/her election; or
- (d) solicits or accepts an advantage from another person as an inducement or reward to affect the candidature of a third person or get the third person not to use his/her best endeavours to promote his/her election.

[S 7(1) of the ECICO]

17.8 Similarly, a person engages in corrupt conduct if he/she uses or threatens to use force or duress against another person to affect the candidature of that other person or a third person. The use of deception to induce another person to affect the candidature of that other person or a third person is also a corrupt conduct. [Ss 8 and 9 of the ECICO] *[Amended in October 2011]*

17.9 It is also a corrupt conduct if a person defaces or destroys a completed or partly completed nomination paper with intent to prevent or obstruct another person from standing for election [s 10 of the ECICO].

[Amended in October 2011]

PART III : ILLEGAL CONDUCT RELATING TO ELECTIONEERING

Publishing False Statement that a Person is or is not a Candidate

17.10 A person must not publish any statement (i) that he/she is no longer a candidate at an election if he/she is a candidate, or (ii) that another person who has been nominated as a candidate is no longer a candidate at the election, or (iii) that he/she or another person is a candidate at an election, knowing that the statement is false [s 25 of the ECICO].

Publishing False or Misleading Statement about a Candidate

17.11 A person must not publish any materially false or misleading statement of fact about a particular candidate or particular candidates for the purpose of promoting or prejudicing the election of the candidate or candidates. Similarly, a candidate must not publish any materially false or misleading statement of fact about himself/herself or another candidate or other candidates for the purpose of promoting the election of himself/herself or prejudicing the election of another candidate or other candidates. Any such publication will amount to an illegal conduct. It should be noted that materially false or misleading statements about a candidate or candidates include, but are not limited to, statements concerning the character, qualifications or previous conduct of the candidate or candidates to promote or prejudice the election of the candidate or candidates. [S 26 of the ECICO] For example, a person who makes a materially false or misleading statement of fact about a candidate, thereby calling into question the integrity and honesty of that candidate, may contravene the above provision. Any person who wishes to publish a

statement about a candidate or candidates should make every effort to ensure its accuracy before its publication. *[Amended in October 2011]*

Claim of Support

(Please also see Chapter 18)

17.12 A candidate who uses the name, logo or a pictorial representation of a person or an organisation in any of his/her EAs as an indication of support from that person or organisation engages in illegal conduct if he/she fails to obtain **written consent** to the inclusion before the publication of the EA unless he/she has neither requested nor directed (nor authorised any person to request or direct) the inclusion of the aforesaid name, logo or pictorial representation in his/her EA. Under the ECICO, in relation to a candidate, **support** (支持) includes support for the policies or activities of the candidate. In addition, should any content of an EA (where either the candidate has obtained the prior written consent mentioned above or the candidate has neither requested nor directed (nor authorised any person to request or direct) the inclusion of the name, logo or pictorial representation in his/her EAs) be provided by a person or an organisation, the candidate engages in illegal conduct if he/she modifies, or authorises any person to modify, the name, logo or pictorial representation or the content, unless **before** the modification the person or organisation concerned has **consented in writing** to the inclusion of the modified name, logo, pictorial representation or content in the EA. [S 27(1), (1A), (1B) and (7) of the ECICO] *[Amended in July 2021]*

17.13 Oral consent or retrospective written consent obtained after the publication of the EA does **not** comply with the legal requirements. The EAC provides a sample form for candidates to seek **consent of support** in writing from a person or an organisation (“consent form”). A candidate is required to post the consent form relevant to the EA concerned onto the Candidate’s Platform or Central Platform or deposit a copy of the consent form with the relevant RO in the manner as set out in para. 8.56 of Chapter 8 [s 108(2) and (3)]

of the EAC (EP) (EC) Reg]. It is important to note that it still constitutes an offence even if such an EA contains a statement to the effect that it does not imply support by the person or organisation for a candidate or candidates [s 27(4) of the ECICO]. It is also an offence for a person to give information which he/she knows or ought to know is materially false or misleading to a candidate or candidates for promoting or prejudicing the election of the candidate or candidates [s 27(6) of the ECICO]. *[Amended in September 2006, October 2011, September 2016 and July 2021]*

17.14 Although confusion may be caused, a person or an organisation may support 2 or more candidates who are competing in the same subsector and this must be indicated in the written consent. A sample form prepared by the EAC for candidates to seek **consent of support** in writing from a person or an organisation will be available at the REO and the relevant RO's office after the gazettal of a notice specifying the period and location for submitting nomination forms for the election. The forms may also be downloaded from the REO website. It will also be provided to a candidate upon his/her submission of a nomination form for the election. Candidates should keep in mind that it is an offence to make a false claim of support (see Chapter 18). *[Added in September 2016 and amended in July 2021]*

17.15 Consent given can be revoked. In case of a revocation, in order to avoid dispute, it is advisable for the person or organisation revoking the consent to send a notice of the revocation to the candidate concerned. The candidate is required to notify the relevant RO in writing of the revocation of consent or post a copy of the revocation onto the Candidate's Platform or the Central Platform in the manner as set out in para. 8.56 of Chapter 8. The candidate concerned should immediately cease to publish any EA which contains the support of the person or organisation who has made the revocation. *[Amended in September 2016]*

17.16 S 28 of the ECICO provides for an injunction order by the Court

to restrain the publication of any materially false or misleading statement or false claim of support. An application for such an injunction order may be made by a candidate in the same EC subsector, his/her election agent, a voter/AR of the EC subsector concerned and the person or body to whom or which the false information is related. *[Amended in September 2016]*

Inciting Another Person Not to Vote or to Cast Invalid Vote by Activity in Public

17.17 A person engages in illegal conduct if he/she carries out any activity in public during the election period that incites⁵² another person not to vote or to cast an invalid vote, and will be liable to a fine of \$200,000 and to imprisonment for 3 years. According to s 27A(5), activity in public includes any of the following activities, whether or not the person carrying out the activity is in a public place while carrying out the activity:

- (a) any form of communication to the public, including speaking, writing, printing, displaying notices, broadcasting, screening and playing of tapes or other recorded material;
- (b) any conduct (not being a form of communication referred to in paragraph (a)) observable by the public, including actions and gestures and the wearing or display of clothing, signs, flags, emblems and insignia;
- (c) the distribution or dissemination of any matter to the public.

[Ss 22(1) and 27A of the ECICO] *[Added in July 2021]*

⁵² Although wording such as “encourage” or “advocate”, etc. has been used in the criminal legislation under some common law jurisdictions in recent years, there is no difference in the concept expressed in that of “incite” under the common law. There have been precedents pointing out that “incite” included “urge, encourage, persuade”. The prosecution must prove the relevant intent, i.e. the defendant intends to make the person being incited to do the incited act.

PART IV : CORRUPT CONDUCT RELATING TO ELECTIONEERING AND VOTING

Bribery

17.18 A person engages in corrupt conduct at an election if he/she acts to affect a person's voting preference by offering, soliciting or accepting an advantage [s 11 of the ECICO]. Voting preference covers voting for a particular candidate or particular candidates, not voting at an election and not voting for a particular candidate or particular candidates. *[Amended in October 2011]*

17.19 During the election period, candidates are advised to refrain from engaging in any financial dealing which may be perceived as having an influence on a person's voting preference. Besides, during the election period, any person should avoid engaging in any act that may be perceived as electoral bribery, such as attaching election leaflets of candidate(s) to leaflets of community activities on free medical check-up, free legal consultation or discounted meals, etc. for distribution. *[Added in July 2021]*

Treating

17.20 A person must not, at any time, provide or meet all or part of the cost of providing another person with any food, drink or entertainment for the purpose of influencing that person's or a third person's voting preference. Likewise, it is a corrupt conduct at an election to solicit or accept any of such treating [s 12 of the ECICO].

17.21 Serving only non-alcoholic drinks at an election meeting will not be deemed as engaging in corrupt conduct mentioned in para. 17.20 above [s 12(5) of the ECICO]. An election meeting is any meeting held to promote

or prejudice the election of a particular candidate or particular candidates. (See Chapter 10) *[Amended in September 2016]*

17.22 Where a person or an organisation hosts a banquet for a non-election-related purpose but, during the occasion, calls on the guests to vote for a particular candidate, the candidate, if present, should immediately stop any promotion of his/her election and disown or dissociate with whatever has been said or done to promote his/her candidature. Otherwise, the occasion will be regarded as an election meeting held to promote his/her candidature and the expenses incurred will have to be counted towards his/her election expenses. At the same time, the host who uses the occasion for promoting the candidate may also be liable to prosecution for his/her failure in obtaining the candidate's prior authorisation to appoint him/her as the candidate's election expense agent for incurring election expenses on behalf of the candidate. (See paras. 10.2 and 10.3 of Chapter 10, and s 23 of the ECICO) *[Amended in October 2011 and September 2016]*

17.23 It is an offence under s 12 of the ECICO for any candidate or any person to offer food, drink or entertainment to affect another person's voting preference. *[Amended in October 2011 and September 2016]*

Force and Duress

17.24 The use of or the threat to use force or duress against a person to induce him/her to vote or not to vote at an election, or to vote or not to vote for a particular candidate or particular candidates or to get a third person to do so is a corrupt conduct [s 13 of the ECICO]. *[Amended in October 2011]*

17.25 Persons in position to exert pressure and influence on others should be careful not to breach the provisions under the ECICO, e.g. employers over employees, school principals or teachers over students, religious advisers over believers and doctors over patients, etc.

Deception or Obstruction

17.26 Furthermore, a person engages in corrupt conduct if he/she, by means of deception, induces another person (or gets another person to induce a third person) not to vote at the election, or to vote or not to vote for a particular candidate or particular candidates at an election. Besides, a person also engages in corrupt conduct if he/she willfully obstructs or prevents another person (or gets another person to obstruct or prevent a third person) from voting at an election. Engaging in the above corrupt conduct will be liable to a fine of \$500,000 and to imprisonment for 7 years. [Ss 6(1), 14 and 14(1A) of the ECICO] As a matter of fact, it is also an offence to aid, abet, incite or attempt the said offence. *[Added in July 2021]*

Voting Offences

- 17.27 It is a corrupt conduct for any person:
- (a) to impersonate another person to apply for a ballot paper at an election or, having voted at an election, to apply at the same election for a ballot paper in the person's own name;
 - (b) to vote at an election knowing that he/she is not entitled to vote at that election;
 - (c) to vote at an election after having knowingly or recklessly given materially false or misleading information to an electoral officer, or to vote at an election after having knowingly omitted to give material information to an electoral officer;
 - (d) except as expressly permitted by an electoral law, to vote more than once in the same subsector or to vote in more than one subsector; or

- (e) to invite or induce another person to commit (b), (c) or (d) above.

[Ss 15, 16(1) and (2) of the ECICO]

Candidates must note that all their electioneering and canvassing activities must be conducted within the confines of the ECICO. While candidates may engage in activities to promote themselves or to provide assistance or facilitation for voters/ARs to vote in an election, they must be extremely careful to ensure that these activities are not in breach of the provisions of the ECICO at any time. *[Amended in September 2016]*

PART V : CORRUPT AND ILLEGAL CONDUCT RELATING TO ELECTION EXPENSES AND ELECTION DONATIONS

17.28 Candidates should be careful when handling election expenses and election donations as non-compliance with the relevant requirements will be a corrupt or illegal conduct. For details of the requirements that have to be observed, please refer to Chapter 16. *[Amended in September 2016]*

PART VI : POWER OF COURT TO EXCUSE INNOCENT ACTS

17.29 S 31 of the ECICO provides a mechanism for a candidate to apply to the CFI for an order to relieve himself/herself of criminal responsibility if he/she contravenes the illegal conduct provisions due to inadvertence, accidental miscalculation or any reasonable cause, and not due to bad faith. For previous court's decisions regarding applications for the relief of election-related penalties and liabilities, please see para. 8.72 of Chapter 8 for the relevant judgments. No prosecution against him/her may be instituted or carried on

until the application is disposed of by the CFI. He/She will not be liable to be convicted of an offence if the illegal conduct is the subject of the court order.
[Amended in July 2021]

17.30 A candidate who is unable or has failed to send to the CEO the election return before the expiry of the statutory deadline (see para. 16.31 of Chapter 16) due to his/her own illness or absence from Hong Kong, or the death, illness, absence from Hong Kong or misconduct of any agent or employee of the candidate, or by reason of inadvertence or accidental miscalculation by the candidate or any other person, or any reasonable cause, and not due to the candidate's bad faith, can make an application to the CFI for an order to allow him/her to send to the CEO the election return within a further period as specified by the CFI [s 40(1) and (2) of the ECICO].
[Amended in September 2006, October 2011 and September 2016]

17.31 If a candidate makes an error or a false statement in the election return due to misconduct of any agent or employee of the candidate, or by reason of inadvertence or accidental miscalculation by the candidate or any other person, or any reasonable cause, and not due to the candidate's bad faith, he/she may apply to the CFI for an order to enable him/her to correct any error or false statement in the election return or in any document accompanying the election return [s 40(3) and (4) of the ECICO]. *[Added in October 2011]*

17.32 When the candidate finds himself/herself in any of the situations set out in paras. 17.30 and 17.31 above, other than the situations where correction of errors or false statements is allowed under the relief arrangement in para. 16.37 of Chapter 16, it would be wise of him/her to make the application to the CFI and inform the REO as soon as possible. *[Amended in October 2011]*

PART VII : NON-COMPLIANCE WITH THE LAW AND SANCTION

17.33 Any complaint or report of breach of the relevant legislation may be made to the relevant RO, the REO, the EAC or its Complaints Committee direct. The EAC or its Complaints Committee may, after consideration, refer the cases to the relevant authorities for investigation and prosecution.
[Amended in September 2016]

17.34 The ICAC may, subject to the decision of the Secretary for Justice, prosecute, issue a warning or caution to candidates and any other persons in appropriate cases concerning any breach of the electoral law or regulation, especially the ECICO.

17.35 The Director of Public Prosecutions has informed the EAC that the Department of Justice will not hesitate to prosecute appropriate cases of electoral offences.

17.36 The EAC may also issue public statements in such manner as it deems fit to reprimand or censure any non-compliance with these guidelines.

17.37 A person convicted of a **corrupt or illegal conduct** within the meaning of the ECICO will, in addition to the penalties set out in para 17.3 above, be disqualified:

- (a) from being nominated as a candidate for the election of, or from being elected as, the CE, a member of the LegCo or DC, or an RR, if the election is held within 5 years after the date of conviction [ss 14 and 20 of the CEEO, s 39 of the LCO, s 21 of the DCO and s 23 of the RREO]; and

- (b) from being nominated as a candidate at EC Subsector Elections and from being elected as a member of the EC if the election is held within 5 years after the date of conviction, or from being nominated as an EC member for 5 years from the date of conviction, or from being registered as an ex-officio member of the EC within 5 years after the date of conviction [ss 5M, 9 and 18 of the Schedule to the CEEEO].

[Amended in September 2006, January 2010, October 2011, September 2016 and July 2021]

17.38 It is worth noting that the Courts of Hong Kong consider election-related offences and contravention of the ECICO as serious crimes. On 27 November 1997, the Court of Appeal laid down sentencing guidelines that a person found guilty of any serious election-related offence should be punished by an immediate custodial sentence. *[Amended in September 2006]*

CHAPTER 18

NAMEDROPPING

PART I : GENERAL

18.1 According to the ECICO, if a candidate includes the name, logo or pictorial representation of a person or an organisation in his/her EA as an indication of support from that person or organisation, he/she has to obtain written consent to the inclusion before the publication of the EA. Oral consent or retrospective written consent obtained after the publication of the EA does not comply with the legal requirements. *[Added in July 2021]*

18.2 If the consent of support is given by a supporter in his/her personal capacity and he/she intends to mention his/her office title or the name of the organisation that he/she belongs to, the candidate should be careful not to give the impression that it represents the support of the whole organisation. If the EA indicates support by the relevant organisation, approval should be given by the governing body of the organisation or by a resolution of the members of the organisation passed at a general meeting. *[Added in July 2021]*

18.3 When a candidate publishes EA through online platforms, a person or an organisation may show his/her/its support to the candidate out of his/her/its own volition by indicating “like”, giving response or including his/her/its name, logo or pictorial representation in the EA published by the candidate. If the candidate has neither requested or directed nor authorised any person to request or direct the person or organisation to show his/her/its support, the candidate is not required to seek prior written consent provided that he/she must not modify that EA. *[Added in July 2021]*

PART II : CLAIM OF SUPPORT

18.4 A candidate who uses the name, logo or a pictorial representation of a person or an organisation in any of his/her EAs as an indication of support from that person or organisation engages in illegal conduct if he/she fails to obtain **written consent** to the inclusion before the publication of the EA unless he/she has neither requested nor directed (nor authorised any person to request or direct) the inclusion of the aforesaid name, logo or pictorial representation in his/her EA. It should be noted that there were legal proceedings over disputes concerning candidates claiming to have the support of certain individuals or organisations in their EAs. Two such cases involving DC ordinary elections were handled by the CFI of the High Court. In one of the cases, a candidate sought the court's order to relieve him from the consequences of breaching the relevant law (HCMP 1321/2012) and the trial judge referred to the legal stipulations by pointing out in the judgment that:

“The crucial issue is not whether the Applicant actually had the support of these 52 supporters, but whether he had their written consent for the inclusion of their names as his supporters in his election advertisements prior to their dispatch.”

The order of relief was eventually not granted. In another case involving an election petition (HCAL 247/2020), the trial judge put forward in his judgment that,

“to qualify as a written consent mentioned in section 27(1A) of the ECICO, the consent has to be a single document expressing consent to include one's name, logo or pictorial representation in the advertisement. It cannot be a composite document with more than one document read together. It cannot be permitted to be inferred from a chain of correspondence or messages.”

Therefore, a consent of support, regardless of the number of individual(s) signing to give consent, has to be a single document rather than a composite document comprising multiple letters, documents or a chain of correspondence messages. The EAC has prepared a sample form for candidates to seek consent of support in writing from a person or an organisation.

18.5 Under the ECICO, in relation to a candidate, **support** (支持) includes support for the policies or activities of the candidate. In the case that the content of an EA (where either the candidate has obtained the prior written consent mentioned above or the candidate has neither requested nor directed (nor authorised any person to request or direct) the inclusion of the name, logo or pictorial representation in his/her EAs) is provided by a person or an organisation, the candidate engages in illegal conduct if he/she modifies, or authorises any person to modify, the name, logo, or pictorial representation or the content, unless the person or organisation concerned has **consented in writing** to the inclusion of the modified name, logo, pictorial representation or content in the EA **before** such modification. [S 27(1), (1A), (1B) and (7) of the ECICO] Moreover, when including personal data⁵³ (which may include the name, logo or pictorial representation and/or the content) of a person in the EA, all practicable steps shall be taken to ensure that the personal data is correct and accurate. Otherwise, it may contravene the Data Protection Principle 2(1)⁵⁴ in Schedule 1 to the PD(P)O. *[Amended in September 2016 and July 2021]*

(Please also refer to paras. 17.12 to 17.16.)

18.6 It is not uncommon that a candidate publishes EAs through online

⁵³ S 2(1) of the PD(P)O provides that “personal data” means any data:

- (a) relating directly or indirectly to a living individual;
- (b) from which it is practicable for the identity of the individual to be directly or indirectly ascertained; and
- (c) in a form in which access to or processing of the data is practicable.

⁵⁴ Data Protection Principle 2(1): All practicable steps shall be taken to ensure that personal data is accurate having regard to the purpose (including any directly related purpose) for which the personal data is or is to be used.

platforms such as social networks or communication websites to promote his/her candidature. There may be cases that a person shows his/her support to the candidate out of his/her own volition by giving response or indicating “like” in the EA published by the candidate, or by appearing in the live broadcast of an electioneering activity published by the candidate. The candidate is not required to seek the prior written consent of the person if the candidate has neither requested nor directed (nor authorised any person to request or direct) the inclusion of the name, logo or pictorial representation of the person in the EA. Nevertheless, if a person is invited by the candidate to show his/her support by giving response to the online EA or by participating in the electioneering activity which is covered by the live broadcast, the candidate should obtain prior written consent from the person. [S 27(1) and (1A) of the ECICO] *[Added in July 2021]*

18.7 Oral consent or retrospective written consent obtained after the publication of the EA does **not** comply with the legal requirements. As set out in para. 18.4 above, a written consent is a requirement under the ECICO. It protects the candidates from unnecessary complaints and disputes which may arise if only oral consent is obtained. It also protects the voters from being misinformed as to whether a candidate has the support of a person or an organisation. The EAC provides a sample form for candidates to seek **consent of support** in writing from a person or an organisation for this purpose. Prior written consent is required if the inclusion of the name, logo or pictorial representation of a person or an organisation, as the case may be, implies support towards the candidate concerned. What amounts to “support” will depend on the circumstances of each case. The question to consider is whether any reasonable person, as opposed to the candidate or any other person publishing or authorising the publication of the EA, will have the perception that the person(s) appearing in the EA support the candidate after seeing the pictorial representation. *[Added in September 2016 and amended in July 2021]*

18.8 It is important to note that it is still an offence even if such an EA contains a statement to the effect that the EA does not imply support by the person or organisation for a candidate or candidates [s 27(4) of the ECICO]. It is also an offence for a person to give information which he/she knows or ought to know is materially false or misleading to a candidate or candidates for the purpose of promoting or prejudicing the election of the candidate or candidates [s 27(6) of the ECICO]. *[Amended in October 2011]*

18.9 For the avoidance of doubt, it is advisable for the written consent to set out clearly whether consent is given:

- (a) by a supporter in his/her personal capacity - in which case the office title of the supporter should not be mentioned in the candidate's EAs and campaign activities;
- (b) by a supporter with the mention of his/her office title (bearing no reference to the name of the organisation concerned) - in which case the consent should indicate whether the supporter consents to the mention of his/her office title(s) and the description of the title(s). If office title(s) is/are to be mentioned in an EA, the supporter and the candidate should take particular care to ensure that the usage of the information does not give a misleading impression that the candidate has obtained the support of the organisation(s) concerned.

For example, if an office title of "the school principal" (for example, "Chan Tai Man, the Principal") or "chairman of an owners' corporation" (for example, "Chan Tai Man, Chairman of Owners' Corporation") is to be included in an EA, and that the EA is to be posted in the school or the building in which the person is serving, it will be desirable for the candidate to seek the relevant organisation's prior written approval;

- (c) by a supporter with the mention of his/her office title and the name of the organisation concerned - in which case the candidate should ensure that the supporter has obtained the prior written approval of the organisation, in accordance with the organisation's internal rules and procedures or any established convention (e.g. approved by the governing body of the organisation or by a resolution of that organisation passed at a general meeting) for the candidate to use both the supporter's office title(s) and the name of the organisation. In case of doubt, the candidate or his/her supporter should consult the organisation concerned on the aforesaid internal rules and procedures. The candidate should be careful not to give the impression that he/she has obtained the support of the whole organisation; and
- (d) by an organisation - in which case the consent should indicate that approval has been given by the governing body of the organisation or by a resolution of the members of the organisation passed at a general meeting [s 27(5) of the ECICO]. The consent must be signed by an authorised person such as the director, chairman or chief executive, etc. of the organisation concerned.

[Amended in September 2006, October 2011 and September 2016]

18.10 Although confusion may be caused, consent may be given to 2 or more candidates even if they are competing in the same subsector. A consent given can be revoked. In case of revocation, in order to avoid dispute, it is advisable for the person or organisation revoking the consent to send a notice of the revocation to the candidate concerned. The candidate is required to notify the relevant RO in writing of any revocation of consent or post a copy of the revocation onto the Candidate's Platform or the Central Platform in the

manner as set out in para. 8.56 of Chapter 8. *[Amended in September 2016]*

18.11 After a revocation of consent is made, the candidate should handle with care and immediately cease to use any EA which contains the support of the person or organisation who has made the revocation. In accordance with the requirements of the PD(P)O, the candidate should not retain the personal data of the person for a period that is longer than necessary⁵⁵, particularly if his/her consent of support has been revoked. The costs incurred for the production of EAs bearing such support should still be regarded as the candidate's election expenses and be declared in the election return. *[Amended in September 2016 and July 2021]*

18.12 If candidate A's name or photograph appears in an EA of candidate B to indicate support for candidate B, the issue of whether the expenditure incurred for the EA should be borne by candidate A will depend on whether the publicity material in question has explicitly or implicitly promoted the election of candidate A. There may be 2 different scenarios in such cases:

Scenario A

If the appearance of the name and photograph of candidate A in candidate B's EA is solely to indicate support for candidate B but not to promote the election of candidate A, the EA should not be treated as a joint EA. The election expenses incurred should be counted as candidate B's election expenses only, but not as candidate A's. Candidate B has to obtain the prior written consent of support from candidate A before using candidate A's names or photographs in his/her EAs [s 27 of the ECICO].

⁵⁵ Personal data should not be kept longer than is necessary for the fulfillment of the purpose for which the data is used.

Scenario B

If candidate B wishes to publish the EA for promoting himself/herself and candidate A as well, he/she must obtain prior written authorisation from candidate A to act as candidate A's election expense agent and the expenses so incurred will have to be borne by candidate A and candidate B in equal or proportional shares as their respective election expenses, to be calculated according to their respective sizes.

It should be noted that the EA mentioned in Scenario B above should be treated as a joint EA. To comply with the requirement stipulated in s 27 of the ECICO, both candidate A and candidate B should seek written consent of support from each other before publishing the joint EA.

[Amended in October 2011]

18.13 It is not uncommon for candidates to put photographs with the appearance of other persons (which may include other candidates in the same election) in their EAs to show their past activities. However, voters may believe that those persons appearing in the photograph support a particular candidate when they receive such EAs. To avoid misunderstanding, for instance, if an EA carries a photograph of the candidate attending an activity with other persons in attendance, a caption specifying the particular nature of the event could be added underneath the photograph in such a way that, to any reasonable person (as opposed to the candidate or any other person publishing or authorising the publication of the EA), it will not imply, or likely to cause voters to believe, that the candidate has obtained the support of those persons appearing in the photograph. If the photograph is likely to cause voters to believe that the candidate has obtained the support of those persons appearing in the photograph, prior written consent of support should be obtained by the

candidate. *[Amended in October 2011, September 2016 and July 2021]*

18.14 To avoid misleading the voters to believe that a candidate has obtained support from a certain person, organisation, government agency or department when it is not the case, a candidate should not attach any materials published by any such person, organisation, government agency or department together with his/her own EAs.

18.15 According to the PD(P)O, any data (including images) relating to a living individual and from which it is practicable to ascertain the identity of the individual⁵⁶, constitutes personal data of the individual. The use of such images(s) without the consent of the person concerned for a purpose other than the original purpose of data collection, or for a purpose that is not directly related to the original purpose of data collection, constitutes infringement of personal data. Therefore, when using such image(s), candidates should observe the relevant data protection principles as set out in the “Guidance on Election Activities for Candidates, Government Departments, Public Opinion Research Organisations and Members of the Public” at **Appendix 9**. *[Added in October 2011, amended in September 2016 and July 2021]*

Written Consent

18.16 As stated in para. 18.4 above, a written consent cannot consist of several documents, nor can it be inferred from a chain of correspondence or messages. The EAC has prepared a sample form for candidates to seek **consent of support** in writing **from a person or an organisation**. After the publication in the Gazette of the notice specifying the period and place for the submission of nominations forms, the form of written consent will be available at the offices of the REO and the relevant RO and for download from the REO

⁵⁶ For example, it can be an image with a caption, from which it is practicable for the identity of the individual in the image to be directly ascertained; or it can be an image with no caption and additional information, but it is practicable for the identity of the individual in the image to be indirectly ascertained (the individual in the image is generally recognised by the public).

website. The form will also be provided to candidates upon their submission of nomination forms for the election. *[Amended in September 2016 and July 2021]*

18.17 Among the allegations and complaints received in the past, there were cases where the compliance of the law by a candidate had to be ascertained. Therefore, candidates are required to post the written consent for EAs onto the Candidate's Platform or Central Platform, or deposit with the relevant RO a copy of the written consent in the manner as set out in para. 8.56 of Chapter 8 [s 108(2) and (3) of the EAC (EP) (EC) Reg]. If consent has been revoked, candidates are also **required to post** onto the Candidate's Platform or Central Platform a written notice of revocation **or notify** the relevant RO of such revocation in the manner as set out in para. 8.56 of Chapter 8. Copies of the written consent and notice of revocation received by the RO will be made available for public inspection (with the identity document numbers, if any therein, of the persons involved obliterated) at a specified location. *[Amended in October 2011 and September 2016]*

Powers of the Court to Grant Relief

18.18 Under s 31 of the ECICO, if a candidate breaches any offences of illegal conduct due to inadvertence, an accidental miscalculation or any reasonable cause (and not due to bad faith), the candidate may apply to the CFI for an order exempting him/her from the criminal liability (for details please refer to Part VI of Chapter 17). For previous court's decisions regarding applications for the relief of election-related penalties and liabilities, please see para. 8.72 of Chapter 8 for the relevant judgments. *[Added in July 2021]*

Penalty

18.19 It is an illegal conduct under the ECICO for a person to make false claim of support. For details of penalty and sanction, please refer to

para. 17.3(b) and Part VII of Chapter 17. *[Amended in September 2016]*

CHAPTER 19

PARTICIPATION IN ELECTION-RELATED ACTIVITIES BY CIVIL SERVANTS AND OFFICIALS UNDER THE POLITICAL APPOINTMENT SYSTEM AND ATTENDANCE OF PUBLIC FUNCTIONS BY BOTH CIVIL SERVANTS AND CANDIDATES

PART I : GENERAL

19.1 This chapter sets out the general guidelines on the participation in election-related activities of an EC subsector election by civil servants and officials under the Political Appointment System (“politically appointed officials”) and the attendance at public functions by civil servants which are also attended by candidates. The guidelines in respect of civil servants are also equally applicable to the non-civil service government staff (please refer to para. 7.6 of Chapter 7 for the definition of non-civil service government staff).
[Amended in October 2011, September 2016 and July 2021]

IMPORTANT :

“Candidate” includes a person who has publicly declared an intention to stand for election at any time before the end of the nomination period for the election, whether or not he/she has submitted a nomination form [s 2 of the ECICO].

PART II : PARTICIPATION IN ELECTIONEERING ACTIVITIES BY CIVIL SERVANTS

19.2 Civil servants who wish to participate in electioneering activities in an EC subsector election should observe the regulations, rules and guidelines issued by the Civil Service Bureau. Civil servants, other than directorate officers, Administrative Officers, Information Officers, Police Officers and those officers acting in the above grades or ranks with a view to substantive appointment thereto (i.e. other than acting for temporary relief purpose), may act as agents or assist in electioneering activities **provided that** they are not already appointed as the CRO, ROs, AROs, PROs, polling or counting staff, that there is no conflict of interest with their official duties, that no use of public resources is involved, and that no government uniform is worn. To avoid any unfairness or appearance of unfairness or conflict of interest, civil servants who work in a subsector or have extensive contacts with the public in a subsector are strongly advised not to accept appointment by a candidate in that subsector to be his/her agent and/or participate in electioneering activities in the subsector concerned. Civil servants who participate in electioneering activities, including the seeking of election donations, for any candidates should not use or give the impression of using any public resources in such activities. *[Amended in October 2011 and September 2016]*

19.3 The guidelines set out in para. 19.2 above are equally applicable to the non-civil service government staff. *[Added in September 2016]*

PART III : ATTENDANCE OF PUBLIC FUNCTIONS BY CIVIL SERVANTS

On the Occasion of Being Invited

19.4 Civil servants should exercise care in accepting invitations from persons or organisations to attend any public function that may also be attended by a candidate(s) (“the function”). *[Amended in September 2016]*

19.5 They should take such care when any person has publicly declared an intention to run for election in respect of a particular EC subsector or when the nomination commences, whichever is the earlier, up to the end of the polling day.

19.6 Before deciding to attend the function, a civil servant should satisfy himself/herself that:

- (a) by attending the function, he/she is performing an official duty normally required of the post he/she is currently holding; and
- (b) to his/her best knowledge, the organiser of the function has no intention whatsoever of making use of the function to promote or prejudice any candidate.

[Amended in September 2016]

When Attending

19.7 The EAC appeals to civil servants not to have photographs taken with candidates at the function since such photographs, if published, may be seen as their lending support to the candidate. A civil servant may do so,

however, if the photograph taking:

- (a) arises from the need for him/her to perform his/her official duty at the function normally required of the post he/she is currently holding;
- (b) is a natural part of the function which, if he/she declines to participate, would be seen as breaching the protocol appropriate to that function; or
- (c) is participated by all other candidates of the same EC subsector.

[Amended in October 2011 and September 2016]

19.8 The guidelines set out from paras. 19.4 to 19.7 above are equally applicable to the non-civil service government staff. *[Added in September 2016]*

PART IV : ATTENDANCE OF PUBLIC FUNCTIONS BY CANDIDATES

19.9 Similarly, the EAC appeals to all candidates who attend public functions not to have photographs taken with the civil servants, since such photographs, if published, may be seen as an unfair advantage over other candidates. A candidate may do so, however, if the photograph taking:

- (a) arises from the need for him/her to perform his/her role at the function as requested by the function organiser;
- (b) is a natural part of the function which, if the candidate declines to

participate, would be seen as breaching the protocol appropriate to that function; or

- (c) is participated by all other candidates of the same EC subsector.

[Amended in October 2011 and September 2016]

PART V : OFFICIALS UNDER THE POLITICAL APPOINTMENT SYSTEM

19.10 The term “civil servants” used in the earlier parts of this chapter does not include politically appointed officials. Politically appointed officials are political appointees and they may belong to or be affiliated with political organisations. Politically appointed officials have to comply with a “Code for Officials under the Political Appointment System”. *[Amended in October 2011 and September 2016]*

19.11 Politically appointed officials may, subject to the guidelines below, participate in election-related activities. *[Amended in October 2011]*

19.12 Politically appointed officials are disqualified from being nominated as a candidate at an election of the CE, of the LegCo or of a DC. *[Amended in October 2011]*

19.13 As far as the EC subsector elections are concerned, politically appointed officials should not use any public resources for any election-related activities. A politically appointed official should ensure that when taking part in such activities, great care should be taken that there is no actual or potential conflict of interest with the business of the Government or his/her own official duties. *[Amended in October 2011]*

CHAPTER 20

COMPLAINTS PROCEDURE

PART I : GENERAL

20.1 This chapter deals with the procedure for making complaints relating to **any breach or non-compliance of the Guidelines and the provisions of the EAC (EP) (EC) Reg or the spirit of them** which are for conducting public elections under the principles of openness, fairness and honesty. *[Amended in September 2016]*

20.2 A complaint against criminal, corrupt or illegal activities may be made direct to the relevant authorities such as the Police or the ICAC. The procedures for making and processing such a complaint will be handled by these authorities, and are not covered by this chapter.

20.3 The EAC will solemnly handle complaints against any breach of the fair and equality principle as set out in the election guidelines. Investigation must be conducted in accordance with the principle of procedural fairness and be based on factual evidence. The party concerned must be given the opportunity to make representation in defence. In considering whether any conduct is unfair in the absence of contravention of the law, a decision could not be made lightly without careful consideration of all relevant matters and circumstances. Furthermore, while complaints are often made shortly before the polling day, the EAC cannot circumvent or compress the established procedure because of the time constraint so as to avoid any unfairness. *[Added in July 2021]*

20.4 If the complaint is substantiated, the EAC may, if necessary, make a censure in a public statement to enable the voters/ARs and the public be informed of the major occurrences during the election. The EAC may also issue press statements on matters of principle which have attracted widespread public concern in order to set the record straight. *[Added in July 2021]*

PART II : TO WHOM A COMPLAINT MAY BE MADE

20.5 The EAC is an impartial, independent and apolitical body established by the EACO to deal with all matters concerning the conduct of elections including handling election-related complaints. The EAC may, if necessary, set up a **Complaints Committee** consisting of its 3 members and 1 or more professionals, who are independent and politically impartial, for the purpose of dealing with complaints. *[Amended in October 2011 and July 2021]*

20.6 Without limiting the right of a citizen to make a complaint to the Police or the ICAC or other authorities, a complaint for breach of or non-compliance with the Guidelines or the provisions of the EAC (EP) (EC) Reg or relating to election matters can be made to one of the following bodies or persons:

- (a) the RO of the relevant EC subsector appointed by the EAC to deal with electoral arrangements;
- (b) the REO;
- (c) the EAC or its Complaints Committee; or
- (d) the PRO (on the polling day).

[Amended in July 2021]

20.7 **Caution:** if the complaint is against the conduct, behaviour, or acts of any of the REO officers or the RO personally, it should be addressed to the EAC or its Complaints Committee and marked “CONFIDENTIAL” in order to ensure that only the EAC or its Complaints Committee will receive it.

PART III : TIME AND PROCEDURE FOR MAKING COMPLAINT

20.8 The Guidelines deal with election-related activities, and any non-compliances, abuses and irregularities that can be redressed should be remedied as soon as practicably possible. It is **imperative** that **all complaints should be made as soon as possible**, for any delay in the making of complaint may result in remedial measures being useless or futile and necessary evidence being lost. Therefore, complaints should be lodged **not later than 45 days** after the date of the relevant election. *[Amended in September 2016]*

20.9 No specified or specific form is required for making a complaint. A complaint can be made either orally or in writing. A person who wishes to make an oral complaint can call the EAC Complaints Hotline. *[Amended in September 2016]*

20.10 In each case, the complainant is required to identify himself/herself and provide his/her correspondence address, telephone number or other means of communication. A written complaint must be signed. Save where it relates to a matter of minor nature or which requires urgent action, an oral complaint received will be recorded in writing and the complainant will be required to sign the written record afterwards. All personal particulars of a complainant will be **treated in strict confidence**. *[Amended in September 2016]*

PART IV : COMPLAINTS INSIDE A POLLING STATION

20.11 If a person has any complaint about whatever happens inside the polling station, he/she should follow the following procedures:

- (a) he/she should direct his/her complaint to the PRO, the Deputy PRO or an Assistant PRO immediately;
- (b) if the matter is not resolved, or if the complainant still feels aggrieved or if his/her complaint is directed at the PRO, the Deputy PRO or an Assistant PRO, he/she should as soon as possible report the matter to the RO of the relevant EC subsector of the polling station by using the telephone number appearing in the guide on procedures for complaint;
- (c) where the matter is still not resolved by the RO, the complainant should without any delay telephone the EAC Complaints Hotline to report his/her complaint by giving a gist thereof. He/She should then try to obtain as much evidence as possible in order to substantiate his/her complaint. As he/she is not allowed to talk to or communicate with any voter/AR inside the polling station, he/she may need to go outside the polling station to obtain necessary evidence; and
- (d) a member of the EAC or its Complaints Committee or an officer of the REO will handle the complaint as soon as practicable.

A copy of the guide on procedures for handling of complaints at a polling station (together with telephone numbers of the relevant RO(s) and the EAC Complaints Hotline) will be displayed at each polling station.

[Amended in September 2016]

20.12 The PRO or his/her Deputy or Assistant PRO must record any complaint mentioned in para. 20.11(a) and (b) and any other complaints and enquiries concerning a voter/AR's data.

PART V : THE PROCESSING OF COMPLAINT

20.13 The CEO, the ROs and the PROs are obliged under s 98 of the EAC (EP) (EC) Reg to report irregularities to the EAC or its Complaints Committee. By these guidelines, they are also required to report all complaints received by them to the EAC or its Complaints Committee. Except where a complaint is of a minor nature or the RO has been delegated with the authority to deal with it, any complaint received by the RO or the REO will be forwarded to the EAC or its Complaints Committee with comments and all the relevant information relating to the complaint. When the EAC or its Complaints Committee receives a complaint, it may seek additional information and comments from the relevant RO or the REO, if necessary.

20.14 The EAC or its Complaints Committee, the RO or the REO (when they are so authorised by the EAC or its Complaints Committee), may seek further information on the complaint from the complainant or may arrange interviews with the complainant in order to seek clarification or evidence. The complainant may be required to make a statutory declaration for the truth and correctness of his/her complaint or statement. If the further information required is not provided by the complainant or if he/she refuses to be interviewed or to make the statutory declaration, the EAC or its Complaints Committee, the RO or the REO may or may not take further action on the complaint.

20.15 All bona fide complaints will be processed and considered by the RO who has been delegated with the necessary authority or by the EAC or its Complaints Committee, as soon as reasonably practicable, taking into account the merits of the complaint with all the information and evidence gathered [s 6(3) of the EACO].

20.16 Where a complaint is substantiated, a decision will be made on the appropriate course to be taken, including one or more of the following:

- (a) take remedial measures against the matter complained of, such as the removal of EAs displayed in breach of the guidelines in that regard;
- (b) issue to the relevant person a warning on the matter under complaint after making a reasonable effort to contact the person and giving him/her a reasonable opportunity to give explanations. Where necessary, immediate rectification action against complaints proven on the spot should be taken without delay;
- (c) publish a public statement of reprimand or censure against the acts or omissions and the person or persons complained of (see various chapters in the Guidelines) after making a reasonable effort to contact the person or persons and giving him/her or them a reasonable opportunity to make representations [s 6(4) of the EACO];
- (d) with or without comments, refer the matter to the ICAC for investigation and/or further action [s 5(e) of the EACO]; and

- (e) with or without comments, refer the matter to the Secretary for Justice or the Police for further action such as prosecution of the culprit [s 5(e) of the EACO].

20.17 The EAC or its Complaints Committee will also notify the complainant in writing of its decision, and if the decision is that the complaint is not substantiated, it will also give reasons. It is common that a large number of complaints are received during the election period. As each complaint will be examined in detail, the investigation of all complaints may take some time to complete. *[Amended in September 2016]*

PART VI : ELECTORAL AFFAIRS COMMISSION'S REPORT ON COMPLAINTS

20.18 The EAC is required to report to the CE on any complaint made to it in connection with an election within 3 months of the conclusion of the election [s 8(1) and (2) of the EACO].

PART VII : OBLIGATIONS OF THE RETURNING OFFICER, THE PRESIDING OFFICER AND THE CHIEF ELECTORAL OFFICER

20.19 The RO(s), the PRO(s) and the CEO are required to report as soon as practicable to the EAC or its Complaints Committee (in writing or otherwise as circumstances may demand) on any complaints received by them and on any occurrence which they consider to be a material irregularity relating to an election, poll or count. *[Amended in October 2011]*

PART VIII : SANCTION FOR FALSE COMPLAINT

20.20 Any person who knowingly makes or causes to be made to an ICAC officer a false report of the commission of any offence or misleads such an officer by giving false information or by making false statements or accusations is guilty of an offence and will be liable to a fine of \$20,000 and to imprisonment for 1 year [s 13B of the ICAC Ordinance (Cap 204)]. A similar offence is committed where a false report is made or false information given to a police officer [s 64 of the Police Force Ordinance (Cap 232)]. If a person knowingly makes a false complaint and gives false information to the EAC or its Complaints Committee knowing that the EAC or its Complaints Committee will refer or direct such complaint and information to the ICAC or the Police, the person concerned will similarly be guilty of the relevant offence. If a person knowingly and wilfully makes to the EAC or its Complaints Committee, the RO or the REO a statement false in a material particular and such a statement is in a statutory declaration, he/she commits an offence and will be liable to a fine and to imprisonment for 2 years [s 36 of the Crimes Ordinance]. *[Amended in September 2006 and September 2016]*

APPENDICES

**Election Committee Subsector Elections
Action Checklist for Candidates**

<u>Time</u>	<u>Action</u>
Before and during Nomination Period	<p>1. Obtain the following from the Returning Officer (“RO”), any District Office (“DO”) of the Home Affairs Department or the Registration and Electoral Office (“REO”):</p> <p>(a) Nomination Form;</p> <p>(b) grid paper for the production of the “Introduction to Candidates” and the “Guide on Completion of Grid Paper”; and</p> <p>(c) the form of “Intention to Display Election Advertisements at Designated Spots”.</p>
During Nomination Period	<p>2. Except where the Chief Electoral Officer (“CEO”) authorises otherwise, hand in the following to the RO by the candidate in person <u>before the end of the Nomination Period</u>:</p> <p>(a) the duly completed Nomination Form; and</p> <p>(b) an election deposit of \$1,000 in cash or by cashier order or crossed cheque made payable to “The Government of the Hong Kong Special Administrative Region”.</p>

In order to avoid the risk of invalidation of the nomination due to dishonoured cheques, candidates should submit the election deposit in cash or cashier order as far as practicable.

3. Apply to Hongkong Post for written approval of the election mail specimens for free postage. Candidates should:
 - (a) carefully study the requirements governing free postage for election mail before deciding on the contents of their election mail and seek advice from Hongkong Post relating to the postal requirements and from the REO on other matters as appropriate if in doubt; and
 - (b) make every effort to submit their election mail specimens to Hongkong Post for written approval as early as possible to allow sufficient time for revising the contents of their election mail specimens when necessary.

4. Obtain from the RO a Candidate Folder containing various forms and reference materials for use by candidate.

5. Lodge with the RO a “Notice of Withdrawal of Candidature” if the candidate wishes to withdraw his/her candidature.

- Any time before, during or after handing in Nomination Form 6.
 - (a) Ensure that all printed election advertisements (“EAs”), except for the category exempted, contain the name and address of the printer, date of printing and the number of copies printed.
 - (b) Ensure that all prior written consent of support or permission/authorisation have been obtained before the publication of EAs and lodged with the RO (or CEO if RO has not yet been appointed), if applicable.

- (c) (i) Candidates who choose to post the electronic copy of the EAs and relevant information/documents onto the open platform maintained by the candidate(s) or a person authorised by the candidate(s) (“Candidate’s Platform”) for public inspection, should provide the CEO with the **electronic address** of the platform **at least 3 working days** (i.e. any day other than a general holiday or Saturday) **before the publication of the first EA.** The Candidate’s Platform, as well as the attachments uploaded, should be maintained and kept by the candidate(s) till the end of the period during which copies of the “Return and Declaration of Election Expenses and Election Donations” (hereafter referred to as “election return”) are available for public inspection under section 41 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554) (“ECICO”).
- (ii) Candidates who choose to post the electronic copy of the EAs and relevant information/documents onto the open platform maintained by the CEO or a person authorised by the CEO (“Central Platform”) for public inspection, should submit to the CEO the “Application for Creating an Account of the Central Platform and Undertaking in respect of the Terms and Conditions in Using the Central Platform for Candidates”.

The CEO will provide each candidate with a username and two sets of passwords **within 3 working days** upon receipt of the duly completed application and undertaking.

- (d) Make available a copy of each of the EAs and relevant information/documents, including publication information, permission/consent of support in relation to the EAs, for public inspection **within 1 working day** after publication of the EA by:
- (i) posting an electronic copy of each of his/her EAs and relevant information/documents onto the Central Platform in accordance with the procedures set out in **Appendix 5**;
 - (ii) posting an electronic copy of each of his/her EAs and relevant information/documents onto the Candidate's Platform and providing the CEO with the **electronic address** of the platform **at least 3 working days before the publication of the first EA (for details, please see Appendix 5)**;
 - (iii) if it is technically impracticable to comply with (i) or (ii) above for EAs published through an open platform on the Internet (for example, when messages are exchanged on social network or communication websites on the Internet, such as Instagram, Twitter, Facebook or blogs in a real-time interactive manner), posting a hyperlink of each of the EAs that is published through the open platform (the hyperlink to the specific EA published should be provided, rather than the hyperlink to the entire election website or dedicated social media page) and the information/documents relevant to the EAs onto the Candidate's Platform or the Central Platform in accordance with the procedures set out in **Appendix 5**;

- (iv) providing 2 hardcopies of each of the EAs (or 2 identical full colour photographs/printouts/photocopies of each EA which cannot be practically or conveniently produced in actual form) and 1 hardcopy of information/documents in relation to the EA to the RO; or
- (v) providing 2 identical copies of a CD-ROM or DVD-ROM each containing the EAs and 1 hardcopy of information/documents in relation to the EA to the RO.

Candidates may make submission as required from time to time. Candidates should keep records of all relevant information/documents and the EAs uploaded onto the Central Platform or lodged with the RO.

- 7. (a) Record all election expenses incurred and all election donations received.
- (b) Keep all original invoices and receipts issued by the goods or service providers for each item of expenditure of \$500 or above.
- (c) Issue a receipt to the donor for any non-anonymous donation of more than \$1,000 and keep a copy of the receipt. (Candidates may use the “Standard Receipt for Election Donations” provided by the REO.)
- (d) Submit to the CEO an “Advance Return and Declaration of Election Donations” when an election donation is received (if required and as appropriate).

Any time before handing 8.
in Nomination Form till
the end of the election
period

Appointment of Election Expense Agent(s):

- (a) Lodge with the RO (or the CEO if the RO has not yet been appointed) “Authorisations to Incur Election Expenses”.
- (b) Each candidate may authorise 1 person or more as the election expense agents to incur election expenses on his/her behalf (at a prescribed amount specified by the candidate). A candidate **may** also authorise his/her election agent as an election expense agent. These agents can only incur election expenses upon authorisation by the candidate. It is important to note that the authorisation is not effective until it has been received by the RO or the CEO (if the RO has not yet been appointed).
- (c) An election expense agent must be a person who has attained the age of 18 years.

Any time after handing 9.
in Nomination Form

Appointment of Election Agent:

- (a) Lodge with the RO a “Notice of Appointment of Election Agent”.
- (b) Each candidate can only appoint 1 election agent. An election agent has the authority to handle all affairs a candidate is authorised to handle under the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap 541I) for the purposes of the election, **except**:
 - (i) to sign the nomination form or make any declaration required in relation to a candidate’s nomination;
 - (ii) to withdraw the candidate’s candidature;

- (iii) to incur election expenses (unless he/she has been so authorised by the candidate);
- (iv) to authorise a person as an election expense agent to incur election expenses; and
- (v) to be present at a dedicated polling station situated in a maximum security prison.

(c) An election agent must be a holder of the Hong Kong Identity Card and has attained the age of 18 years.

Any time after handing 10.
in Nomination Form, but
before the end of the
Nomination Period

- (a) If a candidate wishes to have his/her photograph and electoral message printed in the “Introduction to Candidates”, he/she should:
 - (i) lodge with the RO a duly completed grid paper affixed with a colour photograph of the candidate which must be in a specified size and taken within the last 6 months; and
 - (ii) provide 2 additional copies of the photograph identical to the one affixed to the grid paper with the candidate’s name label affixed on the back.

(If a candidate does not submit the grid paper, the “Introduction to Candidates” will only show his/her name and candidate number, with the sentence “Relevant information has not been provided by the candidate” printed in the space provided for the electoral message.)

- (b) Lodge with the RO the form “Intention to Display Election Advertisements at Designated Spots”.
- Any time after handing in Nomination Form, but not later than 3 weeks before the polling day 11. Make a request to the CEO for the provision of 1 set of mailing labels in respect of voters’ address and/or a USB flash drive containing information of voters in the subsector in the Candidate Mailing Label System (“CMLS”). (Candidates or their election agents are required to sign the “Undertaking on the Use of Voters’ Information” when making the request.)
- (Note: Relevant information will be provided to validly nominated candidates. To protect the environment and respect the preferences of the voters, the CEO will not provide mailing labels in respect of voters who have provided their email addresses for receiving election mail and who have indicated that they do not wish to receive any election mail.)
- Any time after handing in Nomination Form, but at least 7 days before polling day 12. Lodge with the CEO the “Notice of Appointment of Polling Agents for a Polling Station not Situated in a Penal Institution” by hand, by post, by electronic mail or by facsimile transmission.
13. Lodge with the RO the “Notice of Appointment of Counting Agents” by hand, by post, by electronic mail or by facsimile transmission.
14. Lodge with the CEO the “Notice of Appointment of Polling Agent for a Dedicated Polling Station Situated in a Penal Institution (other than a Maximum Security Prison) and Application for Consent to the Presence of Election Agent/Polling Agent in a Dedicated Polling Station Situated in a Penal Institution (other than a Maximum Security Prison)” to seek consent from the Commissioner of Correctional Services to the presence of an election agent or a polling agent at a dedicated polling station situated in a penal institution (other than a maximum security prison).

(Note: (a) No consent will be given to the presence of an election agent at a dedicated polling station situated in a penal institution (other than a maximum security prison) if a polling agent has been appointed for that polling station. Similarly, if consent has been given by the Commissioner of Correctional Services to the presence of an election agent at a dedicated polling station situated in a penal institution, no polling agent may be appointed for that polling station.

(b) No polling agent may be appointed nor may election agent be present at a dedicated polling station situated in a maximum security prison.)

After the end of the
Nomination Period

15. Receive from the RO the notification on the validity of the candidate's nomination (which will also be sent to every other validly nominated candidate of the same subsector, if any).
16. Attend the lots drawing session held by the RO to determine the candidate numbers and the designated spots allocated for the display of EAs, and collect from the RO the following:
 - (a) location maps and layout plans of the polling and counting station; and
 - (b) name badges for candidates and their agents.
17. Attend the briefing session for candidates.

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|---|-----|--|
| | 18. | Receive from the RO a copy of the permission/authorisation for the display of EAs at designated spots allocated to the candidate (except for uncontested candidates who will not be allocated with designated spots). |
| Within 5 days after the end of the Nomination Period | 19. | Receive from the RO information about the election agents appointed by other candidates of the same subsector. |
| Around 28 days after the end of the Nomination Period | 20. | Before the deadline specified by the REO, send the completed e-form of the text version of “Introduction to Candidates” (available on website) by e-mail to e-intro_to_can@reo.gov.hk for uploading onto the dedicated election website.

(If a candidate fails to submit the electronic file by the said deadline, his/her “Introduction to Candidates” will only include his/her name and candidate number, with the sentence “Relevant information has not been provided by the candidate” printed in the appropriate space.) |
| Not later than 10 days before the polling day | 21. | Receive notification from the RO of the time and place for the counting of votes. |
| Not later than 7 days before the polling day | 22. | Receive from the RO information regarding the delineation of the no canvassing zones and no staying zones for the polling stations (including the dedicated polling stations). |
| During the week before the polling day | 23. | Lodge with the CEO the “Notice of Appointment of Polling Agent for a Dedicated Polling Station Situated in a Penal Institution (other than a Maximum Security Prison) and Application for Consent to the Presence of Election Agent/Polling Agent in a Dedicated Polling Station Situated in a Penal Institution (other than a Maximum Security Prison)” only when – |

- (a) during the week before the polling day, a voter/authorised representative imprisoned or held in custody who is entitled to vote for the relevant subsector at the aforesaid dedicated polling station situated in a penal institution is admitted or transferred to the penal institution; and
- (b) the application is lodged without undue delay after the admission or transfer.

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| At least 2 clear working days before posting postage-free election mail | 24. | Notify Hongkong Post of the date of free postage of election mail and the intention to post joint election mail (if applicable) by submitting the “Notice of Posting of Election Mail” (in duplicate), and submit 3 specimens of unsealed election mail to the designated manager(s) of Hongkong Post for inspection and approval. |
| Send postage-free election mail before the posting deadline as specified by Hongkong Post | 25. | Post the postage-free election mail and present to Hongkong Post the “Declaration for Posting of Election Mail” (in duplicate). Furnish a copy of the election mail to the designated manager(s) of Hongkong Post for record purpose. The election mail must comply with the requirements specified in this Guidelines on Election-related Activities and the “Summary on Sending of Postage-free Election Mail”.

(Note: Election mail sent after the posting deadline may fail to reach the voters before the polling day.) |
| Before entering the polling/counting station | 26. | Complete the “Declaration of Secrecy” (a declaration of secrecy should be made by all candidates, their election agents, polling agents and counting agents). |

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| Any time before the polling day | 27. Lodge with the CEO or RO, as the case may be, the “Notice of Revocation of Appointment of Agent”, if any, by hand, by post, by electronic mail or by facsimile transmission. |
| On the polling day | 28. Attend and observe the poll and the count if so wishes, bringing along the “Declaration of Secrecy”. |
| | 29. If the “Notice of Appointment of Polling Agents for a Polling Station not Situated in a Penal Institution” and “Notice of Revocation of Appointment of Agent” are not submitted in manners specified in paras. 12 and 27 respectively, candidates or their election agents should lodge such notices with the relevant Presiding Officers (“PRO”) (except for the PROs at dedicated polling stations situated in penal institutions) in person. |
| | 30. If it is necessary to revoke the appointment of a polling agent for a dedicated polling station situated in a penal institution but the “Notice of Revocation of Appointment of Agent” is not lodged in manners specified in para. 27, the notice must be delivered to the CEO by hand, by electronic mail or by facsimile transmission. |
| | 31. If the “Notice of Appointment of Counting Agents” and the “Notice of Revocation of Appointment of Agent” are not lodged in manners specified in paras. 13 and 27 respectively, candidates or their election agents must deliver the notices to the relevant RO in person. |
| Within 3 working days after the polling day | 32. Post the corrected EA particulars onto the Candidate’s Platform or the Central Platform and place them next to the original version, together with the date of correction; or submit the “Notification of Corrected Information in relation to Election Advertisements” to the RO. |

- Within 10 days after the polling day 33. Remove all EAs on display on government land/property.
- Within 2 weeks after the polling day 34. Destroy the USB flash drives containing the CMLS, unused mailing labels (if any), and all voters' information copied (candidates are advised to use a data erasure software to erase the information completely), **and** return the reply slip on "Confirmation of Destruction of USB Flash Drives Containing the CMLS and the Relevant Voters' Information" to the REO.
- 7 days before the publication of the final register of the Election Committee 35. Submit the duly signed written Election Committee Oath to the Electoral Registration Officer.
- Before the statutory deadline for the submission of election returns as required under section 37 of the ECICO 36. (a) Lodge with the CEO an election return setting out all election expenses incurred by the candidate and the election expense agents on his/her behalf and all election donations received by or on behalf of the candidate.
- (The REO will issue letters to inform candidates of the deadline for lodging election returns)
- Candidates are required to submit an election return even if no election expenses have been incurred or no election donation has been received.***

- (b) As required under section 37 of the ECICO, candidate should ensure that the election return is accompanied by invoices and receipts for each election expense of \$500 or more, copies of standard receipts issued to donors for each election donation of more than \$1,000 in value, and copies of receipts issued by charitable institutions or trusts of a public character for the collection of any unspent election donations, anonymous donations of more than \$1,000 in value and election donations exceeding the limit of election expenses (see Chapter 16 of the Guidelines for details).

- (c) Candidates must make a declaration/supplementary declaration(s) verifying the contents of the election return before a Commissioner for Oaths (at DOs), or a Justice of the Peace or solicitor holding a practising certificate.

- (d) Any candidate who is unable/fails to lodge the election return before the deadline may apply to the Court of First Instance (“CFI”) for an order allowing him/her to lodge the election return within an extended period as specified by the CFI.

- (e) Any candidate who has submitted an election return and wishes to make amendments to the election return before the deadline may lodge with the CEO before the deadline a supplementary declaration stating the amendments and the relevant supporting documents (e.g. receipts) as appropriate.

- (f) Any candidate who wishes to correct any error or false statement in his/her election return (including any document accompanying his/her election return) after the deadline must apply to the CFI for an order allowing him/her to do so. Nevertheless, if the aggregate value of the error or false statement in the election return does not exceed the prescribed relief limit for Election Committee subsector elections as stipulated in section 37A of the ECICO, the candidate may, upon receipt of notification from the CEO of the error and/or false statement in the election return, rectify the error or false statement in the election return within a specified period in accordance with the simplified relief arrangement for minor errors or false statements in section 37A of the ECICO (see paras. 16.35 to 16.40 of the Guidelines).

- Until the end of the period for which copies of election returns are available for public inspection under section 41 of the ECICO
37. Maintain the Candidate's Platform for public inspection of the EAs and relevant information/documents. If the hyperlink of a website on which an EA is published has been uploaded onto the Central Platform, candidates should ensure that the hyperlink is valid and the relevant website continues to operate.

Note:

Most of the forms mentioned in this checklist can be downloaded from the REO website at <https://www.reo.gov.hk>.

(This “Action Checklist for Candidates” is for general reference only. Candidates are advised to refer to the “Action Checklist for Candidates” included in the Candidate Folder for the respective Election Committee subsector ordinary elections/by-election(s).)

[Amended in January 2010, October 2011, September 2016 and July 2021]

Sectors and Subsectors of the Election Committee**FIRST SECTOR**

<u>Item</u>	<u>Subsector</u>	<u>Number of members</u>			<u>Total</u>
		<u>Number of ex-officio members</u>	<u>Number of members to be nominated</u>	<u>Number of members to be elected</u>	
1.	Catering	0	0	16	16
2.	Commercial (first)	0	0	17	17
3.	Commercial (second)	0	0	17	17
4.	Commercial (third)	0	0	17	17
5.	Employers' Federation of Hong Kong	0	0	15	15
6.	Finance	0	0	17	17
7.	Financial services	0	0	17	17
8.	Hotel	0	0	16	16
9.	Import and export	0	0	17	17
10.	Industrial (first)	0	0	17	17
11.	Industrial (second)	0	0	17	17
12.	Insurance	0	0	17	17
13.	Real estate and construction	0	0	17	17
14.	Small and medium enterprises	0	0	15	15
15.	Textiles and garment	0	0	17	17
16.	Tourism	0	0	17	17
17.	Transport	0	0	17	17
18.	Wholesale and retail	0	0	17	17

SECOND SECTOR

<u>Item</u>	<u>Subsector</u>	<u>Number of members</u>			<u>Total</u>
		<u>Number of ex-officio members</u>	<u>Number of members to be nominated</u>	<u>Number of members to be elected</u>	
1.	Accountancy	0	15	15	30
2.	Architectural, surveying, planning and landscape	15	0	15	30
3.	Chinese medicine	0	15	15	30
4.	Education	16	0	14	30
5.	Engineering	15	0	15	30
6.	Legal	6	9	15	30
7.	Medical and health services	15	0	15	30
8.	Social welfare	15	0	15	30
9.	Sports, performing arts, culture and publication	0	15	15	30
10.	Technology and innovation	0	15	15	30
					300

THIRD SECTOR

<u>Item</u>	<u>Subsector</u>	<u>Number of members</u>			<u>Total</u>
		<u>Number of ex-officio members</u>	<u>Number of members to be nominated</u>	<u>Number of members to be elected</u>	
1.	Agriculture and fisheries	0	0	60	60
2.	Associations of Chinese fellow townsmen	0	0	60	60
3.	Grassroots associations	0	0	60	60
4.	Labour	0	0	60	60
5.	Religious	0	60	0	60
					300

FOURTH SECTOR

<u>Item</u>	<u>Subsector</u>	<u>Number of members</u>			<u>Total</u>
		<u>Number of ex-officio members</u>	<u>Number of members to be nominated</u>	<u>Number of members to be elected</u>	
1.	Members of the Legislative Council	90	0	0	90
2.	Heung Yee Kuk	0	0	27	27
3.	Representatives of associations of Hong Kong residents in the Mainland	0	27	0	27
4.	Representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of Hong Kong and Kowloon	0	0	76	76
5.	Representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of the New Territories	0	0	80	80

FIFTH SECTOR

<u>Item</u>	<u>Subsector</u>	<u>Number of members</u>			<u>Total</u>
		<u>Number of ex-officio members</u>	<u>Number of members to be nominated</u>	<u>Number of members to be elected</u>	
1.	Hong Kong Special Administrative Region deputies to the National People's Congress and Hong Kong Special Administrative Region members of the National Committee of the Chinese People's Political Consultative Conference	190	0	0	190
2.	Representatives of Hong Kong members of relevant national organisations	0	0	110	110
					300

[Amended in September 2016 and July 2021]

Election Committee Subsectors
First Sector—Industrial, commercial and financial sectors

Catering Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electorates		Specified Entities
			Individuals	Bodies	
16	Election	16		✓	Holder of a food business licence under the Public Health and Municipal Services Ordinance (Cap 132) ¹ and — (i) is entitled to vote at the Board of The Association for Hong Kong Catering Services Management Limited; (ii) is entitled to vote at the Board of The Association of Restaurant Managers Limited; or (iii) is entitled to vote at the Board of Hong Kong Catering Industry Association Limited

¹ According to section 12(19A) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the specified entity of the subsector concerned is eligible to be registered as a corporate voter for that subsector only if it has been operating as such a specified entity for the 3 years immediately before making its application for registration as a voter.

According to section 11A of the Schedule to the Chief Executive Election Ordinance (Cap 569), in which stipulates:

- (1) a reference to an entitlement to vote at a general meeting/specified authority of a body is a reference to an entitlement to vote at the general meeting/specified authority as provided by the body's constitution;
- (2) A body (first-mentioned body) is also regarded as being entitled to vote at the specified authority within another body if—
 - (i) a natural person who is entitled to vote at that authority specifies in writing to the Electoral Registration Officer that the natural person represents the first-mentioned body at that authority; and
 - (ii) that natural person has substantial connection with the first-mentioned body.
- (3) if more than one body is specified by the same natural person, only the body last so specified is regarded as being entitled to vote at that authority.

II. Members to be returned by election

II.1. Registration of Voters

- II.1.1. This subsector is composed of corporate voters. Only specified entities listed above are eligible to be registered as a voter for this subsector.
- II.1.2. Eligible corporate voter² is required to submit a duly completed voter registration form on or before 5 July 2021.
- II.1.3. According to section 13(8) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the governing authority (by whatever name called) of the corporate voter is required to appoint an eligible person as its authorized representative for the purpose of making nomination and casting its vote in the Election Committee (“EC”) Subsector Elections.

II.2. Election

II.2.1. Number of members to be elected: 16³

II.2.2. How to nominate a candidate?

- II.2.2.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the number of members to be elected by each subsector, the nomination period and the details of submitting a nomination form.
- II.2.2.2. Each candidate must submit a nomination form to the Returning Officer and must be nominated by at least 5 voters registered for the subsector concerned (excluding the candidate himself/herself).
- II.2.2.3. The number of nomination form subscribed by a voter must not exceed the number of members to be elected by that subsector in that election. If the voter is a corporate

² According to section 12(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person is eligible to be registered as a voter if the person (A) is a specified entity of that subsector; and (B) where the person is a natural person, is eligible to be registered as an elector for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency.

³ According to Annex I to the Basic Law amended by the Standing Committee of the National People’s Congress and section 5I(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), if the total number of Hong Kong Special Administrative Region (“HKSAR”) deputies to the National People’s Congress (“NPC”) or HKSAR members of the National Committee of the Chinese People’s Political Consultative Conference (“CPPCC National Committee”) who are eligible to register exceeds 190, an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee who does not hold a specified office of a subsector other than the NPC and CPPCC subsector may choose to register as an EC member in other subsectors which he/she has a substantial connection. In this case, he/she will be counted in the total number of members of the corresponding subsector, and the number of seats to be returned by that subsector through election by eligible corporate or individual voters will be reduced accordingly. The Chief Electoral Officer will publish in the Gazette declaring the actual number of members to be returned by election for each subsector.

voter, the nomination must be made by the authorized representative of the corporate voter.

II.2.3. Who is eligible to be nominated as a candidate?

II.2.3.1. In general, a candidate must meet the following requirements⁴:

- (a) has reached 18 years of age;
- (b) is both registered and eligible to be registered for a geographical constituency (“GC”); and
- (c) he: (i) is both registered and eligible to be registered as a voter for that subsector; or (ii) satisfies the Returning Officer for the subsector that the person has a substantial connection with the subsector.

II.2.3.2. A person is not eligible to be nominated as a candidate if the person holds a specified office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member) or is selected as a nominee by a designated body, or stands for the election in another subsector⁵.

II.2.4. When a person is disqualified from being a candidate

II.2.4.1. A person is disqualified from being nominated as a candidate and from being elected as a member of the EC, if the person⁶:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;
- (e) without limiting paragraph (c), where the subsector election is to be held or is

⁴ Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁵ Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁶ Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

held within 5 years after the date of the person's conviction, is or has been convicted—

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

II.2.4.2. A person is also disqualified from being nominated as a candidate and from being elected as an EC member if, within the 5 years before the date of nomination⁷:

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath⁸; or
- (b) the person has been declared or decided in accordance with any law—
 - (i) to be in breach of a specified oath⁹; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region (“HKSAR”) of the People's Republic of China.

II.2.5. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

II.2.5.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People's Republic of China and be signed by the person, or otherwise the nomination is not valid¹⁰.

⁷ Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁸ Section 18(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.

⁹ Ditto.

¹⁰ Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

II.2.6. Determination of the validity of nomination by the Candidate Eligibility Review Committee (“the CERC”)

- II.2.6.1. The Returning Officer will forward the form to the CERC as soon as possible after receiving the nomination form. The CERC must, as soon as practicable, decide whether or not the person is validly nominated¹¹.
- II.2.6.2. The CERC must declare the persons who are validly nominated as candidates by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

II.2.7. Polling date

- II.2.7.1. The poll will be conducted on 19 September 2021. EC members of the subsector are to be elected by secret ballot and a voter may vote for as many candidates as the number of members to be elected by the subsector and no more.

II.2.8. Publication of Interim Register (“IR”) of members of the EC

- II.2.8.1. The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the EC (members-elect) at a subsector election. The Electoral Registration Officer shall compile and publish an IR of members of the EC within 7 days after the result of the election is published.

II.2.9. Appeals against result of an election

- II.2.9.1. A person claiming to be a candidate at a subsector election may appeal to a Revising Officer against the result of that election, if he/she considers the person who was declared to have been elected was ineligible to be, or was disqualified from being, a candidate at the election, or material irregularity occurred in relation to the election, or to the polling or counting of votes at the election, by lodging an appeal notice¹². Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region¹³.
- II.2.9.2. The appeal concerned must reach the Revising Officer not later than 7 days after the date on which the Returning Officer has published in the Gazette the result of the election¹⁴.

¹¹ Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹² Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

¹³ Section 9B of the Chief Executive Election Ordinance (Cap 569).

¹⁴ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

II.2.9.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the Final Register (“FR”). The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the person whose election is questioned, as the case may be, review any ruling made¹⁵. In any case, the ruling concerned must be made not later than 20 days after the result of the election is published in the Gazette by the Returning Officer¹⁶.

II.2.10. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

II.2.10.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

II.2.10.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

II.2.10.3. The FR of members of the EC will be published on 22 October 2021.

¹⁵ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

¹⁶ Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).

Election Committee Subsectors
First Sector—Industrial, commercial and financial sectors

Commercial (first) Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electoralates		Specified Entities
			Individuals	Bodies	
17	Election	17		✓	Corporate member of The Hong Kong General Chamber of Commerce and is entitled to vote at the General Committee of the Chamber ¹⁷

II. Members to be returned by election

II.1. Registration of Voters

II.1.1. This subsector is composed of corporate voters. Only specified entities listed above are eligible to be registered as a voter for this subsector.

II.1.2. Eligible corporate voter¹⁸ is required to submit a duly completed voter registration form on or before 5 July 2021.

II.1.3. According to section 13(8) of the Schedule to the Chief Executive Election Ordinance

¹⁷ According to section 12(20) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a corporate member of these bodies is eligible to be registered as a voter for the subsector concerned only if it has been a corporate member of that body and has been operating for the 3 years immediately before making its application for registration as a voter.

According to section 11A of the Schedule to the Chief Executive Election Ordinance (Cap 569), in which stipulates:

- (1) a reference to an entitlement to vote at a general meeting/specified authority of a body is a reference to an entitlement to vote at the general meeting/specified authority as provided by the body's constitution;
- (2) A body (first-mentioned body) is also regarded as being entitled to vote at the specified authority within another body if—
 - (i) a natural person who is entitled to vote at that authority specifies in writing to the Electoral Registration Officer that the natural person represents the first-mentioned body at that authority; and
 - (ii) that natural person has substantial connection with the first-mentioned body.
- (3) if more than one body is specified by the same natural person, only the body last so specified is regarded as being entitled to vote at that authority.

¹⁸ According to section 12(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person is eligible to be registered as a voter if the person (A) is a specified entity of that subsector; and (B) where the person is a natural person, is eligible to be registered as an elector for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency.

(Cap 569), the governing authority (by whatever name called) of the corporate voter is required to appoint an eligible person as its authorized representative for the purpose of making nomination and casting its vote in the Election Committee (“EC”) Subsector Elections.

II.2. Election

II.2.1. Number of members to be elected: 17¹⁹

II.2.2. How to nominate a candidate?

II.2.2.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the number of members to be elected by each subsector, the nomination period and the details of submitting a nomination form.

II.2.2.2. Each candidate must submit a nomination form to the Returning Officer and must be nominated by at least 5 voters registered for the subsector concerned (excluding the candidate himself/herself).

II.2.2.3. The number of nomination form subscribed by a voter must not exceed the number of members to be elected by that subsector in that election. If the voter is a corporate voter, the nomination must be made by the authorized representative of the corporate voter.

II.2.3. Who is eligible to be nominated as a candidate?

II.2.3.1. In general, a candidate must meet the following requirements²⁰:

- (a) has reached 18 years of age;
- (b) is both registered and eligible to be registered for a geographical constituency (“GC”); and
- (c) he: (i) is both registered and eligible to be registered as a voter for that subsector; or (ii) satisfies the Returning Officer for the subsector that the person has a

¹⁹ According to Annex I to the Basic Law amended by the Standing Committee of the National People’s Congress and section 5I(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), if the total number of Hong Kong Special Administrative Region (“HKSAR”) deputies to the National People’s Congress (“NPC”) or HKSAR members of the National Committee of the Chinese People’s Political Consultative Conference (“CPPCC National Committee”) who are eligible to register exceeds 190, an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee who does not hold a specified office of a subsector other than the NPC and CPPCC subsector may choose to register as an EC member in other subsectors which he/she has a substantial connection. In this case, he/she will be counted in the total number of members of the corresponding subsector, and the number of seats to be returned by that subsector through election by eligible corporate or individual voters will be reduced accordingly. The Chief Electoral Officer will publish in the Gazette declaring the actual number of members to be returned by election for each subsector.

²⁰ Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

substantial connection with the subsector.

II.2.3.2 A person is not eligible to be nominated as a candidate if the person holds a specified office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member) or is selected as a nominee by a designated body, or stands for the election in another subsector²¹.

II.2.4. When a person is disqualified from being a candidate

II.2.4.1. A person is disqualified from being nominated as a candidate and from being elected as a member of the EC, if the person²²:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;
- (e) without limiting paragraph (c), where the subsector election is to be held or is held within 5 years after the date of the person's conviction, is or has been convicted—
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (f) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her property and affairs; or

²¹ Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²² Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

(g) is a member of the armed forces of the People’s Republic of China or any other country or territory.

II.2.4.2. A person is also disqualified from being nominated as a candidate and from being elected as an EC member if, within the 5 years before the date of nomination²³:

(a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath²⁴; or

(b) the person has been declared or decided in accordance with any law—

(i) to be in breach of a specified oath²⁵; or

(ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region (“HKSAR”) of the People’s Republic of China.

II.2.5. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

II.2.5.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People’s Republic of China and be signed by the person, or otherwise the nomination is not valid²⁶.

II.2.6. Determination of the validity of nomination by the Candidate Eligibility Review Committee (“the CERC”)

II.2.6.1. The Returning Officer will forward the form to the CERC as soon as possible after receiving the nomination form. The CERC must, as soon as practicable, decide whether or not the person is validly nominated²⁷.

II.2.6.2. The CERC must declare the persons who are validly nominated as candidates by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

II.2.7. Polling date

II.2.7.1. The poll will be conducted on 19 September 2021. EC members of the subsector

²³ Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁴ Section 18(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China.

²⁵ Ditto.

²⁶ Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁷ Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

are to be elected by secret ballot and a voter may vote for as many candidates as the number of members to be elected by the subsector and no more.

II.2.8. Publication of Interim Register (“IR”) of members of the EC

II.2.8.1. The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the EC (members-elect) at a subsector election. The Electoral Registration Officer shall compile and publish an IR of members of the EC within 7 days after the result of the election is published.

II.2.9. Appeals against result of an election

II.2.9.1. A person claiming to be a candidate at a subsector election may appeal to a Revising Officer against the result of that election, if he/she considers the person who was declared to have been elected was ineligible to be, or was disqualified from being, a candidate at the election, or material irregularity occurred in relation to the election, or to the polling or counting of votes at the election, by lodging an appeal notice²⁸. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region²⁹.

II.2.9.2. The appeal concerned must reach the Revising Officer not later than 7 days after the date on which the Returning Officer has published in the Gazette the result of the election³⁰.

II.2.9.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the Final Register (“FR”). The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the person whose election is questioned, as the case may be, review any ruling made³¹. In any case, the ruling concerned must be made not later than 20 days after the result of the election is published in the Gazette by the Returning Officer³².

II.2.10. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

II.2.10.1. A member-elect of the EC must submit a written oath signed by him/her in order to

²⁸ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

²⁹ Section 9B of the Chief Executive Election Ordinance (Cap 569).

³⁰ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

³¹ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

³² Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).

include his/her name in the FR of members of the EC for that term of office.

II.2.10.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

II.2.10.3. The FR of members of the EC will be published on 22 October 2021.

Election Committee Subsectors
First Sector—Industrial, commercial and financial sectors

Commercial (second) Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electoral Districts		Specified Entities
			Individuals	Bodies	
17	Election	17		✓	Corporate member of The Chinese General Chamber of Commerce and is entitled to vote at the Committee of the Chamber ³³

II. Members to be returned by election

II.1. Registration of Voters

II.1.1. This subsector is composed of corporate voters. Only specified entities listed above are eligible to be registered as a voter for this subsector.

II.1.2. Eligible corporate voter³⁴ is required to submit a duly completed voter registration form on or before 5 July 2021.

II.1.3. According to section 13(8) of the Schedule to the Chief Executive Election Ordinance

³³ According to section 12(20) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a corporate member of these bodies is eligible to be registered as a voter for the subsector concerned only if it has been a corporate member of that body and has been operating for the 3 years immediately before making its application for registration as a voter.

According to section 11A of the Schedule to the Chief Executive Election Ordinance (Cap 569), in which stipulates:

- (1) a reference to an entitlement to vote at a general meeting/specified authority of a body is a reference to an entitlement to vote at the general meeting/specified authority as provided by the body's constitution;
- (2) A body (first-mentioned body) is also regarded as being entitled to vote at the specified authority within another body if—
 - (i) a natural person who is entitled to vote at that authority specifies in writing to the Electoral Registration Officer that the natural person represents the first-mentioned body at that authority; and
 - (ii) that natural person has substantial connection with the first-mentioned body;
- (3) if more than one body is specified by the same natural person, only the body last so specified is regarded as being entitled to vote at that authority.

³⁴ According to section 12(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person is eligible to be registered as a voter if the person (A) is a specified entity of that subsector; and (B) where the person is a natural person, is eligible to be registered as an elector for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency.

(Cap 569), the governing authority (by whatever name called) of the corporate voter is required to appoint an eligible person as its authorized representative for the purpose of making nomination and casting its vote in the Election Committee (“EC”) Subsector Elections.

II.2. Election

II.2.1. Number of members to be elected: 17³⁵

II.2.2. How to nominate a candidate?

II.2.2.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the number of members to be elected by each subsector, the nomination period and the details of submitting a nomination form.

II.2.2.2. Each candidate must submit a nomination form to the Returning Officer and must be nominated by at least 5 voters registered for the subsector concerned (excluding the candidate himself/herself).

II.2.2.3. The number of nomination form subscribed by a voter must not exceed the number of members to be elected by that subsector in that election. If the voter is a corporate voter, the nomination must be made by the authorized representative of the corporate voter.

II.2.3. Who is eligible to be nominated as a candidate?

II.2.3.1. In general, a candidate must meet the following requirements³⁶:

- (a) has reached 18 years of age;
- (b) is both registered and eligible to be registered for a geographical constituency (“GC”); and
- (c) he: (i) is both registered and eligible to be registered as a voter for that subsector; or (ii) satisfies the Returning Officer for the subsector that the person has a

³⁵ According to Annex I to the Basic Law amended by the Standing Committee of the National People’s Congress and section 5I(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), if the total number of Hong Kong Special Administrative Region (“HKSAR”) deputies to the National People’s Congress (“NPC”) or HKSAR members of the National Committee of the Chinese People’s Political Consultative Conference (“CPPCC National Committee”) who are eligible to register exceeds 190, an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee who does not hold a specified office of a subsector other than the NPC and CPPCC subsector may choose to register as an EC member in other subsectors which he/she has a substantial connection. In this case, he/she will be counted in the total number of members of the corresponding subsector, and the number of seats to be returned by that subsector through election by eligible corporate or individual voters will be reduced accordingly. The Chief Electoral Officer will publish in the Gazette declaring the actual number of members to be returned by election for each subsector.

³⁶ Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

substantial connection with the subsector.

II.2.3.2. A person is not eligible to be nominated as a candidate if the person holds a specified office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member) or is selected as a nominee by a designated body, or stands for the election in another subsector³⁷.

II.2.4. When a person is disqualified from being a candidate

II.2.4.1. A person is disqualified from being nominated as a candidate and from being elected as a member of the EC, if the person³⁸:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;
- (e) without limiting paragraph (c), where the subsector election is to be held or is held within 5 years after the date of the person's conviction, is or has been convicted—
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (f) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her property and affairs; or

³⁷ Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

³⁸ Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

(g) is a member of the armed forces of the People's Republic of China or any other country or territory.

II.2.4.2. A person is also disqualified from being nominated as a candidate and from being elected as an EC member if, within the 5 years before the date of nomination³⁹:

(a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath⁴⁰; or

(b) the person has been declared or decided in accordance with any law—

(i) to be in breach of a specified oath⁴¹; or

(ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region (“HKSAR”) of the People's Republic of China.

II.2.5. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

II.2.5.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People's Republic of China and be signed by the person, or otherwise the nomination is not valid⁴².

II.2.6. Determination of the validity of nomination by the Candidate Eligibility Review Committee (“the CERC”)

II.2.6.1. The Returning Officer will forward the form to the CERC as soon as possible after receiving the nomination form. The CERC must, as soon as practicable, decide whether or not the person is validly nominated⁴³.

II.2.6.2. The CERC must declare the persons who are validly nominated as candidates by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

II.2.7. Polling date

II.2.7.1. The poll will be conducted on 19 September 2021. EC members of the subsector are to be elected by secret ballot and a voter may vote for as many candidates as the

³⁹ Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁴⁰ Section 18(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.

⁴¹ Ditto.

⁴² Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁴³ Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

number of members to be elected by the subsector and no more.

II.2.8. Publication of Interim Register (“IR”) of members of the EC

II.2.8.1. The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the EC (members-elect) at a subsector election. The Electoral Registration Officer shall compile and publish an IR of members of the EC within 7 days after the result of the election is published.

II.2.9. Appeals against result of an election

II.2.9.1. A person claiming to be a candidate at a subsector election may appeal to a Revising Officer against the result of that election, if he/she considers the person who was declared to have been elected was ineligible to be, or was disqualified from being, a candidate at the election, or material irregularity occurred in relation to the election, or to the polling or counting of votes at the election, by lodging an appeal notice⁴⁴. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region⁴⁵.

II.2.9.2. The appeal concerned must reach the Revising Officer not later than 7 days after the date on which the Returning Officer has published in the Gazette the result of the election⁴⁶.

II.2.9.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the Final Register (“FR”). The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the person whose election is questioned, as the case may be, review any ruling made⁴⁷. In any case, the ruling concerned must be made not later than 20 days after the result of the election is published in the Gazette by the Returning Officer⁴⁸.

⁴⁴ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

⁴⁵ Section 9B of the Chief Executive Election Ordinance (Cap 569).

⁴⁶ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

⁴⁷ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

⁴⁸ Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).

II.2.10. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

II.2.10.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

II.2.10.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

II.2.10.3. The FR of members of the EC will be published on 22 October 2021.

Election Committee Subsectors
First Sector—Industrial, commercial and financial sectors

Commercial (third) Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electoralates		Specified Entities
			Individuals	Bodies	
17	Election	17		✓	Corporate member of the Hong Kong Chinese Enterprises Association and is entitled to vote at the Board of the Association ⁴⁹

II. Members to be returned by election

II.1. Registration of Voters

II.1.1. This subsector is composed of corporate voters. Only specified entities listed above are eligible to be registered as a voter for this subsector.

II.1.2. Eligible corporate voter⁵⁰ is required to submit a duly completed voter registration form on or before 5 July 2021.

II.1.3. According to section 13(8) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the governing authority (by whatever name called) of the corporate voter

⁴⁹ According to section 12(20) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a corporate member of these bodies is eligible to be registered as a voter for the subsector concerned only if it has been a corporate member of that body and has been operating for the 3 years immediately before making its application for registration as a voter.

According to section 11A of the Schedule to the Chief Executive Election Ordinance (Cap 569), in which stipulates:

- (1) a reference to an entitlement to vote at a general meeting/specified authority of a body is a reference to an entitlement to vote at the general meeting/specified authority as provided by the body's constitution;
- (2) A body (first-mentioned body) is also regarded as being entitled to vote at the specified authority within another body if—
 - (i) a natural person who is entitled to vote at that authority specifies in writing to the Electoral Registration Officer that the natural person represents the first-mentioned body at that authority; and
 - (ii) that natural person has substantial connection with the first-mentioned body.
- (3) if more than one body is specified by the same natural person, only the body last so specified is regarded as being entitled to vote at that authority.

⁵⁰ According to section 12(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person is eligible to be registered as a voter if the person (A) is a specified entity of that subsector; and (B) where the person is a natural person, is eligible to be registered as an elector for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency.

is required to appoint an eligible person as its authorized representative for the purpose of making nomination and casting its vote in the Election Committee (“EC”) Subsector Elections.

II.2. Election

II.2.1. Number of members to be elected: 17⁵¹

II.2.2. How to nominate a candidate?

II.2.2.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the number of members to be elected by each subsector, the nomination period and the details of submitting a nomination form.

II.2.2.2. Each candidate must submit a nomination form to the Returning Officer and must be nominated by at least 5 voters registered for the subsector concerned (excluding the candidate himself/herself).

II.2.2.3. The number of nomination form subscribed by a voter must not exceed the number of members to be elected by that subsector in that election. If the voter is a corporate voter, the nomination must be made by the authorized representative of the corporate voter.

II.2.3. Who is eligible to be nominated as a candidate?

II.2.3.1. In general, a candidate must meet the following requirements⁵²:

- (a) has reached 18 years of age;
- (b) is both registered and eligible to be registered for a geographical constituency (“GC”); and
- (c) he: (i) is both registered and eligible to be registered as a voter for that subsector; or (ii) satisfies the Returning Officer for the subsector that the person has a substantial connection with the subsector.

⁵¹ According to Annex I to the Basic Law amended by the Standing Committee of the National People’s Congress and section 5I(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), if the total number of Hong Kong Special Administrative Region (“HKSAR”) deputies to the National People’s Congress (“NPC”) or HKSAR members of the National Committee of the Chinese People’s Political Consultative Conference (“CPPCC National Committee”) who are eligible to register exceeds 190, an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee who does not hold a specified office of a subsector other than the NPC and CPPCC subsector may choose to register as an EC member in other subsectors which he/she has a substantial connection. In this case, he/she will be counted in the total number of members of the corresponding subsector, and the number of seats to be returned by that subsector through election by eligible corporate or individual voters will be reduced accordingly. The Chief Electoral Officer will publish in the Gazette declaring the actual number of members to be returned by election for each subsector.

⁵² Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

II.2.3.2. A person is not eligible to be nominated as a candidate if the person holds a specified office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member) or is selected as a nominee by a designated body, or stands for the election in another subsector⁵³.

II.2.4. When a person is disqualified from being a candidate

II.2.4.1. A person is disqualified from being nominated as a candidate and from being elected as a member of the EC, if the person⁵⁴:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;
- (e) without limiting paragraph (c), where the subsector election is to be held or is held within 5 years after the date of the person's conviction, is or has been convicted—
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (f) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her property and affairs; or
- (g) is a member of the armed forces of the People's Republic of China or any other

⁵³ Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁵⁴ Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

country or territory.

II.2.4.2. A person is also disqualified from being nominated as a candidate and from being elected as an EC member if, within the 5 years before the date of nomination⁵⁵:

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath⁵⁶; or
- (b) the person has been declared or decided in accordance with any law—
 - (i) to be in breach of a specified oath⁵⁷; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region (“HKSAR”) of the People’s Republic of China.

II.2.5. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

II.2.5.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People’s Republic of China and be signed by the person, or otherwise the nomination is not valid⁵⁸.

II.2.6. Determination of the validity of nomination by the Candidate Eligibility Review Committee (“the CERC”)

II.2.6.1. The Returning Officer will forward the form to the CERC as soon as possible after receiving the nomination form. The CERC must, as soon as practicable, decide whether or not the person is validly nominated⁵⁹.

II.2.6.2. The CERC must declare the persons who are validly nominated as candidates by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

II.2.7. Polling date

II.2.7.1. The poll will be conducted on 19 September 2021. EC members of the subsector are to be elected by secret ballot and a voter may vote for as many candidates as the

⁵⁵ Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁵⁶ Section 18(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China.

⁵⁷ Ditto.

⁵⁸ Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁵⁹ Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

number of members to be elected by the subsector and no more.

II.2.8. Publication of Interim Register (“IR”) of members of the EC

II.2.8.1. The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the EC (members-elect) at a subsector election. The Electoral Registration Officer shall compile and publish an IR of members of the EC within 7 days after the result of the election is published.

II.2.9. Appeals against result of an election

II.2.9.1. A person claiming to be a candidate at a subsector election may appeal to a Revising Officer against the result of that election, if he/she considers the person who was declared to have been elected was ineligible to be, or was disqualified from being, a candidate at the election, or material irregularity occurred in relation to the election, or to the polling or counting of votes at the election, by lodging an appeal notice⁶⁰. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region⁶¹.

II.2.9.2. The appeal concerned must reach the Revising Officer not later than 7 days after the date on which the Returning Officer has published in the Gazette the result of the election⁶².

II.2.9.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the Final Register (“FR”). The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the person whose election is questioned, as the case may be, review any ruling made⁶³. In any case, the ruling concerned must be made not later than 20 days after the result of the election is published in the Gazette by the Returning Officer⁶⁴.

II.2.10. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

II.2.10.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

⁶⁰ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

⁶¹ Section 9B of the Chief Executive Election Ordinance (Cap 569).

⁶² Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

⁶³ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

⁶⁴ Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).

II.2.10.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

II.2.10.3. The FR of members of the EC will be published on 22 October 2021.

Election Committee Subsectors
First Sector—Industrial, commercial and financial sectors

Employers' Federation of Hong Kong Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electorates		Specified Entities
			Individuals	Bodies	
15	Election	15		✓	Corporate member of the Employers' Federation of Hong Kong and is entitled to vote at the Council or the General Committee of the Federation ⁶⁵

II. Members to be returned by election

II.1. Registration of Voters

II.1.1. This subsector is composed of corporate voters. Only specified entities listed above are eligible to be registered as a voter for this subsector.

II.1.2. Eligible corporate voter⁶⁶ is required to submit a duly completed voter registration form on or before 5 July 2021.

II.1.3. According to section 13(8) of the Schedule to the Chief Executive Election Ordinance

⁶⁵ According to section 12(20) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a corporate member of these bodies is eligible to be registered as a voter for the subsector concerned only if it has been a corporate member of that body and has been operating for the 3 years immediately before making its application for registration as a voter.

According to section 11A of the Schedule to the Chief Executive Election Ordinance (Cap 569), in which stipulates:

- (1) a reference to an entitlement to vote at a general meeting/specified authority of a body is a reference to an entitlement to vote at the general meeting/specified authority as provided by the body's constitution;
- (2) A body (first-mentioned body) is also regarded as being entitled to vote at the specified authority within another body if—
 - (i) a natural person who is entitled to vote at that authority specifies in writing to the Electoral Registration Officer that the natural person represents the first-mentioned body at that authority; and
 - (ii) that natural person has substantial connection with the first-mentioned body.
- (3) if more than one body is specified by the same natural person, only the body last so specified is regarded as being entitled to vote at that authority.

⁶⁶ According to section 12(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person is eligible to be registered as a voter if the person (A) is a specified entity of that subsector; and (B) where the person is a natural person, is eligible to be registered as an elector for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency.

(Cap 569), the governing authority (by whatever name called) of the corporate voter is required to appoint an eligible person as its authorized representative for the purpose of making nomination and casting its vote in the Election Committee (“EC”) Subsector Elections.

II.2. Election

II.2.1. Number of members to be elected: 15⁶⁷

II.2.2. How to nominate a candidate?

II.2.2.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the number of members to be elected by each subsector, the nomination period and the details of submitting a nomination form.

II.2.2.2. Each candidate must submit a nomination form to the Returning Officer and must be nominated by at least 5 voters registered for the subsector concerned (excluding the candidate himself/herself).

II.2.2.3. The number of nomination form subscribed by a voter must not exceed the number of members to be elected by that subsector in that election. If the voter is a corporate voter, the nomination must be made by the authorized representative of the corporate voter.

II.2.3. Who is eligible to be nominated as a candidate?

II.2.3.1. In general, a candidate must meet the following requirements⁶⁸:

- (a) has reached 18 years of age;
- (b) is both registered and eligible to be registered for a geographical constituency (“GC”); and
- (c) he: (i) is both registered and eligible to be registered as a voter for that subsector; or (ii) satisfies the Returning Officer for the subsector that the person has a

⁶⁷ According to Annex I to the Basic Law amended by the Standing Committee of the National People’s Congress and section 5I(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), if the total number of Hong Kong Special Administrative Region (“HKSAR”) deputies to the National People’s Congress (“NPC”) or HKSAR members of the National Committee of the Chinese People’s Political Consultative Conference (“CPPCC National Committee”) who are eligible to register exceeds 190, an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee who does not hold a specified office of a subsector other than the NPC and CPPCC subsector may choose to register as an EC member in other subsectors which he/she has a substantial connection. In this case, he/she will be counted in the total number of members of the corresponding subsector, and the number of seats to be returned by that subsector through election by eligible corporate or individual voters will be reduced accordingly. The Chief Electoral Officer will publish in the Gazette declaring the actual number of members to be returned by election for each subsector.

⁶⁸ Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

substantial connection with the subsector.

II.2.3.2. A person is not eligible to be nominated as a candidate if the person holds a specified office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member) or is selected as a nominee by a designated body, or stands for the election in another subsector⁶⁹.

II.2.4. When a person is disqualified from being a candidate

II.2.4.1. A person is disqualified from being nominated as a candidate and from being elected as a member of the EC, if the person⁷⁰:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;
- (e) without limiting paragraph (c), where the subsector election is to be held or is held within 5 years after the date of the person's conviction, is or has been convicted—
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (f) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her property and affairs; or

⁶⁹ Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁷⁰ Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

- (g) is a member of the armed forces of the People's Republic of China or any other country or territory.

II.2.4.2. A person is also disqualified from being nominated as a candidate and from being elected as an EC member if, within the 5 years before the date of nomination⁷¹:

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath⁷²; or
- (b) the person has been declared or decided in accordance with any law—
- (i) to be in breach of a specified oath⁷³; or
- (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region (“HKSAR”) of the People's Republic of China.

II.2.5. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

II.2.5.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People's Republic of China and be signed by the person, or otherwise the nomination is not valid⁷⁴.

II.2.6. Determination of the validity of nomination by the Candidate Eligibility Review Committee (“the CERC”)

II.2.6.1. The Returning Officer will forward the form to the CERC as soon as possible after receiving the nomination form. The CERC must, as soon as practicable, decide whether or not the person is validly nominated⁷⁵.

II.2.6.2. The CERC must declare the persons who are validly nominated as candidates by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

II.2.7. Polling date

II.2.7.1. The poll will be conducted on 19 September 2021. EC members of the subsector are to be elected by secret ballot and a voter may vote for as many candidates as the

⁷¹ Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁷² Section 18(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.

⁷³ Ditto.

⁷⁴ Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁷⁵ Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

number of members to be elected by the subsector and no more.

II.2.8. Publication of Interim Register (“IR”) of members of the EC

II.2.8.1. The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the EC (members-elect) at a subsector election. The Electoral Registration Officer shall compile and publish an IR of members of the EC within 7 days after the result of the election is published.

II.2.9. Appeals against result of an election

II.2.9.1. A person claiming to be a candidate at a subsector election may appeal to a Revising Officer against the result of that election, if he/she considers the person who was declared to have been elected was ineligible to be, or was disqualified from being, a candidate at the election, or material irregularity occurred in relation to the election, or to the polling or counting of votes at the election, by lodging an appeal notice⁷⁶. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region⁷⁷.

II.2.9.2. The appeal concerned must reach the Revising Officer not later than 7 days after the date on which the Returning Officer has published in the Gazette the result of the election⁷⁸.

II.2.9.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the Final Register (“FR”). The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the person whose election is questioned, as the case may be, review any ruling made⁷⁹. In any case, the ruling concerned must be made not later than 20 days after the result of the election is published in the Gazette by the Returning Officer⁸⁰.

II.2.10. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

II.2.10.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

⁷⁶ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

⁷⁷ Section 9B of the Chief Executive Election Ordinance (Cap 569).

⁷⁸ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

⁷⁹ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

⁸⁰ Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).

II.2.10.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

II.2.10.3. The FR of members of the EC will be published on 22 October 2021.

Election Committee Subsectors
First Sector—Industrial, commercial and financial sectors

Finance Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electorates		Specified Entities
			Individuals	Bodies	
17	Election	17		✓	(a) Banks within the meaning of the Banking Ordinance (Cap. 155); ⁸¹ (b) restricted licence banks within the meaning of the Banking Ordinance (Cap. 155) ⁸² ; or (c) deposit-taking companies within the meaning of the Banking Ordinance (Cap. 155) ⁸³

II. Members to be returned by election

II.1. Registration of Voters

II.1.1. This subsector is composed of corporate voters. Only specified entities listed above are eligible to be registered as a voter for this subsector.

II.1.2. Eligible corporate voter⁸⁴ is required to submit a duly completed voter registration form on or before 5 July 2021.

II.1.3. According to section 13(8) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the governing authority (by whatever name called) of the corporate voter is required to appoint an eligible person as its authorized representative for the

⁸¹ According to section 12(19A) of the Schedule to the Chief Executive Election Ordinance (Cap 569) as amended in the Bill, the specified entity of the subsector concerned is eligible to be registered as a corporate voter for that subsector only if it has been operating as such a specified entity for the 3 years immediately before making its application for registration as a voter.

⁸² Ditto.

⁸³ Ditto.

⁸⁴ According to section 12(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person is eligible to be registered as a voter if the person (A) is a specified entity of that subsector; and (B) where the person is a natural person, is eligible to be registered as an elector for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency.

purpose of making nomination and casting its vote in the Election Committee (“EC”) Subsector Elections.

II.2. Election

II.2.1. Number of members to be elected: 17⁸⁵

II.2.2. How to nominate a candidate?

II.2.2.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the number of members to be elected by each subsector, the nomination period and the details of submitting a nomination form.

II.2.2.2. Each candidate must submit a nomination form to the Returning Officer and must be nominated by at least 5 voters registered for the subsector concerned (excluding the candidate himself/herself).

II.2.2.3. The number of nomination form subscribed by a voter must not exceed the number of members to be elected by that subsector in that election. If the voter is a corporate voter, the nomination must be made by the authorized representative of the corporate voter.

II.2.3. Who is eligible to be nominated as a candidate?

II.2.3.1. In general, a candidate must meet the following requirements⁸⁶:

- (a) has reached 18 years of age;
- (b) is both registered and eligible to be registered for a geographical constituency (“GC”); and
- (c) he: (i) is both registered and eligible to be registered as a voter for that subsector; or (ii) satisfies the Returning Officer for the subsector that the person has a substantial connection with the subsector.

II.2.3.2. A person is not eligible to be nominated as a candidate if the person holds a specified

⁸⁵ According to Annex I to the Basic Law amended by the Standing Committee of the National People’s Congress and section 5I(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), if the total number of Hong Kong Special Administrative Region (“HKSAR”) deputies to the National People’s Congress (“NPC”) or HKSAR members of the National Committee of the Chinese People’s Political Consultative Conference (“CPPCC National Committee”) who are eligible to register exceeds 190, an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee who does not hold a specified office of a subsector other than the NPC and CPPCC subsector may choose to register as an EC member in other subsectors which he/she has a substantial connection. In this case, he/she will be counted in the total number of members of the corresponding subsector, and the number of seats to be returned by that subsector through election by eligible corporate or individual voters will be reduced accordingly. The Chief Electoral Officer will publish in the Gazette declaring the actual number of members to be returned by election for each subsector.

⁸⁶ Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member) or is selected as a nominee by a designated body, or stands for the election in another subsector⁸⁷.

II.2.4. When a person is disqualified from being a candidate

II.2.4.1. A person is disqualified from being nominated as a candidate and from being elected as a member of the EC, if the person⁸⁸:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;
- (e) without limiting paragraph (c), where the subsector election is to be held or is held within 5 years after the date of the person's conviction, is or has been convicted—
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (f) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her property and affairs; or
- (g) is a member of the armed forces of the People's Republic of China or any other country or territory.

⁸⁷ Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁸⁸ Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

II.2.4.2. A person is also disqualified from being nominated as a candidate and from being elected as an EC member if, within the 5 years before the date of nomination⁸⁹:

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath⁹⁰; or
- (b) the person has been declared or decided in accordance with any law—
 - (i) to be in breach of a specified oath⁹¹; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region (“HKSAR”) of the People’s Republic of China.

II.2.5. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

II.2.5.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People’s Republic of China and be signed by the person, or otherwise the nomination is not valid⁹².

II.2.6. Determination of the validity of nomination by the Candidate Eligibility Review Committee (“the CERC”)

II.2.6.1. The Returning Officer will forward the form to the CERC as soon as possible after receiving the nomination form. The CERC must, as soon as practicable, decide whether or not the person is validly nominated⁹³.

II.2.6.2. The CERC must declare the persons who are validly nominated as candidates by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

II.2.7. Polling date

II.2.7.1. The poll will be conducted on 19 September 2021. EC members of the subsector are to be elected by secret ballot and a voter may vote for as many candidates as the number of members to be elected by the subsector and no more.

⁸⁹ Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁹⁰ Section 18(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China.

⁹¹ Ditto.

⁹² Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁹³ Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

II.2.8. Publication of Interim Register (“IR”) of members of the EC

II.2.8.1. The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the EC (members-elect) at a subsector election. The Electoral Registration Officer shall compile and publish an IR of members of the EC within 7 days after the result of the election is published.

II.2.9. Appeals against result of an election

II.2.9.1. A person claiming to be a candidate at a subsector election may appeal to a Revising Officer against the result of that election, if he/she considers the person who was declared to have been elected was ineligible to be, or was disqualified from being, a candidate at the election, or material irregularity occurred in relation to the election, or to the polling or counting of votes at the election, by lodging an appeal notice⁹⁴. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region⁹⁵.

II.2.9.2. The appeal concerned must reach the Revising Officer not later than 7 days after the date on which the Returning Officer has published in the Gazette the result of the election⁹⁶.

II.2.9.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the Final Register (“FR”). The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the person whose election is questioned, as the case may be, review any ruling made⁹⁷. In any case, the ruling concerned must be made not later than 20 days after the result of the election is published in the Gazette by the Returning Officer⁹⁸.

II.2.10. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

II.2.10.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

II.2.10.2. After the publication of the IR of members of the EC, a member-elect must sign the

⁹⁴ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

⁹⁵ Section 9B of the Chief Executive Election Ordinance (Cap 569).

⁹⁶ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

⁹⁷ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

⁹⁸ Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).

written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

II.2.10.3. The FR of members of the EC will be published on 22 October 2021.

Election Committee Subsectors
First Sector—Industrial, commercial and financial sectors

Financial services Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electorates		Specified Entities
			Individuals	Bodies	
17	Election	17		✓	(a) Any body that is licensed under the Securities and Futures Ordinance (Cap. 571), and ⁹⁹ — <ul style="list-style-type: none"> (i) is entitled to vote at the specified authority (i.e. either the Council or Board of Directors as specified by the President of the company) of The Chinese Securities Association of Hong Kong Company Limited; (ii) is entitled to vote at the Board of Hong Kong Securities Professionals Association Limited; (iii) is entitled to vote at the Committee of The Institute of Securities

⁹⁹ According to section 12(19A) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the specified entity of the subsector concerned is eligible to be registered as a corporate voter for that subsector only if it has been operating as such a specified entity for the 3 years immediately before making its application for registration as a voter.

According to section 11A of the Schedule to the Chief Executive Election Ordinance (Cap 569), in which stipulates:

- (1) a reference to an entitlement to vote at a general meeting/specified authority of a body is a reference to an entitlement to vote at the general meeting/specified authority as provided by the body's constitution;
- (2) In relation to a subsector, a body (first-mentioned body) is also regarded as being entitled to vote at the specified authority within another body if—
 - (i) a natural person who is entitled to vote at that authority specifies in writing to the Electoral Registration Officer that the natural person represents the first-mentioned body at that authority; and
 - (ii) that natural person has substantial connection with the first-mentioned body.
- (3) if more than one body is specified by the same natural person, only the body last so specified is regarded as being entitled to vote at that authority.

					<p>Dealers Limited;</p> <p>(iv) is entitled to vote at the Board of Hong Kong Securities Association Limited;</p> <p>(v) is entitled to vote at the Executive Committee of The Hong Kong Association of Online Brokers Limited;</p> <p>(vi) is entitled to vote at the Executive Committee of The Hong Kong Institute of Financial Analysts and Professional Commentators Limited;</p> <p>(vii) is entitled to vote at the Council of Hong Kong Securities and Futures Professional Association;</p> <p>or</p> <p>(viii) is entitled to vote at the Board of Chinese Futures Association of Hong Kong Company Limited; or</p> <p>(b) any body that is entitled to vote at the Executive and Supervisory Committee of the Chinese Gold and Silver Exchange¹⁰⁰</p>
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II. Members to be returned by election

II.1. Registration of Voters

II.1.1. This subsector is composed of corporate voters. Only specified entities listed above

¹⁰⁰ Ditto.

are eligible to be registered as a voter for this subsector.

II.1.2. Eligible corporate voter¹⁰¹ is required to submit a duly completed voter registration form on or before 5 July 2021.

II.1.3. According to section 13(8) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the governing authority (by whatever name called) of the corporate voter is required to appoint an eligible person as its authorized representative for the purpose of making nomination and casting its vote in the Election Committee (“EC”) Subsector Elections.

II.2. Election

II.2.1. Number of members to be elected: 17¹⁰²

II.2.2. How to nominate a candidate?

II.2.2.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the number of members to be elected by each subsector, the nomination period and the details of submitting a nomination form.

II.2.2.2. Each candidate must submit a nomination form to the Returning Officer and must be nominated by at least 5 voters registered for the subsector concerned (excluding the candidate himself/herself).

II.2.2.3. The number of nomination form subscribed by a voter must not exceed the number of members to be elected by that subsector in that election. If the voter is a corporate voter, the nomination must be made by the authorized representative of the corporate voter.

II.2.3. Who is eligible to be nominated as a candidate?

¹⁰¹ According to section 12(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person is eligible to be registered as a voter if the person (A) is a specified entity of that subsector; and (B) where the person is a natural person, is eligible to be registered as an elector for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency.

¹⁰² According to Annex I to the Basic Law amended by the Standing Committee of the National People’s Congress and section 5I(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), if the total number of Hong Kong Special Administrative Region (“HKSAR”) deputies to the National People’s Congress (“NPC”) or HKSAR members of the National Committee of the Chinese People’s Political Consultative Conference (“CPPCC National Committee”) who are eligible to register exceeds 190, an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee who does not hold a specified office of a subsector other than the NPC and CPPCC subsector may choose to register as an EC member in other subsectors which he/she has a substantial connection. In this case, he/she will be counted in the total number of members of the corresponding subsector, and the number of seats to be returned by that subsector through election by eligible corporate or individual voters will be reduced accordingly. The Chief Electoral Officer will publish in the Gazette declaring the actual number of members to be returned by election for each subsector.

II.2.3.1. In general, a candidate must meet the following requirements¹⁰³:

- (a) has reached 18 years of age;
- (b) is both registered and eligible to be registered for a geographical constituency (“GC”); and
- (c) he: (i) is both registered and eligible to be registered as a voter for that subsector; or (ii) satisfies the Returning Officer for the subsector that the person has a substantial connection with the subsector.

II.2.3.2. A person is not eligible to be nominated as a candidate if the person holds a specified office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member) or is selected as a nominee by a designated body, or stands for the election in another subsector¹⁰⁴.

II.2.4. When a person is disqualified from being a candidate

II.2.4.1. A person is disqualified from being nominated as a candidate and from being elected as a member of the EC, if the person¹⁰⁵:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;
- (e) without limiting paragraph (c), where the subsector election is to be held or is held within 5 years after the date of the person’s conviction, is or has been convicted—
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of

¹⁰³ Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁰⁴ Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁰⁵ Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);

(ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or

(iii) of any offence prescribed by the EAC Regulations;

(f) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her property and affairs; or

(g) is a member of the armed forces of the People's Republic of China or any other country or territory.

II.2.4.2. A person is also disqualified from being nominated as a candidate and from being elected as an EC member if, within the 5 years before the date of nomination¹⁰⁶:

(a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath¹⁰⁷; or

(b) the person has been declared or decided in accordance with any law—

(i) to be in breach of a specified oath¹⁰⁸; or

(ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region (“HKSAR”) of the People's Republic of China.

II.2.5. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

II.2.5.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People's Republic of China and be signed by the person, or otherwise the nomination is not valid¹⁰⁹.

II.2.6. Determination of the validity of nomination by the Candidate Eligibility Review Committee (“the CERC”)

II.2.6.1. The Returning Officer will forward the form to the CERC as soon as possible after receiving the nomination form. The CERC must, as soon as practicable, decide

¹⁰⁶ Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁰⁷ Section 18(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.

¹⁰⁸ Ditto.

¹⁰⁹ Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

whether or not the person is validly nominated¹¹⁰.

II.2.6.2. The CERC must declare the persons who are validly nominated as candidates by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

II.2.7. Polling date

II.2.7.1. The poll will be conducted on 19 September 2021. EC members of the subsector are to be elected by secret ballot and a voter may vote for as many candidates as the number of members to be elected by the subsector and no more.

II.2.8. Publication of Interim Register (“IR”) of members of the EC

II.2.8.1. The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the EC (members-elect) at a subsector election. The Electoral Registration Officer shall compile and publish an IR of members of the EC within 7 days after the result of the election is published.

II.2.9. Appeals against result of an election

II.2.9.1. A person claiming to be a candidate at a subsector election may appeal to a Revising Officer against the result of that election, if he/she considers the person who was declared to have been elected was ineligible to be, or was disqualified from being, a candidate at the election, or material irregularity occurred in relation to the election, or to the polling or counting of votes at the election, by lodging an appeal notice¹¹¹. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region¹¹².

II.2.9.2. The appeal concerned must reach the Revising Officer not later than 7 days after the date on which the Returning Officer has published in the Gazette the result of the election¹¹³.

II.2.9.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the Final Register (“FR”). The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the person

¹¹⁰ Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹¹¹ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

¹¹² Section 9B of the Chief Executive Election Ordinance (Cap 569).

¹¹³ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

whose election is questioned, as the case may be, review any ruling made¹¹⁴. In any case, the ruling concerned must be made not later than 20 days after the result of the election is published in the Gazette by the Returning Officer¹¹⁵.

II.2.10. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

II.2.10.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

II.2.10.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

II.2.10.3. The FR of members of the EC will be published on 22 October 2021.

¹¹⁴ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

¹¹⁵ Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).

Election Committee Subsectors
First Sector—Industrial, commercial and financial sectors

Hotel Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electorates		Specified Entities
			Individuals	Bodies	
16	Election	16		✓	(a) Corporate member of the Federation of Hong Kong Hotel Owners Limited; and (b) is entitled to vote at general meetings of the company ¹¹⁶

II. Members to be returned by election

II.1. Registration of Voters

II.1.1. This subsector is composed of corporate voters. Only specified entities listed above are eligible to be registered as a voter for this subsector.

II.1.2. Eligible corporate voter¹¹⁷ is required to submit a duly completed voter registration form on or before 5 July 2021.

¹¹⁶ According to section 12(20) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a corporate member of these bodies is eligible to be registered as a voter for the subsector concerned only if it has been a corporate member of that body and has been operating for the 3 years immediately before making its application for registration as a voter.

According to section 11A of the Schedule to the Chief Executive Election Ordinance (Cap 569), in which stipulates:

- (1) a reference to an entitlement to vote at a general meeting/specified authority of a body is a reference to an entitlement to vote at the general meeting/specified authority as provided by the body's constitution;
- (2) A body (first-mentioned body) is also regarded as being entitled to vote at the specified authority within another body if—
 - (i) a natural person who is entitled to vote at that authority specifies in writing to the Electoral Registration Officer that the natural person represents the first-mentioned body at that authority; and
 - (ii) that natural person has substantial connection with the first-mentioned body.
- (3) if more than one body is specified by the same natural person, only the body last so specified is regarded as being entitled to vote at that authority.

¹¹⁷ According to section 12(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person is eligible to be registered as a voter if the person (A) is a specified entity of that subsector; and (B) where the person is a natural person, is eligible to be registered as an elector for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency.

II.1.3. According to section 13(8) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the governing authority (by whatever name called) of the corporate voter is required to appoint an eligible person as its authorized representative for the purpose of making nomination and casting its vote in the Election Committee (“EC”) Subsector Elections.

II.2. Election

II.2.1. Number of members to be elected: 16¹¹⁸

II.2.2. How to nominate a candidate?

II.2.2.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the number of members to be elected by each subsector, the nomination period and the details of submitting a nomination form.

II.2.2.2. Each candidate must submit a nomination form to the Returning Officer and must be nominated by at least 5 voters registered for the subsector concerned (excluding the candidate himself/herself).

II.2.2.3. The number of nomination form subscribed by a voter must not exceed the number of members to be elected by that subsector in that election. If the voter is a corporate voter, the nomination must be made by the authorized representative of the corporate voter.

II.2.3. Who is eligible to be nominated as a candidate?

II.2.3.1. In general, a candidate must meet the following requirements¹¹⁹:

- (a) has reached 18 years of age;
- (b) is both registered and eligible to be registered for a geographical constituency (“GC”); and
- (c) he: (i) is both registered and eligible to be registered as a voter for that subsector;

¹¹⁸ According to Annex I to the Basic Law amended by the Standing Committee of the National People’s Congress and section 5I(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), if the total number of Hong Kong Special Administrative Region (“HKSAR”) deputies to the National People’s Congress (“NPC”) or HKSAR members of the National Committee of the Chinese People’s Political Consultative Conference (“CPPCC National Committee”) who are eligible to register exceeds 190, an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee who does not hold a specified office of a subsector other than the NPC and CPPCC subsector may choose to register as an EC member in other subsectors which he/she has a substantial connection. In this case, he/she will be counted in the total number of members of the corresponding subsector, and the number of seats to be returned by that subsector through election by eligible corporate or individual voters will be reduced accordingly. The Chief Electoral Officer will publish in the Gazette declaring the actual number of members to be returned by election for each subsector.

¹¹⁹ Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

or (ii) satisfies the Returning Officer for the subsector that the person has a substantial connection with the subsector.

II.2.3.2. A person is not eligible to be nominated as a candidate if the person holds a specified office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member) or is selected as a nominee by a designated body, or stands for the election in another subsector¹²⁰.

II.2.4. When a person is disqualified from being a candidate

II.2.4.1. A person is disqualified from being nominated as a candidate and from being elected as a member of the EC, if the person¹²¹:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;
- (e) without limiting paragraph (c), where the subsector election is to be held or is held within 5 years after the date of the person's conviction, is or has been convicted—
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (f) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her

¹²⁰ Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹²¹ Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

property and affairs; or

- (g) is a member of the armed forces of the People’s Republic of China or any other country or territory.

II.2.4.2. A person is also disqualified from being nominated as a candidate and from being elected as an EC member if, within the 5 years before the date of nomination¹²²:

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath¹²³; or
- (b) the person has been declared or decided in accordance with any law—
- (i) to be in breach of a specified oath¹²⁴; or
- (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region (“HKSAR”) of the People’s Republic of China.

II.2.5. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

II.2.5.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People’s Republic of China and be signed by the person, or otherwise the nomination is not valid¹²⁵.

II.2.6. Determination of the validity of nomination by the Candidate Eligibility Review Committee (“the CERC”)

II.2.6.1. The Returning Officer will forward the form to the CERC as soon as possible after receiving the nomination form. The CERC must, as soon as practicable, decide whether or not the person is validly nominated¹²⁶.

II.2.6.2. The CERC must declare the persons who are validly nominated as candidates by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

II.2.7. Polling date

¹²² Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹²³ Section 18(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China.

¹²⁴ Ditto.

¹²⁵ Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹²⁶ Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

II.2.7.1. The poll will be conducted on 19 September 2021. EC members of the subsector are to be elected by secret ballot and a voter may vote for as many candidates as the number of members to be elected by the subsector and no more.

II.2.8. Publication of Interim Register (“IR”) of members of the EC

II.2.8.1. The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the EC (members-elect) at a subsector election. The Electoral Registration Officer shall compile and publish an IR of members of the EC within 7 days after the result of the election is published.

II.2.9. Appeals against result of an election

II.2.9.1. A person claiming to be a candidate at a subsector election may appeal to a Revising Officer against the result of that election, if he/she considers the person who was declared to have been elected was ineligible to be, or was disqualified from being, a candidate at the election, or material irregularity occurred in relation to the election, or to the polling or counting of votes at the election, by lodging an appeal notice¹²⁷. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region¹²⁸.

II.2.9.2. The appeal concerned must reach the Revising Officer not later than 7 days after the date on which the Returning Officer has published in the Gazette the result of the election¹²⁹.

II.2.9.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the Final Register (“FR”). The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the person whose election is questioned, as the case may be, review any ruling made¹³⁰. In any case, the ruling concerned must be made not later than 20 days after the result of the election is published in the Gazette by the Returning Officer¹³¹.

II.2.10. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

¹²⁷ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

¹²⁸ Section 9B of the Chief Executive Election Ordinance (Cap 569).

¹²⁹ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

¹³⁰ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

¹³¹ Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).

- II.2.10.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.
- II.2.10.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).
- II.2.10.3. The FR of members of the EC will be published on 22 October 2021.

Election Committee Subsectors
First Sector—Industrial, commercial and financial sectors

Import and export Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electorates		Specified Entities
			Individuals	Bodies	
17	Election	17		✓	Corporate member of The Hong Kong Chinese Importers' and Exporters' Association and is entitled to vote at the Council of the Association ¹³²

II. Members to be returned by election

II.1. Registration of Voters

- II.1.1. This subsector is composed of corporate voters. Only specified entities listed above are eligible to be registered as a voter for this subsector.
- II.1.2. Eligible corporate voter¹³³ is required to submit a duly completed voter registration form on or before 5 July 2021.

¹³² According to section 12(20) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a corporate member of these bodies is eligible to be registered as a voter for the subsector concerned only if it has been a corporate member of that body and has been operating for the 3 years immediately before making its application for registration as a voter.

According to section 11A of the Schedule to the Chief Executive Election Ordinance (Cap 569), in which stipulates:

- (1) a reference to an entitlement to vote at a general meeting/specified authority of a body is a reference to an entitlement to vote at the general meeting/specified authority as provided by the body's constitution;
- (2) A body (first-mentioned body) is also regarded as being entitled to vote at the specified authority within another body if—
 - (i) a natural person who is entitled to vote at that authority specifies in writing to the Electoral Registration Officer that the natural person represents the first-mentioned body at that authority; and
 - (ii) that natural person has substantial connection with the first-mentioned body.
- (3) if more than one body is specified by the same natural person, only the body last so specified is regarded as being entitled to vote at that authority.

¹³³ According to section 12(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person is eligible to be registered as a voter if the person (A) is a specified entity of that subsector; and (B) where the person is a natural person, is eligible to be registered as an elector for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency.

II.1.3. According to section 13(8) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the governing authority (by whatever name called) of the corporate voter is required to appoint an eligible person as its authorized representative for the purpose of making nomination and casting its vote in the Election Committee (“EC”) Subsector Elections.

II.2. Election

II.2.1. Number of members to be elected: 17¹³⁴

II.2.2. How to nominate a candidate?

II.2.2.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the number of members to be elected by each subsector, the nomination period and the details of submitting a nomination form.

II.2.2.2. Each candidate must submit a nomination form to the Returning Officer and must be nominated by at least 5 voters registered for the subsector concerned (excluding the candidate himself/herself).

II.2.2.3. The number of nomination form subscribed by a voter must not exceed the number of members to be elected by that subsector in that election. If the voter is a corporate voter, the nomination must be made by the authorized representative of the corporate voter.

II.2.3. Who is eligible to be nominated as a candidate?

II.2.3.1. In general, a candidate must meet the following requirements¹³⁵:

- (a) has reached 18 years of age;
- (b) is both registered and eligible to be registered for a geographical constituency (“GC”); and
- (c) he: (i) is both registered and eligible to be registered as a voter for that subsector;

¹³⁴ According to Annex I to the Basic Law amended by the Standing Committee of the National People’s Congress and section 5I(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), if the total number of Hong Kong Special Administrative Region (“HKSAR”) deputies to the National People’s Congress (“NPC”) or HKSAR members of the National Committee of the Chinese People’s Political Consultative Conference (“CPPCC National Committee”) who are eligible to register exceeds 190, an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee who does not hold a specified office of a subsector other than the NPC and CPPCC subsector may choose to register as an EC member in other subsectors which he/she has a substantial connection. In this case, he/she will be counted in the total number of members of the corresponding subsector, and the number of seats to be returned by that subsector through election by eligible corporate or individual voters will be reduced accordingly. The Chief Electoral Officer will publish in the Gazette declaring the actual number of members to be returned by election for each subsector.

¹³⁵ Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

or (ii) satisfies the Returning Officer for the subsector that the person has a substantial connection with the subsector.

II.2.3.2. A person is not eligible to be nominated as a candidate if the person holds a specified office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member) or is selected as a nominee by a designated body, or stands for the election in another subsector¹³⁶.

II.2.4. When a person is disqualified from being a candidate

II.2.4.1. A person is disqualified from being nominated as a candidate and from being elected as a member of the EC, if the person¹³⁷:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;
- (e) without limiting paragraph (c), where the subsector election is to be held or is held within 5 years after the date of the person's conviction, is or has been convicted—
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (f) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her

¹³⁶ Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹³⁷ Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

property and affairs; or

- (g) is a member of the armed forces of the People's Republic of China or any other country or territory.

II.2.4.2. A person is also disqualified from being nominated as a candidate and from being elected as an EC member if, within the 5 years before the date of nomination¹³⁸:

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath¹³⁹; or
- (b) the person has been declared or decided in accordance with any law—
- (i) to be in breach of a specified oath¹⁴⁰; or
- (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region (“HKSAR”) of the People's Republic of China.

II.2.5. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

II.2.5.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People's Republic of China and be signed by the person, or otherwise the nomination is not valid¹⁴¹.

II.2.6. Determination of the validity of nomination by the Candidate Eligibility Review Committee (“the CERC”)

II.2.6.1. The Returning Officer will forward the form to the CERC as soon as possible after receiving the nomination form. The CERC must, as soon as practicable, decide whether or not the person is validly nominated¹⁴².

II.2.6.2. The CERC must declare the persons who are validly nominated as candidates by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

II.2.7. Polling date

¹³⁸ Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹³⁹ Section 18(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.

¹⁴⁰ Ditto.

¹⁴¹ Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁴² Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

II.2.7.1. The poll will be conducted on 19 September 2021. EC members of the subsector are to be elected by secret ballot and a voter may vote for as many candidates as the number of members to be elected by the subsector and no more.

II.2.8. Publication of Interim Register (“IR”) of members of the EC

II.2.8.1. The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the EC (members-elect) at a subsector election. The Electoral Registration Officer shall compile and publish an IR of members of the EC within 7 days after the result of the election is published.

II.2.9. Appeals against result of an election

II.2.9.1. A person claiming to be a candidate at a subsector election may appeal to a Revising Officer against the result of that election, if he/she considers the person who was declared to have been elected was ineligible to be, or was disqualified from being, a candidate at the election, or material irregularity occurred in relation to the election, or to the polling or counting of votes at the election, by lodging an appeal notice¹⁴³. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region¹⁴⁴.

II.2.9.2. The appeal concerned must reach the Revising Officer not later than 7 days after the date on which the Returning Officer has published in the Gazette the result of the election¹⁴⁵.

II.2.9.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the Final Register (“FR”). The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the person whose election is questioned, as the case may be, review any ruling made¹⁴⁶. In any case, the ruling concerned must be made not later than 20 days after the result of the election is published in the Gazette by the Returning Officer¹⁴⁷.

II.2.10. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

¹⁴³ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

¹⁴⁴ Section 9B of the Chief Executive Election Ordinance (Cap 569).

¹⁴⁵ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

¹⁴⁶ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

¹⁴⁷ Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).

- II.2.10.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.
- II.2.10.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).
- II.2.10.3. The FR of members of the EC will be published on 22 October 2021.

Election Committee Subsectors
First Sector—Industrial, commercial and financial sectors

Industrial (first) Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electoralates		Specified Entities
			Individuals	Bodies	
17	Election	17		✓	Corporate member of the Federation of Hong Kong Industries and is entitled to vote at the General Committee of the Federation ¹⁴⁸

II. Members to be returned by election

II.1. Registration of Voters

II.1.1. This subsector is composed of corporate voters. Only specified entities listed above are eligible to be registered as a voter for this subsector.

II.1.2. Eligible corporate voter¹⁴⁹ is required to submit a duly completed voter registration form on or before 5 July 2021.

II.1.3. According to section 13(8) of the Schedule to the Chief Executive Election Ordinance

¹⁴⁸ According to section 12(20) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a corporate member of these bodies is eligible to be registered as a voter for the subsector concerned only if it has been a corporate member of that body and has been operating for the 3 years immediately before making its application for registration as a voter.

According to section 11A of the Schedule to the Chief Executive Election Ordinance (Cap 569), in which stipulates:

- (1) a reference to an entitlement to vote at a general meeting/specified authority of a body is a reference to an entitlement to vote at the general meeting/specified authority as provided by the body's constitution;
- (2) In relation to a subsector, a body (first-mentioned body) is also regarded as being entitled to vote at the specified authority within another body if—
 - (i) a natural person who is entitled to vote at that authority specifies in writing to the Electoral Registration Officer that the natural person represents the first-mentioned body at that authority; and
 - (ii) that natural person has substantial connection with the first-mentioned body;
- (3) if more than one body is specified by the same natural person, only the body last so specified is regarded as being entitled to vote at that authority.

¹⁴⁹ According to section 12(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person is eligible to be registered as a voter if the person (A) is a specified entity of that subsector; and (B) where the person is a natural person, is eligible to be registered as an elector for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency.

(Cap 569), the governing authority (by whatever name called) of the corporate voter is required to appoint an eligible person as its authorized representative for the purpose of making nomination and casting its vote in the Election Committee (“EC”) Subsector Elections.

II.2. Election

II.2.1. Number of members to be elected: 17¹⁵⁰

II.2.2. How to nominate a candidate?

II.2.2.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the number of members to be elected by each subsector, the nomination period and the details of submitting a nomination form.

II.2.2.2. Each candidate must submit a nomination form to the Returning Officer and must be nominated by at least 5 voters registered for the subsector concerned (excluding the candidate himself/herself).

II.2.2.3. The number of nomination form subscribed by a voter must not exceed the number of members to be elected by that subsector in that election. If the voter is a corporate voter, the nomination must be made by the authorized representative of the corporate voter.

II.2.3. Who is eligible to be nominated as a candidate?

II.2.3.1. In general, a candidate must meet the following requirements¹⁵¹:

- (a) has reached 18 years of age;
- (b) is both registered and eligible to be registered for a geographical constituency (“GC”); and
- (c) he: (i) is both registered and eligible to be registered as a voter for that subsector; or (ii) satisfies the Returning Officer for the subsector that the person has a

¹⁵⁰ According to Annex I to the Basic Law amended by the Standing Committee of the National People’s Congress and section 5I(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), if the total number of Hong Kong Special Administrative Region (“HKSAR”) deputies to the National People’s Congress (“NPC”) or HKSAR members of the National Committee of the Chinese People’s Political Consultative Conference (“CPPCC National Committee”) who are eligible to register exceeds 190, an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee who does not hold a specified office of a subsector other than the NPC and CPPCC subsector may choose to register as an EC member in other subsectors which he/she has a substantial connection. In this case, he/she will be counted in the total number of members of the corresponding subsector, and the number of seats to be returned by that subsector through election by eligible corporate or individual voters will be reduced accordingly. The Chief Electoral Officer will publish in the Gazette declaring the actual number of members to be returned by election for each subsector.

¹⁵¹ Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

substantial connection with the subsector.

II.2.3.2. A person is not eligible to be nominated as a candidate if the person holds a specified office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member) or is selected as a nominee by a designated body, or stands for the election in another subsector¹⁵².

II.2.4. When a person is disqualified from being a candidate

II.2.4.1. A person is disqualified from being nominated as a candidate and from being elected as a member of the EC, if the person¹⁵³:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;
- (e) without limiting paragraph (c), where the subsector election is to be held or is held within 5 years after the date of the person's conviction, is or has been convicted—
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (f) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her property and affairs; or

¹⁵² Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁵³ Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

(g) is a member of the armed forces of the People's Republic of China or any other country or territory.

II.2.4.2. A person is also disqualified from being nominated as a candidate and from being elected as an EC member if, within the 5 years before the date of nomination¹⁵⁴:

(a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath¹⁵⁵; or

(b) the person has been declared or decided in accordance with any law—

(i) to be in breach of a specified oath¹⁵⁶; or

(ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region (“HKSAR”) of the People's Republic of China.

II.2.5. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

II.2.5.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People's Republic of China and be signed by the person, or otherwise the nomination is not valid¹⁵⁷.

II.2.6. Determination of the validity of nomination by the Candidate Eligibility Review Committee (“the CERC”)

II.2.6.1. The Returning Officer will forward the form to the CERC as soon as possible after receiving the nomination form. The CERC must, as soon as practicable, decide whether or not the person is validly nominated¹⁵⁸.

II.2.6.2. The CERC must declare the persons who are validly nominated as candidates by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

II.2.7. Polling date

II.2.7.1. The poll will be conducted on 19 September 2021. EC members of the subsector are to be elected by secret ballot and a voter may vote for as many candidates as the

¹⁵⁴ Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁵⁵ Section 18(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.

¹⁵⁶ Ditto.

¹⁵⁷ Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁵⁸ Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

number of members to be elected by the subsector and no more.

II.2.8. Publication of Interim Register (“IR”) of members of the EC

II.2.8.1. The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the EC (members-elect) at a subsector election. The Electoral Registration Officer shall compile and publish an IR of members of the EC within 7 days after the result of the election is published.

II.2.9. Appeals against result of an election

II.2.9.1. A person claiming to be a candidate at a subsector election may appeal to a Revising Officer against the result of that election, if he/she considers the person who was declared to have been elected was ineligible to be, or was disqualified from being, a candidate at the election, or material irregularity occurred in relation to the election, or to the polling or counting of votes at the election, by lodging an appeal notice¹⁵⁹. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region¹⁶⁰.

II.2.9.2. The appeal concerned must reach the Revising Officer not later than 7 days after the date on which the Returning Officer has published in the Gazette the result of the election¹⁶¹.

II.2.9.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the Final Register (“FR”). The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the person whose election is questioned, as the case may be, review any ruling made¹⁶². In any case, the ruling concerned must be made not later than 20 days after the result of the election is published in the Gazette by the Returning Officer¹⁶³.

¹⁵⁹ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

¹⁶⁰ Section 9B of the Chief Executive Election Ordinance (Cap 569).

¹⁶¹ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

¹⁶² Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

¹⁶³ Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).

II.2.10. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

II.2.10.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

II.2.10.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

II.2.10.3. The FR of members of the EC will be published on 22 October 2021.

Election Committee Subsectors
First Sector—Industrial, commercial and financial sectors

Industrial (second) Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electorates		Specified Entities
			Individuals	Bodies	
17	Election	17		✓	Corporate member of The Chinese Manufacturers' Association of Hong Kong and is entitled to vote at the General Committee of the Association ¹⁶⁴

II. Members to be returned by election

II.1. Registration of Voters

- II.1.1. This subsector is composed of corporate voters. Only specified entities listed above are eligible to be registered as a voter for this subsector.
- II.1.2. Eligible corporate voter¹⁶⁵ is required to submit a duly completed voter registration form on or before 5 July 2021.

¹⁶⁴ According to section 12(20) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a corporate member of these bodies is eligible to be registered as a voter for the subsector concerned only if it has been a corporate member of that body and has been operating for the 3 years immediately before making its application for registration as a voter.

According to section 11A of the Schedule to the Chief Executive Election Ordinance (Cap 569), in which stipulates:

- (1) a reference to an entitlement to vote at a general meeting/specified authority of a body is a reference to an entitlement to vote at the general meeting/specified authority as provided by the body's constitution;
- (2) In relation to a subsector, a body (first-mentioned body) is also regarded as being entitled to vote at the specified authority within another body if—
 - (i) a natural person who is entitled to vote at that authority specifies in writing to the Electoral Registration Officer that the natural person represents the first-mentioned body at that authority; and
 - (ii) that natural person has substantial connection with the first-mentioned body;
- (3) if more than one body is specified by the same natural person, only the body last so specified is regarded as being entitled to vote at that authority.

¹⁶⁵ According to section 12(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person is eligible to be registered as a voter if the person (A) is a specified entity of that subsector; and (B) where the person is a natural person, is eligible to be registered as an elector for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency.

II.1.3. According to section 13(8) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the governing authority (by whatever name called) of the corporate voter is required to appoint an eligible person as its authorized representative for the purpose of making nomination and casting its vote in the Election Committee (“EC”) Subsector Elections.

II.2. Election

II.2.1. Number of members to be elected: 17¹⁶⁶

II.2.2. How to nominate a candidate?

II.2.2.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the number of members to be elected by each subsector, the nomination period and the details of submitting a nomination form.

II.2.2.2. Each candidate must submit a nomination form to the Returning Officer and must be nominated by at least 5 voters registered for the subsector concerned (excluding the candidate himself/herself).

II.2.2.3. The number of nomination form subscribed by a voter must not exceed the number of members to be elected by that subsector in that election. If the voter is a corporate voter, the nomination must be made by the authorized representative of the corporate voter.

II.2.3. Who is eligible to be nominated as a candidate?

II.2.3.1. In general, a candidate must meet the following requirements¹⁶⁷:

- (a) has reached 18 years of age;
- (b) is both registered and eligible to be registered for a geographical constituency (“GC”); and
- (c) he: (i) is both registered and eligible to be registered as a voter for that subsector;

¹⁶⁶ According to Annex I to the Basic Law amended by the Standing Committee of the National People’s Congress and section 5I(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), if the total number of Hong Kong Special Administrative Region (“HKSAR”) deputies to the National People’s Congress (“NPC”) or HKSAR members of the National Committee of the Chinese People’s Political Consultative Conference (“CPPCC National Committee”) who are eligible to register exceeds 190, an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee who does not hold a specified office of a subsector other than the NPC and CPPCC subsector may choose to register as an EC member in other subsectors which he/she has a substantial connection. In this case, he/she will be counted in the total number of members of the corresponding subsector, and the number of seats to be returned by that subsector through election by eligible corporate or individual voters will be reduced accordingly. The Chief Electoral Officer will publish in the Gazette declaring the actual number of members to be returned by election for each subsector.

¹⁶⁷ Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

or (ii) satisfies the Returning Officer for the subsector that the person has a substantial connection with the subsector.

II.2.3.2. A person is not eligible to be nominated as a candidate if the person holds a specified office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member) or is selected as a nominee by a designated body, or stands for the election in another subsector¹⁶⁸.

II.2.4. When a person is disqualified from being a candidate

II.2.4.1. A person is disqualified from being nominated as a candidate and from being elected as a member of the EC, if the person¹⁶⁹:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;
- (e) without limiting paragraph (c), where the subsector election is to be held or is held within 5 years after the date of the person's conviction, is or has been convicted—
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (f) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her

¹⁶⁸ Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁶⁹ Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

property and affairs; or

- (g) is a member of the armed forces of the People’s Republic of China or any other country or territory.

II.2.4.2. A person is also disqualified from being nominated as a candidate and from being elected as an EC member if, within the 5 years before the date of nomination¹⁷⁰:

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath¹⁷¹; or
- (b) the person has been declared or decided in accordance with any law—
- (i) to be in breach of a specified oath¹⁷²; or
- (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region (“HKSAR”) of the People’s Republic of China.

II.2.5. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

II.2.5.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People’s Republic of China and be signed by the person, or otherwise the nomination is not valid¹⁷³.

II.2.6. Determination of the validity of nomination by the Candidate Eligibility Review Committee (“the CERC”)

II.2.6.1. The Returning Officer will forward the form to the CERC as soon as possible after receiving the nomination form. The CERC must, as soon as practicable, decide whether or not the person is validly nominated¹⁷⁴.

II.2.6.2. The CERC must declare the persons who are validly nominated as candidates by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

¹⁷⁰ Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁷¹ Section 18(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China.

¹⁷² Ditto.

¹⁷³ Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁷⁴ Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

II.2.7. Polling date

II.2.7.1. The poll will be conducted on 19 September 2021. EC members of the subsector are to be elected by secret ballot and a voter may vote for as many candidates as the number of members to be elected by the subsector and no more.

II.2.8. Publication of Interim Register (“IR”) of members of the EC

II.2.8.1. The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the EC (members-elect) at a subsector election. The Electoral Registration Officer shall compile and publish an IR of members of the EC within 7 days after the result of the election is published.

II.2.9. Appeals against result of an election

II.2.9.1. A person claiming to be a candidate at a subsector election may appeal to a Revising Officer against the result of that election, if he/she considers the person who was declared to have been elected was ineligible to be, or was disqualified from being, a candidate at the election, or material irregularity occurred in relation to the election, or to the polling or counting of votes at the election, by lodging an appeal notice¹⁷⁵. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region¹⁷⁶.

II.2.9.2. The appeal concerned must reach the Revising Officer not later than 7 days after the date on which the Returning Officer has published in the Gazette the result of the election¹⁷⁷.

II.2.9.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the Final Register (“FR”). The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the person whose election is questioned, as the case may be, review any ruling made¹⁷⁸. In any case, the ruling concerned must be made not later than 20 days after the result of the election is published in the Gazette by the Returning Officer¹⁷⁹.

¹⁷⁵ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

¹⁷⁶ Section 9B of the Chief Executive Election Ordinance (Cap 569).

¹⁷⁷ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

¹⁷⁸ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

¹⁷⁹ Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).

II.2.10. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

II.2.10.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

II.2.10.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

II.2.10.3. The FR of members of the EC will be published on 22 October 2021.

Election Committee Subsectors
First Sector—Industrial, commercial and financial sectors

Insurance Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electorates		Specified Entities
			Individuals	Bodies	
17	Election	17		✓	Insurers authorized or deemed to be authorized under the Insurance Ordinance (Cap 41) ¹⁸⁰

II. Members to be returned by election

II.1. Registration of Voters

- II.1.1. This subsector is composed of corporate voters. Only specified entities listed above are eligible to be registered as a voter for this subsector.
- II.1.2. Eligible corporate voter¹⁸¹ is required to submit a duly completed voter registration form on or before 5 July 2021.
- II.1.3. According to section 13(8) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the governing authority (by whatever name called) of the corporate voter is required to appoint an eligible person as its authorized representative for the purpose of making nomination and casting its vote in the Election Committee (“EC”) Subsector Elections.

¹⁸⁰ According to section 12(19A) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the specified entity of the subsector concerned is eligible to be registered as a corporate voter for that subsector only if it has been operating as such a specified entity for the 3 years immediately before making its application for registration as a voter.

¹⁸¹ According to section 12(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person is eligible to be registered as a voter if the person (A) is a specified entity of that subsector; and (B) where the person is a natural person, is eligible to be registered as an elector for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency.

II.2. Election

II.2.1. Number of members to be elected: 17¹⁸²

II.2.2. How to nominate a candidate?

II.2.2.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the number of members to be elected by each subsector, the nomination period and the details of submitting a nomination form.

II.2.2.2. Each candidate must submit a nomination form to the Returning Officer and must be nominated by at least 5 voters registered for the subsector concerned (excluding the candidate himself/herself).

II.2.2.3. The number of nomination form subscribed by a voter must not exceed the number of members to be elected by that subsector in that election. If the voter is a corporate voter, the nomination must be made by the authorized representative of the corporate voter.

II.2.3. Who is eligible to be nominated as a candidate?

II.2.3.1. In general, a candidate must meet the following requirements¹⁸³:

- (a) has reached 18 years of age;
- (b) is both registered and eligible to be registered for a geographical constituency (“GC”); and
- (c) he: (i) is both registered and eligible to be registered as a voter for that subsector; or (ii) satisfies the Returning Officer for the subsector that the person has a substantial connection with the subsector.

II.2.3.2. A person is not eligible to be nominated as a candidate if the person holds a specified office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member) or is

¹⁸² According to Annex I to the Basic Law amended by the Standing Committee of the National People’s Congress and section 5I(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), if the total number of Hong Kong Special Administrative Region (“HKSAR”) deputies to the National People’s Congress (“NPC”) or HKSAR members of the National Committee of the Chinese People’s Political Consultative Conference (“CPPCC National Committee”) who are eligible to register exceeds 190, an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee who does not hold a specified office of a subsector other than the NPC and CPPCC subsector may choose to register as an EC member in other subsectors which he/she has a substantial connection. In this case, he/she will be counted in the total number of members of the corresponding subsector, and the number of seats to be returned by that subsector through election by eligible corporate or individual voters will be reduced accordingly. The Chief Electoral Officer will publish in the Gazette declaring the actual number of members to be returned by election for each subsector.

¹⁸³ Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

selected as a nominee by a designated body, or stands for the election in another subsector¹⁸⁴.

II.2.4. When a person is disqualified from being a candidate

II.2.4.1. A person is disqualified from being nominated as a candidate and from being elected as a member of the EC, if the person¹⁸⁵:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;
- (e) without limiting paragraph (c), where the subsector election is to be held or is held within 5 years after the date of the person's conviction, is or has been convicted—
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (f) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her property and affairs; or
- (g) is a member of the armed forces of the People's Republic of China or any other country or territory.

II.2.4.2. A person is also disqualified from being nominated as a candidate and from being elected as an EC member if, within the 5 years before the date of nomination¹⁸⁶:

¹⁸⁴ Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁸⁵ Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁸⁶ Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath¹⁸⁷; or
- (b) the person has been declared or decided in accordance with any law—
 - (i) to be in breach of a specified oath¹⁸⁸; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region (“HKSAR”) of the People’s Republic of China.

II.2.5. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

- II.2.5.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People’s Republic of China and be signed by the person, or otherwise the nomination is not valid¹⁸⁹.

II.2.6. Determination of the validity of nomination by the Candidate Eligibility Review Committee (“the CERC”)

- II.2.6.1. The Returning Officer will forward the form to the CERC as soon as possible after receiving the nomination form. The CERC must, as soon as practicable, decide whether or not the person is validly nominated¹⁹⁰.
- II.2.6.2. The CERC must declare the persons who are validly nominated as candidates by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

II.2.7. Polling date

- II.2.7.1. The poll will be conducted on 19 September 2021. EC members of the subsector are to be elected by secret ballot and a voter may vote for as many candidates as the number of members to be elected by the subsector and no more.

II.2.8. Publication of Interim Register (“IR”) of members of the EC

- II.2.8.1. The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the EC (members-elect) at a subsector election. The Electoral Registration Officer shall compile and publish an IR of members of the EC

¹⁸⁷ Section 18(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China.

¹⁸⁸ Ditto.

¹⁸⁹ Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁹⁰ Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

within 7 days after the result of the election is published.

II.2.9. Appeals against result of an election

II.2.9.1. A person claiming to be a candidate at a subsector election may appeal to a Revising Officer against the result of that election, if he/she considers the person who was declared to have been elected was ineligible to be, or was disqualified from being, a candidate at the election, or material irregularity occurred in relation to the election, or to the polling or counting of votes at the election, by lodging an appeal notice¹⁹¹. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region¹⁹².

II.2.9.2. The appeal concerned must reach the Revising Officer not later than 7 days after the date on which the Returning Officer has published in the Gazette the result of the election¹⁹³.

II.2.9.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the Final Register (“FR”). The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the person whose election is questioned, as the case may be, review any ruling made¹⁹⁴. In any case, the ruling concerned must be made not later than 20 days after the result of the election is published in the Gazette by the Returning Officer¹⁹⁵.

II.2.10. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

II.2.10.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

II.2.10.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

II.2.10.3. The FR of members of the EC will be published on 22 October 2021.

¹⁹¹ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

¹⁹² Section 9B of the Chief Executive Election Ordinance (Cap 569).

¹⁹³ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

¹⁹⁴ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

¹⁹⁵ Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).

Election Committee Subsectors
First Sector—Industrial, commercial and financial sectors

Real estate and construction Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electorates		Specified Entities
			Individuals	Bodies	
17	Election	17		✓	(a) Corporate member of The Real Estate Developers Association of Hong Kong and is entitled to vote at the Board of Directors or executive committee of the Association ¹⁹⁶ ; (b) corporate member of The Hong Kong Construction Association, Limited and is entitled to vote at the Council of the company ¹⁹⁷ ; or (c) corporate member of The Hong Kong E&M Contractors' Association Limited and is entitled to vote at the Council of the company ¹⁹⁸

¹⁹⁶ According to section 12(20) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a corporate member of these bodies is eligible to be registered as a voter for the subsector concerned only if it has been a corporate member of that body and has been operating for the 3 years immediately before making its application for registration as a voter.

According to section 11A of the Schedule to the Chief Executive Election Ordinance (Cap 569), in which stipulates:

- (1) a reference to an entitlement to vote at a general meeting/specified authority of a body is a reference to an entitlement to vote at the general meeting/specified authority as provided by the body's constitution;
- (2) A body (first-mentioned body) is also regarded as being entitled to vote at the specified authority within another body if—
 - (i) a natural person who is entitled to vote at that authority specifies in writing to the Electoral Registration Officer that the natural person represents the first-mentioned body at that authority; and
 - (ii) that natural person has substantial connection with the first-mentioned body.
- (3) if more than one body is specified by the same natural person, only the body last so specified is regarded as being entitled to vote at that authority.

¹⁹⁷ Ditto.

¹⁹⁸ Ditto.

II. Members to be returned by election**II.1. Registration of Voters**

- II.1.1. This subsector is composed of corporate voters. Only specified entities listed above are eligible to be registered as a voter for this subsector.
- II.1.2. Eligible corporate voter¹⁹⁹ is required to submit a duly completed voter registration form on or before 5 July 2021.
- II.1.3. According to section 13(8) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the governing authority (by whatever name called) of the corporate voter is required to appoint an eligible person as its authorized representative for the purpose of making nomination and casting its vote in the Election Committee (“EC”) Subsector Elections.

II.2. Election**II.2.1. Number of members to be elected: 17²⁰⁰****II.2.2. How to nominate a candidate?**

- II.2.2.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the number of members to be elected by each subsector, the nomination period and the details of submitting a nomination form.
- II.2.2.2. Each candidate must submit a nomination form to the Returning Officer and must be nominated by at least 5 voters registered for the subsector concerned (excluding the candidate himself/herself).
- II.2.2.3. The number of nomination form subscribed by a voter must not exceed the number

¹⁹⁹ According to section 12(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person is eligible to be registered as a voter if the person (A) is a specified entity of that subsector; and (B) where the person is a natural person, is eligible to be registered as an elector for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency.

²⁰⁰ According to Annex I to the Basic Law amended by the Standing Committee of the National People’s Congress and section 5I(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), if the total number of Hong Kong Special Administrative Region (“HKSAR”) deputies to the National People’s Congress (“NPC”) or HKSAR members of the National Committee of the Chinese People’s Political Consultative Conference (“CPPCC National Committee”) who are eligible to register exceeds 190, an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee who does not hold a specified office of a subsector other than the NPC and CPPCC subsector may choose to register as an EC member in other subsectors which he/she has a substantial connection. In this case, he/she will be counted in the total number of members of the corresponding subsector, and the number of seats to be returned by that subsector through election by eligible corporate or individual voters will be reduced accordingly. The Chief Electoral Officer will publish in the Gazette declaring the actual number of members to be returned by election for each subsector.

of members to be elected by that subsector in that election. If the voter is a corporate voter, the nomination must be made by the authorized representative of the corporate voter.

II.2.3. Who is eligible to be nominated as a candidate?

II.2.3.1. In general, a candidate must meet the following requirements²⁰¹:

- (a) has reached 18 years of age;
- (b) is both registered and eligible to be registered for a geographical constituency (“GC”); and
- (c) he: (i) is both registered and eligible to be registered as a voter for that subsector; or (ii) satisfies the Returning Officer for the subsector that the person has a substantial connection with the subsector.

II.2.3.2. A person is not eligible to be nominated as a candidate if the person holds a specified office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member) or is selected as a nominee by a designated body, or stands for the election in another subsector²⁰².

II.2.4. When a person is disqualified from being a candidate

II.2.4.1. A person is disqualified from being nominated as a candidate and from being elected as a member of the EC, if the person²⁰³:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;

²⁰¹ Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁰² Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁰³ Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

- (e) without limiting paragraph (c), where the subsector election is to be held or is held within 5 years after the date of the person's conviction, is or has been convicted—
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
 - (f) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her property and affairs; or
 - (g) is a member of the armed forces of the People's Republic of China or any other country or territory.
- II.2.4.2. A person is also disqualified from being nominated as a candidate and from being elected as an EC member if, within the 5 years before the date of nomination²⁰⁴:
- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath²⁰⁵; or
 - (b) the person has been declared or decided in accordance with any law—
 - (i) to be in breach of a specified oath²⁰⁶; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region ("HKSAR") of the People's Republic of China.

II.2.5. Declaration of "Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region"

- II.2.5.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People's Republic of China and be signed by the person, or otherwise the nomination is not valid²⁰⁷.

²⁰⁴ Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁰⁵ Section 18(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.

²⁰⁶ Ditto.

²⁰⁷ Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

II.2.6. Determination of the validity of nomination by the Candidate Eligibility Review Committee (“the CERC”)

- II.2.6.1. The Returning Officer will forward the form to the CERC as soon as possible after receiving the nomination form. The CERC must, as soon as practicable, decide whether or not the person is validly nominated²⁰⁸.
- II.2.6.2. The CERC must declare the persons who are validly nominated as candidates by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

II.2.7. Polling date

- II.2.7.1. The poll will be conducted on 19 September 2021. EC members of the subsector are to be elected by secret ballot and a voter may vote for as many candidates as the number of members to be elected by the subsector and no more.

II.2.8. Publication of Interim Register (“IR”) of members of the EC

- II.2.8.1. The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the EC (members-elect) at a subsector election. The Electoral Registration Officer shall compile and publish an IR of members of the EC within 7 days after the result of the election is published.

II.2.9. Appeals against result of an election

- II.2.9.1. A person claiming to be a candidate at a subsector election may appeal to a Revising Officer against the result of that election, if he/she considers the person who was declared to have been elected was ineligible to be, or was disqualified from being, a candidate at the election, or material irregularity occurred in relation to the election, or to the polling or counting of votes at the election, by lodging an appeal notice²⁰⁹. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region²¹⁰.
- II.2.9.2. The appeal concerned must reach the Revising Officer not later than 7 days after the date on which the Returning Officer has published in the Gazette the result of the election²¹¹.

²⁰⁸ Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁰⁹ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

²¹⁰ Section 9B of the Chief Executive Election Ordinance (Cap 569).

²¹¹ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

II.2.9.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the Final Register (“FR”). The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the person whose election is questioned, as the case may be, review any ruling made²¹². In any case, the ruling concerned must be made not later than 20 days after the result of the election is published in the Gazette by the Returning Officer²¹³.

II.2.10. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

II.2.10.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

II.2.10.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

II.2.10.3. The FR of members of the EC will be published on 22 October 2021.

²¹² Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

²¹³ Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).

Election Committee Subsectors
First Sector—Industrial, commercial and financial sectors

Small and medium enterprises Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electorates		Specified Entities
			Individuals	Bodies	
15	Election	15		✓	(a) Corporate member of Hong Kong Commerce and Industry Associations Limited and is entitled to vote at the Board of the company ²¹⁴ ; (b) corporate member of The Hong Kong General Chamber of Small and Medium Business Limited and is entitled to vote at the General Committee of the company ²¹⁵ ; or (c) corporate member of Hong Kong Small and Medium Enterprises Association Limited and is entitled to vote at the Council of the company ²¹⁶

²¹⁴ According to section 12(20) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a corporate member of these bodies is eligible to be registered as a voter for the subsector concerned only if it has been a corporate member of that body and has been operating for the 3 years immediately before making its application for registration as a voter.

According to section 11A of the Schedule to the Chief Executive Election Ordinance (Cap 569), in which stipulates:

- (1) a reference to an entitlement to vote at a general meeting/specified authority of a body is a reference to an entitlement to vote at the general meeting/specified authority as provided by the body's constitution;
- (2) A body (first-mentioned body) is also regarded as being entitled to vote at the specified authority within another body if—
 - (i) a natural person who is entitled to vote at that authority specifies in writing to the Electoral Registration Officer that the natural person represents the first-mentioned body at that authority; and
 - (ii) that natural person has substantial connection with the first-mentioned body.
- (3) if more than one body is specified by the same natural person, only the body last so specified is regarded as being entitled to vote at that authority.

²¹⁵ Ditto.

²¹⁶ Ditto.

II. Members to be returned by election

II.1. Registration of Voters

- II.1.1. This subsector is composed of corporate voters. Only specified entities listed above are eligible to be registered as a voter for this subsector.
- II.1.2. Eligible corporate voter²¹⁷ is required to submit a duly completed voter registration form on or before 5 July 2021.
- II.1.3. According to section 13(8) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the governing authority (by whatever name called) of the corporate voter is required to appoint an eligible person as its authorized representative for the purpose of making nomination and casting its vote in the Election Committee (“EC”) Subsector Elections.

II.2. Election

II.2.1. Number of members to be elected: 15²¹⁸

II.2.2. How to nominate a candidate?

- II.2.2.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the number of members to be elected by each subsector, the nomination period and the details of submitting a nomination form.
- II.2.2.2. Each candidate must submit a nomination form to the Returning Officer and must be nominated by at least 5 voters registered for the subsector concerned (excluding the candidate himself/herself).
- II.2.2.3. The number of nomination form subscribed by a voter must not exceed the number of members to be elected by that subsector in that election. If the voter is a corporate

²¹⁷ According to section 12(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person is eligible to be registered as a voter if the person (A) is a specified entity of that subsector; and (B) where the person is a natural person, is eligible to be registered as an elector for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency.

²¹⁸ According to Annex I to the Basic Law amended by the Standing Committee of the National People’s Congress and section 5I(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), if the total number of Hong Kong Special Administrative Region (“HKSAR”) deputies to the National People’s Congress (“NPC”) or HKSAR members of the National Committee of the Chinese People’s Political Consultative Conference (“CPPCC National Committee”) who are eligible to register exceeds 190, an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee who does not hold a specified office of a subsector other than the NPC and CPPCC subsector may choose to register as an EC member in other subsectors which he/she has a substantial connection. In this case, he/she will be counted in the total number of members of the corresponding subsector, and the number of seats to be returned by that subsector through election by eligible corporate or individual voters will be reduced accordingly. The Chief Electoral Officer will publish in the Gazette declaring the actual number of members to be returned by election for each subsector.

voter, the nomination must be made by the authorized representative of the corporate voter.

II.2.3. Who is eligible to be nominated as a candidate?

II.2.3.1. In general, a candidate must meet the following requirements²¹⁹:

- (a) has reached 18 years of age;
- (b) is both registered and eligible to be registered for a geographical constituency (“GC”); and
- (c) he: (i) is both registered and eligible to be registered as a voter for that subsector; or (ii) satisfies the Returning Officer for the subsector that the person has a substantial connection with the subsector.

II.2.3.2. A person is not eligible to be nominated as a candidate if the person holds a specified office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member) or is selected as a nominee by a designated body, or stands for the election in another subsector²²⁰.

II.2.4. When a person is disqualified from being a candidate

II.2.4.1. A person is disqualified from being nominated as a candidate and from being elected as a member of the EC, if the person²²¹:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;
- (e) without limiting paragraph (c), where the subsector election is to be held or is

²¹⁹ Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²²⁰ Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²²¹ Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

held within 5 years after the date of the person's conviction, is or has been convicted—

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

II.2.4.2. A person is also disqualified from being nominated as a candidate and from being elected as an EC member if, within the 5 years before the date of nomination²²²:

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath²²³; or
- (b) the person has been declared or decided in accordance with any law—
 - (i) to be in breach of a specified oath²²⁴; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region ("HKSAR") of the People's Republic of China.

II.2.5. Declaration of "Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region"

II.2.5.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People's Republic of China and be signed by the person, or otherwise the nomination is not valid²²⁵.

²²² Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²²³ Section 18(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.

²²⁴ Ditto.

²²⁵ Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

II.2.6. Determination of the validity of nomination by the Candidate Eligibility Review Committee (“the CERC”)

- II.2.6.1. The Returning Officer will forward the form to the CERC as soon as possible after receiving the nomination form. The CERC must, as soon as practicable, decide whether or not the person is validly nominated²²⁶.
- II.2.6.2. The CERC must declare the persons who are validly nominated as candidates by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

II.2.7. Polling date

- II.2.7.1. The poll will be conducted on 19 September 2021. EC members of the subsector are to be elected by secret ballot and a voter may vote for as many candidates as the number of members to be elected by the subsector and no more.

II.2.8. Publication of Interim Register (“IR”) of members of the EC

- II.2.8.1. The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the EC (members-elect) at a subsector election. The Electoral Registration Officer shall compile and publish an IR of members of the EC within 7 days after the result of the election is published.

II.2.9. Appeals against result of an election

- II.2.9.1. A person claiming to be a candidate at a subsector election may appeal to a Revising Officer against the result of that election, if he/she considers the person who was declared to have been elected was ineligible to be, or was disqualified from being, a candidate at the election, or material irregularity occurred in relation to the election, or to the polling or counting of votes at the election, by lodging an appeal notice²²⁷. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region²²⁸.
- II.2.9.2. The appeal concerned must reach the Revising Officer not later than 7 days after the date on which the Returning Officer has published in the Gazette the result of the election²²⁹.

²²⁶ Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²²⁷ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

²²⁸ Section 9B of the Chief Executive Election Ordinance (Cap 569).

²²⁹ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

II.2.9.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the Final Register (“FR”). The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the person whose election is questioned, as the case may be, review any ruling made²³⁰. In any case, the ruling concerned must be made not later than 20 days after the result of the election is published in the Gazette by the Returning Officer²³¹.

II.2.10. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

II.2.10.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

II.2.10.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

II.2.10.3. The FR of members of the EC will be published on 22 October 2021.

²³⁰ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

²³¹ Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).

Election Committee Subsectors
First Sector—Industrial, commercial and financial sectors

Textiles and garment Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electorates		Specified Entities
			Individuals	Bodies	
17	Election	17		✓	(a) Corporate member of the Textile Council of Hong Kong Limited and is entitled to vote at the General Committee of the company ²³² ; or (b) corporate member of The Hong Kong General Chamber of Textiles Limited and is entitled to vote at the Board of Directors of the company ²³³

II. Members to be returned by election

II.1. Registration of Voters

II.1.1. This subsector is composed of corporate voters. Only specified entities listed above are eligible to be registered as a voter for this subsector.

²³² According to section 12(20) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a corporate member of these bodies is eligible to be registered as a voter for the subsector concerned only if it has been a corporate member of that body and has been operating for the 3 years immediately before making its application for registration as a voter.

According to section 11A of the Schedule to the Chief Executive Election Ordinance (Cap 569), in which stipulates:

- (1) a reference to an entitlement to vote at a general meeting/specified authority of a body is a reference to an entitlement to vote at the general meeting/specified authority as provided by the body's constitution;
- (2) A body (first-mentioned body) is also regarded as being entitled to vote at the specified authority within another body if—
 - (i) a natural person who is entitled to vote at that authority specifies in writing to the Electoral Registration Officer that the natural person represents the first-mentioned body at that authority; and
 - (ii) that natural person has substantial connection with the first-mentioned body.
- (3) if more than one body is specified by the same natural person, only the body last so specified is regarded as being entitled to vote at that authority.

²³³ Ditto.

II.1.2. Eligible corporate voter²³⁴ is required to submit a duly completed voter registration form on or before 5 July 2021.

II.1.3. According to section 13(8) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the governing authority (by whatever name called) of the corporate voter is required to appoint an eligible person as its authorized representative for the purpose of making nomination and casting its vote in the Election Committee (“EC”) Subsector Elections.

II.2. Election

II.2.1. Number of members to be elected: 17²³⁵

II.2.2. How to nominate a candidate?

II.2.2.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the number of members to be elected by each subsector, the nomination period and the details of submitting a nomination form.

II.2.2.2. Each candidate must submit a nomination form to the Returning Officer and must be nominated by at least 5 voters registered for the subsector concerned (excluding the candidate himself/herself).

II.2.2.3. The number of nomination form subscribed by a voter must not exceed the number of members to be elected by that subsector in that election. If the voter is a corporate voter, the nomination must be made by the authorized representative of the corporate voter.

II.2.3. Who is eligible to be nominated as a candidate?

²³⁴ According to section 12(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person is eligible to be registered as a voter if the person (A) is a specified entity of that subsector; and (B) where the person is a natural person, is eligible to be registered as an elector for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency.

²³⁵ According to Annex I to the Basic Law amended by the Standing Committee of the National People’s Congress and section 5I(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), if the total number of Hong Kong Special Administrative Region (“HKSAR”) deputies to the National People’s Congress (“NPC”) or HKSAR members of the National Committee of the Chinese People’s Political Consultative Conference (“CPPCC National Committee”) who are eligible to register exceeds 190, an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee who does not hold a specified office of a subsector other than the NPC and CPPCC subsector may choose to register as an EC member in other subsectors which he/she has a substantial connection. In this case, he/she will be counted in the total number of members of the corresponding subsector, and the number of seats to be returned by that subsector through election by eligible corporate or individual voters will be reduced accordingly. The Chief Electoral Officer will publish in the Gazette declaring the actual number of members to be returned by election for each subsector.

II.2.3.1. In general, a candidate must meet the following requirements²³⁶:

- (a) has reached 18 years of age;
- (b) is both registered and eligible to be registered for a geographical constituency (“GC”); and
- (c) he: (i) is both registered and eligible to be registered as a voter for that subsector; or (ii) satisfies the Returning Officer for the subsector that the person has a substantial connection with the subsector.

II.2.3.2. A person is not eligible to be nominated as a candidate if the person holds a specified office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member) or is selected as a nominee by a designated body, or stands for the election in another subsector²³⁷.

II.2.4. When a person is disqualified from being a candidate

II.2.4.1. A person is disqualified from being nominated as a candidate and from being elected as a member of the EC, if the person²³⁸:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;
- (e) without limiting paragraph (c), where the subsector election is to be held or is held within 5 years after the date of the person’s conviction, is or has been convicted—
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of

²³⁶ Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²³⁷ Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²³⁸ Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);

(ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or

(iii) of any offence prescribed by the EAC Regulations;

(f) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her property and affairs; or

(g) is a member of the armed forces of the People's Republic of China or any other country or territory.

II.2.4.2. A person is also disqualified from being nominated as a candidate and from being elected as an EC member if, within the 5 years before the date of nomination²³⁹:

(a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath²⁴⁰; or

(b) the person has been declared or decided in accordance with any law—

(i) to be in breach of a specified oath²⁴¹; or

(ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region (“HKSAR”) of the People's Republic of China.

II.2.5. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

II.2.5.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People's Republic of China and be signed by the person, or otherwise the nomination is not valid²⁴².

II.2.6. Determination of the validity of nomination by the Candidate Eligibility Review Committee (“the CERC”)

II.2.6.1. The Returning Officer will forward the form to the CERC as soon as possible after receiving the nomination form. The CERC must, as soon as practicable, decide

²³⁹ Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁴⁰ Section 18(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.

²⁴¹ Ditto.

²⁴² Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

whether or not the person is validly nominated²⁴³.

II.2.6.2. The CERC must declare the persons who are validly nominated as candidates by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

II.2.7. Polling date

II.2.7.1. The poll will be conducted on 19 September 2021. EC members of the subsector are to be elected by secret ballot and a voter may vote for as many candidates as the number of members to be elected by the subsector and no more.

II.2.8. Publication of Interim Register (“IR”) of members of the EC

II.2.8.1. The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the EC (members-elect) at a subsector election. The Electoral Registration Officer shall compile and publish an IR of members of the EC within 7 days after the result of the election is published.

II.2.9. Appeals against result of an election

II.2.9.1. A person claiming to be a candidate at a subsector election may appeal to a Revising Officer against the result of that election, if he/she considers the person who was declared to have been elected was ineligible to be, or was disqualified from being, a candidate at the election, or material irregularity occurred in relation to the election, or to the polling or counting of votes at the election, by lodging an appeal notice²⁴⁴. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region²⁴⁵.

II.2.9.2. The appeal concerned must reach the Revising Officer not later than 7 days after the date on which the Returning Officer has published in the Gazette the result of the election²⁴⁶.

II.2.9.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the Final Register (“FR”). The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the person

²⁴³ Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁴⁴ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

²⁴⁵ Section 9B of the Chief Executive Election Ordinance (Cap 569).

²⁴⁶ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

whose election is questioned, as the case may be, review any ruling made²⁴⁷. In any case, the ruling concerned must be made not later than 20 days after the result of the election is published in the Gazette by the Returning Officer²⁴⁸.

II.2.10. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

II.2.10.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

II.2.10.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

II.2.10.3. The FR of members of the EC will be published on 22 October 2021.

²⁴⁷ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

²⁴⁸ Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).

Election Committee Subsectors
First Sector—Industrial, commercial and financial sectors

Tourism Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electorates		Specified Entities
			Individuals	Bodies	
17	Election	17		✓	(a) Any body that — (i) is a travel agent holding a licence as defined by section 2 of the Travel Agents Ordinance (Cap 218); and (ii) is — (A) a corporate member of the Travel Industry Council of Hong Kong entitled to vote at the Board of Directors of the Council ²⁴⁹ ; (B) a corporate member of Hong Kong Association of China Travel Organisers Limited entitled to vote at the Executive Committee of the company ²⁵⁰ ;

²⁴⁹ According to section 12(20) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a corporate member of these bodies is eligible to be registered as a voter for the subsector concerned only if it has been a corporate member of that body and has been operating for the 3 years immediately before making its application for registration as a voter.

According to section 11A of the Schedule to the Chief Executive Election Ordinance (Cap 569), in which stipulates:

- (1) a reference to an entitlement to vote at a general meeting/specified authority of a body is a reference to an entitlement to vote at the general meeting/specified authority as provided by the body's constitution;
- (2) In relation to a subsector, a body (first-mentioned body) is also regarded as being entitled to vote at the specified authority within another body if—
 - (i) a natural person who is entitled to vote at that authority specifies in writing to the Electoral Registration Officer that the natural person represents the first-mentioned body at that authority; and
 - (ii) that natural person has substantial connection with the first-mentioned body.
- (3) if more than one body is specified by the same natural person, only the body last so specified is regarded as being entitled to vote at that authority.

²⁵⁰ Ditto.

					<p>(C) a corporate member of International Chinese Tourist Association Limited entitled to vote at the Executive Committee of the company²⁵¹;</p> <p>(D) a corporate member of The Federation of Hong Kong Chinese Travel Agents Limited entitled to vote at the Executive Committee of the company²⁵²;</p> <p>(E) a corporate member of Hong Kong Outbound Tour Operators' Association Limited entitled to vote at the Executive Committee of the company²⁵³;</p> <p>(F) a corporate member of Hong Kong Association of Travel Agents Limited entitled to vote at the Executive Committee of the company²⁵⁴;</p> <p>(G) a corporate member of Hongkong Taiwan Tourist Operators Association entitled to vote at the Executive Committee of the Association²⁵⁵;</p> <p>(H) a corporate member of Hongkong Japanese Tour</p>
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²⁵¹ Ditto.

²⁵² Ditto.

²⁵³ Ditto.

²⁵⁴ Ditto.

²⁵⁵ Ditto.

					<p>Operators Association Limited entitled to vote at the Executive Committee of the company²⁵⁶; or</p> <p>(I) a corporate member of Society of IATA Passenger Agents Limited entitled to vote at the Executive Committee of the company²⁵⁷; or</p> <p>(b) is a corporate member of The Board of Airline Representatives in Hong Kong and is entitled to vote at the Executive Committee of the Board²⁵⁸</p>
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II. Members to be returned by election

II.1. Registration of Voters

- II.1.1. This subsector is composed of corporate voters. Only specified entities listed above are eligible to be registered as a voter for this subsector.
- II.1.2. Eligible corporate voter²⁵⁹ is required to submit a duly completed voter registration form on or before 5 July 2021.
- II.1.3. According to section 13(8) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the governing authority (by whatever name called) of the corporate voter is required to appoint an eligible person as its authorized representative for the purpose of making nomination and casting its vote in the Election Committee (“EC”) Subsector Elections.

²⁵⁶ Ditto.

²⁵⁷ Ditto.

²⁵⁸ Ditto.

²⁵⁹ According to section 12(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person is eligible to be registered as a voter if the person (A) is a specified entity of that subsector; and (B) where the person is a natural person, is eligible to be registered as an elector for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency.

II.2. Election**II.2.1. Number of members to be elected: 17²⁶⁰****II.2.2. How to nominate a candidate?**

II.2.2.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the number of members to be elected by each subsector, the nomination period and the details of submitting a nomination form.

II.2.2.2. Each candidate must submit a nomination form to the Returning Officer and must be nominated by at least 5 voters registered for the subsector concerned (excluding the candidate himself/herself).

II.2.2.3. The number of nomination form subscribed by a voter must not exceed the number of members to be elected by that subsector in that election. If the voter is a corporate voter, the nomination must be made by the authorized representative of the corporate voter.

II.2.3. Who is eligible to be nominated as a candidate?

II.2.3.1. In general, a candidate must meet the following requirements²⁶¹:

- (a) has reached 18 years of age;
- (b) is both registered and eligible to be registered for a geographical constituency (“GC”); and
- (c) he: (i) is both registered and eligible to be registered as a voter for that subsector; or (ii) satisfies the Returning Officer for the subsector that the person has a substantial connection with the subsector.

II.2.3.2. A person is not eligible to be nominated as a candidate if the person holds a specified office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member) or is selected as

²⁶⁰ According to Annex I to the Basic Law amended by the Standing Committee of the National People’s Congress and section 5I(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), if the total number of Hong Kong Special Administrative Region (“HKSAR”) deputies to the National People’s Congress (“NPC”) or HKSAR members of the National Committee of the Chinese People’s Political Consultative Conference (“CPPCC National Committee”) who are eligible to register exceeds 190, an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee who does not hold a specified office of a subsector other than the NPC and CPPCC subsector may choose to register as an EC member in other subsectors which he/she has a substantial connection. In this case, he/she will be counted in the total number of members of the corresponding subsector, and the number of seats to be returned by that subsector through election by eligible corporate or individual voters will be reduced accordingly. The Chief Electoral Officer will publish in the Gazette declaring the actual number of members to be returned by election for each subsector.

²⁶¹ Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

a nominee by a designated body, or stands for the election in another subsector²⁶².

II.2.4. When a person is disqualified from being a candidate

II.2.4.1. A person is disqualified from being nominated as a candidate and from being elected as a member of the EC, if the person²⁶³:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;
- (e) without limiting paragraph (c), where the subsector election is to be held or is held within 5 years after the date of the person's conviction, is or has been convicted—
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (f) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her property and affairs; or
- (g) is a member of the armed forces of the People's Republic of China or any other country or territory.

II.2.4.2. A person is also disqualified from being nominated as a candidate and from being elected as an EC member if, within the 5 years before the date of nomination²⁶⁴:

²⁶² Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁶³ Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁶⁴ Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath²⁶⁵; or
- (b) the person has been declared or decided in accordance with any law—
 - (i) to be in breach of a specified oath²⁶⁶; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region (“HKSAR”) of the People’s Republic of China.

II.2.5. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

II.2.5.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People’s Republic of China and be signed by the person, or otherwise the nomination is not valid²⁶⁷.

II.2.6. Determination of the validity of nomination by the Candidate Eligibility Review Committee (“the CERC”)

II.2.6.1. The Returning Officer will forward the form to the CERC as soon as possible after receiving the nomination form. The CERC must, as soon as practicable, decide whether or not the person is validly nominated²⁶⁸.

II.2.6.2. The CERC must declare the persons who are validly nominated as candidates by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

II.2.7. Polling date

II.2.7.1. The poll will be conducted on 19 September 2021. EC members of the subsector are to be elected by secret ballot and a voter may vote for as many candidates as the number of members to be elected by the subsector and no more.

II.2.8. Publication of Interim Register (“IR”) of members of the EC

II.2.8.1. The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the EC (members-elect) at a subsector election. The Electoral Registration Officer shall compile and publish an IR of members of the EC

²⁶⁵ Section 18(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China.

²⁶⁶ Ditto.

²⁶⁷ Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁶⁸ Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

within 7 days after the result of the election is published.

II.2.9. Appeals against result of an election

II.2.9.1. A person claiming to be a candidate at a subsector election may appeal to a Revising Officer against the result of that election, if he/she considers the person who was declared to have been elected was ineligible to be, or was disqualified from being, a candidate at the election, or material irregularity occurred in relation to the election, or to the polling or counting of votes at the election, by lodging an appeal notice²⁶⁹. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region²⁷⁰.

II.2.9.2. The appeal concerned must reach the Revising Officer not later than 7 days after the date on which the Returning Officer has published in the Gazette the result of the election²⁷¹.

II.2.9.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the Final Register (“FR”). The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the person whose election is questioned, as the case may be, review any ruling made²⁷². In any case, the ruling concerned must be made not later than 20 days after the result of the election is published in the Gazette by the Returning Officer²⁷³.

II.2.10. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

II.2.10.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

II.2.10.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

II.2.10.3. The FR of members of the EC will be published on 22 October 2021.

²⁶⁹ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

²⁷⁰ Section 9B of the Chief Executive Election Ordinance (Cap 569).

²⁷¹ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

²⁷² Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

²⁷³ Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).

Election Committee Subsectors
First Sector—Industrial, commercial and financial sectors

Transport Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electorates		Specified Entities
			Individuals	Bodies	
17	Election	17		✓	<p>The following listed bodies:</p> <ol style="list-style-type: none"> 1. Parking Management and Consultancy Services Limited 2. Airport Authority 3. Hong Kong Driver's Training Association 4. The Association of N.T. Radio Taxicabs Ltd. 5. Autotoll Limited 6. The Chartered Institute of Logistics and Transport in Hong Kong 7. China Merchants Shipping & Enterprises Co. Ltd. 8. Chu Kong Shipping Enterprises (Holdings) Co. Ltd. 9. Chuen Kee Ferry Limited 10. Chuen Lee Radio Taxis Association Ltd. 11. Citybus Ltd. 12. Coral Sea Ferry Service Co., Ltd. 13. COSCO-HIT Terminals (Hong Kong) Limited 14. CTOD Association Company Ltd. 15. Turbojet Ferry Services (Guangzhou) Limited 16. Discovery Bay Transportation Services Ltd. 17. Driving Instructors Merchants

					<p>Association, Limited</p> <p>18. Eastern Ferry Company Limited</p> <p>19. Expert Fortune Ltd.</p> <p>20. Far East Hydrofoil Co. Ltd.</p> <p>21. Fat Kee Stevedores Ltd.</p> <p>22. The Fraternity Association of N.T. Taxi Merchants</p> <p>23. Fraternity Taxi Owners Association</p> <p>24. G.M.B. Maxicab Operators General Association Ltd.</p> <p>25. The Goods Vehicle Fleet Owners Association Ltd.</p> <p>26. Happy Taxi Operator's Association Ltd.</p> <p>27. Hoi Kong Container Services Co. Ltd.</p> <p>28. Hon Wah Public Light Bus Association Ltd.</p> <p>29. Hong Kong Air Cargo Terminals Limited</p> <p>30. Hong Kong & Kowloon Ferry Ltd.</p> <p>31. Hong Kong Kowloon Goods Vehicles, Omnibuses and Minibuses Instructors Association Limited</p> <p>32. Hong Kong & Kowloon Motor Boats & Tug Boats Association Limited</p> <p>33. Hong Kong & Kowloon Radio Car Owners Association Ltd.</p> <p>34. Hong Kong and Kowloon Rich Radio Car Service Centre Association Ltd.</p> <p>35. HongKong Association of Freight Forwarding and Logistics Limited</p>
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					<p>36. Hong Kong Automobile Association</p> <p>37. The Hong Kong Cargo-Vessel Traders' Association Ltd.</p> <p>38. Hong Kong Commercial Vehicle Driving Instructors Association</p> <p>39. Hong Kong CFS and Logistics Association Limited</p> <p>40. Hong Kong Container Tractor Owner Association Ltd.</p> <p>41. Hong Kong Driving Instructors' Association</p> <p>42. Hong Kong Guangdong Transportation Association Ltd.</p> <p>43. The Hong Kong Institute of Marine Technology</p> <p>44. Hong Kong, Kowloon & NT Public & Maxicab Light Bus Merchants' United Association</p> <p>45. Hong Kong Taxi Owners' Association Limited</p> <p>46. The Hong Kong Liner Shipping Association</p> <p>47. H.K. Motor Car Driving Instructors' Association Limited</p> <p>48. Hong Kong Pilots Association Ltd.</p> <p>49. Hong Kong Public & Maxicab Light Bus United Associations</p> <p>50. Hong Kong Public Cargo Working Areas Traders Association Ltd.</p> <p>51. Hong Kong Scheduled (GMB) Licensee Association</p> <p>52. The Hong Kong School of Motoring Ltd.</p> <p>53. Hong Kong Sea Transport and Logistics Association Limited</p>
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					<p>54. The Hong Kong Shipowners Association Ltd.</p> <p>55. Hong Kong Shipping Circles Association Ltd.</p> <p>56. Hong Kong Shipping Industry Institute</p> <p>57. Hong Kong Logistics Management Staff Association</p> <p>58. The Hong Kong Stevedores Employers' Association</p> <p>59. Hong Kong Tele-call Taxi Association</p> <p>60. Hong Kong Tramways, Limited</p> <p>61. Hong Kong Transportation Warehouse Wharf Club</p> <p>62. The Hongkong & Yaumati Ferry Co., Ltd.</p> <p>63. Hongkong International Terminals Ltd.</p> <p>64. Institute of Advanced Motorists (Hong Kong) Limited</p> <p>65. Institute of Seatransport</p> <p>66. Institute of Transport Administration (Hong Kong, China)</p> <p>67. Kowloon Fung Wong Public Light Bus Merchants & Workers' Association Ltd.</p> <p>68. The Kowloon Motor Bus Company (1933) Limited</p> <p>69. Kowloon Motor Driving Instructors' Association Ltd.</p> <p>70. The Kowloon PLB Chiu Chow Traders & Workers Friendly Association</p> <p>71. The Kowloon Taxi Owners Association Ltd.</p> <p>72. Kowloon Truck Merchants</p>
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					<p>Association Ltd.</p> <p>73. Kwik Park Limited</p> <p>74. Lam Tin Wai Hoi Public Light Bus Association</p> <p>75. Lantau Taxi Association</p> <p>76. Lei Yue Mun Ko Chiu Road Public Light Bus Merchants Association Ltd.</p> <p>77. Lok Ma Chau China—Hong Kong Freight Association</p> <p>78. Long Win Bus Company Limited</p> <p>79. Mack & Co. Carpark Management Limited</p> <p>80. Marine Excursion Association Limited</p> <p>81. Maritime Affairs Research Association Ltd.</p> <p>82. MTR Corporation Limited</p> <p>83. Merchant Navy Officers' Guild—Hong Kong</p> <p>84. Metropark Limited</p> <p>85. Mid-stream Holdings (HK) Limited</p> <p>86. Mixer Truck Drivers Association</p> <p>87. Modern Terminals Ltd.</p> <p>88. N.T. San Tin PLB (17) Owners Association</p> <p>89. N.T. Taxi Merchants Association Ltd.</p> <p>90. N.T. Taxi Owners & Drivers Fraternal Association</p> <p>91. N.W. Area Taxi Drivers & Operators Association</p> <p>92. New Lantau Bus Co., (1973) Ltd.</p> <p>93. New Territories Cargo Transport Association Ltd.</p> <p>94. New World First Bus Services Limited</p>
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					<p>95. North District Taxi Merchants Association</p> <p>96. Organisation of Hong Kong Drivers</p> <p>97. Public and Private Light Buses Driving Instructors' Society</p> <p>98. The Public Cargo Area Trade Association</p> <p>99. Public Light Bus General Association</p> <p>100. The Public Omnibus Operators Association Ltd.</p> <p>101. Public Vehicle Merchants Fraternity Association</p> <p>102. River Trade Terminal Co. Ltd.</p> <p>103. Route 3 (CPS) Company Limited</p> <p>104. Sai Kung Taxi Operators Association Ltd.</p> <p>105. CSX World Terminals Hong Kong Limited</p> <p>106. Serco Group (HK) Limited</p> <p>107. The "Star" Ferry Co., Ltd.</p> <p>108. Sun Hing Taxi Radio Association</p> <p>109. Taxi Association Limited</p> <p>110. Taxi Dealers & Owners Association Ltd.</p> <p>111. The Taxi Operators Association Ltd.</p> <p>112. Transport Infrastructure Management Limited</p> <p>113. Tuen Mun Public Light Bus Association</p> <p>114. Tung Yee Shipbuilding and Repairing Merchants General Association Limited</p> <p>115. United Friendship Taxi Owners</p>
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					<p>& Drivers Association Ltd.</p> <p>116. Wai Fat Taxi Owners Association Ltd.</p> <p>117. Wai Yik Hong Kong & Kowloon & NT Taxi Owners Association</p> <p>118. West Coast International (Parking) Limited</p> <p>119. Western Harbour Tunnel Co. Ltd</p> <p>120. Wilson Parking (Hong Kong) Limited</p> <p>121. Wing Lee Radio Car Traders Association Ltd.</p> <p>122. Wing Tai Car Owners & Drivers Association Ltd.</p> <p>123. Wu Gang Shipping Co. Ltd.</p> <p>124. Xiamen United Enterprises (H.K.) Ltd.</p> <p>125. School Buses Operators Association Limited</p> <p>126. Sun Ferry Services Company Limited</p> <p>127. Shun Tak-China Travel Macau Ferries Limited</p> <p>128. Hong Kong Container Drayage Services Association Limited</p> <p>129. Hong Kong Kowloon & N.T. Grab-Mounted Lorries Association Limited</p> <p>130. Hong Kong Waste Disposal Industry Association</p> <p>131. HK Public-light Bus Owner & Driver Association</p> <p>132. Logistics Industry & Container Truck Drivers Union</p> <p>133. The Concrete Producers Association of Hong Kong</p>
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					Limited
					134. Hongkong Guangdong Boundary Crossing Bus Association Limited
					135. Tsui Wah Ferry Service Company Limited
					136. Quality Driver Training Centre Limited
					137. Public and Private Commercial Driving Instructors' Society
					138. Shun Tak-China Travel Ship Management Limited
					139. Cruise Ferries (HK) Limited
					140. Asia Airfreight Terminal Company Limited
					141. The Hong Kong Joint Branch of The Royal Institution of Naval Architects and The Institute of Marine Engineering, Science and Technology
					142. The Hongkong Salvage & Towage Company Limited
					143. The Institute of Chartered Shipbrokers, Hong Kong Branch
					144. Hongkong United Dockyards Limited
					145. Guangdong and Hong Kong Feeder Association Limited
					146. Hong Kong Right Hand Drive Motors Association Limited
					147. The Institute of the Motor Industry Hong Kong
					148. Hong Kong Vehicle Repair Merchants Association Limited
					149. Environmental Vehicle Repairers Association Limited

					<p>150. The Hong Kong Taxi and Public Light Bus Association Limited</p> <p>151. Park Island Transport Company Limited</p> <p>152. Discovery Bay Road Tunnel Company Limited</p> <p>153. International Association of Transport Officers</p> <p>154. Hong Kong Express Airways Limited</p> <p>155. Hong Kong (Cross Border) Transportation Drivers' Association</p> <p>156. Hong Kong Logistics Association Limited</p> <p>157. Hong Kong Container Depot and Repairer Association Limited</p> <p>158. New World Parking Management Limited</p> <p>159. The Nautical Institute—Hong Kong Branch</p> <p>160. Worldwide Flight Services, Inc.</p> <p>161. NT Taxi Operations Union</p> <p>162. Sun Star Taxi Operators Association</p> <p>163. Taxi & P.L.B. Concern Group</p> <p>164. Tai Wo Motors Limited</p> <p>165. Tuen Mun District Tourists and Passengers Omnibus Operators Association Limited</p> <p>166. Tsuen Wan District Tourists and Passengers Omnibus Operators Association Limited</p> <p>167. Yuen Long District Tourists and Passengers Omnibus Operators Association Limited</p>
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					<p>168. Kowloon District Tourists and Passengers Omnibus Operators Association Limited</p> <p>169. Hong Kong District Tourists and Passengers Omnibus Operators Association Limited</p> <p>170. Sino Parking Services Limited</p> <p>171. Urban Parking Limited</p> <p>172. Greater Lucky (HK) Company Limited</p> <p>173. China Hongkong and Macau Boundary Crossing Bus Association Limited</p> <p>174. Ground Support Engineering Limited</p> <p>175. Cathay Pacific Services Limited</p> <p>176. Cathay Pacific Catering Services (H.K.) Limited</p> <p>177. LSG Lufthansa Service Hong Kong Limited</p> <p>178. Gate Gourmet Hong Kong, Limited</p> <p>179. ECO Aviation Fuel Services Limited</p> <p>180. Hong Kong Aircraft Engineering Company Limited</p> <p>181. China Aircraft Services Limited</p> <p>182. Dah Chong Hong – Dragonair Airport GSE Service Limited</p> <p>183. Jardine Air Terminal Services Limited</p> <p>184. Service Managers Association</p> <p>185. Driving Instructors Association</p> <p>186. The Chamber of Hong Kong Logistics Industry Limited</p> <p>187. New Horizon School of Motoring Limited</p>
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					<p>188. Leinam School of Motoring Limited</p> <p>189. TIML MOM Limited</p> <p>190. Hong Kong Taxi Association</p> <p>191. Chung Shing Taxi Limited</p> <p>192. Hong Kong Air Cargo Carrier Limited</p> <p>193. Hong Kong Dumper Truck Drivers Association</p> <p>194. Shun Fung Motors Investment Management Company Limited</p> <p>195. Taxi Drivers and Operators Association</p> <p>196. Yiu Lian Dockyards Limited</p> <p>197. China Merchants Port Holdings Company Limited</p> <p>198. China Merchants Container Services Limited</p> <p>199. China Merchants Logistics Holding Hong Kong Company Limited</p> <p>200. China Merchants Energy Shipping (Hong Kong) Company Limited</p> <p>201. COSCO SHIPPING (Hong Kong) Co., Limited</p> <p>202. COSCO (H.K.) SHIPPING CO., LIMITED</p> <p>203. COSCO SHIPPING Container Line Agencies Limited</p> <p>204. COSCO SHIPPING International (Hong Kong) Co., Ltd.</p> <p>205. China Travel Tours Transportation Services Hong Kong Limited</p> <p>206. Sky Shuttle Helicopters Limited</p>
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					207. Hong Kong-Zhuhai-Macao Bridge Shuttle Bus Company Limited
					208. Hong Kong & Macao International Airport Transportation Service Co. Limited
					209. Hong Kong International Airport Ferry Terminal Services Limited
					210. Ocean Shipbuilding & Engineering Limited
					211. China Ferry Terminal Services Limited
					212. Turbojet Shipyard Limited
					213. Hong Kong Association of Aircargo Truckers Limited
					214. Hong Kong Auto (Parts & Machinery) Association Limited
					215. China Aviation Express (Hong Kong) Limited
					216. Chu Kong Godown Wharf & Transportation Company Limited
					217. Chu Kong Transhipment & Logistics Company Limited
					218. Chu Kong Transportation (H.K.) Limited
					219. Chu Kong Agency Company Limited
					220. Cotai Chu Kong Shipping Management Services Company Limited
					221. Yuet Hing Marine Supplies Company Limited
					222. Chu Kong Group Shipyard Company Limited

					<p>223. Dong An Marine Safety Equipment Trading Limited</p> <p>224. Fortune Ferry Company Limited</p> <p>225. Hong Kong Wing Hing Marine Engineering Company Limited</p> <p>226. China National Aviation Leasing Limited</p> <p>227. Yuantong Marine Service Co. Limited</p> <p>228. Wang Tak Engineering & Shipbuilding Company Limited</p> <p>229. The Motor Transport Company of Guangdong and Hong Kong Limited</p> <p>230. Weisheng Transportation & Enterprises Company Limited</p>
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II. Members to be returned by election

II.1. Registration of Voters

- II.1.1. This subsector is composed of corporate voters. Only specified entities listed above are eligible to be registered as a voter for this subsector.
- II.1.2. Eligible corporate voter²⁷⁴ is required to submit a duly completed voter registration form on or before 5 July 2021.
- II.1.3. According to section 13(8) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the governing authority (by whatever name called) of the corporate voter is required to appoint an eligible person as its authorized representative for the purpose of making nomination and casting its vote in the Election Committee (“EC”) Subsector Elections.

²⁷⁴ According to section 12(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person is eligible to be registered as a voter if the person (A) is a specified entity of that subsector; and (B) where the person is a natural person, is eligible to be registered as an elector for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency.

II.2. Election**II.2.1. Number of members to be elected: 17²⁷⁵****II.2.2. How to nominate a candidate?**

II.2.2.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the number of members to be elected by each subsector, the nomination period and the details of submitting a nomination form.

II.2.2.2. Each candidate must submit a nomination form to the Returning Officer and must be nominated by at least 5 voters registered for the subsector concerned (excluding the candidate himself/herself).

II.2.2.3. The number of nomination form subscribed by a voter must not exceed the number of members to be elected by that subsector in that election. If the voter is a corporate voter, the nomination must be made by the authorized representative of the corporate voter.

II.2.3. Who is eligible to be nominated as a candidate?

II.2.3.1. In general, a candidate must meet the following requirements²⁷⁶:

- (a) has reached 18 years of age;
- (b) is both registered and eligible to be registered for a geographical constituency (“GC”); and
- (c) he: (i) is both registered and eligible to be registered as a voter for that subsector; or (ii) satisfies the Returning Officer for the subsector that the person has a substantial connection with the subsector.

II.2.3.2. A person is not eligible to be nominated as a candidate if the person holds a specified office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member) or is

²⁷⁵ According to Annex I to the Basic Law amended by the Standing Committee of the National People’s Congress and section 5I(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), if the total number of Hong Kong Special Administrative Region (“HKSAR”) deputies to the National People’s Congress (“NPC”) or HKSAR members of the National Committee of the Chinese People’s Political Consultative Conference (“CPPCC National Committee”) who are eligible to register exceeds 190, an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee who does not hold a specified office of a subsector other than the NPC and CPPCC subsector may choose to register as an EC member in other subsectors which he/she has a substantial connection. In this case, he/she will be counted in the total number of members of the corresponding subsector, and the number of seats to be returned by that subsector through election by eligible corporate or individual voters will be reduced accordingly. The Chief Electoral Officer will publish in the Gazette declaring the actual number of members to be returned by election for each subsector.

²⁷⁶ Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

selected as a nominee by a designated body, or stands for the election in another subsector²⁷⁷.

II.2.4. When a person is disqualified from being a candidate

II.2.4.1. A person is disqualified from being nominated as a candidate and from being elected as a member of the EC, if the person²⁷⁸:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;
- (e) without limiting paragraph (c), where the subsector election is to be held or is held within 5 years after the date of the person's conviction, is or has been convicted—
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (f) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her property and affairs; or
- (g) is a member of the armed forces of the People's Republic of China or any other country or territory.

II.2.4.2. A person is also disqualified from being nominated as a candidate and from being elected as an EC member if, within the 5 years before the date of nomination²⁷⁹:

²⁷⁷ Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁷⁸ Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁷⁹ Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath²⁸⁰; or
- (b) the person has been declared or decided in accordance with any law—
 - (i) to be in breach of a specified oath²⁸¹; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region (“HKSAR”) of the People’s Republic of China.

II.2.5. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

- II.2.5.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People’s Republic of China and be signed by the person, or otherwise the nomination is not valid²⁸².

II.2.6. Determination of the validity of nomination by the Candidate Eligibility Review Committee (“the CERC”)

- II.2.6.1. The Returning Officer will forward the form to the CERC as soon as possible after receiving the nomination form. The CERC must, as soon as practicable, decide whether or not the person is validly nominated²⁸³.
- II.2.6.2. The CERC must declare the persons who are validly nominated as candidates by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

II.2.7. Polling date

- II.2.7.1. The poll will be conducted on 19 September 2021. EC members of the subsector are to be elected by secret ballot and a voter may vote for as many candidates as the number of members to be elected by the subsector and no more.

II.2.8. Publication of Interim Register (“IR”) of members of the EC

- II.2.8.1. The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the EC (members-elect) at a subsector election. The Electoral Registration Officer shall compile and publish an IR of members of the EC

²⁸⁰ Section 18(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China.

²⁸¹ Ditto.

²⁸² Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁸³ Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

within 7 days after the result of the election is published.

II.2.9. Appeals against result of an election

II.2.9.1. A person claiming to be a candidate at a subsector election may appeal to a Revising Officer against the result of that election, if he/she considers the person who was declared to have been elected was ineligible to be, or was disqualified from being, a candidate at the election, or material irregularity occurred in relation to the election, or to the polling or counting of votes at the election, by lodging an appeal notice²⁸⁴. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region²⁸⁵.

II.2.9.2. The appeal concerned must reach the Revising Officer not later than 7 days after the date on which the Returning Officer has published in the Gazette the result of the election²⁸⁶.

II.2.9.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the Final Register (“FR”). The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the person whose election is questioned, as the case may be, review any ruling made²⁸⁷. In any case, the ruling concerned must be made not later than 20 days after the result of the election is published in the Gazette by the Returning Officer²⁸⁸.

II.2.10. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

II.2.10.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

II.2.10.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

II.2.10.3. The FR of members of the EC will be published on 22 October 2021.

²⁸⁴ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

²⁸⁵ Section 9B of the Chief Executive Election Ordinance (Cap 569).

²⁸⁶ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

²⁸⁷ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

²⁸⁸ Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).

Election Committee Subsectors
First Sector—Industrial, commercial and financial sectors

Wholesale and retail Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electorates		Specified Entities
			Individuals	Bodies	
17	Election	17		✓	<p>The following listed bodies:</p> <ol style="list-style-type: none"> 1. Association of Better Business & Tourism Services 2. Chinese Medicine Merchants Association Ltd. 3. Chinese Merchants (H.K.) Association Limited 4. Chinese Paper Merchants Association Limited 5. The Cosmetic & Perfumery Association of Hong Kong Ltd. 6. Eastern District Fresh Fish Merchants' Society 7. Federation of Hong Kong Kowloon New Territories Hawker Associations 8. The Federation of Hong Kong Watch Trades and Industries Ltd. 9. HK Vegetable Wholesaler Community 10. Hong Kong and Kowloon Bamboo Goods Merchants Association Limited 11. Hong Kong and Kowloon Electrical Appliances Merchants Association Ltd. 12. Hong Kong Electro-Plating Merchants Association Limited 13. Hong Kong & Kowloon Fruit &

					<p>Vegetable Employees & Employers Guild</p> <p>14. Hong Kong & Kowloon General Association of Liquor Dealers and Distillers</p> <p>15. Hong Kong and Kowloon Machinery and Instrument Merchants Association Ltd.</p> <p>16. Hong Kong & Kowloon Marine Products Merchants Association Ltd.</p> <p>17. Hong Kong & Kowloon Plastic Products Merchants United Association Limited</p> <p>18. The Hong Kong & Kowloon Provisions, Wine & Spirit Dealers' Association Limited</p> <p>19. Hong Kong and Kowloon Rattan Ware Merchants Association (Wing-Hing-Tong)</p> <p>20. Hong Kong & Kowloon Sauce & Preserved-Fruit Amalgamated Employers Association</p> <p>21. Hong Kong & Kowloon Tea Trade Merchants Association Ltd.</p> <p>22. Hong Kong & Kowloon Timber Merchants Association Limited</p> <p>23. Hong Kong & Kowloon Vermicelli & Noodle Manufacturing Industry Merchants' General Association Limited</p> <p>24. Hong Kong Art Craft Merchants Association, Ltd.</p> <p>25. Hong Kong Dried Seafood and Grocery Merchants Association Limited</p> <p>26. Hong Kong Egg Merchants</p>
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					<p>Association (Fung-Kwai-Tong)</p> <p>27. Hong Kong Embroidery Merchants Association Limited</p> <p>28. Hong Kong Flower Retailers Association</p> <p>29. The Hong Kong Food Council Limited</p> <p>30. Hong Kong Fresh Fish Merchants Association</p> <p>31. Hong Kong Fur Federation</p> <p>32. Hong Kong Furniture & Decoration Trade Association Limited</p> <p>33. Hong Kong General Chamber of Pharmacy Limited</p> <p>34. Hong Kong Glass and Mirror Merchants and Manufacturers Association Company Limited</p> <p>35. Hong Kong Jewellers' & Goldsmiths' Association Limited</p> <p>36. The Federation of Hong Kong Footwear Limited</p> <p>37. The Hong Kong Medicine Dealers' Guild</p> <p>38. Hong Kong Metal Merchants Association</p> <p>39. Hong Kong Petroleum, Chemicals and Pharmaceutical Materials Merchants Association Ltd.</p> <p>40. Hong Kong Photo Marketing Association Limited</p> <p>41. Hong Kong Piece Goods Merchants' Association</p> <p>42. Hong Kong Plastic Material Suppliers Association Ltd.</p> <p>43. Hong Kong Plumbing and Sanitary Ware Trade Association Ltd.</p>
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					<p>44. Hong Kong Provision & Grocery General Commercial Chamber</p> <p>45. Hong Kong Record Merchants Association Ltd.</p> <p>46. Hong Kong Rice Suppliers' Association Limited</p> <p>47. Hong Kong Retail Management Association Limited</p> <p>48. Hong Kong Yee Yee Tong Chinese Medicine Merchants Association Ltd.</p> <p>49. The Hong Kong & Kowloon General Merchandise Merchants' Association Limited</p> <p>50. Kowloon Cheung Sha Wan Wholesale Vegetable Market (Importers) Recreation Club Limited</p> <p>51. Kowloon Fresh Fish Merchants Association Limited</p> <p>52. The Kowloon Pearls, Precious Stones, Jade, Gold & Silver Ornament Merchants Association</p> <p>53. The Merchants Association of First Wholesalers/Jobbery of Imported Fresh Fruits & Vegetables Limited</p> <p>54. Mongkok Vegetable Wholesale Merchants Association Company Limited</p> <p>55. The Motor Traders Association of Hong Kong</p> <p>56. Nam Pak Hong Association</p> <p>57. Po Sau Tong Ginseng & Antler Association Hong Kong Ltd.</p> <p>58. The Rice Merchants' Association of Hong Kong Limited</p> <p>59. Kowloon Fruit & Vegetable</p>
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					Merchants Association Limited 60. The Hong Kong And Kowloon Electric Trade Association 61. Hong Kong Poultry Wholesalers Association 62. Diamond Federation of Hong Kong, China Limited 63. Tobacco Association of Hong Kong Limited 64. Hong Kong Chinese Prepared Medicine Traders Association Limited 65. Hong Kong Chinese Medicine Industry Association Limited 66. Hong Kong Chinese Patent Medicine Manufacturers' Association Ltd.
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II. Members to be returned by election

II.1. Registration of Voters

- II.1.1. This subsector is composed of corporate voters. Only specified entities listed above are eligible to be registered as a voter for this subsector.
- II.1.2. Eligible corporate voter²⁸⁹ is required to submit a duly completed voter registration form on or before 5 July 2021.
- II.1.3. According to section 13(8) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the governing authority (by whatever name called) of the corporate voter is required to appoint an eligible person as its authorized representative for the purpose of making nomination and casting its vote in the Election Committee (“EC”) Subsector Elections.

²⁸⁹ According to section 12(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person is eligible to be registered as a voter if the person (A) is a specified entity of that subsector; and (B) where the person is a natural person, is eligible to be registered as an elector for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency.

II.2. Election**II.2.1. Number of members to be elected: 17²⁹⁰****II.2.2. How to nominate a candidate?**

II.2.2.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the number of members to be elected by each subsector, the nomination period and the details of submitting a nomination form.

II.2.2.2. Each candidate must submit a nomination form to the Returning Officer and must be nominated by at least 5 voters registered for the subsector concerned (excluding the candidate himself/herself).

II.2.2.3. The number of nomination form subscribed by a voter must not exceed the number of members to be elected by that subsector in that election. If the voter is a corporate voter, the nomination must be made by the authorized representative of the corporate voter.

II.2.3. Who is eligible to be nominated as a candidate?

II.2.3.1. In general, a candidate must meet the following requirements²⁹¹:

- (a) has reached 18 years of age;
- (b) is both registered and eligible to be registered for a geographical constituency (“GC”); and
- (c) he: (i) is both registered and eligible to be registered as a voter for that subsector; or (ii) satisfies the Returning Officer for the subsector that the person has a substantial connection with the subsector.

II.2.3.2. A person is not eligible to be nominated as a candidate if the person holds a specified office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the

²⁹⁰ According to Annex I to the Basic Law amended by the Standing Committee of the National People’s Congress and section 5I(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), if the total number of Hong Kong Special Administrative Region (“HKSAR”) deputies to the National People’s Congress (“NPC”) or HKSAR members of the National Committee of the Chinese People’s Political Consultative Conference (“CPPCC National Committee”) who are eligible to register exceeds 190, an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee who does not hold a specified office of a subsector other than the NPC and CPPCC subsector may choose to register as an EC member in other subsectors which he/she has a substantial connection. In this case, he/she will be counted in the total number of members of the corresponding subsector, and the number of seats to be returned by that subsector through election by eligible corporate or individual voters will be reduced accordingly. The Chief Electoral Officer will publish in the Gazette declaring the actual number of members to be returned by election for each subsector.

²⁹¹ Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

EC (whether or not the person is registered as an ex-officio member) or is selected as a nominee by a designated body, or stands for the election in another subsector²⁹².

II.2.4. When a person is disqualified from being a candidate

II.2.4.1. A person is disqualified from being nominated as a candidate and from being elected as a member of the EC, if the person²⁹³:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;
- (e) without limiting paragraph (c), where the subsector election is to be held or is held within 5 years after the date of the person's conviction, is or has been convicted—
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (f) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her property and affairs; or
- (g) is a member of the armed forces of the People's Republic of China or any other country or territory.

II.2.4.2. A person is also disqualified from being nominated as a candidate and from being elected as an EC member if, within the 5 years before the date of nomination²⁹⁴:

²⁹² Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁹³ Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁹⁴ Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath²⁹⁵; or
- (b) the person has been declared or decided in accordance with any law—
 - (i) to be in breach of a specified oath²⁹⁶; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region (“HKSAR”) of the People’s Republic of China.

II.2.5. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

II.2.5.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People’s Republic of China and be signed by the person, or otherwise the nomination is not valid²⁹⁷.

II.2.6. Determination of the validity of nomination by the Candidate Eligibility Review Committee (“the CERC”)

II.2.6.1. The Returning Officer will forward the form to the CERC as soon as possible after receiving the nomination form. The CERC must, as soon as practicable, decide whether or not the person is validly nominated²⁹⁸.

II.2.6.2. The CERC must declare the persons who are validly nominated as candidates by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

II.2.7. Polling date

II.2.7.1. The poll will be conducted on 19 September 2021. EC members of the subsector are to be elected by secret ballot and a voter may vote for as many candidates as the number of members to be elected by the subsector and no more.

II.2.8. Publication of Interim Register (“IR”) of members of the EC

II.2.8.1. The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the EC (members-elect) at a subsector election. The Electoral Registration Officer shall compile and publish an IR of members of the EC

²⁹⁵ Section 18(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China.

²⁹⁶ Ditto.

²⁹⁷ Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁹⁸ Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

within 7 days after the result of the election is published.

II.2.9. Appeals against result of an election

II.2.9.1. A person claiming to be a candidate at a subsector election may appeal to a Revising Officer against the result of that election, if he/she considers the person who was declared to have been elected was ineligible to be, or was disqualified from being, a candidate at the election, or material irregularity occurred in relation to the election, or to the polling or counting of votes at the election, by lodging an appeal notice²⁹⁹. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region³⁰⁰.

II.2.9.2. The appeal concerned must reach the Revising Officer not later than 7 days after the date on which the Returning Officer has published in the Gazette the result of the election³⁰¹.

II.2.9.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the Final Register (“FR”). The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the person whose election is questioned, as the case may be, review any ruling made³⁰². In any case, the ruling concerned must be made not later than 20 days after the result of the election is published in the Gazette by the Returning Officer³⁰³.

II.2.10. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

II.2.10.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

II.2.10.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

II.2.10.3. The FR of members of the EC will be published on 22 October 2021.

²⁹⁹ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

³⁰⁰ Section 9B of the Chief Executive Election Ordinance (Cap 569).

³⁰¹ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

³⁰² Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

³⁰³ Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).

Election Committee Subsectors
Second Sector—The professions**Accountancy Subsector****I. Composition and Method for Returning Members**

Number of Seats	Method for Returning Members		Electorates		Designated Bodies (returned by nomination) Specified Entities (returned by election)
			Individuals	Bodies	
30	Nomination	15	✓		Association of Hong Kong Accounting Advisors Limited (To be nominated from among the Hong Kong Accounting Advisors appointed by the Ministry of Finance of the People's Republic of China.)
	Election	15		✓	Any practice unit ¹ (as defined by section 2(1) of the Professional Accountants Ordinance (Cap 50)) that— (a) is registered under the Professional Accountants Ordinance (Cap 50); and (b) is a registered PIE auditor as defined by section 3A(1) of the Financial Reporting Council Ordinance (Cap 588) [note: if the body is a

¹ According to section 12(19B) and (19C) of the Schedule to the Chief Executive Election Ordinance (Cap 569), bodies of the specified entity of the subsector concerned is eligible to be registered as a corporate voter for that subsector only if (a) it has been operating as such a specified entity for the 3 years immediately before making its application for registration as a voter ; and (b) it has undertaken or carried out PIE engagement (as defined by section 3A(1) of the Financial Reporting Council Ordinance (Cap 588)) in the 3 years immediately before making the application for registration.

					<p>registered PIE auditor as defined by section 3A(1) of the Financial Reporting Council Ordinance (Cap 588) immediately before the day on which the Improving Electoral System (Consolidated Amendments) Ordinance 2021 is published in the Gazette, the body is not required to have been operating, as such a registered PIE auditor, for the 3 years immediately before making the application for registration, but it shall have undertaken or carried out PIE engagement (as defined by section 3A(1) of the Financial Reporting Council Ordinance (Cap 588)) in the 3 years immediately before making the application for registration.]</p>
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II. Members to be returned by nomination

II.1. How to nominate a member?

- II.1.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the nomination period and the details for making nominations. Association of Hong Kong Accounting Advisors Limited (the designated body of this subsector) may nominate a number of persons selected by it as its nominated members of the Election Committee (“EC”) by submitting a designated nomination form to the Returning Officer within the nomination period.

II.1.2. 15 members of the Accountancy subsector should be returned by nomination. If the number of persons nominated by the Association of Hong Kong Accounting Advisors Limited exceeds 15, the designated body must indicate which of the nominees are to be given preference in making up the assigned number. If more than 1 nominee remain, the excess nominees need to be ranked in order of priority. If the designated body does not indicate which nominees are to be given preference, then the Returning Officer must determine the order of priority of the nominees by drawing lots.

II.2. Who is eligible to be a nominee?

II.2.1. Other than being a Hong Kong Accounting Advisor appointed by the Ministry of Finance of the People's Republic of China, a nominee must also meet the following requirements²—

- (a) is both registered and eligible to be registered as an elector for a geographical constituency (“GC”) and is not disqualified from being so registered; and
- (b) has a substantial connection with the subsector.

II.2.2. A person is not eligible to be selected as a nominee if the person holds a specified office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), or is a candidate at a subsector ordinary election³.

II.2.3. A person who is selected as a nominee by a designated body during the nomination period is not eligible to be selected by another designated body as such a member⁴.

II.3. When a person is disqualified from being a nominee

II.3.1. A person is disqualified from being a nominee if the person⁵—

- (a) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or

² Section 8(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

³ Section 8(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁴ Section 8(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁵ Section 9(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

- (ii) received a free pardon;
- (b) on the date of nomination, is serving a sentence of imprisonment;
- (c) without limiting paragraph (a), where the nomination is made within 5 years after the date of the person's conviction, is or has been convicted—
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (d) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental incapacity, of managing and administering his/her property and affairs; or
- (e) is a member of the armed forces of the People's Republic of China or any other country or territory.

II.3.2. A person is also disqualified from being a nominee if, within the 5 years before the date of nomination⁶—

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath⁷; or
- (b) the person has been declared or decided in accordance with any law—
 - (i) to be in breach of a specified oath⁸; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region (“HKSAR”) of the People's Republic of China.

II.4. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

II.4.1. The nomination form must contain a declaration to the effect that the person will

⁶ Section 9(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁷ Section 9(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.

⁸ Ditto.

uphold the Basic Law and pledge allegiance to the HKSAR of the People's Republic of China and be signed by the person, or otherwise the nomination is not valid⁹.

II.5. Determination of the validity of nomination by the Candidate Eligibility Review Committee (“the CERC”)

II.5.1. The CERC is responsible for reviewing and confirming the eligibility of nominees. The Returning Officer shall, as soon as practicable after receiving a nomination form, forward the form to the CERC.

II.5.2. The CERC must decide the validity of nomination of a nominee in accordance with the nomination made on the designated nomination form and the preference provided by the designated body, or the order of priority by drawing lots by the Returning Officer, until the seats assigned to the body have been filled.

II.5.3. The CERC must declare the nominees who are validly nominated as EC members (i.e. declared members) by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

II.6. Publication of the Interim Register (“IR”) of members of the EC

II.6.1. The Electoral Registration Officer shall compile and publish an IR of members of the EC, and register the nominees as members-elect whose nominations are determined as valid.

II.7. Appeals in relation to declared members

II.7.1. If a person considers that a declared member is not eligible to be declared and registered as a member of the EC on the ground that¹⁰—

- (a) the declared member was ineligible to be selected as, or was disqualified from being, a nominee;
- (b) material irregularity occurred in relation to the process of nomination;
- (c) a processing error occurred in relation to the process of registration;
- (d) material irregularity occurred in relation to the determination of the CERC as to the validity of the nomination of the declared member; or
- (e) material irregularity occurred in relation to the process of drawing lots by the

⁹ Section 7A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁰ Section 4 of the Election Committee (Appeals) Regulation (Cap 569A).

Returning Officer,

the person may, by submitting a written representation, object to the declaration and registration of the declared member as a member of the EC in the IR or the Final Register (“FR”). Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region¹¹.

II.7.2. The appeal concerned must reach the Revising Officer not later than 7 days after the publication of the IR of members of the EC.

II.7.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the FR. The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant, or the declared member concerned, as the case may be, review any ruling made. In any case, the ruling concerned must be made not later than 20 days after the date of publication of the IR of members of the EC¹².

II.8. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

II.8.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

II.8.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

II.8.3. The FR of members of the EC will be published on 22 October 2021.

III. Members to be returned by election

III.1. Registration of Voters

III.1.1. This subsector is composed of corporate voters. Only specified entities listed above are eligible to be registered as a voter for this subsector.

¹¹ Section 9B of the Chief Executive Election Ordinance (Cap 569).

¹² Section 5(4) of the Election Committee (Appeals) Regulation (Cap 569A).

- III.1.2. Eligible corporate voter¹³ is required to submit a duly completed voter registration form on or before 5 July 2021.
- III.1.3. According to section 13(8) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the governing authority (by whatever name called) of the corporate voter is required to appoint an eligible person as its authorized representative for the purpose of making nomination and casting its vote in the EC Subsector Elections.

III.2. Election

III.2.1. Number of members to be elected: 15¹⁴

III.2.2. How to nominate a candidate?

- III.2.2.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the number of members to be elected by each subsector, the nomination period and the details of submitting a nomination form.
- III.2.2.2. Each candidate must submit a nomination form to the Returning Officer and must be nominated by at least 5 voters registered for the subsector concerned (excluding the candidate himself/herself).
- III.2.2.3. The number of nomination form subscribed by a voter must not exceed the number of members to be elected by that subsector in that election. If the voter is a corporate voter, the nomination must be made by the authorized representative of the corporate voter.

¹³ According to section 12(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person is eligible to be registered as a voter if the person (A) is a specified entity of that subsector; and (B) where the person is a natural person, is eligible to be registered as an elector for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency.

¹⁴ According to Annex I to the Basic Law amended by the Standing Committee of the National People's Congress and section 5I(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), if the total number of Hong Kong Special Administrative Region ("HKSAR") deputies to the National People's Congress ("NPC") or HKSAR members of the National Committee of the Chinese People's Political Consultative Conference ("CPPCC National Committee") who are eligible to register exceeds 190, an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee who does not hold a specified office of a subsector other than the NPC and CPPCC subsector may choose to register as an EC member in other subsectors which he/she has a substantial connection. In this case, he/she will be counted in the total number of members of the corresponding subsector, and the number of seats to be returned by that subsector through election by eligible corporate or individual voters will be reduced accordingly. The Chief Electoral Officer will publish in the Gazette declaring the actual number of members to be returned by election for each subsector.

III.2.3. Who is eligible to be nominated as a candidate?

III.2.3.1. In general, a candidate must meet the following requirements¹⁵:

- (a) has reached 18 years of age;
- (b) is both registered and eligible to be registered for a GC; and
- (c) he: (i) is both registered and eligible to be registered as a voter for that subsector; or (ii) satisfies the Returning Officer for the subsector that the person has a substantial connection with the subsector.

III.2.3.2. A person is not eligible to be nominated as a candidate if the person holds a specified office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member) or is selected as a nominee by a designated body, or stands for the election in another subsector¹⁶.

III.2.4. When a person is disqualified from being a candidate

III.2.4.1. A person is disqualified from being nominated as a candidate and from being elected as a member of the EC, if the person¹⁷:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;
- (e) without limiting paragraph (c), where the subsector election is to be held or is held within 5 years after the date of the person's conviction, is or has been

¹⁵ Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁶ Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁷ Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

convicted—

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

III.2.4.2. A person is also disqualified from being nominated as a candidate and from being elected as an EC member if, within the 5 years before the date of nomination¹⁸:

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath¹⁹; or
- (b) the person has been declared or decided in accordance with any law—
 - (i) to be in breach of a specified oath²⁰; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the HKSAR of the People’s Republic of China.

III.2.5. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

III.2.5.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People’s Republic of China and be signed by the person, or otherwise the nomination is not valid²¹.

¹⁸ Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁹ Section 18(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China.

²⁰ Ditto.

²¹ Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

III.2.6. Determination of the validity of nomination by the CERC

III.2.6.1. The Returning Officer will forward the form to the CERC as soon as possible after receiving the nomination form. The CERC must, as soon as practicable, decide whether or not the person is validly nominated²².

III.2.6.2. The CERC must declare the persons who are validly nominated as candidates by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

III.2.7. Polling date

III.2.7.1. The poll will be conducted on 19 September 2021. EC members of the subsector are to be elected by secret ballot and a voter may vote for as many candidates as the number of members to be elected by the subsector and no more.

III.2.8. Publication of IR of members of the EC

III.2.8.1. The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the EC (members-elect) at a subsector election. The Electoral Registration Officer shall compile and publish an IR of members of the EC within 7 days after the result of the election is published.

III.2.9. Appeals against result of an election

III.2.9.1. A person claiming to be a candidate at a subsector election may appeal to a Revising Officer against the result of that election, if he/she considers the person who was declared to have been elected was ineligible to be, or was disqualified from being, a candidate at the election, or material irregularity occurred in relation to the election, or to the polling or counting of votes at the election, by lodging an appeal notice²³. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region²⁴.

III.2.9.2. The appeal concerned must reach the Revising Officer not later than 7 days after the date on which the Returning Officer has published in the Gazette the result of the election²⁵.

²² Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²³ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

²⁴ Section 9B of the Chief Executive Election Ordinance (Cap 569).

²⁵ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

III.2.9.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the FR. The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the person whose election is questioned, as the case may be, review any ruling made²⁶. In any case, the ruling concerned must be made not later than 20 days after the result of the election is published in the Gazette by the Returning Officer²⁷.

III.2.10. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

III.2.10.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

III.2.10.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

III.2.10.3. The FR of members of the EC will be published on 22 October 2021.

²⁶ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

²⁷ Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).

Election Committee Subsectors
Second Sector—The professions

Architectural, surveying, planning and landscape Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electorates		Specified Offices (ex-officio members) Specified Entities (returned by election)
			Individuals	Bodies	
30	Ex-officio	15	✓		Responsible person of statutory bodies, advisory bodies and related organisations ²⁸ : <ol style="list-style-type: none"> 1. the President of The Hong Kong Institute of Architects 2. the President of The Hong Kong Institute of Surveyors 3. the President of The Hong Kong Institute of Planners 4. the President of The Hong Kong Institute of Landscape Architects 5. the Chairman of the Hong Kong Housing Authority 6. the Chairman of the Town Planning Board 7. the Chairman of the Board of the Urban Renewal Authority 8. the Chairman of the Hong Kong Housing Society 9. the Chairman of the Antiquities Advisory Board 10. the Chairperson of the

²⁸ For the ex-officio seats in these subsectors, if the specified person is not eligible to be registered (i.e. he/she is disqualified from being registered as an elector of Legislative Council Geographical Constituency or he/she is a prescribed public officer), or he/she has already registered as an ex-officio member through holding another specified office, he/she may designate another person who is holding an office in the relevant body in relation to the specified office as an ex-officio member.

					<p>Property Management Services Authority</p> <p>11. the Chairman of the Community Involvement Committee on Greening</p> <p>12. the Chairman of the Advisory Committee for the Fire Safety (Buildings) Ordinance and the Fire Safety (Commercial Premises) Ordinance</p> <p>13. the Chairman of the Harbourfront Commission</p> <p>14. the Chairman of the Land and Development Advisory Committee</p> <p>15. the Chairman of the Lantau Development Advisory Committee</p>
	Election	15		✓	<p>The following listed bodies:</p> <p>1. The Hong Kong Institute of Architects</p> <p>2. The Hong Kong Institute of Surveyors</p> <p>3. The Hong Kong Institute of Planners</p> <p>4. The Hong Kong Institute of Landscape Architects</p> <p>5. Hong Kong Housing Authority</p> <p>6. Hong Kong Housing Society</p> <p>7. Urban Renewal Authority</p> <p>8. Authorized Persons Registration Committee</p> <p>9. Inspectors Registration Committee</p> <p>10. Property Management Services Authority</p>

					<p>11. Hong Kong Green Building Council Limited</p> <p>12. BEAM Society Limited</p> <p>13. The Lands Department Estate Surveyors Association</p> <p>14. Housing Department Quantity Surveyors' Association</p> <p>15. Hong Kong Housing Department Architects Association</p> <p>16. Housing Department Estate Surveyors Association</p> <p>17. Planners Association of Hong Kong Housing Department</p> <p>18. Housing Department Landscape Architects Association</p> <p>19. Buildings Department Local Building Surveyors' Association</p> <p>20. Architectural Services Department Quantity Surveyors' Association</p> <p>21. Architectural Services Department Maintenance Surveyors' Association</p> <p>22. Architectural Services Department Architects' Association</p> <p>23. Association of Government Local Land Surveyors</p> <p>24. The Hong Kong Housing Department Maintenance Surveyors Association</p> <p>25. Hong Kong Government Local Town Planners Association</p>
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					<p>26. Hong Kong Government Landscape Architects Association</p> <p>27. Aedas Limited</p> <p>28. AGC Design Limited</p> <p>29. Andrew Lee King Fun & Associates Architects Limited</p> <p>30. DLN Architects Limited</p> <p>31. Leigh & Orange Limited</p> <p>32. LWK & Partners (HK) Limited</p> <p>33. P&T Architects and Engineers Limited</p> <p>34. Ronald Lu & Partners (Hong Kong) Limited</p> <p>35. Wong & Ouyang (HK) Limited</p> <p>36. Wong Tung & Partners Limited</p> <p>37. Ho & Partners Architects Engineers & Development Consultants Limited</p> <p>38. Rocco Design Architects Limited</p> <p>39. Simon Kwan & Associates Limited</p> <p>40. TFP Farrells Limited</p> <p>41. Freevision Limited</p> <p>42. Fruit Design & Build Limited</p> <p>43. Prudential Surveyors International Limited</p> <p>44. Knight Frank Petty Limited</p> <p>45. Vigers Building Consultancy Limited</p> <p>46. KC Surveyors Limited</p> <p>47. Savills Project Consultancy Limited</p>
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					48. CBRE Limited 49. Rider Levett Bucknall Limited 50. Arcadis Hong Kong Limited 51. Currie & Brown (China) Limited 52. Urbis Limited 53. Townland Consultants Limited 54. Llewelyn-Davies Hong Kong Limited 55. Earthasia Limited 56. ACLA Limited
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II. Registration of Ex-officio Members

II.1. Eligibility

II.1.1. Only the holders of the specified offices of the Architectural, surveying, planning and landscape subsector listed below are eligible to be registered as the ex-officio members of this subsector—

Responsible person of statutory bodies, advisory bodies and related organisations

II.1.2. A person registered as an ex-officio member of this subsector is also required to be registered (or is eligible to be registered and has made an application to be so registered) as an elector for a geographical constituency (“GC”), and is not disqualified from being an elector for a GC²⁹.

II.1.3. It is important to note that if an National People’s Congress (“NPC”) deputy or a Chinese People’s Political Consultative Conference (“CPPCC”) member is holding a specified office of this subsector simultaneously, he/she may only be registered as an ex-officio member of this subsector³⁰. If he/she holds more than one specified office of a subsector other than the NPC and CPPCC subsector, he/she may only choose to be registered as an ex-officio member of one of the specified subsectors, and may designate another person who is holding an office in the relevant body in relation to the specified office to be registered as an ex-officio member³¹.

²⁹ Section 5L(1)(a) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

³⁰ Section 5I of the Schedule to the Chief Executive Election Ordinance (Cap 569).

³¹ Section 5J of the Schedule to the Chief Executive Election Ordinance (Cap 569).

- II.1.4. A person is not eligible to be registered as an ex-officio member if the person³²—
- (a) is a principal official appointed pursuant to a nomination under Article 48(5) of the Basic Law;
 - (b) is a directorate officer of the Government;
 - (c) is an Administrative Officer of the Government;
 - (d) is an Information Officer of the Government;
 - (e) is a police officer; or
 - (f) is any other civil servant who is holding a specified office in his/her official capacity.
- II.1.5. If the person holding the specified office is a principal official, prescribed public officer or civil servant³³, he/she may designate another person who is holding an office in the relevant body in relation to the specified office to be registered as an ex-officio member.
- II.1.6. A person is disqualified from being registered as an ex-officio member if the person³⁴:
- (a) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either:
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
 - (b) on the date of submission of the registration form, is serving a sentence of imprisonment;
 - (c) without limiting paragraph (a), where the registration form is submitted within 5 years after the date of the person's conviction, is or has been convicted:
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or

³² Section 5L(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

³³ Section 5L of the Schedule to the Chief Executive Election Ordinance (Cap 569).

³⁴ Section 5M(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

- (iii) of any offence prescribed by the EAC Regulations;
 - (d) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her property and affairs; or
 - (e) is a member of the armed forces of the People's Republic of China or any other country or territory.
- II.1.7. A person is also disqualified from being registered as an ex-officio member if, within the 5 years before the date of submission of the registration form³⁵:
- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath³⁶; or
 - (b) the person has been declared or decided in accordance with any law:
 - (i) to be in breach of a specified oath³⁷; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region ("HKSAR") of the People's Republic of China.
- II.1.8. Declaration of "Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region"**
- II.1.8.1. The registration form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People's Republic of China and be signed by the person, or otherwise the registration is not valid³⁸.
- II.1.9. Determination of the validity of registration by the Candidate Eligibility Review Committee ("the CERC")**
- II.1.9.1. The Electoral Registration Officer will forward the form to the CERC as soon as possible after receiving the registration form. The CERC must, as soon as practicable, determine whether or not the registration is valid.

³⁵ Section 5M(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

³⁶ Section 5M(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.

³⁷ Ditto.

³⁸ Section 5K of the Schedule to the Chief Executive Election Ordinance (Cap 569).

II.2. Deadline for registration

- II.2.1. All persons who are eligible to be registered as ex-officio members of this subsector must submit the registration form on or before 5 July 2021.

II.3. Publication of Interim Register (“IR”) of members of the Election Committee (“EC”)

- II.3.1. The Electoral Registration Officer shall compile and publish the IR of members of EC and register the persons whose registration is determined as valid (members-elect) to be ex-officio members.

II.4. Appeals against the registration of ex-officio members

- II.4.1. A person who considers that an ex-officio member is not eligible to be registered as a member of the EC may submit a written representation to object to the registration of the ex-officio member as a member of the EC in the IR or Final Register (“FR”) of members of the EC on the ground that³⁹—
- (a) the ex-officio member was ineligible to be registered as, or was disqualified from being, a member of the EC;
 - (b) a processing error occurred in relation to the process of registration; or
 - (c) material irregularity occurred in relation to the determination of the CERC as to the validity of the registration of the ex-officio member.

The appeal must reach the Revising Officer not later than 7 days after the date of publication of the IR concerned⁴⁰. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region⁴¹.

- II.4.2. A person whose registration has been determined by the CERC to be invalid may claim that he/she is eligible to be, and is not disqualified from being, registered as an ex-officio member by submitting a written representation⁴².
- II.4.3. A person whose registration has been determined by the CERC to be invalid after the date of publication of the IR concerned, may lodge an appeal by submitting a written representation to the Revising Officer not later than 7 days after the date of

³⁹ Section 4A(1) of the EC (Appeals) Regulation (Cap 569A).

⁴⁰ Section 4A(3) of the EC (Appeals) Regulation (Cap 569A).

⁴¹ Section 9B of the Chief Executive Election Ordinance (Cap 569).

⁴² Section 4A(2) of the Election Committee (Appeals) Regulation (Cap 569A).

issuance of the notice informing the relevant person of the determination.

II.4.4. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the FR. The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the ex-officio member concerned, as the case may be, review any ruling made⁴³. In any case, the ruling concerned must be made not later than 20 days after the date of publication of the IR of members of the EC⁴⁴.

II.5. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

II.5.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

II.5.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

II.5.3. The FR of members of the EC will be published on 22 October 2021.

III. Members to be returned by election

III.1. Registration of Voters

III.1.1. This subsector is composed of corporate voters. Only specified entities listed above are eligible to be registered as a voter for this subsector.

III.1.2. Eligible corporate voter⁴⁵ is required to submit a duly completed voter registration form on or before 5 July 2021.

III.1.3. According to section 13(8) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the governing authority (by whatever name called) of the corporate voter is required to appoint an eligible person as its authorized

⁴³ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

⁴⁴ Section 5(4) of the Election Committee (Appeals) Regulation (Cap 569A).

⁴⁵ According to section 12(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person is eligible to be registered as a voter if the person (A) is a specified entity of that subsector; and (B) where the person is a natural person, is eligible to be registered as an elector for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency.

representative for the purpose of making nomination and casting its vote in the EC Subsector Elections.

III.2. Election

III.2.1. Number of members to be elected: 15⁴⁶

III.2.2. How to nominate a candidate?

III.2.2.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the number of members to be elected by each subsector, the nomination period and the details of submitting a nomination form.

III.2.2.2. Each candidate must submit a nomination form to the Returning Officer and must be nominated by at least 5 voters registered for the subsector concerned (excluding the candidate himself/herself).

III.2.2.3. The number of nomination form subscribed by a voter must not exceed the number of members to be elected by that subsector in that election. If the voter is a corporate voter, the nomination must be made by the authorized representative of the corporate voter.

III.2.3. Who is eligible to be nominated as a candidate?

III.2.3.1. In general, a candidate must meet the following requirements⁴⁷:

- (a) has reached 18 years of age;
- (b) is both registered and eligible to be registered for a GC; and
- (c) he: (i) is both registered and eligible to be registered as a voter for that subsector; or (ii) satisfies the Returning Officer for the subsector that the person has a substantial connection with the subsector.

⁴⁶ According to Annex I to the Basic Law amended by the Standing Committee of the National People's Congress and section 5I(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), if the total number of Hong Kong Special Administrative Region ("HKSAR") deputies to the National People's Congress ("NPC") or HKSAR members of the National Committee of the Chinese People's Political Consultative Conference ("CPPCC National Committee") who are eligible to register exceeds 190, an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee who does not hold a specified office of a subsector other than the NPC and CPPCC subsector may choose to register as an EC member in other subsectors which he/she has a substantial connection. In this case, he/she will be counted in the total number of members of the corresponding subsector, and the number of seats to be returned by that subsector through election by eligible corporate or individual voters will be reduced accordingly. The Chief Electoral Officer will publish in the Gazette declaring the actual number of members to be returned by election for each subsector.

⁴⁷ Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

III.2.3.2. A person is not eligible to be nominated as a candidate if the person holds a specified office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member) or is selected as a nominee by a designated body, or stands for the election in another subsector⁴⁸.

III.2.4. When a person is disqualified from being a candidate

III.2.4.1. A person is disqualified from being nominated as a candidate and from being elected as a member of the EC, if the person⁴⁹:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;
- (e) without limiting paragraph (c), where the subsector election is to be held or is held within 5 years after the date of the person's conviction, is or has been convicted —
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (f) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her

⁴⁸ Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁴⁹ Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

property and affairs; or

- (g) is a member of the armed forces of the People's Republic of China or any other country or territory.

III.2.4.2. A person is also disqualified from being nominated as a candidate and from being elected as an EC member if, within the 5 years before the date of nomination⁵⁰:

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath⁵¹; or
- (b) the person has been declared or decided in accordance with any law—
 - (i) to be in breach of a specified oath⁵²; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the HKSAR of the People's Republic of China.

III.2.5. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

III.2.5.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People's Republic of China and be signed by the person, or otherwise the nomination is not valid⁵³.

III.2.6. Determination of the validity of nomination by the CERC

III.2.6.1. The Returning Officer will forward the form to the CERC as soon as possible after receiving the nomination form. The CERC must, as soon as practicable, decide whether or not the person is validly nominated⁵⁴.

III.2.6.2. The CERC must declare the persons who are validly nominated as candidates by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

III.2.7. Polling date

III.2.7.1. The poll will be conducted on 19 September 2021. EC members of the subsector

⁵⁰ Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁵¹ Section 18(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.

⁵² Ditto.

⁵³ Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁵⁴ Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

are to be elected by secret ballot and a voter may vote for as many candidates as the number of members to be elected by the subsector and no more.

III.2.8. Publication of IR of members of the EC

III.2.8.1. The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the EC (members-elect) at a subsector election. The Electoral Registration Officer shall compile and publish an IR of members of the EC within 7 days after the result of the election is published.

III.2.9. Appeals against result of an election

III.2.9.1. A person claiming to be a candidate at a subsector election may appeal to a Revising Officer against the result of that election, if he/she considers the person who was declared to have been elected was ineligible to be, or was disqualified from being, a candidate at the election, or material irregularity occurred in relation to the election, or to the polling or counting of votes at the election, by lodging an appeal notice⁵⁵. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region⁵⁶.

III.2.9.2. The appeal concerned must reach the Revising Officer not later than 7 days after the date on which the Returning Officer has published in the Gazette the result of the election⁵⁷.

III.2.9.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the FR. The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the person whose election is questioned, as the case may be, review any ruling made⁵⁸. In any case, the ruling concerned must be made not later than 20 days after the result of the election is published in the Gazette by the Returning Officer⁵⁹.

III.2.10. The requirement for signing a written oath in order to include the name of a

⁵⁵ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

⁵⁶ Section 9B of the Chief Executive Election Ordinance (Cap 569).

⁵⁷ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

⁵⁸ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

⁵⁹ Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).

member-elect in the FR of members of the EC

III.2.10.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

III.2.10.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

III.2.10.3. The FR of members of the EC will be published on 22 October 2021.

Election Committee Subsectors
Second Sector—The professions

Chinese medicine Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electorates		Designated Bodies (returned by nomination) Specified Entities (returned by election)
			Individuals	Bodies	
30	Nomination	15	✓		The WFCMS (Hong Kong) Council Members Association Limited (To be nominated from among the Hong Kong members of the Council of the World Federation of Chinese Medicine Societies)
	Election	15		✓	(a) Federation of the Hong Kong Chinese Medicine Practitioners and Chinese Medicines Traders Association; (b) the corporate members of the Federation ⁶⁰ ; or (c) the following listed bodies: Part 1—Statutory Regulatory and Consultative Bodies 1. Chinese Medicine Council of Hong Kong 2. Chinese Medicine Development Committee

⁶⁰ According to section 12(20) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a corporate member of these bodies is eligible to be registered as a voter for the subsector concerned only if it has been a corporate member of that body and has been operating for the 3 years immediately before making its application for registration as a voter.

					<p>Part 2—Administrative and Training Institutions</p> <ol style="list-style-type: none"> 1. Hong Kong Registered Chinese Medicine Practitioners Association Limited 2. China Society of Practitioners of Chinese Medicine Limited 3. The Kowloon Chinese Herbalists Association Limited 4. Buddhist Vassar Chinese Medical College Limited 5. Hong Kong Wah Ha Medicine Association 6. School of Chinese Medicine, The University of Hong Kong 7. Hong Kong Acupuncture and Moxibustion Association 8. School of Chinese Medicine, The Chinese University of Hong Kong 9. Society for Research on Traditional Chinese Medicine Limited 10. Wahhar College Hong Kong Limited 11. School of Continuing and Professional Studies, The Chinese University of Hong Kong 12. School of Chinese Medicine, Hong Kong
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					<p>Baptist University</p> <p>13. Hong Kong & Kowloon Chinese Medicine Merchants Association Limited</p> <p>14. Hong Kong Academy of Chinese Medicine Company Limited</p> <p>15. Hong Kong Association for Integration of Chinese-Western Medicine</p> <p>16. HKU School of Professional and Continuing Education</p> <p>17. Hospital Authority</p> <p>18. Tung Wah Group of Hospitals</p> <p>19. Modern Institute of Chinese Medicine</p> <p>20. College of Traditional Medicine</p> <p>21. The Hong Kong Association of Traditional Chinese Medicine Limited</p> <p>22. International General Chinese Herbalists and Medicine Professionals Association Limited</p> <p>23. Sin-Hua Herbalists' and Herb Dealers' Promotion Society Limited</p> <p>24. Society of Practitioners of Chinese Herbal Medicine Limited</p> <p>25. The Hong Kong T.C.M. Orthopaedic & Traumatic Association Limited</p>
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					<p>26. Hong Kong Chinese Herbalists Association Limited</p> <p>27. Association of Hong Kong & Kowloon Practitioners of Chinese Medicine, Limited</p> <p>28. Hong Kong Chinese Medicine Practitioners Association Limited</p> <p>Part 3—Other Relevant Bodies</p> <p>1. The Hong Kong Federation of China of Traditional Chinese Medicine</p> <p>2. Hong Kong Acupuncturists Association Limited</p> <p>3. Society for the Promotion of Chinese Traditional Medical Science Limited</p> <p>4. The Society of Hong Kong Professional Registered Chinese Medicine Practitioners Limited</p> <p>5. Hong Kong College of Traditional Chinese Medicine Limited</p> <p>6. Hong Kong Listed Chinese Medicine Practitioners Association</p> <p>7. International General Chinese Medicated Meal of Self Recovery Association Limited</p> <p>8. International Chinese Medicine and Integrative Manual Therapy</p>
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					<p>Association Limited</p> <p>9. 香港中華經筋醫學研究會</p> <p>10. HK Scalp Acupuncture Association</p> <p>11. Hong Kong Chinese Medicine Practitioners' Rights General Union</p> <p>12. Hong Kong Chinese Spinal Orthopaedic Medicine Association Limited</p> <p>13. 國際自然療能研究學會</p> <p>14. Hong Kong Jingluo Medical Association</p> <p>15. The Hong Kong Professional Institute of Chinese Medicine Medicated Meal and Food Limited</p> <p>16. International Association of Medicinal Food Therapy Limited</p> <p>17. Modernized Chinese Medicine International Association Limited</p> <p>18. Association of Ancient & Contemporary Chinese Medicine Limited</p> <p>19. Hong Kong Shanwei Chinese Medicine Association</p> <p>20. 中華國際傳統醫藥學會</p> <p>21. Hong Kong Chinese Medicine and Herbs Association Limited</p> <p>22. Meridian Activation System Therapy-Chinese Medicine Association</p>
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					Limited 23. International Chinese Medical Acupuncture & Anatomy Association Limited 24. Hong Kong Medicinal Herbs Society 25. Chinese (H.K.) East-West Medicine Integrate Association
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II. Members to be returned by nomination

II.1. How to nominate a member?

II.1.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the nomination period and the details for making nominations. The WFCMS (Hong Kong) Council Members Association Limited (the designated body of this subsector) may nominate a number of persons selected by it as its nominated members of the Election Committee (“EC”) by submitting a designated nomination form to the Returning Officer within the nomination period.

II.1.2. 15 members of the Chinese medicine subsector should be returned by nomination. If the number of persons nominated by the WFCMS (Hong Kong) Council Members Association Limited exceeds 15, the designated body must indicate which of the nominees are to be given preference in making up the assigned number. If more than 1 nominee remain, the excess nominees need to be ranked in order of priority. If the designated body does not indicate which nominees are to be given preference, then the Returning Officer must determine the order of priority of the nominees by drawing lots.

II.2. Who is eligible to be a nominee?

II.2.1. Other than being the Hong Kong members of the Council of the World Federation of Chinese Medicine Societies, a nominee must also meet the following requirements⁶¹—

- (a) is both registered and eligible to be registered as an elector for a geographical

⁶¹ Section 8(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

constituency (“GC”) and is not disqualified from being so registered; and

(b) has a substantial connection with the subsector.

II.2.2. A person is not eligible to be selected as a nominee if the person holds a specified office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), or is a candidate at a subsector ordinary election⁶².

II.2.3. A person who is selected as a nominee by a designated body during the nomination period is not eligible to be selected by another designated body as such a member⁶³.

II.3. When a person is disqualified from being a nominee

II.3.1. A person is disqualified from being a nominee if the person⁶⁴—

- (a) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (b) on the date of nomination, is serving a sentence of imprisonment;
- (c) without limiting paragraph (a), where the nomination is made within 5 years after the date of the person’s conviction, is or has been convicted—
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (d) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental incapacity, of managing and administering his/her property and affairs; or

⁶² Section 8(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁶³ Section 8(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁶⁴ Section 9(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

- (e) is a member of the armed forces of the People's Republic of China or any other country or territory.
- II.3.2. A person is also disqualified from being a nominee if, within the 5 years before the date of nomination⁶⁵—
- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath⁶⁶; or
- (b) the person has been declared or decided in accordance with any law—
- (i) to be in breach of a specified oath⁶⁷; or
- (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region (“HKSAR”) of the People's Republic of China.

II.4. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

- II.4.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People's Republic of China and be signed by the person, or otherwise the nomination is not valid⁶⁸.

II.5. Determination of the validity of nomination by the Candidate Eligibility Review Committee (“the CERC”)

- II.5.1. The CERC is responsible for reviewing and confirming the eligibility of nominees. The Returning Officer shall, as soon as practicable after receiving a nomination form, forward the form to the CERC.
- II.5.2. The CERC must decide the validity of nomination of a nominee in accordance with the nomination made on the designated nomination form and the preference provided by the designated body, or the order of priority by drawing lots by the Returning Officer, until the seats assigned to the body have been filled.
- II.5.3. The CERC must declare the nominees who are validly nominated as EC members (i.e. declared members) by publishing a notice in the Gazette within 14 days after

⁶⁵ Section 9(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁶⁶ Section 9(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.

⁶⁷ Ditto.

⁶⁸ Section 7A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

the expiry of the nomination period.

II.6. Publication of the Interim Register (“IR”) of members of the EC

II.6.1. The Electoral Registration Officer shall compile and publish an IR of members of the EC, and register the nominees as members-elect whose nominations are determined as valid.

II.7. Appeals in relation to declared members

II.7.1. If a person considers that a declared member is not eligible to be declared and registered as a member of the EC on the ground that⁶⁹—

- (a) the declared member was ineligible to be selected as, or was disqualified from being, a nominee;
- (b) material irregularity occurred in relation to the process of nomination;
- (c) a processing error occurred in relation to the process of registration;
- (d) material irregularity occurred in relation to the determination of the CERC as to the validity of the nomination of the declared member; or
- (e) material irregularity occurred in relation to the process of drawing lots by the Returning Officer,

the person may, by submitting a written representation, object to the declaration and registration of the declared member as a member of the EC in the IR register or the Final Register (“FR”). Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region⁷⁰.

II.7.2. The appeal concerned must reach the Revising Officer not later than 7 days after the publication of the IR of members of the EC.

II.7.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the FR. The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant, or the declared member concerned, as the case may be, review any ruling made. In any case, the ruling

⁶⁹ Section 4 of the Election Committee (Appeals) Regulation (Cap 569A).

⁷⁰ Section 9B of the Chief Executive Election Ordinance (Cap 569).

concerned must be made not later than 20 days after the date of publication of the IR of members of the EC⁷¹.

II.8. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

II.8.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

II.8.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

II.8.3. The FR of members of the EC will be published on 22 October 2021.

III. Members to be returned by election

III.1. Registration of Voters

III.1.1. This subsector is composed of corporate voters. Only specified entities listed above are eligible to be registered as a voter for this subsector.

III.1.2. Eligible corporate voter⁷² is required to submit a duly completed voter registration form on or before 5 July 2021.

III.1.3. According to section 13(8) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the governing authority (by whatever name called) of the corporate voter is required to appoint an eligible person as its authorized representative for the purpose of making nomination and casting its vote in the EC Subsector Elections.

⁷¹ Section 5(4) of the Election Committee (Appeals) Regulation (Cap 569A).

⁷² According to section 12(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person is eligible to be registered as a voter if the person (A) is a specified entity of that subsector; and (B) where the person is a natural person, is eligible to be registered as an elector for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency.

III.2. Election

III.2.1. Number of members to be elected: 15⁷³

III.2.2. How to nominate a candidate?

III.2.2.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the number of members to be elected by each subsector, the nomination period and the details of submitting a nomination form.

III.2.2.2. Each candidate must submit a nomination form to the Returning Officer and must be nominated by at least 5 voters registered for the subsector concerned (excluding the candidate himself/herself).

III.2.2.3. The number of nomination form subscribed by a voter must not exceed the number of members to be elected by that subsector in that election. If the voter is a corporate voter, the nomination must be made by the authorized representative of the corporate voter.

III.2.3. Who is eligible to be nominated as a candidate?

III.2.3.1. In general, a candidate must meet the following requirements⁷⁴:

- (a) has reached 18 years of age;
- (b) is both registered and eligible to be registered for a GC; and
- (c) he: (i) is both registered and eligible to be registered as a voter for that subsector; or (ii) satisfies the Returning Officer for the subsector that the person has a substantial connection with the subsector.

III.2.3.2. A person is not eligible to be nominated as a candidate if the person holds a specified office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member) or is

⁷³ According to Annex I to the Basic Law amended by the Standing Committee of the National People's Congress and section 5I(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), if the total number of Hong Kong Special Administrative Region ("HKSAR") deputies to the National People's Congress ("NPC") or HKSAR members of the National Committee of the Chinese People's Political Consultative Conference ("CPPCC National Committee") who are eligible to register exceeds 190, an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee who does not hold a specified office of a subsector other than the NPC and CPPCC subsector may choose to register as an EC member in other subsectors which he/she has a substantial connection. In this case, he/she will be counted in the total number of members of the corresponding subsector, and the number of seats to be returned by that subsector through election by eligible corporate or individual voters will be reduced accordingly. The Chief Electoral Officer will publish in the Gazette declaring the actual number of members to be returned by election for each subsector.

⁷⁴ Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

selected as a nominee by a designated body, or stands for the election in another subsector⁷⁵.

III.2.4. When a person is disqualified from being a candidate

III.2.4.1. A person is disqualified from being nominated as a candidate and from being elected as a member of the EC, if the person⁷⁶:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;
- (e) without limiting paragraph (c), where the subsector election is to be held or is held within 5 years after the date of the person's conviction, is or has been convicted —
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (f) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her property and affairs; or
- (g) is a member of the armed forces of the People's Republic of China or any other country or territory.

III.2.4.2. A person is also disqualified from being nominated as a candidate and from being

⁷⁵ Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁷⁶ Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

elected as an EC member if, within the 5 years before the date of nomination⁷⁷:

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath⁷⁸; or
- (b) the person has been declared or decided in accordance with any law—
 - (i) to be in breach of a specified oath⁷⁹; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the HKSAR of the People’s Republic of China.

III.2.5. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

III.2.5.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People’s Republic of China and be signed by the person, or otherwise the nomination is not valid⁸⁰.

III.2.6. Determination of the validity of nomination by the CERC

III.2.6.1. The Returning Officer will forward the form to the CERC as soon as possible after receiving the nomination form. The CERC must, as soon as practicable, decide whether or not the person is validly nominated⁸¹.

III.2.6.2. The CERC must declare the persons who are validly nominated as candidates by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

III.2.7. Polling date

III.2.7.1. The poll will be conducted on 19 September 2021. EC members of the subsector are to be elected by secret ballot and a voter may vote for as many candidates as the number of members to be elected by the subsector and no more.

⁷⁷ Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁷⁸ Section 18(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China.

⁷⁹ Ditto.

⁸⁰ Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁸¹ Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

III.2.8. Publication of IR of members of the EC

III.2.8.1. The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the EC (members-elect) at a subsector election. The Electoral Registration Officer shall compile and publish an IR of members of the EC within 7 days after the result of the election is published.

III.2.9. Appeals against result of an election

III.2.9.1. A person claiming to be a candidate at a subsector election may appeal to a Revising Officer against the result of that election, if he/she considers the person who was declared to have been elected was ineligible to be, or was disqualified from being, a candidate at the election, or material irregularity occurred in relation to the election, or to the polling or counting of votes at the election, by lodging an appeal notice⁸². Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region⁸³.

III.2.9.2. The appeal concerned must reach the Revising Officer not later than 7 days after the date on which the Returning Officer has published in the Gazette the result of the election⁸⁴.

III.2.9.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the FR. The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the person whose election is questioned, as the case may be, review any ruling made⁸⁵. In any case, the ruling concerned must be made not later than 20 days after the result of the election is published in the Gazette by the Returning Officer⁸⁶.

III.2.10. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

III.2.10.1. A member-elect of the EC must submit a written oath signed by him/her in order to

⁸² Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

⁸³ Section 9B of the Chief Executive Election Ordinance (Cap 569).

⁸⁴ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

⁸⁵ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

⁸⁶ Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).

include his/her name in the FR of members of the EC for that term of office.

III.2.10.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

III.2.10.3. The FR of members of the EC will be published on 22 October 2021.

Election Committee Subsectors
Second Sector—The professions

Education Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electorates		Specified Offices (ex-officio members) Specified Entities (returned by election)
			Individuals	Bodies	
30	Ex-officio	16	✓		Vice-Chancellor/Presidents of Universities ⁸⁷ : <ol style="list-style-type: none"> 1. the Vice-Chancellor of The University of Hong Kong 2. the Vice-Chancellor of The Chinese University of Hong Kong 3. the President of The Hong Kong University of Science and Technology 4. the President of the City University of Hong Kong 5. the President of The Hong Kong Polytechnic University 6. the President of The Education University of Hong Kong 7. the President and Vice-

⁸⁷ If the Vice-chancellor/President of a university is a specified person but is not eligible to be registered as an ex-officio member of the Education subsector, the Council Chairman/the Chairman of the Board of Governors of a relevant body in relation to the specified office is to be regarded as a specified office of the relevant body. According to section 5J(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the arrangement is as follows:

Vice-Chancellor/Presidents of Universities	Replacement
The University of Hong Kong	The Council Chairman
The Chinese University of Hong Kong, The Hong Kong University of Science and Technology, City University of Hong Kong, The Hong Kong Polytechnic University, The Education University of Hong Kong, Hong Kong Baptist University, Lingnan University, The Open University of Hong Kong, Hong Kong Shue Yan University, The Hang Seng University of Hong Kong	The Chairman of the Board of Governors

					<p>Chancellor of the Hong Kong Baptist University</p> <p>8. the President of Lingnan University</p> <p>9. the President of The Open University of Hong Kong</p> <p>10. the President of the Hong Kong Shue Yan University</p> <p>11. the President of The Hang Seng University of Hong Kong</p> <p>Sponsoring bodies which operate secondary schools, primary schools and kindergarten that receive recurrent funding from the Government, and the total number of schools managed by the school sponsoring bodies are among the top five of all school sponsoring bodies⁸⁸:</p> <p>12. the office specified by Roman Catholic Diocese of Hong Kong</p> <p>13. the office specified by the Po Leung Kuk</p> <p>14. the office specified by the Hong Kong Sheng Kung Hui</p> <p>15. the office specified by the Tung Wah Group of Hospitals</p> <p>16. the office specified by The Hong Kong Council of the Church of Christ in China</p>
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⁸⁸ If the specified person is not eligible to be registered (i.e. he/she is disqualified from being registered as an elector of Legislative Council Geographical Constituency or he/she is a prescribed public officer), he/she may designate another person who is holding an office in the relevant body in relation to the specified office as an ex-officio member.

	Election	14		✓	<p>(a) institutions of higher education funded through the University Grants Committee;</p> <p>(b) post secondary colleges⁸⁹ registered under the Post Secondary Colleges Ordinance (Cap 320);</p> <p>(c) The Open University of Hong Kong;</p> <p>(d) The Hong Kong Academy for Performing Arts;</p> <p>(e) the Vocational Training Council;</p> <p>(f) The Hong Kong Examinations and Assessment Authority;</p> <p>(g) the Hong Kong Council for Accreditation of Academic and Vocational Qualifications;</p> <p>(h) schools registered under section 13 of the Education Ordinance (Cap 279) or under either of the repealed Ordinances (as defined by section 3(1) of that Ordinance), other than an exempted school (as defined by section 2 of the Education (Exemption) (Private Schools Offering Non-Formal Curriculum) Order (Cap 279 sub. leg. F))⁹⁰; or</p> <p>(i) schools entirely maintained and controlled by the Government⁹¹</p>
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⁸⁹ According to section 12(19A) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the specified entity of the subsector concerned is eligible to be registered as a corporate voter for that subsector only if it has been operating as such a specified entity for the 3 years immediately before making its application for registration as a voter.

⁹⁰ Ditto.

⁹¹ Ditto.

II. Registration of Ex-officio Members**II.1. Eligibility**

II.1.1. Only the holders of the specified offices of the Education subsector listed below are eligible to be registered as the ex-officio members of this subsector—

the Vice-chancellor/President of the university, the Council Chairman/the Chairman of the Board of Governors; and responsible person of sponsoring bodies which operate secondary schools, primary schools and kindergarten that receive recurrent funding from the Government, and the total number of schools managed by the school sponsoring bodies are among the top five of all school sponsoring bodies

II.1.2. A person registered as an ex-officio member of this subsector is also required to be registered (or is eligible to be registered and has made an application to be so registered) as an elector for a geographical constituency (“GC”), and is not disqualified from being an elector for a GC⁹².

II.1.3. It is important to note that if an National People’s Congress (“NPC”) deputy or a Chinese People’s Political Consultative Conference (“CPPCC”) member is holding a specified office of this subsector simultaneously, he/she may only be registered as an ex-officio member of this subsector⁹³. If he/she holds more than one specified office of a subsector other than the NPC and CPPCC subsector, he/she may only choose to be registered as an ex-officio member of one of the specified subsectors, and may designate another person who is holding an office in the relevant body in relation to the specified office to be registered as an ex-officio member⁹⁴.

II.1.4. If the Vice-chancellor/President of the university is not eligible to be registered, the Council Chairman/the Chairman of the Board of Governors is to be regarded as the holder of the specified office of that subsector⁹⁵.

II.1.5. A person is not eligible to be registered as an ex-officio member if the person⁹⁶—

- (a) is a principal official appointed pursuant to a nomination under Article 48(5) of the Basic Law;
- (b) is a directorate officer of the Government;

⁹² Section 5L(1)(a) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁹³ Section 5I of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁹⁴ Section 5J of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁹⁵ Section 5J(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁹⁶ Section 5L(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

- (c) is an Administrative Officer of the Government;
- (d) is an Information Officer of the Government;
- (e) is a police officer; or
- (f) is any other civil servant who is holding a specified office in his/her official capacity.

II.1.6. A person is disqualified from being registered as an ex-officio member if the person⁹⁷:

- (a) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either:
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (b) on the date of submission of the registration form, is serving a sentence of imprisonment;
- (c) without limiting paragraph (a), where the registration form is submitted within 5 years after the date of the person's conviction, is or has been convicted:
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (d) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her property and affairs; or
- (e) is a member of the armed forces of the People's Republic of China or any other country or territory.

II.1.7. A person is also disqualified from being registered as an ex-officio member if, within the 5 years before the date of submission of the registration form⁹⁸:

⁹⁷ Section 5M(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁹⁸ Section 5M(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath⁹⁹; or
- (b) the person has been declared or decided in accordance with any law:
 - (i) to be in breach of a specified oath¹⁰⁰; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region (“HKSAR”) of the People’s Republic of China.

II.1.8. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

- II.1.8.1. The registration form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People’s Republic of China and be signed by the person, or otherwise the registration is not valid¹⁰¹.

II.1.9. Determination of the validity of registration by the Candidate Eligibility Review Committee (“the CERC”)

- II.1.9.1. The Electoral Registration Officer will forward the form to the CERC as soon as possible after receiving the registration form. The CERC must, as soon as practicable, determine whether or not the registration is valid.

II.2. Deadline for registration

- II.2.1. All persons who are eligible to be registered as ex-officio members of this subsector must submit the registration form on or before 5 July 2021.

II.3. Publication of Interim Register (“IR”) of members of the Election Committee (“EC”)

- II.3.1. The Electoral Registration Officer shall compile and publish the IR of members of EC and register the persons whose registration is determined as valid (members-elect) to be ex-officio members.

II.4. Appeals against the registration of ex-officio members

- II.4.1. A person who considers that an ex-officio member is not eligible to be registered as

⁹⁹ Section 5M(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China.

¹⁰⁰ Ditto.

¹⁰¹ Section 5K of the Schedule to the Chief Executive Election Ordinance (Cap 569).

a member of the EC may submit a written representation to object to the registration of the ex-officio member as a member of the EC in the IR or Final Register (“FR”) of members of the EC on the ground that¹⁰²—

- (a) the ex-officio member was ineligible to be registered as, or was disqualified from being, a member of the EC;
- (b) a processing error occurred in relation to the process of registration; or
- (c) material irregularity occurred in relation to the determination of the CERC as to the validity of the registration of the ex-officio member.

The appeal must reach the Revising Officer not later than 7 days after the date of publication of the IR concerned¹⁰³. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region¹⁰⁴.

- II.4.2. A person whose registration has been determined by the CERC to be invalid may claim that he/she is eligible to be, and is not disqualified from being, registered as an ex-officio member by submitting a written representation¹⁰⁵.
- II.4.3. A person whose registration has been determined by the CERC to be invalid after the date of publication of the IR concerned, may lodge an appeal by submitting a written representation to the Revising Officer not later than 7 days after the date of issuance of the notice informing the relevant person of the determination.
- II.4.4. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the FR. The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the ex-officio member concerned, as the case may be, review any ruling made¹⁰⁶. In any case, the ruling concerned must be made not later than 20 days after the date of publication of the IR of members of the EC¹⁰⁷.

II.5. The requirement for signing a written oath in order to include the name of a

¹⁰² Section 4A(1) of the EC (Appeals) Regulation (Cap 569A).

¹⁰³ Section 4A(3) of the EC (Appeals) Regulation (Cap 569A).

¹⁰⁴ Section 9B of the Chief Executive Election Ordinance (Cap 569).

¹⁰⁵ Section 4A(2) of the Election Committee (Appeals) Regulation (Cap 569A).

¹⁰⁶ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

¹⁰⁷ Section 5(4) of the Election Committee (Appeals) Regulation (Cap 569A).

member-elect in the FR of members of the EC

- II.5.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.
- II.5.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).
- II.5.3. The FR of members of the EC will be published on 22 October 2021.

III. Members to be returned by election**III.1. Registration of Voters**

- III.1.1. This subsector is composed of corporate voters. Only specified entities listed above are eligible to be registered as a voter for this subsector.
- III.1.2. Eligible corporate voter¹⁰⁸ is required to submit a duly completed voter registration form on or before 5 July 2021.
- III.1.3. According to section 13(8) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the governing authority (by whatever name called) of the corporate voter is required to appoint an eligible person as its authorized representative for the purpose of making nomination and casting its vote in the EC Subsector Elections.

¹⁰⁸ According to section 12(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person is eligible to be registered as a voter if the person (A) is a specified entity of that subsector; and (B) where the person is a natural person, is eligible to be registered as an elector for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency.

III.2. Election**III.2.1. Number of members to be elected: 14¹⁰⁹****III.2.2. How to nominate a candidate?**

III.2.2.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the number of members to be elected by each subsector, the nomination period and the details of submitting a nomination form.

III.2.2.2. Each candidate must submit a nomination form to the Returning Officer and must be nominated by at least 5 voters registered for the subsector concerned (excluding the candidate himself/herself).

III.2.2.3. The number of nomination form subscribed by a voter must not exceed the number of members to be elected by that subsector in that election. If the voter is a corporate voter, the nomination must be made by the authorized representative of the corporate voter.

III.2.3. Who is eligible to be nominated as a candidate?

III.2.3.1. In general, a candidate must meet the following requirements¹¹⁰:

- (a) has reached 18 years of age;
- (b) is both registered and eligible to be registered for a GC; and
- (c) he: (i) is both registered and eligible to be registered as a voter for that subsector; or (ii) satisfies the Returning Officer for the subsector that the person has a substantial connection with the subsector.

III.2.3.2. A person is not eligible to be nominated as a candidate if the person holds a specified office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of

¹⁰⁹ According to Annex I to the Basic Law amended by the Standing Committee of the National People's Congress and section 5I(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), if the total number of Hong Kong Special Administrative Region ("HKSAR") deputies to the National People's Congress ("NPC") or HKSAR members of the National Committee of the Chinese People's Political Consultative Conference ("CPPCC National Committee") who are eligible to register exceeds 190, an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee who does not hold a specified office of a subsector other than the NPC and CPPCC subsector may choose to register as an EC member in other subsectors which he/she has a substantial connection. In this case, he/she will be counted in the total number of members of the corresponding subsector, and the number of seats to be returned by that subsector through election by eligible corporate or individual voters will be reduced accordingly. The Chief Electoral Officer will publish in the Gazette declaring the actual number of members to be returned by election for each subsector.

¹¹⁰ Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

the EC (whether or not the person is registered as an ex-officio member) or is selected as a nominee by a designated body, or stands for the election in another subsector¹¹¹.

III.2.4. When a person is disqualified from being a candidate

III.2.4.1. A person is disqualified from being nominated as a candidate and from being elected as a member of the EC, if the person¹¹²:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;
- (e) without limiting paragraph (c), where the subsector election is to be held or is held within 5 years after the date of the person's conviction, is or has been convicted —
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (f) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her property and affairs; or
- (g) is a member of the armed forces of the People's Republic of China or any other country or territory.

¹¹¹ Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹¹² Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

III.2.4.2. A person is also disqualified from being nominated as a candidate and from being elected as an EC member if, within the 5 years before the date of nomination¹¹³:

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath¹¹⁴; or
- (b) the person has been declared or decided in accordance with any law—
 - (i) to be in breach of a specified oath¹¹⁵; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the HKSAR of the People’s Republic of China.

III.2.5. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

III.2.5.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People’s Republic of China and be signed by the person, or otherwise the nomination is not valid¹¹⁶.

III.2.6. Determination of the validity of nomination by the CERC

III.2.6.1. The Returning Officer will forward the form to the CERC as soon as possible after receiving the nomination form. The CERC must, as soon as practicable, decide whether or not the person is validly nominated¹¹⁷.

III.2.6.2. The CERC must declare the persons who are validly nominated as candidates by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

III.2.7. Polling date

III.2.7.1. The poll will be conducted on 19 September 2021. EC members of the subsector are to be elected by secret ballot and a voter may vote for as many candidates as the number of members to be elected by the subsector and no more.

¹¹³ Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹¹⁴ Section 18(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China.

¹¹⁵ Ditto.

¹¹⁶ Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹¹⁷ Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

III.2.8. Publication of IR of members of the EC

III.2.8.1. The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the EC (members-elect) at a subsector election. The Electoral Registration Officer shall compile and publish an IR of members of the EC within 7 days after the result of the election is published.

III.2.9. Appeals against result of an election

III.2.9.1. A person claiming to be a candidate at a subsector election may appeal to a Revising Officer against the result of that election, if he/she considers the person who was declared to have been elected was ineligible to be, or was disqualified from being, a candidate at the election, or material irregularity occurred in relation to the election, or to the polling or counting of votes at the election, by lodging an appeal notice¹¹⁸. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region¹¹⁹.

III.2.9.2. The appeal concerned must reach the Revising Officer not later than 7 days after the date on which the Returning Officer has published in the Gazette the result of the election¹²⁰.

III.2.9.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the FR. The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the person whose election is questioned, as the case may be, review any ruling made¹²¹. In any case, the ruling concerned must be made not later than 20 days after the result of the election is published in the Gazette by the Returning Officer¹²².

III.2.10. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

III.2.10.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

¹¹⁸ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

¹¹⁹ Section 9B of the Chief Executive Election Ordinance (Cap 569).

¹²⁰ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

¹²¹ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

¹²² Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).

III.2.10.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

III.2.10.3. The FR of members of the EC will be published on 22 October 2021.

Election Committee Subsectors
Second Sector—The professions

Engineering Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electorates		Specified Offices (ex-officio members) Specified Entities (returned by election)
			Individuals	Bodies	
30	Ex-officio	15	✓		Responsible person of statutory bodies, advisory bodies and related organisations ¹²³ : <ol style="list-style-type: none"> 1. the President of The Hong Kong Institution of Engineers 2. the Chairman of the Board of the Airport Authority 3. the Chairman of the Consulting Engineers' Committee 4. the Chairperson of the Construction Industry Council 5. the Chairman of the Building Contractors Committee 6. the Chairman of the Advisory Committee on Water Supplies 7. the Chairman of the Transport Advisory Committee 8. the Chairman of the Advisory Council on the Environment 9. the Chairman of the Electrical Safety Advisory Committee 10. the Chairman of the Gas

¹²³ For the ex-officio seats in these subsectors, if the specified person is not eligible to be registered (i.e. he/she is disqualified from being registered as an elector of Legislative Council Geographical Constituency or he/she is a prescribed public officer), or he/she has already registered as an ex-officio member through holding another specified office, he/she may designate another person who is holding an office in the relevant body in relation to the specified office as an ex-officio member.

					<p>Safety Advisory Committee</p> <ol style="list-style-type: none"> 11. the Chairman of the Energy Advisory Committee 12. the Chairman of the Advisory Committee on the Appearance of Bridges and Associated Structures 13. the Chairman of the Lift and Escalator Safety Advisory Committee 14. the Chairman of the Board of MTR Corporation Limited 15. the Chairperson of the Drinking Water Safety Advisory Committee
	Election	15		✓	<p>The following listed bodies:</p> <ol style="list-style-type: none"> 1. The Hong Kong Institution of Engineers 2. CLP Power Hong Kong Limited 3. The Hong Kong and China Gas Company Limited 4. The Hongkong Electric Company, Limited 5. MTR Corporation Limited 6. Airport Authority 7. Kowloon-Canton Railway Corporation 8. Structural Engineers Registration Committee 9. Contractors Registration Committee 10. Geotechnical Engineers Registration Committee 11. Construction Industry Council 12. Construction Industry Training Board

					<p>13. Minor Works Contractors Registration Committee</p> <p>14. HKSAR Government Civil Engineers Association</p> <p>15. Buildings Department Structural Engineers' Association</p> <p>16. Hong Kong Housing Department Structural Engineers Association</p> <p>17. Association of Building Services Engineers of Housing Department</p> <p>18. Civil Engineering and Development Department Geotechnical Engineers' Association</p> <p>19. Association of Professional Engineers of Electrical & Mechanical Services Department</p> <p>20. Architectural Services Department Structural Engineers' Association</p> <p>21. Government Waterworks Professionals Association</p> <p>22. Hong Kong Housing Department Civil Engineers Association</p> <p>23. Hong Kong Institute of Environmental Protection Officers</p> <p>24. AECOM Asia Company Limited</p> <p>25. Arcadis Design & Engineering Limited</p> <p>26. Ove Arup & Partners Hong</p>
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					<p>Kong Limited</p> <p>27. Atkins China Limited</p> <p>28. Meinhardt Infrastructure and Environment Limited</p> <p>29. Mott MacDonald Hong Kong Limited</p> <p>30. Mannings (Asia) Consultants Limited</p> <p>31. WSP (Asia) Limited</p> <p>32. Binnies Hong Kong Limited</p> <p>33. C. M. Wong & Associates Limited</p> <p>34. David S. K. Au and Associates Limited</p> <p>35. MVA Hong Kong Limited</p> <p>36. Aurecon Hong Kong Limited</p> <p>37. Fugro (Hong Kong) Limited</p> <p>38. Halcrow China Limited</p> <p>39. J. Roger Preston Limited</p> <p>40. Jacobs China Limited</p> <p>41. SMEC Asia Limited</p> <p>42. Golder Associates (HK) Limited</p> <p>43. Siu Yin Wai & Associates Limited</p> <p>44. Gammon Construction Limited</p> <p>45. Chun Wo Construction and Engineering Company Limited</p> <p>46. China State Construction Engineering (Hong Kong) Limited</p> <p>47. China Road and Bridge Corporation</p> <p>48. Hip Hing Engineering Company Limited</p>
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					<p>49. China Harbour Engineering Company Limited</p> <p>50. Dragages Hong Kong Limited</p> <p>51. Yau Lee Construction Company Limited</p> <p>52. Leighton Contractors (Asia) Limited</p> <p>53. The Jardine Engineering Corporation, Limited</p> <p>54. Kum Shing (K.F.) Construction Company Limited</p> <p>55. Paul Y. Construction Company, Limited</p> <p>56. ATAL Engineering Limited</p> <p>57. CPC Construction Hong Kong Limited</p> <p>58. Sun Fook Kong (Civil) Limited</p> <p>59. Build King Construction Limited</p> <p>60. Penta-Ocean Construction Co., Ltd.</p> <p>61. Shui On Building Contractors Limited</p> <p>62. China Geo-Engineering Corporation</p> <p>63. China International Water & Electric Corporation</p>
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II. Registration of Ex-officio Members

II.1. Eligibility

II.1.1. Only the holders of the specified offices of the Engineering subsector listed below are eligible to be registered as the ex-officio members of this subsector—

Responsible person of statutory bodies, advisory bodies and related organisations

- II.1.2. A person registered as an ex-officio member of this subsector is also required to be registered (or is eligible to be registered and has made an application to be so registered) as an elector for a geographical constituency (“GC”), and is not disqualified from being an elector for a GC¹²⁴.
- II.1.3. It is important to note that if a National People’s Congress (“NPC”) deputy or a Chinese People’s Political Consultative Conference (“CPPCC”) member is holding a specified office of this subsector simultaneously, he/she may only be registered as an ex-officio member of this subsector¹²⁵. If he/she holds more than one specified office of a subsector other than the NPC and CPPCC subsector, he/she may only choose to be registered as an ex-officio member of one of the specified subsectors, and may designate another person who is holding an office in the relevant body in relation to the specified office to be registered as an ex-officio member¹²⁶.
- II.1.4. A person is not eligible to be registered as an ex-officio member if the person¹²⁷—
- (a) is a principal official appointed pursuant to a nomination under Article 48(5) of the Basic Law;
 - (b) is a directorate officer of the Government;
 - (c) is an Administrative Officer of the Government;
 - (d) is an Information Officer of the Government;
 - (e) is a police officer; or
 - (f) is any other civil servant who is holding a specified office in his/her official capacity.
- II.1.5. If the person holding the specified office is a principal official, prescribed public officer or civil servant¹²⁸, he/she may designate another person who is holding an office in the relevant body in relation to the specified office to be registered as an ex-officio member.
- II.1.6. A person is disqualified from being registered as an ex-officio member if the person¹²⁹:

¹²⁴ Section 5L(1)(a) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹²⁵ Section 5I of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹²⁶ Section 5J of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹²⁷ Section 5L(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹²⁸ Section 5L of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹²⁹ Section 5M(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

- (a) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either:
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (b) on the date of submission of the registration form, is serving a sentence of imprisonment;
- (c) without limiting paragraph (a), where the registration form is submitted within 5 years after the date of the person's conviction, is or has been convicted:
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (d) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her property and affairs; or
- (e) is a member of the armed forces of the People's Republic of China or any other country or territory.

II.1.7. A person is also disqualified from being registered as an ex-officio member if, within the 5 years before the date of submission of the registration form¹³⁰:

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath¹³¹; or
- (b) the person has been declared or decided in accordance with any law:
 - (i) to be in breach of a specified oath¹³²; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding

¹³⁰ Section 5M(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹³¹ Section 5M(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.

¹³² Ditto.

the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region (“HKSAR”) of the People’s Republic of China.

II.1.8. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

II.1.8.1. The registration form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People’s Republic of China and be signed by the person, or otherwise the registration is not valid¹³³.

II.1.9. Determination of the validity of registration by the Candidate Eligibility Review Committee (“the CERC”)

II.1.9.1. The Electoral Registration Officer will forward the form to the CERC as soon as possible after receiving the registration form. The CERC must, as soon as practicable, determine whether or not the registration is valid.

II.2. Deadline for registration

II.2.1. All persons who are eligible to be registered as ex-officio members of this subsector must submit the registration form on or before 5 July 2021.

II.3. Publication of Interim Register (“IR”) of members of the Election Committee (“EC”)

II.3.1. The Electoral Registration Officer shall compile and publish the IR of members of EC and register the persons whose registration is determined as valid (members-elect) to be ex-officio members.

II.4. Appeals against the registration of ex-officio members

II.4.1. A person who considers that an ex-officio member is not eligible to be registered as a member of the EC may submit a written representation to object to the registration of the ex-officio member as a member of the EC in the IR or Final Register (“FR”) of members of the EC on the ground that¹³⁴—

- (a) the ex-officio member was ineligible to be registered as, or was disqualified from being, a member of the EC;
- (b) a processing error occurred in relation to the process of registration; or
- (c) material irregularity occurred in relation to the determination of the CERC as

¹³³ Section 5K of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹³⁴ Section 4A(1) of the EC (Appeals) Regulation (Cap 569A).

to the validity of the registration of the ex-officio member.

The appeal must reach the Revising Officer not later than 7 days after the date of publication of the IR concerned¹³⁵. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region¹³⁶.

II.4.2. A person whose registration has been determined by the CERC to be invalid may claim that he/she is eligible to be, and is not disqualified from being, registered as an ex-officio member by submitting a written representation¹³⁷.

II.4.3. A person whose registration has been determined by the CERC to be invalid after the date of publication of the IR concerned, may lodge an appeal by submitting a written representation to the Revising Officer not later than 7 days after the date of issuance of the notice informing the relevant person of the determination.

II.4.4. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the FR. The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the ex-officio member concerned, as the case may be, review any ruling made¹³⁸. In any case, the ruling concerned must be made not later than 20 days after the date of publication of the IR of members of the EC¹³⁹.

II.5. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

II.5.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

II.5.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

II.5.3. The FR of members of the EC will be published on 22 October 2021.

¹³⁵ Section 4A(3) of the EC (Appeals) Regulation (Cap 569A).

¹³⁶ Section 9B of the Chief Executive Election Ordinance (Cap 569).

¹³⁷ Section 4A(2) of the Election Committee (Appeals) Regulation (Cap 569A).

¹³⁸ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

¹³⁹ Section 5(4) of the Election Committee (Appeals) Regulation (Cap 569A).

III. Members to be returned by election

III.1. Registration of Voters

- III.1.1. This subsector is composed of corporate voters. Only specified entities listed above are eligible to be registered as a voter for this subsector.
- III.1.2. Eligible corporate voter¹⁴⁰ is required to submit a duly completed voter registration form on or before 5 July 2021.
- III.1.3. According to section 13(8) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the governing authority (by whatever name called) of the corporate voter is required to appoint an eligible person as its authorized representative for the purpose of making nomination and casting its vote in the EC Subsector Elections.

III.2. Election

III.2.1. Number of members to be elected: 15¹⁴¹

III.2.2. How to nominate a candidate?

- III.2.2.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the number of members to be elected by each subsector, the nomination period and the details of submitting a nomination form.
- III.2.2.2. Each candidate must submit a nomination form to the Returning Officer and must be nominated by at least 5 voters registered for the subsector concerned (excluding the candidate himself/herself).
- III.2.2.3. The number of nomination form subscribed by a voter must not exceed the number

¹⁴⁰ According to section 12(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person is eligible to be registered as a voter if the person (A) is a specified entity of that subsector; and (B) where the person is a natural person, is eligible to be registered as an elector for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency.

¹⁴¹ According to Annex I to the Basic Law amended by the Standing Committee of the National People's Congress and section 5I(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), if the total number of Hong Kong Special Administrative Region ("HKSAR") deputies to the National People's Congress ("NPC") or HKSAR members of the National Committee of the Chinese People's Political Consultative Conference ("CPPCC National Committee") who are eligible to register exceeds 190, an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee who does not hold a specified office of a subsector other than the NPC and CPPCC subsector may choose to register as an EC member in other subsectors which he/she has a substantial connection. In this case, he/she will be counted in the total number of members of the corresponding subsector, and the number of seats to be returned by that subsector through election by eligible corporate or individual voters will be reduced accordingly. The Chief Electoral Officer will publish in the Gazette declaring the actual number of members to be returned by election for each subsector.

of members to be elected by that subsector in that election. If the voter is a corporate voter, the nomination must be made by the authorized representative of the corporate voter.

III.2.3. Who is eligible to be nominated as a candidate?

III.2.3.1. In general, a candidate must meet the following requirements¹⁴²:

- (a) has reached 18 years of age;
- (b) is both registered and eligible to be registered for a GC; and
- (c) he: (i) is both registered and eligible to be registered as a voter for that subsector; or (ii) satisfies the Returning Officer for the subsector that the person has a substantial connection with the subsector.

III.2.3.2. A person is not eligible to be nominated as a candidate if the person holds a specified office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member) or is selected as a nominee by a designated body, or stands for the election in another subsector¹⁴³.

III.2.4. When a person is disqualified from being a candidate

III.2.4.1. A person is disqualified from being nominated as a candidate and from being elected as a member of the EC, if the person¹⁴⁴:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a

¹⁴² Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁴³ Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁴⁴ Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

sentence of imprisonment;

- (e) without limiting paragraph (c), where the subsector election is to be held or is held within 5 years after the date of the person's conviction, is or has been convicted—
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (f) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her property and affairs; or
- (g) is a member of the armed forces of the People's Republic of China or any other country or territory.

III.2.4.2. A person is also disqualified from being nominated as a candidate and from being elected as an EC member if, within the 5 years before the date of nomination¹⁴⁵:

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath¹⁴⁶; or
- (b) the person has been declared or decided in accordance with any law—
 - (i) to be in breach of a specified oath¹⁴⁷; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the HKSAR of the People's Republic of China.

III.2.5. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

III.2.5.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People's Republic

¹⁴⁵ Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁴⁶ Section 18(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.

¹⁴⁷ Ditto.

of China and be signed by the person, or otherwise the nomination is not valid¹⁴⁸.

III.2.6. Determination of the validity of nomination by the CERC

III.2.6.1. The Returning Officer will forward the form to the CERC as soon as possible after receiving the nomination form. The CERC must, as soon as practicable, decide whether or not the person is validly nominated¹⁴⁹.

III.2.6.2. The CERC must declare the persons who are validly nominated as candidates by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

III.2.7. Polling date

III.2.7.1. The poll will be conducted on 19 September 2021. EC members of the subsector are to be elected by secret ballot and a voter may vote for as many candidates as the number of members to be elected by the subsector and no more.

III.2.8. Publication of IR of members of the EC

III.2.8.1. The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the EC (members-elect) at a subsector election. The Electoral Registration Officer shall compile and publish an IR of members of the EC within 7 days after the result of the election is published.

III.2.9. Appeals against result of an election

III.2.9.1. A person claiming to be a candidate at a subsector election may appeal to a Revising Officer against the result of that election, if he/she considers the person who was declared to have been elected was ineligible to be, or was disqualified from being, a candidate at the election, or material irregularity occurred in relation to the election, or to the polling or counting of votes at the election, by lodging an appeal notice¹⁵⁰. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region¹⁵¹.

III.2.9.2. The appeal concerned must reach the Revising Officer not later than 7 days after the date on which the Returning Officer has published in the Gazette the result of the

¹⁴⁸ Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁴⁹ Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁵⁰ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

¹⁵¹ Section 9B of the Chief Executive Election Ordinance (Cap 569).

election¹⁵².

III.2.9.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the FR. The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the person whose election is questioned, as the case may be, review any ruling made¹⁵³. In any case, the ruling concerned must be made not later than 20 days after the result of the election is published in the Gazette by the Returning Officer¹⁵⁴.

III.2.10. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

III.2.10.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

III.2.10.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

III.2.10.3. The FR of members of the EC will be published on 22 October 2021.

¹⁵² Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

¹⁵³ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

¹⁵⁴ Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).

Election Committee Subsectors
Second Sector—The professions

Legal Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electorates		Specified Offices (ex-officio members) Designated Bodies (returned by nomination) Specified Entities (returned by election)
			Individuals	Bodies	
30	Ex-officio	6	✓		Hong Kong members of the Committee for the Basic Law of the Hong Kong Special Administrative Region under the Standing Committee of the National People's Congress ¹⁵⁵
	Nomination	9	✓		The China Law Society's HK Council Members Association (to be nominated from among the Hong Kong members of the Council of the China Law Society)
	Election	15		✓	The following listed bodies: 1. The Law Society of Hong Kong 2. Hong Kong Bar Association 3. Hong Kong Society of Notaries 4. Association of China-Appointed Attesting Officers Limited 5. Hong Kong International

¹⁵⁵ In case a specified person could not be registered as an ex-officio member of this subsector, he/she may not designate another person to be registered as an ex-officio member of this subsector.

					<p>Arbitration Centre</p> <p>6. The Small and Medium Law Firms Association of Hong Kong</p> <p>7. Hong Kong Federation of Women Lawyers Limited</p> <p>8. Hong Kong Young Legal Professionals Association Limited</p> <p>9. Hong Kong Legal Exchange Foundation Limited</p> <p>10. International Youth Legal Exchange Federation Limited</p> <p>11. Global Chinese Speaking Lawyers' Association Limited</p> <p>12. China International Economic and Trade Arbitration Commission Hong Kong Arbitration Center</p> <p>13. China Maritime Arbitration Commission Hong Kong Arbitration Center</p> <p>14. Hong Kong Maritime Arbitration Group</p> <p>15. eBRAM International Online Dispute Resolution Centre Limited</p> <p>16. Financial Dispute Resolution Centre</p> <p>17. Hong Kong Institute of Arbitrators</p> <p>18. Hong Kong Mediation Accreditation Association</p>
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					<p>Limited</p> <p>19. Hong Kong Mediation Centre Limited</p> <p>20. Asian Academy of International Law Limited</p> <p>21. Legal Affairs Steering Committee of the Hong Kong Chinese Enterprises Association</p> <p>22. The Legal Education Fund Limited</p> <p>23. Basic Law Institute Limited</p> <p>24. Asia Pacific Law Association Limited</p> <p>25. Hong Kong Basic Law Education Association</p> <p>26. Basic Law Foundation Limited</p> <p>27. South China International Arbitration Center (HK) Limited</p> <p>28. Legal Profession Advancement Association Limited</p> <p>29. The Hong Kong and Mainland Legal Profession Association Limited</p> <p>30. International Probono Legal Services Association Limited</p>
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II. Registration of Ex-officio Members

II.1. Eligibility

- II.1.1. Only the holders of the specified offices of the Legal subsector listed below are eligible to be registered as the ex-officio members of this subsector—

Hong Kong members of the Committee for the Basic Law of the Hong Kong Special Administrative Region under the Standing Committee of the National People's Congress

- II.1.2. A person registered as an ex-officio member of this subsector is also required to be registered (or is eligible to be registered and has made an application to be so registered) as an elector for a geographical constituency (“GC”), and is not disqualified from being an elector for a GC¹⁵⁶.
- II.1.3. It is important to note that if an National People’s Congress (“NPC”) deputy or a Chinese People’s Political Consultative Conference (“CPPCC”) member is holding a specified office of this subsector simultaneously, he/she may only be registered as an ex-officio member of this subsector¹⁵⁷. If he/she holds more than one specified office of a subsector other than the NPC and CPPCC subsector, he/she may only choose to be registered as an ex-officio member of one of the specified subsectors, and may designate another person who is holding an office in the relevant body in relation to the specified office to be registered as an ex-officio member¹⁵⁸.
- II.1.4. A person is not eligible to be registered as an ex-officio member if the person¹⁵⁹—
- (a) is a principal official appointed pursuant to a nomination under Article 48(5) of the Basic Law;
 - (b) is a directorate officer of the Government;
 - (c) is an Administrative Officer of the Government;
 - (d) is an Information Officer of the Government;
 - (e) is a police officer; or
 - (f) is any other civil servant who is holding a specified office in his/her official capacity.
- II.1.5. If the person holding a specified office is not eligible to be registered¹⁶⁰, he/she cannot designate another person to be registered as an ex-officio member of this subsector.
- II.1.6. A person is disqualified from being registered as an ex-officio member if the

¹⁵⁶ Section 5L(1)(a) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁵⁷ Section 5I of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁵⁸ Section 5J of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁵⁹ Section 5L(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁶⁰ Section 5L of the Schedule to the Chief Executive Election Ordinance (Cap 569).

person¹⁶¹:

- (a) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either:
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (b) on the date of submission of the registration form, is serving a sentence of imprisonment;
- (c) without limiting paragraph (a), where the registration form is submitted within 5 years after the date of the person's conviction, is or has been convicted:
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (d) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her property and affairs; or
- (e) is a member of the armed forces of the People's Republic of China or any other country or territory.

II.1.7. A person is also disqualified from being registered as an ex-officio member if, within the 5 years before the date of submission of the registration form¹⁶²:

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath¹⁶³; or
- (b) the person has been declared or decided in accordance with any law:

¹⁶¹ Section 5M(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁶² Section 5M(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁶³ Section 5M(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.

- (i) to be in breach of a specified oath¹⁶⁴; or
- (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region (“HKSAR”) of the People’s Republic of China.

II.1.8. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

- II.1.8.1. The registration form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People’s Republic of China and be signed by the person, or otherwise the registration is not valid¹⁶⁵.

II.1.9. Determination of the validity of registration by the Candidate Eligibility Review Committee (“the CERC”)

- II.1.9.1. The Electoral Registration Officer will forward the form to the CERC as soon as possible after receiving the registration form. The CERC must, as soon as practicable, determine whether or not the registration is valid.

II.2. Deadline for registration

- II.2.1. All persons who are eligible to be registered as ex-officio members of this subsector must submit the registration form on or before 5 July 2021.

II.3. Publication of Interim Register (“IR”) of members of the Election Committee (“EC”)

- II.3.1. The Electoral Registration Officer shall compile and publish the IR of members of EC and register the persons whose registration is determined as valid (members-elect) to be ex-officio members.

II.4. Appeals against the registration of ex-officio members

- II.4.1. A person who considers that an ex-officio member is not eligible to be registered as a member of the EC may submit a written representation to object to the registration of the ex-officio member as a member of the EC in the IR or Final Register (“FR”) of members of the EC on the ground that¹⁶⁶—
 - (a) the ex-officio member was ineligible to be registered as, or was disqualified

¹⁶⁴ Ditto.

¹⁶⁵ Section 5K of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁶⁶ Section 4A(1) of the EC (Appeals) Regulation (Cap 569A).

from being, a member of the EC;

- (b) a processing error occurred in relation to the process of registration; or
- (c) material irregularity occurred in relation to the determination of the CERC as to the validity of the registration of the ex-officio member.

The appeal must reach the Revising Officer not later than 7 days after the date of publication of the IR concerned¹⁶⁷. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region¹⁶⁸.

- II.4.2. A person whose registration has been determined by the CERC to be invalid may claim that he/she is eligible to be, and is not disqualified from being, registered as an ex-officio member by submitting a written representation¹⁶⁹.
- II.4.3. A person whose registration has been determined by the CERC to be invalid after the date of publication of the IR concerned, may lodge an appeal by submitting a written representation to the Revising Officer not later than 7 days after the date of issuance of the notice informing the relevant person of the determination.
- II.4.4. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the FR. The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the ex-officio member concerned, as the case may be, review any ruling made¹⁷⁰. In any case, the ruling concerned must be made not later than 20 days after the date of publication of the IR of members of the EC¹⁷¹.

II.5. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

- II.5.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.
- II.5.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date

¹⁶⁷ Section 4A(3) of the EC (Appeals) Regulation (Cap 569A).

¹⁶⁸ Section 9B of the Chief Executive Election Ordinance (Cap 569).

¹⁶⁹ Section 4A(2) of the Election Committee (Appeals) Regulation (Cap 569A).

¹⁷⁰ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

¹⁷¹ Section 5(4) of the Election Committee (Appeals) Regulation (Cap 569A).

of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

II.5.3. The FR of members of the EC will be published on 22 October 2021.

III. Members to be returned by nomination

III.1. How to nominate a member?

III.1.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the nomination period and the details for making nominations. The China Law Society's HK Council Members Association (the designated body of this subsector) may nominate a number of persons selected by it as its nominated members of the EC by submitting a designated nomination form to the Returning Officer within the nomination period.

III.1.2. 9 members of the Legal subsector should be returned by nomination. If the number of persons nominated by The China Law Society's HK Council Members Association exceeds 9, the designated body must indicate which of the nominees are to be given preference in making up the assigned number. If there are more than 1 nominee remain, the excess nominees need to be ranked in order of priority. If the designated body does not indicate which nominees are to be given preference, then the Returning Officer must determine the order of priority of the nominees by drawing lots.

III.2. Who is eligible to be a nominee?

III.2.1. Other than being a Hong Kong members of the Council of the China Law Society, a nominee must also meet the following requirements¹⁷²—

- (a) is both registered and eligible to be registered as an elector for a GC and is not disqualified from being so registered; and
- (b) has a substantial connection with the subsector.

III.2.2. A person is not eligible to be selected as a nominee if the person holds a specified office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), or is a

¹⁷² Section 8(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

candidate at a subsector ordinary election¹⁷³.

III.2.3. A person who is selected as a nominee by a designated body during the nomination period is not eligible to be selected by another designated body as such a member¹⁷⁴.

III.3. When a person is disqualified from being a nominee

III.3.1. A person is disqualified from being a nominee if the person¹⁷⁵—

- (a) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (b) on the date of nomination, is serving a sentence of imprisonment;
- (c) without limiting paragraph (a), where the nomination is made within 5 years after the date of the person's conviction, is or has been convicted—
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (d) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental incapacity, of managing and administering his/her property and affairs; or
- (e) is a member of the armed forces of the People's Republic of China or any other country or territory.

III.3.2. A person is also disqualified from being a nominee if, within the 5 years before the date of nomination¹⁷⁶—

- (a) the person has vacated an office, or has been disqualified from entering on an

¹⁷³ Section 8(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁷⁴ Section 8(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁷⁵ Section 9(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁷⁶ Section 9(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

office, under the law, for declining or neglecting to take a specified oath¹⁷⁷; or

- (b) the person has been declared or decided in accordance with any law—
 - (i) to be in breach of a specified oath¹⁷⁸; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the HKSAR of the People's Republic of China.

III.4. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

- III.4.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People's Republic of China and be signed by the person, or otherwise the nomination is not valid¹⁷⁹.

III.5. Determination of the validity of nomination by the CERC

- III.5.1. The CERC is responsible for reviewing and confirming the eligibility of nominees. The Returning Officer shall, as soon as practicable after receiving a nomination form, forward the form to the CERC.
- III.5.2. The CERC must decide the validity of nomination of a nominee in accordance with the nomination made on the designated nomination form and the preference provided by the designated body, or the order of priority by drawing lots by the Returning Officer, until the seats assigned to the body have been filled.
- III.5.3. The CERC must declare the nominees who are validly nominated as EC members (i.e. declared members) by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

III.6. Publication of the IR of members of the EC

- III.6.1. The Electoral Registration Officer shall compile and publish an IR of members of the EC, and register the nominees as members-elect whose nominations are determined as valid.

¹⁷⁷ Section 9(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.

¹⁷⁸ Ditto.

¹⁷⁹ Section 7A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

III.7. Appeals in relation to declared members

III.7.1. If a person considers that a declared member is not eligible to be declared and registered as a member of the EC on the ground that¹⁸⁰—

- (a) the declared member was ineligible to be selected as, or was disqualified from being, a nominee;
- (b) material irregularity occurred in relation to the process of nomination;
- (c) a processing error occurred in relation to the process of registration;
- (d) material irregularity occurred in relation to the determination of the CERC as to the validity of the nomination of the declared member; or
- (e) material irregularity occurred in relation to the process of drawing lots by the Returning Officer,

the person may, by submitting a written representation, object to the declaration and registration of the declared member as a member of the EC in the IR or the FR. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region¹⁸¹.

III.7.2. The appeal concerned must reach the Revising Officer not later than 7 days after the publication of the IR of members of the EC.

III.7.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the FR. The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant, or the declared member concerned, as the case may be, review any ruling made. In any case, the ruling concerned must be made not later than 20 days after the date of publication of the IR of members of the EC¹⁸².

III.8. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

III.8.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

¹⁸⁰ Section 4 of the Election Committee (Appeals) Regulation (Cap 569A).

¹⁸¹ Section 9B of the Chief Executive Election Ordinance (Cap 569).

¹⁸² Section 5(4) of the Election Committee (Appeals) Regulation (Cap 569A).

- III.8.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).
- III.8.3. The FR of members of the EC will be published on 22 October 2021.

IV. Members to be returned by election

IV.1. Registration of Voters

- IV.1.1. This subsector is composed of corporate voters. Only specified entities listed above are eligible to be registered as a voter for this subsector.
- IV.1.2. Eligible corporate voter¹⁸³ is required to submit a duly completed voter registration form on or before 5 July 2021.
- IV.1.3. According to section 13(8) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the governing authority (by whatever name called) of the corporate voter is required to appoint an eligible person as its authorized representative for the purpose of making nomination and casting its vote in the EC Subsector Elections.

IV.2. Election

IV.2.1. Number of members to be elected: 15¹⁸⁴

IV.2.2. How to nominate a candidate?

- IV.2.2.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the number

¹⁸³ According to section 12(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person is eligible to be registered as a voter if the person (A) is a specified entity of that subsector; and (B) where the person is a natural person, is eligible to be registered as an elector for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency.

¹⁸⁴ According to Annex I to the Basic Law amended by the Standing Committee of the National People's Congress and section 5I(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), if the total number of Hong Kong Special Administrative Region ("HKSAR") deputies to the National People's Congress ("NPC") or HKSAR members of the National Committee of the Chinese People's Political Consultative Conference ("CPPCC National Committee") who are eligible to register exceeds 190, an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee who does not hold a specified office of a subsector other than the NPC and CPPCC subsector may choose to register as an EC member in other subsectors which he/she has a substantial connection. In this case, he/she will be counted in the total number of members of the corresponding subsector, and the number of seats to be returned by that subsector through election by eligible corporate or individual voters will be reduced accordingly. The Chief Electoral Officer will publish in the Gazette declaring the actual number of members to be returned by election for each subsector.

of members to be elected by each subsector, the nomination period and the details of submitting a nomination form.

IV.2.2.2. Each candidate must submit a nomination form to the Returning Officer and must be nominated by at least 5 voters registered for the subsector concerned (excluding the candidate himself/herself).

IV.2.2.3. The number of nomination form subscribed by a voter must not exceed the number of members to be elected by that subsector in that election. If the voter is a corporate voter, the nomination must be made by the authorized representative of the corporate voter.

IV.2.3. Who is eligible to be nominated as a candidate?

IV.2.3.1. In general, a candidate must meet the following requirements¹⁸⁵:

- (a) has reached 18 years of age;
- (b) is both registered and eligible to be registered for a GC; and
- (c) he: (i) is both registered and eligible to be registered as a voter for that subsector; or (ii) satisfies the Returning Officer for the subsector that the person has a substantial connection with the subsector.

IV.2.3.2. A person is not eligible to be nominated as a candidate if the person holds a specified office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member) or is selected as a nominee by a designated body, or stands for the election in another subsector¹⁸⁶.

IV.2.4. When a person is disqualified from being a candidate

IV.2.4.1. A person is disqualified from being nominated as a candidate and from being elected as a member of the EC, if the person¹⁸⁷:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong or in any other place been sentenced to death or

¹⁸⁵ Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁸⁶ Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁸⁷ Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

imprisonment (by whatever name called) and has not either—

- (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;
- (e) without limiting paragraph (c), where the subsector election is to be held or is held within 5 years after the date of the person's conviction, is or has been convicted—
- (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (f) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her property and affairs; or
- (g) is a member of the armed forces of the People's Republic of China or any other country or territory.

IV.2.4.2. A person is also disqualified from being nominated as a candidate and from being elected as an EC member if, within the 5 years before the date of nomination¹⁸⁸:

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath¹⁸⁹; or
- (b) the person has been declared or decided in accordance with any law—
 - (i) to be in breach of a specified oath¹⁹⁰; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding

¹⁸⁸ Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁸⁹ Section 18(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.

¹⁹⁰ Ditto.

the Basic Law and bearing allegiance to the HKSAR of the People's Republic of China.

IV.2.5. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

IV.2.5.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People's Republic of China and be signed by the person, or otherwise the nomination is not valid¹⁹¹.

IV.2.6. Determination of the validity of nomination by the CERC

IV.2.6.1. The Returning Officer will forward the form to the CERC as soon as possible after receiving the nomination form. The CERC must, as soon as practicable, decide whether or not the person is validly nominated¹⁹².

IV.2.6.2. The CERC must declare the persons who are validly nominated as candidates by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

IV.2.7. Polling date

IV.2.7.1. The poll will be conducted on 19 September 2021. EC members of the subsector are to be elected by secret ballot and a voter may vote for as many candidates as the number of members to be elected by the subsector and no more.

IV.2.8. Publication of IR of members of the EC

IV.2.8.1. The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the EC (members-elect) at a subsector election. The Electoral Registration Officer shall compile and publish an IR of members of the EC within 7 days after the result of the election is published.

IV.2.9. Appeals against result of an election

IV.2.9.1. A person claiming to be a candidate at a subsector election may appeal to a Revising Officer against the result of that election, if he/she considers the person who was declared to have been elected was ineligible to be, or was disqualified from being, a candidate at the election, or material irregularity occurred in relation to the election, or to the polling or counting of votes at the election, by lodging an appeal notice¹⁹³.

¹⁹¹ Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁹² Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁹³ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region¹⁹⁴.

IV.2.9.2. The appeal concerned must reach the Revising Officer not later than 7 days after the date on which the Returning Officer has published in the Gazette the result of the election¹⁹⁵.

IV.2.9.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the FR. The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the person whose election is questioned, as the case may be, review any ruling made¹⁹⁶. In any case, the ruling concerned must be made not later than 20 days after the result of the election is published in the Gazette by the Returning Officer¹⁹⁷.

IV.2.10. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

IV.2.10.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

IV.2.10.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

IV.2.10.3. The FR of members of the EC will be published on 22 October 2021.

¹⁹⁴ Section 9B of the Chief Executive Election Ordinance (Cap 569).

¹⁹⁵ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

¹⁹⁶ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

¹⁹⁷ Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).

Election Committee Subsectors
Second Sector—The professions

Medical and health services Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electorates		Specified Offices (ex-officio members) Specified Entities (returned by election)
			Individuals	Bodies	
30	Ex-officio	15	✓		Responsible person of statutory bodies, advisory bodies and related organisations ¹⁹⁸ : <ol style="list-style-type: none"> 1. the Chairman of the Hospital Authority 2. the Chairman of the Board of Governors of The Prince Philip Dental Hospital 3. the Chairman of the Medical Council of Hong Kong 4. the Chairman of the Dental Council of Hong Kong 5. the President of the Hong Kong Academy of Medicine 6. the Chairman of the Nursing Council of Hong Kong 7. the Chairman of the Midwives Council of Hong Kong 8. the Chairman of the Supplementary Medical Professions Council 9. the Chairman of the

¹⁹⁸ For the ex-officio seats in these subsectors, if the specified person is not eligible to be registered (i.e. he/she is disqualified from being registered as an elector of Legislative Council Geographical Constituency or he/she is a prescribed public officer), or he/she has already registered as an ex-officio member through holding another specified office, he/she may designate another person who is holding an office in the relevant body in relation to the specified office as an ex-officio member.

					<p>Pharmacy and Poisons Board</p> <p>10. the Chairman of the Chiropractors Council</p> <p>11. the Dean of Li Ka Shing Faculty of Medicine of The University of Hong Kong</p> <p>12. the Dean of Faculty of Medicine of The Chinese University of Hong Kong</p> <p>13. the Chairman of the Human Organ Transplant Board</p> <p>14. the Council Chairman of the Hong Kong St. John Ambulance</p> <p>15. the Commissioner of the Auxiliary Medical Service</p>
	Election	15		✓	<p>(a) any prescribed hospital (as defined by section 2(1) of the Hospital Authority Ordinance (Cap 113))¹⁹⁹;</p> <p>(b) any hospital licensed under the Private Healthcare Facilities Ordinance (Cap 633)²⁰⁰; or</p> <p>(c) The following listed bodies:</p> <ol style="list-style-type: none"> 1. Hospital Authority 2. Board of Governors of The Prince Philip Dental Hospital 3. Medical Council of Hong Kong

¹⁹⁹ According to section 12(19A) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the specified entity of the subsector concerned is eligible to be registered as a corporate voter for that subsector only if it has been operating as such a specified entity for the 3 years immediately before making its application for registration as a voter.

²⁰⁰ Ditto.

					<ol style="list-style-type: none"> 4. Dental Council of Hong Kong 5. Hong Kong Academy of Medicine 6. Nursing Council of Hong Kong 7. Midwives Council of Hong Kong 8. Supplementary Medical Professions Council 9. Pharmacy and Poisons Board 10. Chiropractors Council 11. Li Ka Shing Faculty of Medicine of The University of Hong Kong 12. Faculty of Medicine of The Chinese University of Hong Kong 13. Hong Kong St. John Ambulance 14. Auxiliary Medical Service 15. Medical Laboratory Technologists Board 16. Occupational Therapists Board 17. Optometrists Board 18. Physiotherapists Board 19. Radiographers Board 20. Hong Kong Association of Speech Therapists 21. Hong Kong Institute of Audiologists 22. The Hong Kong Academy of Accredited Dietitians 23. The Hong Kong Association of Educational
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					Psychologists 24. Hong Kong Institute of Clinical Psychologists 25. The Hong Kong Medical Association 26. Hong Kong Dental Association Limited 27. The Association of Licentiates of Medical Council of Hong Kong (A.L.M.C.H.K.) 28. Association of Hong Kong Nursing Staff 29. The College of Nursing, Hong Kong 30. The Hong Kong Academy of Nursing Limited 31. Hong Kong Women Doctors Association Limited 32. Hong Kong Doctors Union
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II. Registration of Ex-officio Members

II.1. Eligibility

II.1.1. Only the holders of the specified offices of the Medical and health services subsector listed below are eligible to be registered as the ex-officio members of this subsector—

Responsible person of statutory bodies, advisory bodies and related organisations

II.1.2. A person registered as an ex-officio member of this subsector is also required to be registered (or is eligible to be registered and has made an application to be so registered) as an elector for a geographical constituency (“GC”), and is not disqualified from being an elector for a GC²⁰¹.

II.1.3. It is important to note that if an National People’s Congress (“NPC”) deputy or a

²⁰¹ Section 5L(1)(a) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

Chinese People's Political Consultative Conference ("CPPCC") member is holding a specified office of this subsector simultaneously, he/she may only be registered as an ex-officio member of this subsector²⁰². If he/she holds more than one specified office of a subsector other than the NPC and CPPCC subsector, he/she may only choose to be registered as an ex-officio member of one of the specified subsectors, and may designate another person who is holding an office in the relevant body in relation to the specified office to be registered as an ex-officio member²⁰³.

- II.1.4. A person is not eligible to be registered as an ex-officio member if the person²⁰⁴—
- (a) is a principal official appointed pursuant to a nomination under Article 48(5) of the Basic Law;
 - (b) is a directorate officer of the Government;
 - (c) is an Administrative Officer of the Government;
 - (d) is an Information Officer of the Government;
 - (e) is a police officer; or
 - (f) is any other civil servant who is holding a specified office in his/her official capacity.
- II.1.5. If the person holding the specified office is a principal official, prescribed public officer or civil servant²⁰⁵, he/she may designate another person who is holding an office in the relevant body in relation to the specified office to be registered as an ex-officio member.
- II.1.6. A person is disqualified from being registered as an ex-officio member if the person²⁰⁶:
- (a) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either:
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;

²⁰² Section 5I of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁰³ Section 5J of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁰⁴ Section 5L(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁰⁵ Section 5L of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁰⁶ Section 5M(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

- (b) on the date of submission of the registration form, is serving a sentence of imprisonment;
- (c) without limiting paragraph (a), where the registration form is submitted within 5 years after the date of the person's conviction, is or has been convicted:
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (d) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her property and affairs; or
- (e) is a member of the armed forces of the People's Republic of China or any other country or territory.

II.1.7. A person is also disqualified from being registered as an ex-officio member if, within the 5 years before the date of submission of the registration form²⁰⁷:

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath²⁰⁸; or
- (b) the person has been declared or decided in accordance with any law:
 - (i) to be in breach of a specified oath²⁰⁹; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region ("HKSAR") of the People's Republic of China.

II.1.8. Declaration of "Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region"

II.1.8.1. The registration form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People's Republic

²⁰⁷ Section 5M(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁰⁸ Section 5M(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.

²⁰⁹ Ditto.

of China and be signed by the person, or otherwise the registration is not valid²¹⁰.

II.1.9. Determination of the validity of registration by the Candidate Eligibility Review Committee (“the CERC”)

II.1.9.1. The Electoral Registration Officer will forward the form to the CERC as soon as possible after receiving the registration form. The CERC must, as soon as practicable, determine whether or not the registration is valid.

II.2. Deadline for registration

II.2.1. All persons who are eligible to be registered as ex-officio members of this subsector must submit the registration form on or before 5 July 2021.

II.3. Publication of Interim Register (“IR”) of members of the Election Committee (“EC”)

II.3.1. The Electoral Registration Officer shall compile and publish the IR of members of EC and register the persons whose registration is determined as valid (members-elect) to be ex-officio members.

II.4. Appeals against the registration of ex-officio members

II.4.1. A person who considers that an ex-officio member is not eligible to be registered as a member of the EC may submit a written representation to object to the registration of the ex-officio member as a member of the EC in the IR or Final Register (“FR”) of members of the EC on the ground that²¹¹—

- (a) the ex-officio member was ineligible to be registered as, or was disqualified from being, a member of the EC;
- (b) a processing error occurred in relation to the process of registration; or
- (c) material irregularity occurred in relation to the determination of the CERC as to the validity of the registration of the ex-officio member.

The appeal must reach the Revising Officer not later than 7 days after the date of publication of the IR concerned²¹². Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the

²¹⁰ Section 5K of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²¹¹ Section 4A(1) of the EC (Appeals) Regulation (Cap 569A).

²¹² Section 4A(3) of the EC (Appeals) Regulation (Cap 569A).

Hong Kong Special Administrative Region²¹³.

- II.4.2. A person whose registration has been determined by the CERC to be invalid may claim that he/she is eligible to be, and is not disqualified from being, registered as an ex-officio member by submitting a written representation²¹⁴.
- II.4.3. A person whose registration has been determined by the CERC to be invalid after the date of publication of the IR concerned, may lodge an appeal by submitting a written representation to the Revising Officer not later than 7 days after the date of issuance of the notice informing the relevant person of the determination.
- II.4.4. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the FR. The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the ex-officio member concerned, as the case may be, review any ruling made²¹⁵. In any case, the ruling concerned must be made not later than 20 days after the date of publication of the IR of members of the EC²¹⁶.

II.5. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

- II.5.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.
- II.5.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).
- II.5.3. The FR of members of the EC will be published on 22 October 2021.

III. Members to be returned by election

III.1. Registration of Voters

- III.1.1. This subsector is composed of corporate voters. Only specified entities listed

²¹³ Section 9B of the Chief Executive Election Ordinance (Cap 569).

²¹⁴ Section 4A(2) of the Election Committee (Appeals) Regulation (Cap 569A).

²¹⁵ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

²¹⁶ Section 5(4) of the Election Committee (Appeals) Regulation (Cap 569A).

above are eligible to be registered as a voter for this subsector.

- III.1.2. Eligible corporate voter²¹⁷ is required to submit a duly completed voter registration form on or before 5 July 2021.
- III.1.3. According to section 13(8) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the governing authority (by whatever name called) of the corporate voter is required to appoint an eligible person as its authorized representative for the purpose of making nomination and casting its vote in the EC Subsector Elections.

III.2. Election

III.2.1. Number of members to be elected: 15²¹⁸

III.2.2. How to nominate a candidate?

- III.2.2.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the number of members to be elected by each subsector, the nomination period and the details of submitting a nomination form.
- III.2.2.2. Each candidate must submit a nomination form to the Returning Officer and must be nominated by at least 5 voters registered for the subsector concerned (excluding the candidate himself/herself).
- III.2.2.3. The number of nomination form subscribed by a voter must not exceed the number of members to be elected by that subsector in that election. If the voter is a corporate voter, the nomination must be made by the authorized representative of the corporate voter.

²¹⁷ According to section 12(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person is eligible to be registered as a voter if the person (A) is a specified entity of that subsector; and (B) where the person is a natural person, is eligible to be registered as an elector for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency.

²¹⁸ According to Annex I to the Basic Law amended by the Standing Committee of the National People's Congress and section 5I(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), if the total number of Hong Kong Special Administrative Region ("HKSAR") deputies to the National People's Congress ("NPC") or HKSAR members of the National Committee of the Chinese People's Political Consultative Conference ("CPPCC National Committee") who are eligible to register exceeds 190, an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee who does not hold a specified office of a subsector other than the NPC and CPPCC subsector may choose to register as an EC member in other subsectors which he/she has a substantial connection. In this case, he/she will be counted in the total number of members of the corresponding subsector, and the number of seats to be returned by that subsector through election by eligible corporate or individual voters will be reduced accordingly. The Chief Electoral Officer will publish in the Gazette declaring the actual number of members to be returned by election for each subsector.

III.2.3. Who is eligible to be nominated as a candidate?

III.2.3.1. In general, a candidate must meet the following requirements²¹⁹:

- (a) has reached 18 years of age;
- (b) is both registered and eligible to be registered for a GC; and
- (c) he: (i) is both registered and eligible to be registered as a voter for that subsector; or (ii) satisfies the Returning Officer for the subsector that the person has a substantial connection with the subsector.

III.2.3.2. A person is not eligible to be nominated as a candidate if the person holds a specified office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member) or is selected as a nominee by a designated body, or stands for the election in another subsector²²⁰.

III.2.4. When a person is disqualified from being a candidate

III.2.4.1. A person is disqualified from being nominated as a candidate and from being elected as a member of the EC, if the person²²¹:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;
- (e) without limiting paragraph (c), where the subsector election is to be held or is held within 5 years after the date of the person's conviction, is or has been

²¹⁹ Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²²⁰ Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²²¹ Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

convicted—

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

III.2.4.2. A person is also disqualified from being nominated as a candidate and from being elected as an EC member if, within the 5 years before the date of nomination²²²:

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath²²³; or
- (b) the person has been declared or decided in accordance with any law—
 - (i) to be in breach of a specified oath²²⁴; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the HKSAR of the People's Republic of China.

III.2.5. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

III.2.5.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People's Republic of China and be signed by the person, or otherwise the nomination is not valid²²⁵.

²²² Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²²³ Section 18(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.

²²⁴ Ditto.

²²⁵ Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

III.2.6. Determination of the validity of nomination by the CERC

- III.2.6.1. The Returning Officer will forward the form to the CERC as soon as possible after receiving the nomination form. The CERC must, as soon as practicable, decide whether or not the person is validly nominated²²⁶.
- III.2.6.2. The CERC must declare the persons who are validly nominated as candidates by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

III.2.7. Polling date

- III.2.7.1. The poll will be conducted on 19 September 2021. EC members of the subsector are to be elected by secret ballot and a voter may vote for as many candidates as the number of members to be elected by the subsector and no more.

III.2.8. Publication of IR of members of the EC

- III.2.8.1. The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the EC (members-elect) at a subsector election. The Electoral Registration Officer shall compile and publish an IR of members of the EC within 7 days after the result of the election is published.

III.2.9. Appeals against result of an election

- III.2.9.1. A person claiming to be a candidate at a subsector election may appeal to a Revising Officer against the result of that election, if he/she considers the person who was declared to have been elected was ineligible to be, or was disqualified from being, a candidate at the election, or material irregularity occurred in relation to the election, or to the polling or counting of votes at the election, by lodging an appeal notice²²⁷. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region²²⁸.
- III.2.9.2. The appeal concerned must reach the Revising Officer not later than 7 days after the date on which the Returning Officer has published in the Gazette the result of the election²²⁹.

²²⁶ Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²²⁷ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

²²⁸ Section 9B of the Chief Executive Election Ordinance (Cap 569).

²²⁹ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

III.2.9.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the FR. The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the person whose election is questioned, as the case may be, review any ruling made²³⁰. In any case, the ruling concerned must be made not later than 20 days after the result of the election is published in the Gazette by the Returning Officer²³¹.

III.2.10. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

III.2.10.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

III.2.10.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

III.2.10.3. The FR of members of the EC will be published on 22 October 2021.

²³⁰ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

²³¹ Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).

Election Committee Subsectors
Second Sector—The professions

Social welfare Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electorates		Specified Offices (ex-officio members) Specified Entities (returned by election)
			Individuals	Bodies	
30	Ex-officio	15	✓		Responsible person of statutory bodies, advisory bodies and related organisations ²³² : <ol style="list-style-type: none"> 1. the Chairperson of the Executive Committee of the Hong Kong Council of Social Service 2. the Chairperson of the Social Workers Registration Board 3. the Chairman of the Council of the Institute of Social Service Development 4. the Chairman of the Board of Directors of the Tung Wah Group of Hospitals 5. the Chairman of the Board of Directors of the Po Leung Kuk 6. the Chairman of the Board of Directors of the Yan Chai Hospital 7. the Chairman of the Board of Directors of Pok Oi

²³² For the ex-officio seats in these subsectors, if the specified person is not eligible to be registered (i.e. he/she is disqualified from being registered as an elector of Legislative Council Geographical Constituency or he/she is a prescribed public officer), or he/she has already registered as an ex-officio member through holding another specified office, he/she may designate another person who is holding an office in the relevant body in relation to the specified office as an ex-officio member.

					<p>Hospital</p> <p>8. the Chairperson of the Board of Directors of Yan Oi Tong Limited</p> <p>9. the Chairman of the Executive Committee of The Lok Sin Tong Benevolent Society Kowloon</p> <p>10. the Chairman of the Board of Directors of New Home Association Limited</p> <p>11. the Chairperson of the Board of Directors of Social Workers Across Borders Limited</p> <p>12. the Chairperson of the Board of Directors of The Hong Kong Volunteers Federation Company Limited</p> <p>13. the Chairperson of the Council of The Hong Kong Federation of Trade Unions Hong Ling Society</p> <p>14. the Chairperson of the Executive Committee of The United Labour Chi Hong Association Limited</p> <p>15. the Chairman of the Board of Directors of The Hong Kong Island Social Services Charitable Foundation Limited</p>
	Election	15		✓	(a) Any social welfare organizations receiving regular subsidies from the Social Welfare

					<p>Department²³³; or</p> <p>(b) the following listed bodies:</p> <ol style="list-style-type: none"> 1. Hong Kong Council of Social Service 2. Social Workers Registration Board 3. Institute of Social Service Development 4. Tung Wah Group of Hospitals 5. Po Leung Kuk 6. Yan Chai Hospital 7. Pok Oi Hospital 8. Yan Oi Tong Limited 9. The Lok Sin Tong Benevolent Society Kowloon 10. New Home Association Limited 11. Social Workers Across Borders Limited 12. The Hong Kong Volunteers Federation Company Limited 13. The Hong Kong Federation of Trade Unions Hong Ling Society 14. The United Labour Chi Hong Association Limited 15. The Hong Kong Island Social Services Charitable Foundation Limited
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²³³ According to section 12(19A) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the specified entity of the subsector concerned is eligible to be registered as a corporate voter for that subsector only if it has been operating as such a specified entity for the 3 years immediately before making its application for registration as a voter.

II. Registration of Ex-officio Members**II.1. Eligibility**

II.1.1. Only the holders of the specified offices of the Social welfare subsector listed below are eligible to be registered as the ex-officio members of this subsector—

Responsible person of statutory bodies, advisory bodies and related organisations

II.1.2. A person registered as an ex-officio member of this subsector is also required to be registered (or is eligible to be registered and has made an application to be so registered) as an elector for a geographical constituency (“GC”), and is not disqualified from being an elector for a GC²³⁴.

II.1.3. It is important to note that if an National People’s Congress (“NPC”) deputy or a Chinese People’s Political Consultative Conference (“CPPCC”) member is holding a specified office of this subsector simultaneously, he/she may only be registered as an ex-officio member of this subsector²³⁵. If he/she holds more than one specified office of a subsector other than the NPC and CPPCC subsector, he/she may only choose to be registered as an ex-officio member of one of the specified subsectors, and may designate another person who is holding an office in the relevant body in relation to the specified office to be registered as an ex-officio member²³⁶.

II.1.4. A person is not eligible to be registered as an ex-officio member if the person²³⁷—

- (a) is a principal official appointed pursuant to a nomination under Article 48(5) of the Basic Law;
- (b) is a directorate officer of the Government;
- (c) is an Administrative Officer of the Government;
- (d) is an Information Officer of the Government;
- (e) is a police officer; or
- (f) is any other civil servant who is holding a specified office in his/her official capacity.

II.1.5. If the person holding the specified office is a principal official, prescribed public

²³⁴ Section 5L(1)(a) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²³⁵ Section 5I of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²³⁶ Section 5J of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²³⁷ Section 5L(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

officer or civil servant²³⁸, he/she may designate another person who is holding an office in the relevant body in relation to the specified office to be registered as an ex-officio member.

II.1.6. A person is disqualified from being registered as an ex-officio member if the person²³⁹:

- (a) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either:
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (b) on the date of submission of the registration form, is serving a sentence of imprisonment;
- (c) without limiting paragraph (a), where the registration form is submitted within 5 years after the date of the person's conviction, is or has been convicted:
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (d) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her property and affairs; or
- (e) is a member of the armed forces of the People's Republic of China or any other country or territory.

II.1.7. A person is also disqualified from being registered as an ex-officio member if, within the 5 years before the date of submission of the registration form²⁴⁰:

- (a) the person has vacated an office, or has been disqualified from entering on an

²³⁸ Section 5L of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²³⁹ Section 5M(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁴⁰ Section 5M(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

office, under the law, for declining or neglecting to take a specified oath²⁴¹; or

- (b) the person has been declared or decided in accordance with any law:
- (i) to be in breach of a specified oath²⁴²; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region (“HKSAR”) of the People’s Republic of China.

II.1.8. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

- II.1.8.1. The registration form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People’s Republic of China and be signed by the person, or otherwise the registration is not valid²⁴³.

II.1.9. Determination of the validity of registration by the Candidate Eligibility Review Committee (“the CERC”)

- II.1.9.1. The Electoral Registration Officer will forward the form to the CERC as soon as possible after receiving the registration form. The CERC must, as soon as practicable, determine whether or not the registration is valid.

II.2. Deadline for registration

- II.2.1. All persons who are eligible to be registered as ex-officio members of this subsector must submit the registration form on or before 5 July 2021.

II.3. Publication of Interim Register (“IR”) of members of the Election Committee (“EC”)

- II.3.1. The Electoral Registration Officer shall compile and publish the IR of members of EC and register the persons whose registration is determined as valid (members-elect) to be ex-officio members.

II.4. Appeals against the registration of ex-officio members

- II.4.1. A person who considers that an ex-officio member is not eligible to be registered as a member of the EC may submit a written representation to object to the registration

²⁴¹ Section 5M(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China.

²⁴² Ditto.

²⁴³ Section 5K of the Schedule to the Chief Executive Election Ordinance (Cap 569).

of the ex-officio member as a member of the EC in the IR or Final Register (“FR”) of members of the EC on the ground that²⁴⁴—

- (a) the ex-officio member was ineligible to be registered as, or was disqualified from being, a member of the EC;
- (b) a processing error occurred in relation to the process of registration; or
- (c) material irregularity occurred in relation to the determination of the CERC as to the validity of the registration of the ex-officio member.

The appeal must reach the Revising Officer not later than 7 days after the date of publication of the IR concerned²⁴⁵. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region²⁴⁶.

- II.4.2. A person whose registration has been determined by the CERC to be invalid may claim that he/she is eligible to be, and is not disqualified from being, registered as an ex-officio member by submitting a written representation²⁴⁷.
- II.4.3. A person whose registration has been determined by the CERC to be invalid after the date of publication of the IR concerned, may lodge an appeal by submitting a written representation to the Revising Officer not later than 7 days after the date of issuance of the notice informing the relevant person of the determination.
- II.4.4. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the FR. The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the ex-officio member concerned, as the case may be, review any ruling made²⁴⁸. In any case, the ruling concerned must be made not later than 20 days after the date of publication of the IR of members of the EC²⁴⁹.

²⁴⁴ Section 4A(1) of the EC (Appeals) Regulation (Cap 569A).

²⁴⁵ Section 4A(3) of the EC (Appeals) Regulation (Cap 569A).

²⁴⁶ Section 9B of the Chief Executive Election Ordinance (Cap 569).

²⁴⁷ Section 4A(2) of the Election Committee (Appeals) Regulation (Cap 569A).

²⁴⁸ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

²⁴⁹ Section 5(4) of the Election Committee (Appeals) Regulation (Cap 569A).

II.5. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

- II.5.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.
- II.5.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).
- II.5.3. The FR of members of the EC will be published on 22 October 2021.

III. Members to be returned by election**III.1. Registration of Voters**

- III.1.1. This subsector is composed of corporate voters. Only specified entities listed above are eligible to be registered as a voter for this subsector.
- III.1.2. Eligible corporate voter²⁵⁰ is required to submit a duly completed voter registration form on or before 5 July 2021.
- III.1.3. According to section 13(8) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the governing authority (by whatever name called) of the corporate voter is required to appoint an eligible person as its authorized representative for the purpose of making nomination and casting its vote in the EC Subsector Elections.

²⁵⁰ According to section 12(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person is eligible to be registered as a voter if the person (A) is a specified entity of that subsector; and (B) where the person is a natural person, is eligible to be registered as an elector for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency.

III.2. Election**III.2.1. Number of members to be elected: 15²⁵¹****III.2.2. How to nominate a candidate?**

III.2.2.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the number of members to be elected by each subsector, the nomination period and the details of submitting a nomination form.

III.2.2.2. Each candidate must submit a nomination form to the Returning Officer and must be nominated by at least 5 voters registered for the subsector concerned (excluding the candidate himself/herself).

III.2.2.3. The number of nomination form subscribed by a voter must not exceed the number of members to be elected by that subsector in that election. If the voter is a corporate voter, the nomination must be made by the authorized representative of the corporate voter.

III.2.3. Who is eligible to be nominated as a candidate?

III.2.3.1. In general, a candidate must meet the following requirements²⁵²:

- (a) has reached 18 years of age;
- (b) is both registered and eligible to be registered for a GC; and
- (c) he: (i) is both registered and eligible to be registered as a voter for that subsector; or (ii) satisfies the Returning Officer for the subsector that the person has a substantial connection with the subsector.

III.2.3.2. A person is not eligible to be nominated as a candidate if the person holds a specified office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of

²⁵¹ According to Annex I to the Basic Law amended by the Standing Committee of the National People's Congress and section 5I(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), if the total number of Hong Kong Special Administrative Region ("HKSAR") deputies to the National People's Congress ("NPC") or HKSAR members of the National Committee of the Chinese People's Political Consultative Conference ("CPPCC National Committee") who are eligible to register exceeds 190, an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee who does not hold a specified office of a subsector other than the NPC and CPPCC subsector may choose to register as an EC member in other subsectors which he/she has a substantial connection. In this case, he/she will be counted in the total number of members of the corresponding subsector, and the number of seats to be returned by that subsector through election by eligible corporate or individual voters will be reduced accordingly. The Chief Electoral Officer will publish in the Gazette declaring the actual number of members to be returned by election for each subsector.

²⁵² Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

the EC (whether or not the person is registered as an ex-officio member) or is selected as a nominee by a designated body, or stands for the election in another subsector²⁵³.

III.2.4. When a person is disqualified from being a candidate

III.2.4.1. A person is disqualified from being nominated as a candidate and from being elected as a member of the EC, if the person²⁵⁴:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;
- (e) without limiting paragraph (c), where the subsector election is to be held or is held within 5 years after the date of the person's conviction, is or has been convicted—
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (f) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her property and affairs; or
- (g) is a member of the armed forces of the People's Republic of China or any other country or territory.

²⁵³ Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁵⁴ Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

III.2.4.2. A person is also disqualified from being nominated as a candidate and from being elected as an EC member if, within the 5 years before the date of nomination²⁵⁵:

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath²⁵⁶; or
- (b) the person has been declared or decided in accordance with any law—
 - (i) to be in breach of a specified oath²⁵⁷; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the HKSAR of the People's Republic of China.

III.2.5. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

III.2.5.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People's Republic of China and be signed by the person, or otherwise the nomination is not valid²⁵⁸.

III.2.6. Determination of the validity of nomination by the CERC

III.2.6.1. The Returning Officer will forward the form to the CERC as soon as possible after receiving the nomination form. The CERC must, as soon as practicable, decide whether or not the person is validly nominated²⁵⁹.

III.2.6.2. The CERC must declare the persons who are validly nominated as candidates by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

III.2.7. Polling date

III.2.7.1. The poll will be conducted on 19 September 2021. EC members of the subsector are to be elected by secret ballot and a voter may vote for as many candidates as the number of members to be elected by the subsector and no more.

²⁵⁵ Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁵⁶ Section 18(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.

²⁵⁷ Ditto.

²⁵⁸ Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁵⁹ Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

III.2.8. Publication of IR of members of the EC

III.2.8.1. The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the EC (members-elect) at a subsector election. The Electoral Registration Officer shall compile and publish an IR of members of the EC within 7 days after the result of the election is published.

III.2.9. Appeals against result of an election

III.2.9.1. A person claiming to be a candidate at a subsector election may appeal to a Revising Officer against the result of that election, if he/she considers the person who was declared to have been elected was ineligible to be, or was disqualified from being, a candidate at the election, or material irregularity occurred in relation to the election, or to the polling or counting of votes at the election, by lodging an appeal notice²⁶⁰. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region²⁶¹.

III.2.9.2. The appeal concerned must reach the Revising Officer not later than 7 days after the date on which the Returning Officer has published in the Gazette the result of the election²⁶².

III.2.9.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the FR. The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the person whose election is questioned, as the case may be, review any ruling made²⁶³. In any case, the ruling concerned must be made not later than 20 days after the result of the election is published in the Gazette by the Returning Officer²⁶⁴.

III.2.10. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

III.2.10.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

²⁶⁰ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

²⁶¹ Section 9B of the Chief Executive Election Ordinance (Cap 569).

²⁶² Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

²⁶³ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

²⁶⁴ Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).

III.2.10.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

III.2.10.3. The FR of members of the EC will be published on 22 October 2021.

Election Committee Subsectors
Second Sector—The professions

Sports, performing arts, culture and publication Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electorates		Designated Bodies (returned by nomination) Specified Entities (returned by election)
			Individuals	Bodies	
30	Nomination	15	✓		To be nominated by the following bodies: 1. Sports Federation & Olympic Committee of Hong Kong, China (3 seats) 2. China Federation of Literary and Art Circles Hong Kong Member Association Limited (9 seats) 3. Hong Kong Publishing Federation Limited (3 seats)
	Election	15		✓	(a) The corporate members of the Sports Federation & Olympic Committee of Hong Kong, China ²⁶⁵ ; (b) Hong Kong Sports Institute Limited; (c) any body ²⁶⁶ that— (i) is a corporate member of the Hong Kong Publishing Federation Limited; and (ii) is entitled to vote at

²⁶⁵ According to section 12(20) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a corporate member of these bodies is eligible to be registered as a voter for the subsector concerned only if it has been a corporate member of that body and has been operating for the 3 years immediately before making its application for registration as a voter.

²⁶⁶ Ditto.

					<p>general meetings of the company; or</p> <p>(d) the following listed bodies:</p> <p>Part 1—Performing Arts Industry Associations and Local Licensed Broadcasting Institutions</p> <ol style="list-style-type: none"> 1. Hong Kong Motion Picture Industry Association Limited 2. Hong Kong Film Awards Association Ltd. 3. Association for Betterment of Hong Kong's Entertainment Industry in Mainland China Limited 4. Federation of Hong Kong Filmmakers Limited 5. Movie Producers and Distributors Association of Hong Kong Ltd. 6. Hong Kong Chamber of Films Limited 7. Hong Kong Theatres Association Ltd. 8. 華南電影工作者聯合會 9. International Federation of the Phonographic Industry (Hong Kong Group) Limited 10. Music Publishers Association of Hong Kong Limited 11. Hong Kong Recording Industry Alliance Limited 12. Television Broadcasts
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					<p>Limited</p> <p>13. HK Television Entertainment Company Limited</p> <p>14. Fantastic Television Limited</p> <p>15. Hong Kong Commercial Broadcasting Company Limited</p> <p>16. Metro Broadcast Corporation Limited</p> <p>17. The Hong Kong Film Development Council</p> <p>18. The Hong Kong International Film Festival Society Limited</p> <p>19. Hong Kong Film & Television Association Limited</p> <p>Part 2—Cultural Public Institutions, Associations and Bodies</p> <p>1. Hong Kong Arts Development Council</p> <p>2. The Hong Kong Academy for Performing Arts</p> <p>3. West Kowloon Cultural District Authority</p> <p>4. The Hong Kong Philharmonic Society Limited</p> <p>5. Hong Kong Chinese Orchestra Limited</p> <p>6. Hong Kong Repertory Theatre Limited</p> <p>7. Chung Ying Theatre Company (HK) Limited</p>
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					<p>8. Hong Kong Dance Company Limited</p> <p>9. The Hong Kong Ballet Limited</p> <p>10. Hong Kong Sinfonietta Limited</p> <p>11. City Contemporary Dance Company Limited</p> <p>12. Zuni Icosahedron</p> <p>13. Hong Kong Arts Festival Society Limited</p> <p>14. China Federation of Literary and Art Circles Hong Kong Member Association Limited</p> <p>15. China Theatre Association Hong Kong Member Branch</p> <p>16. China Film Hong Kong Association Limited</p> <p>17. Chinese Musicians Association—Hong Kong Members Branch</p> <p>18. China Artists Association Hong Kong Chapter</p> <p>19. China Opera Performing Artists Hong Kong Association</p> <p>20. Chinese Dancre Association Hong Kong Member Branch</p> <p>21. China Photographers Association Hong Kong Member Branch</p> <p>22. China Calligraphers Association Hong Kong Member Branch</p>
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					<p>23. China Literature and Art Critics Association Hong Kong Member Branch</p> <p>24. The Association of Chinese Culture of Hong Kong</p> <p>25. Hong Kong Culture Association Limited</p> <p>26. The Chinese Artists Association of Hong Kong</p> <p>27. Hong Kong Chinese Opera Promotion Association Limited</p> <p>28. Cantonese Opera Musician and Vocalist Association Limited</p> <p>29. HK Chinese Opera and Performing Arts Group Association</p> <p>30. Hong Kong Cantonese Opera Artists Club Limited</p> <p>31. Hong Kong Association of Cantonese Opera Scholars Limited</p> <p>32. Hong Kong Federation of Drama Societies</p> <p>33. Actors' Family Limited</p> <p>34. The Nonsensemakers Limited</p> <p>35. Tang Shu-Wing Theatre Studio Limited</p> <p>36. Shakespeare4All Company Limited</p> <p>37. Spring -Time Experimental Theatre Limited</p> <p>38. Perry Chiu Experimental Theatre Limited</p> <p>39. Performing Arts Asia</p>
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					<p>Limited</p> <p>40. Composers and Authors Society of Hong Kong Limited</p> <p>41. Hong Kong Composers' Guild Limited</p> <p>42. Hong Kong Chinese Instrumental Music Association</p> <p>43. Hong Kong Association of Choral Societies</p> <p>44. Hong Kong Music Tutors Union</p> <p>45. Opera Hong Kong Limited</p> <p>46. Hong Kong String Orchestra Limited</p> <p>47. Global Symphony Orchestra Society Limited</p> <p>48. The Hong Kong Children 's Choir</p> <p>49. Yip 's Children 's Choir Limited</p> <p>50. Allegro Singers</p> <p>51. Hong Kong City Chinese Orchestra</p> <p>52. Hong Kong Dance Federation Limited</p> <p>53. Association of Hong Kong Dance Organizations</p> <p>54. Hong Kong Dance Alliance Limited</p> <p>55. The Hong Kong Ballet Group Limited</p> <p>56. Hong Kong Dance Sector Joint Conference</p> <p>57. The Association of Hong Kong Youth Dancers</p>
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					<p>58. Miranda Chin Dance (Mirandance) Company Limited</p> <p>59. Budlet Folk Dance Club</p> <p>60. Starwave Production</p> <p>61. Xiang Gang Mei Xie</p> <p>62. Chinese Ink Painting Institute Hong Kong</p> <p>63. Hong Kong Water Colour Research Society</p> <p>64. Hong Kong Lan Ting Society</p> <p>65. Hong Kong Culture and Art Promotion Association</p> <p>66. Hong Kong Art Researching Association</p> <p>67. Hong Kong Modern Ink Painting Society Co. Limited</p> <p>68. Hong Kong Oil Painting Research Society</p> <p>69. Hong Kong Artists Society</p> <p>70. The Hong Kong Art Club</p> <p>71. Chung Fung Art Club</p> <p>72. To-day 's Chinese Art Association</p> <p>73. Ling Ngai Art Association</p> <p>74. Hong Kong Graphics Society</p> <p>75. 中國書協香港分會</p> <p>76. Hong Kong Chinese Calligraphy and Art Association</p> <p>77. China Hong Kong Institute of Calligraphy</p> <p>78. Calligraphy and Painting Study Association of Hong</p>
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					<p>Kong Fukienese</p> <p>79. Hong Kong Association of Amateur Calligraphers</p> <p>80. Hong Kong Calligraphers' Association</p> <p>81. Hong Kong International Calligraphy and Seal Cutting Society</p> <p>82. Hong Kong Hard Pen Calligraphists' Association</p> <p>83. Friends of Shizhai</p> <p>84. The Jiazi Society of Calligraphy</p> <p>85. The Photographic Society of Hong Kong</p> <p>86. The Chinese Photographic Association of Hong Kong</p> <p>87. Sea Gull Photographic Association Limited</p> <p>88. The Photographic Salon Exhibitors Association</p> <p>89. Grace Photographic Club</p> <p>90. Hong Kong Camera Club, Limited</p> <p>91. United Artist Photographic Association Limited</p> <p>92. The Society of Worldwide Ethnic Chinese Photographers Limited</p> <p>93. The Hong Kong 35mm Photography Society, Limited</p> <p>94. The Hong Kong Miniature Cameras Photography Society</p> <p>95. Hong Kong CreArt Photographic Association</p>
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					<p>Limited</p> <p>96. Overseas Chinese Photographers Association of Hong Kong</p> <p>97. The Art of Photography Association Limited</p> <p>98. The Federation of Hong Kong Writers</p> <p>99. The House of Hong Kong Literature Limited</p> <p>100. Hong Kong Writers Association Company Limited</p> <p>101. Hong Kong Society for Study of Poetry, Calligraphy and Couplet</p> <p>102. Hong Kong Literature Promoted Association</p> <p>103. 國際華文詩人協會</p> <p>104. Magicians' Association of Hong Kong</p> <p>105. Hong Kong & Macau Intangible Cultural Heritage Research Centre Limited</p> <p>106. Wing Lung Art</p> <p>107. Hong Kong Book Reviewers Association</p> <p>108. Hong Kong Film Critics Association Limited</p> <p>109. Hong Kong Literary Criticism Society Company Limited</p> <p>110. Oriental Education Alliance Limited</p> <p>111. Hong Kong International Music Festival Limited</p> <p>112. The Association of</p>
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					Zhuangzi Culture & Research of Hong Kong 113. Hong Kong Cantonese Opera Chamber of Commerce Limited 114. Jingkun Theatre Limited
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II. Members to be returned by nomination

II.1. How to nominate a member?

II.1.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the nomination period and the details for making nominations. The Sports Federation & Olympic Committee of Hong Kong, China, the China Federation of Literary and Art Circles Hong Kong Member Association Limited and the Hong Kong Publishing Federation Limited (the designated bodies of this subsector) may each nominate a number of persons selected by it as the nominated members of the Election Committee (“EC”) by submitting a designated nomination form to the Returning Officer within the nomination period.

II.1.2. 15 members of the Sports, performing arts, culture and publication subsector should be returned by nomination. If the number of persons nominated by each designated body exceeds the assigned number for the body, the designated body must indicate which of the nominees are to be given preference in making up the assigned number. If more than 1 nominee remain, the excess nominees need to be ranked in order of priority. If the designated body does not indicate which nominees are to be given preference, then the Returning Officer must determine the order of priority of the nominees by drawing lots.

II.2. Who is eligible to be a nominee?

II.2.1. A nominee must meet the following requirements²⁶⁷—

- (a) is both registered and eligible to be registered as an elector for a geographical constituency (“GC”) and is not disqualified from being so registered; and
- (b) has a substantial connection with the subsector.

II.2.2. A person is not eligible to be selected as a nominee if the person holds a specified

²⁶⁷ Section 8(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), or is a candidate at a subsector ordinary election²⁶⁸.

II.2.3. A person who is selected as a nominee by a designated body during the nomination period is not eligible to be selected by another designated body as such a member²⁶⁹.

II.3. When a person is disqualified from being a nominee

II.3.1. A person is disqualified from being a nominee if the person²⁷⁰—

- (a) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (b) on the date of nomination, is serving a sentence of imprisonment;
- (c) without limiting paragraph (a), where the nomination is made within 5 years after the date of the person's conviction, is or has been convicted—
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (d) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental incapacity, of managing and administering his/her property and affairs; or
- (e) is a member of the armed forces of the People's Republic of China or any other country or territory.

II.3.2. A person is also disqualified from being a nominee if, within the 5 years before the

²⁶⁸ Section 8(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁶⁹ Section 8(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁷⁰ Section 9(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

date of nomination²⁷¹—

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath²⁷²; or
- (b) the person has been declared or decided in accordance with any law—
 - (i) to be in breach of a specified oath²⁷³; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region (“HKSAR”) of the People’s Republic of China.

II.4. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

- II.4.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People’s Republic of China and be signed by the person, or otherwise the nomination is not valid²⁷⁴.

II.5. Determination of the validity of nomination by the Candidate Eligibility Review Committee (“the CERC”)

- II.5.1. The CERC is responsible for reviewing and confirming the eligibility of nominees. The Returning Officer shall, as soon as practicable after receiving a nomination form, forward the form to the CERC.
- II.5.2. The CERC must decide the validity of nomination of a nominee in accordance with the nomination made on the designated nomination form and the preference provided by the designated body, or the order of priority by drawing lots by the Returning Officer, until the seats assigned to the body have been filled.
- II.5.3. The CERC must declare the nominees who are validly nominated as EC members (i.e. declared members) by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

II.6. Publication of the Interim Register (“IR”) of members of the EC

- II.6.1. The Electoral Registration Officer shall compile and publish an IR of members of

²⁷¹ Section 9(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁷² Section 9(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China.

²⁷³ Ditto.

²⁷⁴ Section 7A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

the EC, and register the nominees as members-elect whose nominations are determined as valid.

II.7. Appeals in relation to declared members

II.7.1. If a person considers that a declared member is not eligible to be declared and registered as a member of the EC on the ground that²⁷⁵—

- (a) the declared member was ineligible to be selected as, or was disqualified from being, a nominee;
- (b) material irregularity occurred in relation to the process of nomination;
- (c) a processing error occurred in relation to the process of registration;
- (d) material irregularity occurred in relation to the determination of the CERC as to the validity of the nomination of the declared member; or
- (e) material irregularity occurred in relation to the process of drawing lots by the Returning Officer,

the person may, by submitting a written representation, object to the declaration and registration of the declared member as a member of the EC in the IR or the Final Register (“FR”). Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region²⁷⁶.

II.7.2. The appeal concerned must reach the Revising Officer not later than 7 days after the publication of the IR of members of the EC.

II.7.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the FR. The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant, or the declared member concerned, as the case may be, review any ruling made. In any case, the ruling concerned must be made not later than 20 days after the date of publication of the IR of members of the EC²⁷⁷.

²⁷⁵ Section 4 of the Election Committee (Appeals) Regulation (Cap 569A).

²⁷⁶ Section 9B of the Chief Executive Election Ordinance (Cap 569).

²⁷⁷ Section 5(4) of the Election Committee (Appeals) Regulation (Cap 569A).

II.8. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

- II.8.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.
- II.8.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).
- II.8.3. The FR of members of the EC will be published on 22 October 2021.

III. Members to be returned by election**III.1. Registration of Voters**

- III.1.1. This subsector is composed of corporate voters. Only specified entities listed above are eligible to be registered as a voter for this subsector.
- III.1.2. Eligible corporate voter²⁷⁸ is required to submit a duly completed voter registration form on or before 5 July 2021.
- III.1.3. According to section 13(8) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the governing authority (by whatever name called) of the corporate voter is required to appoint an eligible person as its authorized representative for the purpose of making nomination and casting its vote in the EC Subsector Elections.

²⁷⁸ According to section 12(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person is eligible to be registered as a voter if the person (A) is a specified entity of that subsector; and (B) where the person is a natural person, is eligible to be registered as an elector for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency.

III.2. Election**III.2.1. Number of members to be elected: 15²⁷⁹****III.2.2. How to nominate a candidate?**

III.2.2.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the number of members to be elected by each subsector, the nomination period and the details of submitting a nomination form.

III.2.2.2. Each candidate must submit a nomination form to the Returning Officer and must be nominated by at least 5 voters registered for the subsector concerned (excluding the candidate himself/herself).

III.2.2.3. The number of nomination form subscribed by a voter must not exceed the number of members to be elected by that subsector in that election. If the voter is a corporate voter, the nomination must be made by the authorized representative of the corporate voter.

III.2.3. Who is eligible to be nominated as a candidate?

III.2.3.1. In general, a candidate must meet the following requirements²⁸⁰:

- (a) has reached 18 years of age;
- (b) is both registered and eligible to be registered for a GC; and
- (c) he: (i) is both registered and eligible to be registered as a voter for that subsector; or (ii) satisfies the Returning Officer for the subsector that the person has a substantial connection with the subsector.

III.2.3.2. A person is not eligible to be nominated as a candidate if the person holds a specified office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member) or is

²⁷⁹ According to Annex I to the Basic Law amended by the Standing Committee of the National People's Congress and section 5I(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), if the total number of Hong Kong Special Administrative Region ("HKSAR") deputies to the National People's Congress ("NPC") or HKSAR members of the National Committee of the Chinese People's Political Consultative Conference ("CPPCC National Committee") who are eligible to register exceeds 190, an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee who does not hold a specified office of a subsector other than the NPC and CPPCC subsector may choose to register as an EC member in other subsectors which he/she has a substantial connection. In this case, he/she will be counted in the total number of members of the corresponding subsector, and the number of seats to be returned by that subsector through election by eligible corporate or individual voters will be reduced accordingly. The Chief Electoral Officer will publish in the Gazette declaring the actual number of members to be returned by election for each subsector.

²⁸⁰ Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

selected as a nominee by a designated body, or stands for the election in another subsector²⁸¹.

III.2.4. When a person is disqualified from being a candidate

III.2.4.1. A person is disqualified from being nominated as a candidate and from being elected as a member of the EC, if the person²⁸²:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;
- (e) without limiting paragraph (c), where the subsector election is to be held or is held within 5 years after the date of the person's conviction, is or has been convicted—
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (f) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her property and affairs; or
- (g) is a member of the armed forces of the People's Republic of China or any other country or territory.

III.2.4.2. A person is also disqualified from being nominated as a candidate and from being

²⁸¹ Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁸² Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

elected as an EC member if, within the 5 years before the date of nomination²⁸³:

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath²⁸⁴; or
- (b) the person has been declared or decided in accordance with any law—
 - (i) to be in breach of a specified oath²⁸⁵; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the HKSAR of the People’s Republic of China.

III.2.5. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

III.2.5.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People’s Republic of China and be signed by the person, or otherwise the nomination is not valid²⁸⁶.

III.2.6. Determination of the validity of nomination by the CERC

III.2.6.1. The Returning Officer will forward the form to the CERC as soon as possible after receiving the nomination form. The CERC must, as soon as practicable, decide whether or not the person is validly nominated²⁸⁷.

III.2.6.2. The CERC must declare the persons who are validly nominated as candidates by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

III.2.7. Polling date

III.2.7.1. The poll will be conducted on 19 September 2021. EC members of the subsector are to be elected by secret ballot and a voter may vote for as many candidates as the number of members to be elected by the subsector and no more.

²⁸³ Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁸⁴ Section 18(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China.

²⁸⁵ Ditto.

²⁸⁶ Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁸⁷ Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

III.2.8. Publication of IR of members of the EC

III.2.8.1. The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the EC (members-elect) at a subsector election. The Electoral Registration Officer shall compile and publish an IR of members of the EC within 7 days after the result of the election is published.

III.2.9. Appeals against result of an election

III.2.9.1. A person claiming to be a candidate at a subsector election may appeal to a Revising Officer against the result of that election, if he/she considers the person who was declared to have been elected was ineligible to be, or was disqualified from being, a candidate at the election, or material irregularity occurred in relation to the election, or to the polling or counting of votes at the election, by lodging an appeal notice²⁸⁸. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region²⁸⁹.

III.2.9.2. The appeal concerned must reach the Revising Officer not later than 7 days after the date on which the Returning Officer has published in the Gazette the result of the election²⁹⁰.

III.2.9.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the FR. The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the person whose election is questioned, as the case may be, review any ruling made²⁹¹. In any case, the ruling concerned must be made not later than 20 days after the result of the election is published in the Gazette by the Returning Officer²⁹².

III.2.10. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

III.2.10.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

²⁸⁸ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

²⁸⁹ Section 9B of the Chief Executive Election Ordinance (Cap 569).

²⁹⁰ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

²⁹¹ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

²⁹² Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).

III.2.10.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

III.2.10.3. The FR of members of the EC will be published on 22 October 2021.

Election Committee Subsectors
Second Sector—The professions

Technology and innovation Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electorates		Designated Bodies (returned by nomination) Specified Entities (returned by election)
			Individuals	Bodies	
30	Nomination	15	✓		The Greater Bay Area Association of Academicians (To be nominated from among the Hong Kong academicians of the Chinese Academy of Sciences or the Chinese Academy of Engineering)
	Election	15		✓	<p>The following listed bodies:</p> <p>Part 1—National Level Research Platforms</p> <ol style="list-style-type: none"> 1. State Key Laboratory of Emerging Infectious Diseases (The University of Hong Kong) 2. State Key Laboratory of Brain and Cognitive Science (The University of Hong Kong) 3. State Key Laboratory of Translational Oncology (The Chinese University of Hong Kong) 4. State Key Laboratory of Terahertz and Millimeter Waves (City University of Hong Kong)

					<p>5. State Key Laboratory of Agrobiotechnology (The Chinese University of Hong Kong)</p> <p>6. State Key Laboratory of Ultraprecision Machining Technology (The Hong Kong Polytechnic University)</p> <p>7. State Key Laboratory of Molecular Neuroscience (The Hong Kong University of Science and Technology)</p> <p>8. State Key Laboratory of Marine Pollution (City University of Hong Kong)</p> <p>9. State Key Laboratory of Research on Bioactivities and Clinical Applications of Medicinal Plants (The Chinese University of Hong Kong)</p> <p>10. State Key Laboratory of Liver Research (The University of Hong Kong)</p> <p>11. State Key Laboratory of Synthetic Chemistry (The University of Hong Kong)</p> <p>12. State Key Laboratory of Chemical Biology and Drug Discovery (The Hong Kong Polytechnic University)</p> <p>13. State Key Laboratory of Environmental and Biological Analysis (Hong Kong Baptist University)</p> <p>14. State Key Laboratory of</p>
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					<p>Pharmaceutical Biotechnology (The University of Hong Kong)</p> <p>15. State Key Laboratory of Digestive Disease (The Chinese University of Hong Kong)</p> <p>16. State Key Laboratory of Advanced Displays and Optoelectronics Technologies (The Hong Kong University of Science and Technology)</p> <p>17. Hong Kong Branch of National Engineering Research Center for Application Specific Integrated Circuit System</p> <p>18. Hong Kong Branch of National Engineering Research Center for Steel Construction</p> <p>19. Hong Kong Branch of National Rail Transit Electrification and Automation Engineering Technology Research Center</p> <p>20. Hong Kong Branch of National Precious Metals Material Engineering Research Center</p> <p>21. Hong Kong Branch of National Engineering Research Center for Tissue Restoration & Reconstruction</p>
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					<p>22. Hong Kong Branch of Chinese National Engineering Research Center for Control & Treatment of Heavy Metal Pollution</p> <p>23. Hong Kong Institute of Science & Innovation, Chinese Academy of Sciences Limited</p> <p>24. Centre for Regenerative Medicine and Health, Hong Kong Institute of Science & Innovation, Chinese Academy of Sciences Limited</p> <p>25. Centre for Artificial Intelligence and Robotics, Hong Kong Institute of Science & Innovation, Chinese Academy of Sciences Limited</p> <p>Part 2—Public Organizations Highly Relevant to Development of Innovation and Technology</p> <p>1. Hong Kong Applied Science And Technology Research Institute Company Limited</p> <p>2. Logistics and Supply Chain MultiTech R&D Centre Limited</p> <p>3. The Hong Kong Research Institute of Textiles and Apparel Limited</p>
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				<ol style="list-style-type: none"> 4. Nano and Advanced Materials Institute Limited 5. Hong Kong Cyberport Management Company Limited 6. Hong Kong Science and Technology Parks Corporation 7. The Hong Kong Institute of Biotechnology Limited 8. Hong Kong Productivity Council 9. Hong Kong Internet Registration Corporation Limited 10. Hong Kong-Shenzhen Innovation and Technology Park Limited 11. Automotive Platforms and Application Systems R&D Centre <p>Part 3—Academic Organizations and professional Bodies Participating in Government’s Consultation related to Development of Innovation and Technology</p> <ol style="list-style-type: none"> 1. The Hong Kong Academy of Sciences 2. Hong Kong Academy of Engineering Sciences 3. The Hong Kong Young Academy of Sciences 4. The Society of Hong Kong Scholars
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					<ol style="list-style-type: none">5. Internet Professional Association Limited6. Hong Kong Information Technology Joint Council Limited7. Hong Kong Computer Society8. Hong Kong Software Industry Association Limited9. Communications Association of Hong Kong Limited10. Hong Kong Society of Artificial Intelligence and Robotics Limited11. Hong Kong Biotechnology Organization12. HK Bio-Med Innotech Association Limited13. Hong Kong Data Centre Association Limited14. Hong Kong Federation of Innovative Technologies and Manufacturing Industries Limited15. Smart City Consortium Limited16. E-Commerce Association of Hong Kong Limited17. Esports Association of Hong Kong Limited18. The Hong Kong Electronic Industries Association Limited
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II. Members to be returned by nomination**II.1. How to nominate a member?**

II.1.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the nomination period and the details for making nominations. The Greater Bay Area Association of Academicians (the designated body of this subsector) may nominate a number of persons selected by it as its nominated members of the Election Committee (“EC”) by submitting a designated nomination form to the Returning Officer within the nomination period.

II.1.2. 15 members of the Technology and innovation subsector should be returned by nomination. If the number of persons nominated by The Greater Bay Area Association of Academicians exceeds 15, the designated body must indicate which of the nominees are to be given preference in making up the assigned number. If more than 1 nominee remain, the excess nominees need to be ranked in order of priority. If the designated body does not indicate which nominees are to be given preference, then the Returning Officer must determine the order of priority of the nominees by drawing lots.

II.2. Who is eligible to be a nominee?

II.2.1. Other than being a Hong Kong academician of the Hong Kong academicians of the Chinese Academy of Sciences or the Chinese Academy of Engineering, a nominee must also meet the following requirements²⁹³—

- (a) is both registered and eligible to be registered as an elector for a geographical constituency (“GC”) and is not disqualified from being so registered; and
- (b) has a substantial connection with the subsector.

II.2.2. A person is not eligible to be selected as a nominee if the person holds a specified office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), or is a candidate at a subsector ordinary election²⁹⁴.

II.2.3. A person who is selected as a nominee by a designated body during the nomination period is not eligible to be selected by another designated body as such a member²⁹⁵.

²⁹³ Section 8(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁹⁴ Section 8(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁹⁵ Section 8(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

II.3. When a person is disqualified from being a nominee

II.3.1. A person is disqualified from being a nominee if the person²⁹⁶—

- (a) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (b) on the date of nomination, is serving a sentence of imprisonment;
- (c) without limiting paragraph (a), where the nomination is made within 5 years after the date of the person's conviction, is or has been convicted—
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (d) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental incapacity, of managing and administering his/her property and affairs; or
- (e) is a member of the armed forces of the People's Republic of China or any other country or territory.

II.3.2. A person is also disqualified from being a nominee if, within the 5 years before the date of nomination²⁹⁷—

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath²⁹⁸; or
- (b) the person has been declared or decided in accordance with any law—

²⁹⁶ Section 9(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁹⁷ Section 9(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁹⁸ Section 9(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.

- (i) to be in breach of a specified oath²⁹⁹; or
- (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region (“HKSAR”) of the People’s Republic of China.

II.4. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

- II.4.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People’s Republic of China and be signed by the person, or otherwise the nomination is not valid³⁰⁰.

II.5. Determination of the validity of nomination by the Candidate Eligibility Review Committee (“the CERC”)

- II.5.1. The CERC is responsible for reviewing and confirming the eligibility of nominees. The Returning Officer shall, as soon as practicable after receiving a nomination form, forward the form to the CERC.
- II.5.2. The CERC must decide the validity of nomination of a nominee in accordance with the nomination made on the designated nomination form and the preference provided by the designated body, or the order of priority by drawing lots by the Returning Officer, until the seats assigned to the body have been filled.
- II.5.3. The CERC must declare the nominees who are validly nominated as EC members (i.e. declared members) by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

II.6. Publication of the Interim Register (“IR”) of members of the EC

- II.6.1. The Electoral Registration Officer shall compile and publish an IR of members of the EC, and register the nominees as members-elect whose nominations are determined as valid.

II.7. Appeals in relation to declared members

- II.7.1. If a person considers that a declared member is not eligible to be declared and registered as a member of the EC on the ground that³⁰¹—
 - (a) the declared member was ineligible to be selected as, or was disqualified from

²⁹⁹ Ditto.

³⁰⁰ Section 7A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

³⁰¹ Section 4 of the Election Committee (Appeals) Regulation (Cap 569A).

being, a nominee;

- (b) material irregularity occurred in relation to the process of nomination;
- (c) a processing error occurred in relation to the process of registration;
- (d) material irregularity occurred in relation to the determination of the CERC as to the validity of the nomination of the declared member; or
- (e) material irregularity occurred in relation to the process of drawing lots by the Returning Officer,

the person may, by submitting a written representation, object to the declaration and registration of the declared member as a member of the EC in the IR or the Final Register (“FR”). Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region³⁰².

II.7.2. The appeal concerned must reach the Revising Officer not later than 7 days after the publication of the IR of members of the EC.

II.7.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the FR. The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant, or the declared member concerned, as the case may be, review any ruling made. In any case, the ruling concerned must be made not later than 20 days after the date of publication of the IR of members of the EC³⁰³.

II.8. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

II.8.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

II.8.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

³⁰² Section 9B of the Chief Executive Election Ordinance (Cap 569).

³⁰³ Section 5(4) of the Election Committee (Appeals) Regulation (Cap 569A).

II.8.3. The FR of members of the EC will be published on 22 October 2021.

III. Members to be returned by election

III.1. Registration of Voters

III.1.1. This subsector is composed of corporate voters. Only specified entities listed above are eligible to be registered as a voter for this subsector.

III.1.2. Eligible corporate voter³⁰⁴ is required to submit a duly completed voter registration form on or before 5 July 2021.

III.1.3. According to section 13(8) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the governing authority (by whatever name called) of the corporate voter is required to appoint an eligible person as its authorized representative for the purpose of making nomination and casting its vote in the EC Subsector Elections.

III.2. Election

III.2.1. Number of members to be elected: 15³⁰⁵

III.2.2. How to nominate a candidate?

III.2.2.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the number of members to be elected by each subsector, the nomination period and the details of submitting a nomination form.

III.2.2.2. Each candidate must submit a nomination form to the Returning Officer and must be

³⁰⁴ According to section 12(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person is eligible to be registered as a voter if the person (A) is a specified entity of that subsector; and (B) where the person is a natural person, is eligible to be registered as an elector for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency.

³⁰⁵ According to Annex I to the Basic Law amended by the Standing Committee of the National People's Congress and section 5I(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), if the total number of Hong Kong Special Administrative Region ("HKSAR") deputies to the National People's Congress ("NPC") or HKSAR members of the National Committee of the Chinese People's Political Consultative Conference ("CPPCC National Committee") who are eligible to register exceeds 190, an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee who does not hold a specified office of a subsector other than the NPC and CPPCC subsector may choose to register as an EC member in other subsectors which he/she has a substantial connection. In this case, he/she will be counted in the total number of members of the corresponding subsector, and the number of seats to be returned by that subsector through election by eligible corporate or individual voters will be reduced accordingly. The Chief Electoral Officer will publish in the Gazette declaring the actual number of members to be returned by election for each subsector.

nominated by at least 5 voters registered for the subsector concerned (excluding the candidate himself/herself).

III.2.2.3. The number of nomination form subscribed by a voter must not exceed the number of members to be elected by that subsector in that election. If the voter is a corporate voter, the nomination must be made by the authorized representative of the corporate voter.

III.2.3. Who is eligible to be nominated as a candidate?

III.2.3.1. In general, a candidate must meet the following requirements³⁰⁶:

- (a) has reached 18 years of age;
- (b) is both registered and eligible to be registered for a GC; and
- (c) he: (i) is both registered and eligible to be registered as a voter for that subsector; or (ii) satisfies the Returning Officer for the subsector that the person has a substantial connection with the subsector.

III.2.3.2. A person is not eligible to be nominated as a candidate if the person holds a specified office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member) or is selected as a nominee by a designated body, or stands for the election in another subsector³⁰⁷.

III.2.4. When a person is disqualified from being a candidate

III.2.4.1. A person is disqualified from being nominated as a candidate and from being elected as a member of the EC, if the person³⁰⁸:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or

³⁰⁶ Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

³⁰⁷ Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

³⁰⁸ Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

- (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;
- (e) without limiting paragraph (c), where the subsector election is to be held or is held within 5 years after the date of the person's conviction, is or has been convicted—
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (f) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her property and affairs; or
- (g) is a member of the armed forces of the People's Republic of China or any other country or territory.

III.2.4.2. A person is also disqualified from being nominated as a candidate and from being elected as an EC member if, within the 5 years before the date of nomination³⁰⁹:

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath³¹⁰; or
- (b) the person has been declared or decided in accordance with any law—
 - (i) to be in breach of a specified oath³¹¹; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the HKSAR of the People's Republic of China.

³⁰⁹ Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

³¹⁰ Section 18(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.

³¹¹ Ditto.

III.2.5. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

III.2.5.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People’s Republic of China and be signed by the person, or otherwise the nomination is not valid³¹².

III.2.6. Determination of the validity of nomination by the CERC

III.2.6.1. The Returning Officer will forward the form to the CERC as soon as possible after receiving the nomination form. The CERC must, as soon as practicable, decide whether or not the person is validly nominated³¹³.

III.2.6.2. The CERC must declare the persons who are validly nominated as candidates by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

III.2.7. Polling date

III.2.7.1. The poll will be conducted on 19 September 2021. EC members of the subsector are to be elected by secret ballot and a voter may vote for as many candidates as the number of members to be elected by the subsector and no more.

III.2.8. Publication of IR of members of the EC

III.2.8.1. The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the EC (members-elect) at a subsector election. The Electoral Registration Officer shall compile and publish an IR of members of the EC within 7 days after the result of the election is published.

III.2.9. Appeals against result of an election

III.2.9.1. A person claiming to be a candidate at a subsector election may appeal to a Revising Officer against the result of that election, if he/she considers the person who was declared to have been elected was ineligible to be, or was disqualified from being, a candidate at the election, or material irregularity occurred in relation to the election, or to the polling or counting of votes at the election, by lodging an appeal notice³¹⁴. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special

³¹² Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

³¹³ Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

³¹⁴ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

Administrative Region³¹⁵.

III.2.9.2. The appeal concerned must reach the Revising Officer not later than 7 days after the date on which the Returning Officer has published in the Gazette the result of the election³¹⁶.

III.2.9.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the FR. The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the person whose election is questioned, as the case may be, review any ruling made³¹⁷. In any case, the ruling concerned must be made not later than 20 days after the result of the election is published in the Gazette by the Returning Officer³¹⁸.

III.2.10. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

III.2.10.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

III.2.10.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

III.2.10.3. The FR of members of the EC will be published on 22 October 2021.

³¹⁵ Section 9B of the Chief Executive Election Ordinance (Cap 569).

³¹⁶ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

³¹⁷ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

³¹⁸ Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).

Election Committee Subsectors
Third Sector—Grassroots, labour, religious and other sectors

Agriculture and fisheries Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electorates		Specified Entities
			Individuals	Bodies	
60	Election	60		✓	(a) The corporate members of each of the following bodies ¹ : <ul style="list-style-type: none"> (i) The Federation of Vegetable Marketing Co-operative Societies, Limited (ii) The Federation of Pig Raising Co-operative Societies of Hong Kong, Kowloon and New Territories, Limited (iii) The Joint Association of Hong Kong Fishermen (iv) Federation of Hong Kong Aquaculture Associations (v) The Federation of Fishermen's Co-operative Societies of Shau Kei Wan District, Limited (vi) The Federation of Fishermen's Co-operative Societies of Tai Po District, N.T., Limited (vii) The Federation of Fishermen's Co-operative

¹ According to section 12(20) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a corporate member of these bodies is eligible to be registered as a voter for the subsector concerned only if it has been a corporate member of that body and has been operating for the 3 years immediately before making its application for registration as a voter.

					<p>Societies of Sai Kung District, Limited</p> <p>(viii) The Federation of Fishermen's Co-operative Societies of Southern District, Limited</p> <p>(ix) Hong Kong Fishermen Consortium</p> <p>(x) Federation of Hong Kong Agricultural Associations</p> <p>(b) The following listed bodies:</p> <ol style="list-style-type: none"> 1. Aberdeen Fishermen Friendship Association 2. The Ap Lei Chau Fishermen's Credit Co-operative Society, Unlimited 3. The Castle Peak Fishermen's Credit Co-operative Society, Unlimited 4. The Castle Peak Mechanized Trawler Fishermen's Credit Co-operative Society, Unlimited 5. Cheung Chau Fisheries Joint Association 6. Cheung Chau Fishermen's Welfare Promotion Association 7. The Fanling Kwun Ti Village Farmers' Irrigation Co-operative Society, Ltd. 8. Fish Farming and Stuff Association 9. Fisherman's Association of Po Toi Island 10. Fishery Development Association (Hong Kong) Limited 11. Fraternal Association of The Floating Population of Hong Kong
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					<p>12. The Guild of Graziers</p> <p>13. Hang Hau Grazier Association</p> <p>14. Hong Kong and Kowloon Fishermen Association Ltd.</p> <p>15. Hong Kong & Kowloon Floating Fishermen Welfare Promotion Association</p> <p>16. Hong Kong Fisheries Development Association</p> <p>17. Hong Kong Fishermen's Association</p> <p>18. Hong Kong Fishing Vessel Owners Association, Ltd.</p> <p>19. Hong Kong Florists Association</p> <p>20. Hong Kong Graziers Union</p> <p>21. Hong Kong Liner & Gill Netting Fisherman Association</p> <p>22. Hong Kong Livestock Industry Association</p> <p>23. Hong Kong N.T. Fish Culture Association</p> <p>24. Hong Kong N.T. Poultry (Geese & Ducks) Mutual Association</p> <p>25. Hong Kong Netting, Cultivation and Fisherman Association</p> <p>26. Hong Kong Off-shore Fishermen's Association</p> <p>27. The Lam Ti Agricultural Credit Co-operative Society, Limited</p> <p>28. Lamma Island Lo Dik Wan Aquaculture Association</p> <p>29. Lau Fau Shan Oyster Industry Association, New Territories</p> <p>30. Ma Wan Fisheries Rights Association Ltd.</p> <p>31. The Mui Wo Agricultural Products Marketing & Credit Co-operative Society, Ltd.</p>
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				<p>32. Mui Wo Fishermen Fraternity Society</p> <p>33. N.T. Oyster and Aquatic Products United Association</p> <p>34. The New Territories Chicken Breeders Association, Ltd.</p> <p>35. The New Territories Fishermen Fraternity Association Ltd.</p> <p>36. New Territories Florist Association, Ltd.</p> <p>37. North District Florists Association</p> <p>38. Outlying Islands Mariculture Association (Cheung Chau)</p> <p>39. Peng Chau Fishermen Association Ltd.</p> <p>40. Quality Broiler Development Association</p> <p>41. Sai Kung (North) Sham Wan Marine Fish Culture Business Association</p> <p>42. Sai Kung Po Toi O Fish Culture Business Association</p> <p>43. Sai Kung Tai Tau Chau Fish Culture Business Association</p> <p>44. Sai Kung Tai Wu Kok Fishermen's Association</p> <p>45. The Sha Tau Kok Marine Fish Culture Association</p> <p>46. The Sha Tau Kok Small Long Liner and Gill Net Fishermen's Credit Co-operative Society, Unlimited</p> <p>47. The Shan Tong Vegetable Marketing Co-operative Society, Ltd.</p> <p>48. Shatin Ah Kung Kok Fishermen Welfare Association</p>
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					<p>49. Shatin Florists Association</p> <p>50. Shau Kei Wan Deep Sea Capture Fishermen's Credit Co-operative Society, Unlimited</p> <p>51. Shau Kei Wan Fishermen Friendship Association</p> <p>52. Shau Kei Wan Pair Trawler Fishermen's Credit Co-operative Society, Unlimited</p> <p>53. The Shau Kei Wan Trawler Fishermen's Credit Co-operative Society, Unlimited</p> <p>54. Tai O Fishermen (Coastal Fishery) Association</p> <p>55. The Tai O Sha Chai Min Fishermen's Credit Co-operative Society, Unlimited</p> <p>56. The Tai Po Fishermen's Credit Co-operative Society, Unlimited</p> <p>57. Tai Po Florists and Horticulturists Association</p> <p>58. The Tai Po Purse Seiner and Small Long Liner Fishermen's Credit Co-operative Society, Unlimited</p> <p>59. The Tsuen Wan Fishermen's Credit Co-operative Society, Unlimited</p> <p>60. The Tuen Mun Mechanized Fishing Boat Fishermen's Credit Co-operative Society, Unlimited</p> <p>61. Tuen Mun Agricultural Association</p> <p>62. Tung Lung Chau Mariculture Association</p> <p>63. The Hong Kong Branch of the World's Poultry Science Association</p>
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					64. Yuen Long Agriculture Productivity Association 65. Yung Shue Au Marine Fish Culture Business Association 66. Tsing Yi Residents Association 67. 荃灣葵青居民聯會(漁民組) 68. 荃灣葵青漁民會 69. The Shau Kei Wan Stern Trawler Fishermen's Credit Co-operative Society, Unlimited 70. Sustainable Ecological Ethical Development Foundation Limited 71. N.T. North District Fishermen's Association 72. Tai Po Off Shore Fishermen's Association 73. Aberdeen Fisherwomen Association 74. 香港新界本地農協會 75. The Hong Kong Veterinary Association Limited
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II. Members to be returned by election

II.1. Registration of Voters

- II.1.1. This subsector is composed of corporate voters. Only specified entities listed above are eligible to be registered as a voter for this subsector.
- II.1.2. Eligible corporate voter² is required to submit a duly completed voter registration form on or before 5 July 2021.
- II.1.3. According to section 13(8) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the governing authority (by whatever name called) of the corporate voter is required to appoint an eligible person as its authorized

² According to section 12(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person is eligible to be registered as a voter if the person (A) is a specified entity of that subsector; and (B) where the person is a natural person, is eligible to be registered as an elector for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency.

representative for the purpose of making nomination and casting its vote in the Election Committee (“EC”) Subsector Elections.

II.2. Election

II.2.1. Number of members to be elected: 60³

II.2.2. How to nominate a candidate?

II.2.2.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the number of members to be elected by each subsector, the nomination period and the details of submitting a nomination form.

II.2.2.2. Each candidate must submit a nomination form to the Returning Officer and must be nominated by at least 5 voters registered for the subsector concerned (excluding the candidate himself/herself).

II.2.2.3. The number of nomination form subscribed by a voter must not exceed the number of members to be elected by that subsector in that election. If the voter is a corporate voter, the nomination must be made by the authorized representative of the corporate voter.

II.2.3. Who is eligible to be nominated as a candidate?

II.2.3.1. In general, a candidate must meet the following requirements⁴:

- (a) has reached 18 years of age;
- (b) is both registered and eligible to be registered for a geographical constituency (“GC”); and
- (c) he: (i) is both registered and eligible to be registered as a voter for that subsector; or (ii) satisfies the Returning Officer for the subsector that the person has a substantial connection with the subsector.

II.2.3.2. A person is not eligible to be nominated as a candidate if the person holds a specified

³ According to Annex I to the Basic Law amended by the Standing Committee of the National People’s Congress and section 5I(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), if the total number of Hong Kong Special Administrative Region (“HKSAR”) deputies to the National People’s Congress (“NPC”) or HKSAR members of the National Committee of the Chinese People’s Political Consultative Conference (“CPPCC National Committee”) who are eligible to register exceeds 190, an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee who does not hold a specified office of a subsector other than the NPC and CPPCC subsector may choose to register as an EC member in other subsectors which he/she has a substantial connection. In this case, he/she will be counted in the total number of members of the corresponding subsector, and the number of seats to be returned by that subsector through election by eligible corporate or individual voters will be reduced accordingly. The Chief Electoral Officer will publish in the Gazette declaring the actual number of members to be returned by election for each subsector.

⁴ Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member) or is selected as a nominee by a designated body, or stands for the election in another subsector⁵.

II.2.4. When a person is disqualified from being a candidate

II.2.4.1. A person is disqualified from being nominated as a candidate and from being elected as a member of the EC, if the person⁶:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;
- (e) without limiting paragraph (c), where the subsector election is to be held or is held within 5 years after the date of the person's conviction, is or has been convicted—
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (f) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her property and affairs; or
- (g) is a member of the armed forces of the People's Republic of China or any other

⁵ Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁶ Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

country or territory.

II.2.4.2. A person is also disqualified from being nominated as a candidate and from being elected as an EC member if, within the 5 years before the date of nomination⁷:

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath⁸; or
- (b) the person has been declared or decided in accordance with any law—
 - (i) to be in breach of a specified oath⁹; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region (“HKSAR”) of the People’s Republic of China.

II.2.5. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

II.2.5.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People’s Republic of China and be signed by the person, or otherwise the nomination is not valid¹⁰.

II.2.6. Determination of the validity of nomination by the Candidate Eligibility Review Committee (“the CERC”)

II.2.6.1. The Returning Officer will forward the form to the CERC as soon as possible after receiving the nomination form. The CERC must, as soon as practicable, decide whether or not the person is validly nominated¹¹.

II.2.6.2. The CERC must declare the persons who are validly nominated as candidates by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

II.2.7. Polling date

II.2.7.1. The poll will be conducted on 19 September 2021. EC members of the subsector are to be elected by secret ballot and a voter may vote for as many candidates as the

⁷ Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁸ Section 18(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China.

⁹ Ditto.

¹⁰ Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹¹ Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

number of members to be elected by the subsector and no more.

II.2.8. Publication of Interim Register (“IR”) of members of the EC

II.2.8.1. The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the EC (members-elect) at a subsector election. The Electoral Registration Officer shall compile and publish an IR of members of the EC within 7 days after the result of the election is published.

II.2.9. Appeals against result of an election

II.2.9.1. A person claiming to be a candidate at a subsector election may appeal to a Revising Officer against the result of that election, if he/she considers the person who was declared to have been elected was ineligible to be, or was disqualified from being, a candidate at the election, or material irregularity occurred in relation to the election, or to the polling or counting of votes at the election, by lodging an appeal notice¹². Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region¹³.

II.2.9.2. The appeal concerned must reach the Revising Officer not later than 7 days after the date on which the Returning Officer has published in the Gazette the result of the election¹⁴.

II.2.9.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the Final Register (“FR”). The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the person whose election is questioned, as the case may be, review any ruling made¹⁵. In any case, the ruling concerned must be made not later than 20 days after the result of the election is published in the Gazette by the Returning Officer¹⁶.

II.2.10. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

II.2.10.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

¹² Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

¹³ Section 9B of the Chief Executive Election Ordinance (Cap 569).

¹⁴ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

¹⁵ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

¹⁶ Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).

II.2.10.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

II.2.10.3. The FR of members of the EC will be published on 22 October 2021.

Election Committee Subsectors
Third Sector—Grassroots, labour, religious and other sectors

Associations of Chinese fellow townsmen Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electorates		Specified Entities
			Individuals	Bodies	
60	Election	60		✓	(a) The following listed bodies: <ol style="list-style-type: none"> 1. Federation of Hong Kong Guangdong Community Organisations Limited 2. Hong Kong Federation of Fujian Associations Limited 3. Federation of HK Guangxi Community Organisations Limited 4. Hong Kong Federation of Hainan Community Organisations Limited 5. The United Zhejiang Residents Associations (Hong Kong) Limited 6. Federation of HK Jiangsu Community Organisations Limited 7. Hong Kong Beijing Association Limited 8. Hong Kong-Shanghai Economic Development Association Limited 9. Federation of Hong Kong Hubei Associations Limited 10. Hunan Fraternal Association of Hong Kong Limited 11. Hong Kong Federation of Jiang Xi Associations Limited

					<p>12. Federation of HK Shandong Community Organisations Limited</p> <p>13. Federation of HK Sichuan Community Organisations Limited</p> <p>14. The Hong Kong Tianjin Friendship Association Limited</p> <p>15. Hong Kong Chongqing Friendship Federation Limited</p> <p>16. Hong Kong Federation of Gan Su Limited</p> <p>17. Hong Kong Shaanxi Friendship Association Limited</p> <p>18. Hong Kong Hebei Friendship Association Limited</p> <p>19. The Anhui Fraternity Association (Hong Kong) Limited</p> <p>20. Hong Kong Shanxi Chamber of Commerce Limited</p> <p>21. Hong Kong Ningxia Federation of Associations Limited</p> <p>22. The Association of Hong Kong Yunnan Fellow Provincials Limited</p> <p>23. The Hong Kong Friendship Association of Guizhou Province</p> <p>24. Qinghai Hong Kong & Macau Association Limited</p> <p>(b) The associations of Chinese fellow townsmen that are recognized by the aforementioned listed bodies at county level or above¹⁷</p>
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¹⁷ According to section 12(19A) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the specified entity of the subsector concerned is eligible to be registered as a corporate voter for that subsector only if it has been operating as such a specified entity for the 3 years immediately before making its application for registration as a voter.

II. Members to be returned by election**II.1. Registration of Voters**

- II.1.1. This subsector is composed of corporate voters. Only specified entities listed above are eligible to be registered as a voter for this subsector.
- II.1.2. Eligible corporate voter¹⁸ is required to submit a duly completed voter registration form on or before 5 July 2021.
- II.1.3. According to section 13(8) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the governing authority (by whatever name called) of the corporate voter is required to appoint an eligible person as its authorized representative for the purpose of making nomination and casting its vote in the Election Committee (“EC”) Subsector Elections.

II.2. Election**II.2.1. Number of members to be elected: 60¹⁹****II.2.2. How to nominate a candidate?**

- II.2.2.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the number of members to be elected by each subsector, the nomination period and the details of submitting a nomination form.
- II.2.2.2. Each candidate must submit a nomination form to the Returning Officer and must be nominated by at least 5 voters registered for the subsector concerned (excluding the candidate himself/herself).
- II.2.2.3. The number of nomination form subscribed by a voter must not exceed the number of members to be elected by that subsector in that election. If the voter is a

¹⁸ According to section 12(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person is eligible to be registered as a voter if the person (A) is a specified entity of that subsector; and (B) where the person is a natural person, is eligible to be registered as an elector for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency.

¹⁹ According to Annex I to the Basic Law amended by the Standing Committee of the National People’s Congress and section 5I(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), if the total number of Hong Kong Special Administrative Region (“HKSAR”) deputies to the National People’s Congress (“NPC”) or HKSAR members of the National Committee of the Chinese People’s Political Consultative Conference (“CPPCC National Committee”) who are eligible to register exceeds 190, an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee who does not hold a specified office of a subsector other than the NPC and CPPCC subsector may choose to register as an EC member in other subsectors which he/she has a substantial connection. In this case, he/she will be counted in the total number of members of the corresponding subsector, and the number of seats to be returned by that subsector through election by eligible corporate or individual voters will be reduced accordingly. The Chief Electoral Officer will publish in the Gazette declaring the actual number of members to be returned by election for each subsector.

corporate voter, the nomination must be made by the authorized representative of the corporate voter.

II.2.3. Who is eligible to be nominated as a candidate?

II.2.3.1. In general, a candidate must meet the following requirements²⁰:

- (a) has reached 18 years of age;
- (b) is both registered and eligible to be registered for a geographical constituency (“GC”); and
- (c) he: (i) is both registered and eligible to be registered as a voter for that subsector; or (ii) satisfies the Returning Officer for the subsector that the person has a substantial connection with the subsector.

II.2.3.2. A person is not eligible to be nominated as a candidate if the person holds a specified office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member) or is selected as a nominee by a designated body, or stands for the election in another subsector²¹.

II.2.4. When a person is disqualified from being a candidate

II.2.4.1. A person is disqualified from being nominated as a candidate and from being elected as a member of the EC, if the person²²:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;

²⁰ Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²¹ Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²² Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

- (e) without limiting paragraph (c), where the subsector election is to be held or is held within 5 years after the date of the person's conviction, is or has been convicted—
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (f) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her property and affairs; or
- (g) is a member of the armed forces of the People's Republic of China or any other country or territory.

II.2.4.2. A person is also disqualified from being nominated as a candidate and from being elected as an EC member if, within the 5 years before the date of nomination²³:

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath²⁴; or
- (b) the person has been declared or decided in accordance with any law—
 - (i) to be in breach of a specified oath²⁵; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region (“HKSAR”) of the People's Republic of China.

II.2.5. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

II.2.5.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People's Republic of China and be signed by the person, or otherwise the nomination is not valid²⁶.

²³ Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁴ Section 18(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.

²⁵ Ditto.

²⁶ Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

II.2.6. Determination of the validity of nomination by the Candidate Eligibility Review Committee (“the CERC”)

- II.2.6.1. The Returning Officer will forward the form to the CERC as soon as possible after receiving the nomination form. The CERC must, as soon as practicable, decide whether or not the person is validly nominated²⁷.
- II.2.6.2. The CERC must declare the persons who are validly nominated as candidates by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

II.2.7. Polling date

- II.2.7.1. The poll will be conducted on 19 September 2021. EC members of the subsector are to be elected by secret ballot and a voter may vote for as many candidates as the number of members to be elected by the subsector and no more.

II.2.8. Publication of Interim Register (“IR”) of members of the EC

- II.2.8.1. The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the EC (members-elect) at a subsector election. The Electoral Registration Officer shall compile and publish an IR of members of the EC within 7 days after the result of the election is published.

II.2.9. Appeals against result of an election

- II.2.9.1. A person claiming to be a candidate at a subsector election may appeal to a Revising Officer against the result of that election, if he/she considers the person who was declared to have been elected was ineligible to be, or was disqualified from being, a candidate at the election, or material irregularity occurred in relation to the election, or to the polling or counting of votes at the election, by lodging an appeal notice²⁸. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region²⁹.
- II.2.9.2. The appeal concerned must reach the Revising Officer not later than 7 days after the date on which the Returning Officer has published in the Gazette the result of the election³⁰.

²⁷ Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁸ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

²⁹ Section 9B of the Chief Executive Election Ordinance (Cap 569).

³⁰ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

II.2.9.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the Final Register (“FR”). The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the person whose election is questioned, as the case may be, review any ruling made³¹. In any case, the ruling concerned must be made not later than 20 days after the result of the election is published in the Gazette by the Returning Officer³².

II.2.10. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

II.2.10.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

II.2.10.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

II.2.10.3. The FR of members of the EC will be published on 22 October 2021.

³¹ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

³² Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).

Election Committee Subsectors
Third Sector—Grassroots, labour, religious and other sectors

Grassroots associations Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electoral Districts		Specified Entities
			Individuals	Bodies	
60	Election	60		✓	(a) Hong Kong Island Federation; (b) Kowloon Federation of Associations; (c) New Territories Association of Societies; (d) a corporate member ³³ of any of the federation or association mentioned in paragraph (a), (b) or (c) and is entitled to vote at general meetings of the federation or association ³⁴

II. Members to be returned by election

II.1. Registration of Voters

II.1.1. This subsector is composed of corporate voters. Only specified entities listed above are eligible to be registered as a voter for this subsector.

³³ According to section 12(20) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a corporate member of these bodies is eligible to be registered as a voter for the subsector concerned only if it has been a corporate member of that body and has been operating for the 3 years immediately before making its application for registration as a voter.

³⁴ According to section 11A of the Schedule to the Chief Executive Election Ordinance (Cap 569), in which stipulates:

- (1) a reference to an entitlement to vote at a general meeting/specified authority of a body is a reference to an entitlement to vote at the general meeting/specified authority as provided by the body's constitution;
- (2) A body (first-mentioned body) is also regarded as being entitled to vote at the specified authority within another body if—
 - (i) a natural person who is entitled to vote at that authority specifies in writing to the Electoral Registration Officer that the natural person represents the first-mentioned body at that authority; and
 - (ii) that natural person has substantial connection with the first-mentioned body.
- (3) if more than one body is specified by the same natural person, only the body last so specified is regarded as being entitled to vote at that authority.

II.1.2. Eligible corporate voter³⁵ is required to submit a duly completed voter registration form on or before 5 July 2021.

II.1.3. According to section 13(8) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the governing authority (by whatever name called) of the corporate voter is required to appoint an eligible person as its authorized representative for the purpose of making nomination and casting its vote in the Election Committee (“EC”) Subsector Elections.

II.2. Election

II.2.1. Number of members to be elected: 60³⁶

II.2.2. How to nominate a candidate?

II.2.2.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the number of members to be elected by each subsector, the nomination period and the details of submitting a nomination form.

II.2.2.2. Each candidate must submit a nomination form to the Returning Officer and must be nominated by at least 5 voters registered for the subsector concerned (excluding the candidate himself/herself).

II.2.2.3. The number of nomination form subscribed by a voter must not exceed the number of members to be elected by that subsector in that election. If the voter is a corporate voter, the nomination must be made by the authorized representative of the corporate voter.

³⁵ According to section 12(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person is eligible to be registered as a voter if the person (A) is a specified entity of that subsector; and (B) where the person is a natural person, is eligible to be registered as an elector for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency.

³⁶ According to Annex I to the Basic Law amended by the Standing Committee of the National People’s Congress and section 5I(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), if the total number of Hong Kong Special Administrative Region (“HKSAR”) deputies to the National People’s Congress (“NPC”) or HKSAR members of the National Committee of the Chinese People’s Political Consultative Conference (“CPPCC National Committee”) who are eligible to register exceeds 190, an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee who does not hold a specified office of a subsector other than the NPC and CPPCC subsector may choose to register as an EC member in other subsectors which he/she has a substantial connection. In this case, he/she will be counted in the total number of members of the corresponding subsector, and the number of seats to be returned by that subsector through election by eligible corporate or individual voters will be reduced accordingly. The Chief Electoral Officer will publish in the Gazette declaring the actual number of members to be returned by election for each subsector.

II.2.3. Who is eligible to be nominated as a candidate?

II.2.3.1. In general, a candidate must meet the following requirements³⁷:

- (a) has reached 18 years of age;
- (b) is both registered and eligible to be registered for a geographical constituency (“GC”); and
- (c) he: (i) is both registered and eligible to be registered as a voter for that subsector; or (ii) satisfies the Returning Officer for the subsector that the person has a substantial connection with the subsector.

II.2.3.2. A person is not eligible to be nominated as a candidate if the person holds a specified office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member) or is selected as a nominee by a designated body, or stands for the election in another subsector³⁸.

II.2.4. When a person is disqualified from being a candidate

II.2.4.1. A person is disqualified from being nominated as a candidate and from being elected as a member of the EC, if the person³⁹:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;
- (e) without limiting paragraph (c), where the subsector election is to be held or is held within 5 years after the date of the person’s conviction, is or has been

³⁷ Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

³⁸ Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

³⁹ Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

convicted—

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

II.2.4.2. A person is also disqualified from being nominated as a candidate and from being elected as an EC member if, within the 5 years before the date of nomination⁴⁰:

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath⁴¹; or
- (b) the person has been declared or decided in accordance with any law—
 - (i) to be in breach of a specified oath⁴²; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region (“HKSAR”) of the People’s Republic of China.

II.2.5. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

II.2.5.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People’s Republic of China and be signed by the person, or otherwise the nomination is not valid⁴³.

II.2.6. Determination of the validity of nomination by the Candidate Eligibility Review Committee (“the CERC”)

⁴⁰ Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁴¹ Section 18(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China.

⁴² Ditto.

⁴³ Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

II.2.6.1. The Returning Officer will forward the form to the CERC as soon as possible after receiving the nomination form. The CERC must, as soon as practicable, decide whether or not the person is validly nominated⁴⁴.

II.2.6.2. The CERC must declare the persons who are validly nominated as candidates by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

II.2.7. Polling date

II.2.7.1. The poll will be conducted on 19 September 2021. EC members of the subsector are to be elected by secret ballot and a voter may vote for as many candidates as the number of members to be elected by the subsector and no more.

II.2.8. Publication of Interim Register (“IR”) of members of the EC

II.2.8.1. The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the EC (members-elect) at a subsector election. The Electoral Registration Officer shall compile and publish an IR of members of the EC within 7 days after the result of the election is published.

II.2.9. Appeals against result of an election

II.2.9.1. A person claiming to be a candidate at a subsector election may appeal to a Revising Officer against the result of that election, if he/she considers the person who was declared to have been elected was ineligible to be, or was disqualified from being, a candidate at the election, or material irregularity occurred in relation to the election, or to the polling or counting of votes at the election, by lodging an appeal notice⁴⁵. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region⁴⁶.

II.2.9.2. The appeal concerned must reach the Revising Officer not later than 7 days after the date on which the Returning Officer has published in the Gazette the result of the election⁴⁷.

II.2.9.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the Final Register (“FR”). The

⁴⁴ Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁴⁵ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

⁴⁶ Section 9B of the Chief Executive Election Ordinance (Cap 569).

⁴⁷ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the person whose election is questioned, as the case may be, review any ruling made⁴⁸. In any case, the ruling concerned must be made not later than 20 days after the result of the election is published in the Gazette by the Returning Officer⁴⁹.

II.2.10. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

II.2.10.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

II.2.10.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

II.2.10.3. The FR of members of the EC will be published on 22 October 2021.

⁴⁸ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

⁴⁹ Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).

Election Committee Subsectors
Third Sector—Grassroots, labour, religious and other sectors

Labour Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electoralates		Specified Entities
			Individuals	Bodies	
60	Election	60		✓	Trade unions registered under the Trade Unions Ordinance (Cap 332) of which all the voting members are employees ⁵⁰

II. Members to be returned by election

II.1. Registration of Voters

- II.1.1. This subsector is composed of corporate voters. Only specified entities listed above are eligible to be registered as a voter for this subsector.
- II.1.2. Eligible corporate voter⁵¹ is required to submit a duly completed voter registration form on or before 5 July 2021.
- II.1.3. According to section 13(8) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the governing authority (by whatever name called) of the corporate voter is required to appoint an eligible person as its authorized representative for the purpose of making nomination and casting its vote in the Election Committee (“EC”) Subsector Elections.

⁵⁰ According to section 12(19A) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the specified entity of the subsector concerned is eligible to be registered as a corporate voter for that subsector only if it has been operating as such a specified entity for the 3 years immediately before making its application for registration as a voter.

⁵¹ According to section 12(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person is eligible to be registered as a voter if the person (A) is a specified entity of that subsector; and (B) where the person is a natural person, is eligible to be registered as an elector for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency.

II.2. Election**II.2.1. Number of members to be elected: 60⁵²****II.2.2. How to nominate a candidate?**

II.2.2.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the number of members to be elected by each subsector, the nomination period and the details of submitting a nomination form.

II.2.2.2. Each candidate must submit a nomination form to the Returning Officer and must be nominated by at least 5 voters registered for the subsector concerned (excluding the candidate himself/herself).

II.2.2.3. The number of nomination form subscribed by a voter must not exceed the number of members to be elected by that subsector in that election. If the voter is a corporate voter, the nomination must be made by the authorized representative of the corporate voter.

II.2.3. Who is eligible to be nominated as a candidate?

II.2.3.1. In general, a candidate must meet the following requirements⁵³:

- (a) has reached 18 years of age;
- (b) is both registered and eligible to be registered for a geographical constituency (“GC”); and
- (c) he: (i) is both registered and eligible to be registered as a voter for that subsector; or (ii) satisfies the Returning Officer for the subsector that the person has a substantial connection with the subsector.

II.2.3.2. A person is not eligible to be nominated as a candidate if the person holds a specified office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of

⁵² According to Annex I to the Basic Law amended by the Standing Committee of the National People’s Congress and section 5I(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), if the total number of Hong Kong Special Administrative Region (“HKSAR”) deputies to the National People’s Congress (“NPC”) or HKSAR members of the National Committee of the Chinese People’s Political Consultative Conference (“CPPCC National Committee”) who are eligible to register exceeds 190, an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee who does not hold a specified office of a subsector other than the NPC and CPPCC subsector may choose to register as an EC member in other subsectors which he/she has a substantial connection. In this case, he/she will be counted in the total number of members of the corresponding subsector, and the number of seats to be returned by that subsector through election by eligible corporate or individual voters will be reduced accordingly. The Chief Electoral Officer will publish in the Gazette declaring the actual number of members to be returned by election for each subsector.

⁵³ Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

the EC (whether or not the person is registered as an ex-officio member) or is selected as a nominee by a designated body, or stands for the election in another subsector⁵⁴.

II.2.4. When a person is disqualified from being a candidate

II.2.4.1. A person is disqualified from being nominated as a candidate and from being elected as a member of the EC, if the person⁵⁵:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;
- (e) without limiting paragraph (c), where the subsector election is to be held or is held within 5 years after the date of the person's conviction, is or has been convicted—
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (f) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her property and affairs; or
- (g) is a member of the armed forces of the People's Republic of China or any other country or territory.

⁵⁴ Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁵⁵ Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

II.2.4.2. A person is also disqualified from being nominated as a candidate and from being elected as an EC member if, within the 5 years before the date of nomination⁵⁶:

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath⁵⁷; or
- (b) the person has been declared or decided in accordance with any law—
 - (i) to be in breach of a specified oath⁵⁸; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region (“HKSAR”) of the People’s Republic of China.

II.2.5. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

II.2.5.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People’s Republic of China and be signed by the person, or otherwise the nomination is not valid⁵⁹.

II.2.6. Determination of the validity of nomination by the Candidate Eligibility Review Committee (“the CERC”)

II.2.6.1. The Returning Officer will forward the form to the CERC as soon as possible after receiving the nomination form. The CERC must, as soon as practicable, decide whether or not the person is validly nominated⁶⁰.

II.2.6.2. The CERC must declare the persons who are validly nominated as candidates by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

II.2.7. Polling date

II.2.7.1. The poll will be conducted on 19 September 2021. EC members of the subsector are to be elected by secret ballot and a voter may vote for as many candidates as the number of members to be elected by the subsector and no more.

⁵⁶ Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁵⁷ Section 18(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China.

⁵⁸ Ditto.

⁵⁹ Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁶⁰ Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

II.2.8. Publication of Interim Register (“IR”) of members of the EC

II.2.8.1. The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the EC (members-elect) at a subsector election. The Electoral Registration Officer shall compile and publish an IR of members of the EC within 7 days after the result of the election is published.

II.2.9. Appeals against result of an election

II.2.9.1. A person claiming to be a candidate at a subsector election may appeal to a Revising Officer against the result of that election, if he/she considers the person who was declared to have been elected was ineligible to be, or was disqualified from being, a candidate at the election, or material irregularity occurred in relation to the election, or to the polling or counting of votes at the election, by lodging an appeal notice⁶¹. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region⁶².

II.2.9.2. The appeal concerned must reach the Revising Officer not later than 7 days after the date on which the Returning Officer has published in the Gazette the result of the election⁶³.

II.2.9.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the Final Register (“FR”). The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the person whose election is questioned, as the case may be, review any ruling made⁶⁴. In any case, the ruling concerned must be made not later than 20 days after the result of the election is published in the Gazette by the Returning Officer⁶⁵.

II.2.10. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

II.2.10.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

II.2.10.2. After the publication of the IR of members of the EC, a member-elect must sign the

⁶¹ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

⁶² Section 9B of the Chief Executive Election Ordinance (Cap 569).

⁶³ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

⁶⁴ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

⁶⁵ Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).

written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

II.2.10.3. The FR of members of the EC will be published on 22 October 2021.

Election Committee Subsectors
Third Sector—Grassroots, labour, religious and other sectors

Religious Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electorates		Designated Bodies
			Individuals	Bodies	
60	Nomination	60		✓	Each of the following bodies should nominate 10 Election Committee members: <ol style="list-style-type: none"> 1. Catholic Diocese of Hong Kong 2. Chinese Muslim Cultural and Fraternal Association 3. Hong Kong Christian Council 4. The Hong Kong Taoist Association 5. The Confucian Academy 6. The Hong Kong Buddhist Association

II. Members to be returned by nomination

II.1. How to nominate a member?

II.1.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the nomination period and the details for making nominations. Each of the above-mentioned bodies (the designated bodies of this subsector) may nominate 10 persons as the nominated members of the Election Committee (“EC”) by submitting a designated nomination form to the Returning Officer within the nomination period.

II.1.2. If the number of persons nominated by each designated body exceeds the assigned number for the body, the designated body must indicate which of the nominees are to be given preference in making up the assigned number. If the designated body does not indicate which nominees are to be given preference, then the Returning Officer must determine the order of priority of the nominees by drawing lots.

II.2. Who is eligible to be a nominee?

II.2.1. A nominee must meet the following requirements⁶⁶—

- (a) is both registered and eligible to be registered as an elector for a geographical constituency and is not disqualified from being so registered; and
- (b) has a substantial connection with the subsector.

II.2.2. A person is not eligible to be selected as a nominee if the person holds a specified office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), or is a candidate at a subsector ordinary election⁶⁷.

II.2.3. A person who is selected as a nominee by a designated body during the nomination period is not eligible to be selected by another designated body as such a member⁶⁸.

II.3. When a person is disqualified from being a nominee

II.3.1. A person is disqualified from being a nominee if the person⁶⁹—

- (a) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (b) on the date of nomination, is serving a sentence of imprisonment;
- (c) without limiting paragraph (a), where the nomination is made within 5 years after the date of the person's conviction, is or has been convicted—
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;

⁶⁶ Section 8(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁶⁷ Section 8(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁶⁸ Section 8(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁶⁹ Section 9(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

- (d) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental incapacity, of managing and administering his/her property and affairs; or
 - (e) is a member of the armed forces of the People's Republic of China or any other country or territory.
- II.3.2. A person is also disqualified from being a nominee if, within the 5 years before the date of nomination⁷⁰—
- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath⁷¹; or
 - (b) the person has been declared or decided in accordance with any law—
 - (i) to be in breach of a specified oath⁷²; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region (“HKSAR”) of the People's Republic of China.
- II.4. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”**
- II.4.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People's Republic of China and be signed by the person, or otherwise the nomination is not valid⁷³.
- II.5. Determination of the validity of nomination by the Candidate Eligibility Review Committee (“the CERC”)**
- II.5.1. The CERC is responsible for reviewing and confirming the eligibility of nominees. The Returning Officer shall, as soon as practicable after receiving a nomination form, forward the form to the CERC.
- II.5.2. The CERC must decide the validity of nomination of a nominee in accordance with the nomination made on the designated nomination form and the preference provided by the designated body, or the order of priority by drawing lots by the Returning Officer, until the seats assigned to the body have been filled.

⁷⁰ Section 9(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁷¹ Section 9(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.

⁷² Ditto.

⁷³ Section 7A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

II.5.3. The CERC must declare the nominees who are validly nominated as EC members (i.e. declared members) by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

II.6. Publication of the Interim Register (“IR”) of members of the EC

II.6.1. The Electoral Registration Officer shall compile and publish an IR of members of the EC, and register the nominees as members-elect whose nominations are determined as valid.

II.7. Appeals in relation to declared members

II.7.1. If a person considers that a declared member is not eligible to be declared and registered as a member of the EC on the ground that⁷⁴—

- (a) the declared member was ineligible to be selected as, or was disqualified from being, a nominee;
- (b) material irregularity occurred in relation to the process of nomination;
- (c) a processing error occurred in relation to the process of registration;
- (d) material irregularity occurred in relation to the determination of the CERC as to the validity of the nomination of the declared member; or
- (e) material irregularity occurred in relation to the process of drawing lots by the Returning Officer,

the person may, by submitting a written representation, object to the declaration and registration of the declared member as a member of the EC in the IR or the Final Register (“FR”). Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region⁷⁵.

II.7.2. The appeal concerned must reach the Revising Officer not later than 7 days after the publication of the IR of members of the EC.

II.7.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the FR. The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant, or the declared member concerned, as the case may be, review any ruling made. In any case, the ruling concerned must be made not later than 20 days after the date of publication of the IR

⁷⁴ Section 4 of the Election Committee (Appeals) Regulation (Cap 569A).

⁷⁵ Section 9B of the Chief Executive Election Ordinance (Cap 569).

of members of the EC⁷⁶.

II.8. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

II.8.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

II.8.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

II.8.3. The FR of members of the EC will be published on 22 October 2021.

⁷⁶ Section 5(4) of the Election Committee (Appeals) Regulation (Cap 569A).

Election Committee Subsectors
Fourth Sector——Members of the Legislative Council, representatives of district organisations and other organisations

Members of the Legislative Council Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electorates		Specified Office
			Individuals	Bodies	
90	Ex-officio	90	✓		Members of the Legislative Council ¹

II. Registration of Ex-officio Members

II.1. Eligibility

II.1.1. All members of the Legislative Council² are eligible to be registered as the ex-officio members of this subsector.

II.1.2. A person registered as an ex-officio member of this subsector is also required to be registered (or is eligible to be registered and has made an application to be so registered) as an elector for a geographical constituency (“GC”), and is not disqualified from being an elector for a GC³.

II.1.3. A person is not eligible to be registered as an ex-officio member if the person⁴—

- (a) is a principal official appointed pursuant to a nomination under Article 48(5) of the Basic Law;
- (b) is a directorate officer of the Government;
- (c) is an Administrative Officer of the Government;
- (d) is an Information Officer of the Government;
- (e) is a police officer; or

¹ In case a specified person could not be registered as an ex-officio member of this subsector, he/she may not designate another person to be registered as an ex-officio member of this subsector.

² If a Hong Kong Special Administrative Region (“HKSAR”) deputy to the National People’s Congress or an HKSAR member of the National Committee of the Chinese People’s Political Consultative Conference is simultaneously holding a specified office of this subsector, he/she may only be registered as an ex-officio member of this subsector.

³ Section 5L(1)(a) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁴ Section 5L(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

- (f) is any other civil servant who is holding a specified office in his/her official capacity.

II.1.4. A person is disqualified from being registered as an ex-officio member if the person⁵:

- (a) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either:
- (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (b) on the date of submission of the registration form, is serving a sentence of imprisonment;
- (c) without limiting paragraph (a), where the registration form is submitted within 5 years after the date of the person's conviction, is or has been convicted:
- (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (d) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her property and affairs; or
- (e) is a member of the armed forces of the People's Republic of China or any other country or territory.

II.1.5. A person is also disqualified from being registered as an ex-officio member if, within the 5 years before the date of submission of the registration form⁶:

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath⁷; or
- (b) the person has been declared or decided in accordance with any law:

⁵ Section 5M(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁶ Section 5M(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁷ Section 5M(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.

- (i) to be in breach of a specified oath⁸; or
- (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region (“HKSAR”) of the People’s Republic of China.

II.1.6. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

II.1.6.1. The registration form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People’s Republic of China and be signed by the person, or otherwise the registration is not valid⁹.

II.1.7. Determination of the validity of registration by the Candidate Eligibility Review Committee (“the CERC”)

II.1.7.1. The Electoral Registration Officer will forward the form to the CERC as soon as possible after receiving the registration form. The CERC must, as soon as practicable, determine whether or not the registration is valid.

II.2. Deadline for registration

II.2.1. All persons who are eligible to be registered as ex-officio members of this subsector must submit the registration form on or before 5 July 2021.

II.3. Publication of Interim Register (“IR”) of members of the Election Committee (“EC”)

II.3.1. The Electoral Registration Officer shall compile and publish the IR of members of EC and register the persons whose registration is determined as valid (members-elect) to be ex-officio members.

II.4. Appeals against the registration of ex-officio members

II.4.1. A person who considers that an ex-officio member is not eligible to be registered as a member of the EC may submit a written representation to object to the registration of the ex-officio member as a member of the EC in the IR or Final Register (“FR”) of members of the EC on the ground that¹⁰—

- (a) the ex-officio member was ineligible to be registered as, or was disqualified from being, a member of the EC;
- (b) a processing error occurred in relation to the process of registration; or

⁸ Ditto.

⁹ Section 5K of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹⁰ Section 4A(1) of the EC (Appeals) Regulation (Cap 569A).

- (c) material irregularity occurred in relation to the determination of the CERC as to the validity of the registration of the ex-officio member.

The appeal must reach the Revising Officer not later than 7 days after the date of publication of the IR concerned¹¹. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region¹².

- II.4.2. A person whose registration has been determined by the CERC to be invalid may claim that he/she is eligible to be, and is not disqualified from being, registered as an ex-officio member by submitting a written representation¹³.
- II.4.3. A person whose registration has been determined by the CERC to be invalid after the date of publication of the IR concerned, may lodge an appeal by submitting a written representation to the Revising Officer not later than 7 days after the date of issuance of the notice informing the relevant person of the determination.
- II.4.4. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the FR. The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the ex-officio member concerned, as the case may be, review any ruling made¹⁴. In any case, the ruling concerned must be made not later than 20 days after the date of publication of the IR of members of the EC¹⁵.

II.5. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

- II.5.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.
- II.5.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).
- II.5.3. The FR of members of the EC will be published on 22 October 2021.

¹¹ Section 4A(3) of the EC (Appeals) Regulation (Cap 569A).

¹² Section 9B of the Chief Executive Election Ordinance (Cap 569).

¹³ Section 4A(2) of the Election Committee (Appeals) Regulation (Cap 569A).

¹⁴ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

¹⁵ Section 5(4) of the Election Committee (Appeals) Regulation (Cap 569A).

Election Committee Subsectors
Fourth Sector—Members of the Legislative Council, representatives of district organisations and other organisations

Heung Yee Kuk Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electorates		Specified Entities
			Individuals	Bodies	
27	Election	27	✓		The Chairman and Vice-Chairmen of the Heung Yee Kuk and the Ex-officio, Special and Co-opted Councillors of the Full Council of the Kuk

II. Members to be returned by election

II.1. Registration of Voters

II.1.1. This subsector is composed of individual voters. Only specified entities listed above are eligible to be registered as a voter for this subsector.

II.1.2. A natural person who is eligible to be registered as a voter for the Heung Yee Kuk and/or other subsectors, he/she must be registered as a voter for the Heung Yee Kuk subsector¹⁶.

II.1.3. Eligible individual voter¹⁷ is required to submit a duly completed voter registration form on or before 5 July 2021.

¹⁶ In order to ensure that the number of voters in each subsector can reach a certain level, a voter who is eligible to be registered in a subsector with a relatively smaller electorate must be so registered in that subsector. According to section 12(11) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the priority of registration is as follows:

- (a) Heung Yee Kuk;
- (b) Representatives of Hong Kong members of relevant national organisations; and
- (c) Representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of Hong Kong and Kowloon, or representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of the New Territories.

¹⁷ According to section 12(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person is eligible to be registered as a voter if the person (A) is a specified entity of that subsector; and (B) where the person is a natural person, is eligible to be registered as an elector for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency.

II.2. Election**II.2.1. Number of members to be elected: 27¹⁸****II.2.2. How to nominate a candidate?**

II.2.2.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the number of members to be elected by each subsector, the nomination period and the details of submitting a nomination form.

II.2.2.2. Each candidate must submit a nomination form to the Returning Officer and must be nominated by at least 5 voters registered for the subsector concerned (excluding the candidate himself/herself).

II.2.2.3. The number of nomination form subscribed by a voter must not exceed the number of members to be elected by that subsector in that election.

II.2.3. Who is eligible to be nominated as a candidate?

II.2.3.1. In general, a candidate must meet the following requirements¹⁹—

- (a) has reached 18 years of age;
- (b) is both registered and eligible to be registered for a geographical constituency (“GC”); and
- (c) he: (i) is both registered and eligible to be registered as a voter for that subsector; or (ii) satisfies the Returning Officer for the subsector that the person has a substantial connection with the subsector.

II.2.3.2. A person is not eligible to be nominated as a candidate if the person holds a specified office as an ex-officio member of the Election Committee (“EC”) (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member) or is selected as a nominee by a designated body, or stands for the

¹⁸ According to Annex I to the Basic Law amended by the Standing Committee of the National People’s Congress and section 5I(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), if the total number of Hong Kong Special Administrative Region (“HKSAR”) deputies to the National People’s Congress (“NPC”) or HKSAR members of the National Committee of the Chinese People’s Political Consultative Conference (“CPPCC National Committee”) who are eligible to register exceeds 190, an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee who does not hold a specified office of a subsector other than the NPC and CPPCC subsector may choose to register as an EC member in other subsectors which he/she has a substantial connection. In this case, he/she will be counted in the total number of members of the corresponding subsector, and the number of seats to be returned by that subsector through election by eligible corporate or individual voters will be reduced accordingly. The Chief Electoral Officer will publish in the Gazette declaring the actual number of members to be returned by election for each subsector.

¹⁹ Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

election in another subsector²⁰.

II.2.4. When a person is disqualified from being a candidate

II.2.4.1. If a person is not a specified entity of a subsector, he/she is disqualified from (a) being nominated as a candidate at the subsector election; or (b) being elected as a member of the EC representing the subsector²¹.

II.2.4.2. A person is disqualified from being nominated as a candidate and from being elected as a member of the EC, if the person²²:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;
- (e) without limiting paragraph (c), where the subsector election is to be held or is held within 5 years after the date of the person's conviction, is or has been convicted—
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (f) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her property and affairs; or
- (g) is a member of the armed forces of the People's Republic of China or any other

²⁰ Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²¹ Section 18A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²² Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

country or territory.

II.2.4.3. A person is also disqualified from being nominated as a candidate and from being elected as an EC member if, within the 5 years before the date of nomination²³:

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath²⁴; or
- (b) the person has been declared or decided in accordance with any law—
 - (i) to be in breach of a specified oath²⁵; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region (“HKSAR”) of the People’s Republic of China.

II.2.5. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

II.2.5.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People’s Republic of China and be signed by the person, or otherwise the nomination is not valid²⁶.

II.2.6. Determination of the validity of nomination by the Candidate Eligibility Review Committee (“the CERC”)

II.2.6.1. The Returning Officer will forward the form to the CERC as soon as possible after receiving the nomination form. The CERC must, as soon as practicable, decide whether or not the person is validly nominated²⁷.

II.2.6.2. The CERC must declare the persons who are validly nominated as candidates by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

II.2.7. Polling date

II.2.7.1. The poll will be conducted on 19 September 2021. EC members of the subsector are to be elected by secret ballot and a voter may vote for as many candidates as the

²³ Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁴ Section 18(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China.

²⁵ Ditto.

²⁶ Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁷ Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

number of members to be elected by the subsector and no more.

II.2.8. Publication of Interim Register (“IR”) of members of the EC

II.2.8.1. The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the EC (members-elect) at a subsector election. The Electoral Registration Officer shall compile and publish an IR of members of the EC within 7 days after the result of the election is published.

II.2.9. Appeals against result of an election

II.2.9.1. A person claiming to be a candidate at a subsector election may appeal to a Revising Officer against the result of that election, if he/she considers the person who was declared to have been elected was ineligible to be, or was disqualified from being, a candidate at the election, or material irregularity occurred in relation to the election, or to the polling or counting of votes at the election, by lodging an appeal notice²⁸. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region²⁹.

II.2.9.2. The appeal concerned must reach the Revising Officer not later than 7 days after the date on which the Returning Officer has published in the Gazette the result of the election³⁰.

II.2.9.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the Final Register (“FR”). The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the person whose election is questioned, as the case may be, review any ruling made³¹. In any case, the ruling concerned must be made not later than 20 days after the result of the election is published in the Gazette by the Returning Officer³².

II.2.10. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

II.2.10.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

²⁸ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

²⁹ Section 9B of the Chief Executive Election Ordinance (Cap 569).

³⁰ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

³¹ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

³² Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).

II.2.10.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

II.2.10.3. The FR of members of the EC will be published on 22 October 2021.

Election Committee Subsectors
Fourth Sector——Members of the Legislative Council, representatives of district organisations and other organisations

Representatives of associations of Hong Kong residents in the Mainland
Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electorates		Designated Bodies
			Individuals	Bodies	
27	Nomination	27		✓	Each of the following bodies should nominate 1 Election Committee member: <ol style="list-style-type: none"> 1. Mainland China (Shenzhen) Consultant Services Centre, The Hong Kong Federation of Trade Unions 2. Mainland China (Guangzhou) Consultant Services Centre, The Hong Kong Federation of Trade Unions 3. Mainland China (Dongguan) Consultant Services Centre, The Hong Kong Federation of Trade Unions 4. Mainland China (Zhongshan) Consultant Services Centre, The Hong Kong Federation of Trade Unions 5. Mainland China (Huizhou) Consultant Services Centre, The Hong Kong Federation of Trade Unions 6. Mainland China (Fujian, Xiamen) Consultant Services Centre, The Hong Kong

					<p>Federation of Trade Unions</p> <p>7. Hong Kong Chamber of Commerce in China</p> <p>8. Hong Kong Chamber of Commerce in China—Tianjin</p> <p>9. Hong Kong Chamber of Commerce in China—Shanghai</p> <p>10. Hong Kong Chamber of Commerce in China—Zhejiang</p> <p>11. Hong Kong Chamber of Commerce in China—Guangdong</p> <p>12. Hong Kong Chamber of Commerce in China—Fujian</p> <p>13. Hong Kong Chamber of Commerce in China—Guangxi</p> <p>14. Hong Kong Chamber of Commerce in China—Sichuan</p> <p>15. Hong Kong Chamber of Commerce in China—Wuhan</p> <p>16. Hong Kong Chamber of Commerce in China—Liaoning</p> <p>17. Hong Kong Chamber of Commerce in China—Shandong</p> <p>18. Hong Kong Professionals (Beijing) Association</p> <p>19. Shanghai Hong Kong Association</p> <p>20. Guangzhou Tianhe Hong Kong and Macau Youth</p>
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					<p>Association</p> <p>21. Hong Kong Association of China Business</p> <p>22. Hong Kong Chamber of Commerce, Qianhai, Shenzhen</p> <p>23. Hong Kong and Macau Entrepreneurs Branch, Chongqing Overseas Association</p> <p>24. Fujian Federation of Overseas Chinese Entrepreneurs</p> <p>25. Hong Kong and Macao Youth Innovation and Entrepreneurship Federation in Zhongkai Huizhou</p> <p>26. The Hong Kong Fellowship in Huadu Guangzhou</p> <p>27. The Hong Kong Fellowship in Chancheng Foshan</p>
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II. Members to be returned by nomination

II.1. How to nominate a member?

II.1.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the nomination period and the details for making nominations. Each of the above-mentioned bodies (the designated bodies of this subsector) may nominate 1 person as the nominated member of the Election Committee (“EC”) by submitting a designated nomination form to the Returning Officer within the nomination period.

II.1.2. If the number of persons nominated by each designated body exceeds the assigned number for the body, the designated body must indicate which of the nominees are to be given preference in making up the assigned number. If the designated body does not indicate which nominees are to be given preference, then the Returning Officer must determine the order of priority of the nominees by drawing lots.

II.2. Who is eligible to be a nominee?

II.2.1. A nominee must meet the following requirements³³—

- (a) is both registered and eligible to be registered as an elector for a geographical constituency and is not disqualified from being so registered; and
- (b) has a substantial connection with the subsector.

II.2.2. A person is not eligible to be selected as a nominee if the person holds a specified office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member), or is a candidate at a subsector ordinary election³⁴.

II.2.3. A person who is selected as a nominee by a designated body during the nomination period is not eligible to be selected by another designated body as such a member³⁵.

II.3. When a person is disqualified from being a nominee

II.3.1. A person is disqualified from being a nominee if the person³⁶:

- (a) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (b) on the date of nomination, is serving a sentence of imprisonment;
- (c) without limiting paragraph (a), where the nomination is made within 5 years after the date of the person's conviction, is or has been convicted—
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;

³³ Section 8(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

³⁴ Section 8(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

³⁵ Section 8(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

³⁶ Section 9(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

- (d) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental incapacity, of managing and administering his/her property and affairs; or
 - (e) is a member of the armed forces of the People's Republic of China or any other country or territory.
- II.3.2. A person is also disqualified from being a nominee if, within the 5 years before the date of nomination³⁷:
- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath³⁸; or
 - (b) the person has been declared or decided in accordance with any law—
 - (i) to be in breach of a specified oath³⁹; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region (“HKSAR”) of the People's Republic of China.
- II.4. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”**
- II.4.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People's Republic of China and be signed by the person, or otherwise the nomination is not valid⁴⁰.
- II.5. Determination of the validity of nomination by the Candidate Eligibility Review Committee (“the CERC”)**
- II.5.1. The CERC is responsible for reviewing and confirming the eligibility of nominees. The Returning Officer shall, as soon as practicable after receiving a nomination form, forward the form to the CERC.
- II.5.2. The CERC must decide the validity of nomination of a nominee in accordance with the nomination made on the designated nomination form and the preference provided by the designated body, or the order of priority by drawing lots by the Returning Officer, until the seats assigned to the body have been filled.

³⁷ Section 9(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

³⁸ Section 9(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.

³⁹ Ditto.

⁴⁰ Section 7A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

II.5.3. The CERC must declare the nominees who are validly nominated as EC members (i.e. declared members) by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

II.6. Publication of the Interim Register (“IR”) of members of the EC

II.6.1. The Electoral Registration Officer shall compile and publish an IR of members of the EC, and register the nominees as members-elect whose nominations are determined as valid.

II.7. Appeals in relation to declared members

II.7.1. If a person considers that a declared member is not eligible to be declared and registered as a member of the EC on the ground that⁴¹—

- (a) the declared member was ineligible to be selected as, or was disqualified from being, a nominee;
- (b) material irregularity occurred in relation to the process of nomination;
- (c) a processing error occurred in relation to the process of registration;
- (d) material irregularity occurred in relation to the determination of the CERC as to the validity of the nomination of the declared member; or
- (e) material irregularity occurred in relation to the process of drawing lots by the Returning Officer,

the person may, by submitting a written representation, object to the declaration and registration of the declared member as a member of the EC in the IR or the Final Register (“FR”). Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region⁴².

II.7.2. The appeal concerned must reach the Revising Officer not later than 7 days after the publication of the IR of members of the EC.

II.7.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the FR. The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant, or the declared member

⁴¹ Section 4 of the Election Committee (Appeals) Regulation (Cap 569A).

⁴² Section 9B of the Chief Executive Election Ordinance (Cap 569).

concerned, as the case may be, review any ruling made. In any case, the ruling concerned must be made not later than 20 days after the date of publication of the IR of members of the EC⁴³.

II.8. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

II.8.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

II.8.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

II.8.3. The FR of members of the EC will be published on 22 October 2021.

⁴³ Section 5(4) of the Election Committee (Appeals) Regulation (Cap 569A).

Election Committee Subsectors**Fourth Sector—Members of the Legislative Council, representatives of district organisations and other organisations****Representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of Hong Kong and Kowloon**
Subsector**I. Composition and Method for Returning Members**

Number of Seats	Method for Returning Members		Electorates		Specified Entities
			Individuals	Bodies	
76	Election	76	✓		Members of the Area Committees, District Fight Crime Committees and District Fire Safety Committees established in any of the following Districts – (a) Central & Western District (b) Eastern District (c) Southern District (d) Wan Chai District (e) Kowloon City District (f) Kwun Tong District (g) Sham Shui Po District (h) Wong Tai Sin District (i) Yau Tsim Mong District

II. Members to be returned by election**II.1. Registration of Voters**

II.1.1. This subsector is composed of individual voters. Only specified entities listed above are eligible to be registered as a voter for this subsector.

II.1.2. A natural person who is eligible to be registered as a voter for the Heung Yee Kuk and/or Representatives of Hong Kong members of relevant national organisations

subsectors, he/she must be registered as a voter for that subsector⁴⁴.

- II.1.3. Eligible individual voter⁴⁵ is required to submit a duly completed voter registration form on or before 5 July 2021.

II.2. Election

II.2.1. Number of members to be elected: 76⁴⁶

II.2.2. How to nominate a candidate?

- II.2.2.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the number of members to be elected by each subsector, the nomination period and the details of submitting a nomination form.

- II.2.2.2. Each candidate must submit a nomination form to the Returning Officer and must be nominated by at least 5 voters registered for the subsector concerned (excluding the candidate himself/herself).

- II.2.2.3. The number of nomination form subscribed by a voter must not exceed the number of members to be elected by that subsector in that election.

II.2.3. Who is eligible to be nominated as a candidate?

- II.2.3.1. In general, a candidate must meet the following requirements⁴⁷—

⁴⁴ In order to ensure that the number of voters in each subsector can reach a certain level, a voter who is eligible to be registered in a subsector with a relatively smaller electorate must so register in that subsector. According to section 12(11) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the priority of registration is as follows:

- (a) Heung Yee Kuk;
- (b) Representatives of Hong Kong members of relevant national organisations; and
- (c) Representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of Hong Kong and Kowloon, or representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of the New Territories.

⁴⁵ According to section 12(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person is eligible to be registered as a voter if the person (A) is a specified entity of that subsector; and (B) where the person is a natural person, is eligible to be registered as an elector for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency.

⁴⁶ According to Annex I to the Basic Law amended by the Standing Committee of the National People's Congress and section 5I(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), if the total number of Hong Kong Special Administrative Region ("HKSAR") deputies to the National People's Congress ("NPC") or HKSAR members of the National Committee of the Chinese People's Political Consultative Conference ("CPPCC National Committee") who are eligible to register exceeds 190, an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee who does not hold a specified office of a subsector other than the NPC and CPPCC subsector may choose to register as an EC member in other subsectors which he/she has a substantial connection. In this case, he/she will be counted in the total number of members of the corresponding subsector, and the number of seats to be returned by that subsector through election by eligible corporate or individual voters will be reduced accordingly. The Chief Electoral Officer will publish in the Gazette declaring the actual number of members to be returned by election for each subsector.

⁴⁷ Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

- (a) has reached 18 years of age;
- (b) is both registered and eligible to be registered for a geographical constituency (“GC”); and
- (c) he: (i) is both registered and eligible to be registered as a voter for that subsector; or (ii) satisfies the Returning Officer for the subsector that the person has a substantial connection with the subsector.

II.2.3.2. A person is not eligible to be nominated as a candidate if the person holds a specified office as an ex-officio member of the Election Committee (“EC”) (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member) or is selected as a nominee by a designated body, or stands for the election in another subsector⁴⁸.

II.2.4. When a person is disqualified from being a candidate

II.2.4.1. If a person is not a specified entity of a subsector, he/she is disqualified from (a) being nominated as a candidate at the subsector election; or (b) being elected as a member of the EC representing the subsector⁴⁹.

II.2.4.2. A person is disqualified from being nominated as a candidate and from being elected as a member of the EC, if the person⁵⁰:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;
- (e) without limiting paragraph (c), where the subsector election is to be held or is held within 5 years after the date of the person’s conviction, is or has been

⁴⁸ Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁴⁹ Section 18A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁵⁰ Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

convicted—

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

II.2.4.3. A person is also disqualified from being nominated as a candidate and from being elected as an EC member if, within the 5 years before the date of nomination⁵¹:

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath⁵²; or
- (b) the person has been declared or decided in accordance with any law—
 - (i) to be in breach of a specified oath⁵³; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region (“HKSAR”) of the People’s Republic of China.

II.2.5. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

II.2.5.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People’s Republic of China and be signed by the person, or otherwise the nomination is not valid⁵⁴.

⁵¹ Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁵² Section 18(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China.

⁵³ Ditto.

⁵⁴ Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

II.2.6. Determination of the validity of nomination by the Candidate Eligibility Review Committee (“the CERC”)

- II.2.6.1. The Returning Officer will forward the form to the CERC as soon as possible after receiving the nomination form. The CERC must, as soon as practicable, decide whether or not the person is validly nominated⁵⁵.
- II.2.6.2. The CERC must declare the persons who are validly nominated as candidates by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

II.2.7. Polling date

- II.2.7.1. The poll will be conducted on 19 September 2021. EC members of the subsector are to be elected by secret ballot and a voter may vote for as many candidates as the number of members to be elected by the subsector and no more.

II.2.8. Publication of Interim Register (“IR”) of members of the EC

- II.2.8.1. The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the EC (members-elect) at a subsector election. The Electoral Registration Officer shall compile and publish an IR of members of the EC within 7 days after the result of the election is published.

II.2.9. Appeals against result of an election

- II.2.9.1. A person claiming to be a candidate at a subsector election may appeal to a Revising Officer against the result of that election, if he/she considers the person who was declared to have been elected was ineligible to be, or was disqualified from being, a candidate at the election, or material irregularity occurred in relation to the election, or to the polling or counting of votes at the election, by lodging an appeal notice⁵⁶. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region⁵⁷.
- II.2.9.2. The appeal concerned must reach the Revising Officer not later than 7 days after the date on which the Returning Officer has published in the Gazette the result of the election⁵⁸.

⁵⁵ Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁵⁶ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

⁵⁷ Section 9B of the Chief Executive Election Ordinance (Cap 569).

⁵⁸ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

II.2.9.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the Final Register (“FR”). The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the person whose election is questioned, as the case may be, review any ruling made⁵⁹. In any case, the ruling concerned must be made not later than 20 days after the result of the election is published in the Gazette by the Returning Officer⁶⁰.

II.2.10. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

II.2.10.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

II.2.10.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

II.2.10.3. The FR of members of the EC will be published on 22 October 2021.

⁵⁹ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

⁶⁰ Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).

Election Committee Subsectors
Fourth Sector—Members of the Legislative Council, representatives of district organisations and other organisations

Representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of the New Territories
Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electorates		Specified Entities
			Individuals	Bodies	
80	Election	80	✓		Members of the Area Committees, District Fight Crime Committees and District Fire Safety Committees established in any of the following Districts – (a) Islands District (b) Kwai Tsing District (c) Sai Kung District (d) Sha Tin District (e) Tsuen Wan District (f) Tuen Mun District (g) Yuen Long District (h) North District (i) Tai Po District

II. Members to be returned by election

II.1. Registration of Voters

II.1.1. This subsector is composed of individual voters. Only specified entities listed above are eligible to be registered as a voter for this subsector.

II.1.2. A natural person who is eligible to be registered as a voter for the Heung Yee Kuk and/or Representatives of Hong Kong members of relevant national organisations

subsectors, he/she must be registered as a voter for that subsector⁶¹.

- II.1.3. Eligible individual voter⁶² is required to submit a duly completed voter registration form on or before 5 July 2021.

II.2. Election

II.2.1. Number of members to be elected: 80⁶³

II.2.2. How to nominate a candidate?

- II.2.2.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the number of members to be elected by each subsector, the nomination period and the details of submitting a nomination form.

- II.2.2.2. Each candidate must submit a nomination form to the Returning Officer and must be nominated by at least 5 voters registered for the subsector concerned (excluding the candidate himself/herself).

- II.2.2.3. The number of nomination form subscribed by a voter must not exceed the number of members to be elected by that subsector in that election.

II.2.3. Who is eligible to be nominated as a candidate?

- II.2.3.1. In general, a candidate must meet the following requirements⁶⁴—

⁶¹ In order to ensure that the number of voters in each subsector can reach a certain level, a voter who is eligible to be registered in a subsector with a relatively smaller electorate must so register in that subsector. According to section 12(11) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the priority of registration is as follows:

- (a) Heung Yee Kuk;
- (b) Representatives of Hong Kong members of relevant national organisations; and
- (c) Representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of Hong Kong and Kowloon, or representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of the New Territories.

⁶² According to section 12(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person is eligible to be registered as a voter if the person (A) is a specified entity of that subsector; and (B) where the person is a natural person, is eligible to be registered as an elector for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency.

⁶³ According to Annex I to the Basic Law amended by the Standing Committee of the National People's Congress and section 5I(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), if the total number of Hong Kong Special Administrative Region ("HKSAR") deputies to the National People's Congress ("NPC") or HKSAR members of the National Committee of the Chinese People's Political Consultative Conference ("CPPCC National Committee") who are eligible to register exceeds 190, an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee who does not hold a specified office of a subsector other than the NPC and CPPCC subsector may choose to register as an EC member in other subsectors which he/she has a substantial connection. In this case, he/she will be counted in the total number of members of the corresponding subsector, and the number of seats to be returned by that subsector through election by eligible corporate or individual voters will be reduced accordingly. The Chief Electoral Officer will publish in the Gazette declaring the actual number of members to be returned by election for each subsector.

⁶⁴ Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

- (a) has reached 18 years of age;
 - (b) is both registered and eligible to be registered for a geographical constituency (“GC”); and
 - (c) he: (i) is both registered and eligible to be registered as a voter for that subsector; or (ii) satisfies the Returning Officer for the subsector that the person has a substantial connection with the subsector.
- II.2.3.2. A person is not eligible to be nominated as a candidate if the person holds a specified office as an ex-officio member of the Election Committee (“EC”) (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member) or is selected as a nominee by a designated body, or stands for the election in another subsector⁶⁵.

II.2.4. When a person is disqualified from being a candidate

- II.2.4.1. If a person is not a specified entity of a subsector, he/she is disqualified from (a) being nominated as a candidate at the subsector election; or (b) being elected as a member of the EC representing the subsector⁶⁶.
- II.2.4.2. A person is disqualified from being nominated as a candidate and from being elected as a member of the EC, if the person⁶⁷:
- (a) has ceased to have a substantial connection with the subsector concerned;
 - (b) has ceased to be registered or eligible to be registered as an elector for a GC;
 - (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
 - (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;
 - (e) without limiting paragraph (c), where the subsector election is to be held or is held within 5 years after the date of the person’s conviction, is or has been

⁶⁵ Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁶⁶ Section 18A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁶⁷ Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

convicted—

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

II.2.4.3. A person is also disqualified from being nominated as a candidate and from being elected as an EC member if, within the 5 years before the date of nomination⁶⁸:

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath⁶⁹; or
- (b) the person has been declared or decided in accordance with any law—
 - (i) to be in breach of a specified oath⁷⁰; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region (“HKSAR”) of the People’s Republic of China.

II.2.5. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

II.2.5.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People’s Republic of China and be signed by the person, or otherwise the nomination is not valid⁷¹.

⁶⁸ Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁶⁹ Section 18(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China.

⁷⁰ Ditto.

⁷¹ Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

II.2.6. Determination of the validity of nomination by the Candidate Eligibility Review Committee (“the CERC”)

- II.2.6.1. The Returning Officer will forward the form to the CERC as soon as possible after receiving the nomination form. The CERC must, as soon as practicable, decide whether or not the person is validly nominated⁷².
- II.2.6.2. The CERC must declare the persons who are validly nominated as candidates by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

II.2.7. Polling date

- II.2.7.1. The poll will be conducted on 19 September 2021. EC members of the subsector are to be elected by secret ballot and a voter may vote for as many candidates as the number of members to be elected by the subsector and no more.

II.2.8. Publication of Interim Register (“IR”) of members of the EC

- II.2.8.1. The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the EC (members-elect) at a subsector election. The Electoral Registration Officer shall compile and publish an IR of members of the EC within 7 days after the result of the election is published.

II.2.9. Appeals against result of an election

- II.2.9.1. A person claiming to be a candidate at a subsector election may appeal to a Revising Officer against the result of that election, if he/she considers the person who was declared to have been elected was ineligible to be, or was disqualified from being, a candidate at the election, or material irregularity occurred in relation to the election, or to the polling or counting of votes at the election, by lodging an appeal notice⁷³. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region⁷⁴.
- II.2.9.2. The appeal concerned must reach the Revising Officer not later than 7 days after the date on which the Returning Officer has published in the Gazette the result of the election⁷⁵.

⁷² Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁷³ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

⁷⁴ Section 9B of the Chief Executive Election Ordinance (Cap 569).

⁷⁵ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

II.2.9.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the Final Register (“FR”). The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the person whose election is questioned, as the case may be, review any ruling made⁷⁶. In any case, the ruling concerned must be made not later than 20 days after the result of the election is published in the Gazette by the Returning Officer⁷⁷.

II.2.10. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

II.2.10.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

II.2.10.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

II.2.10.3. The FR of members of the EC will be published on 22 October 2021.

⁷⁶ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

⁷⁷ Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).

Election Committee Subsectors

Fifth Sector—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 Hong Kong members of relevant national organisations

Hong Kong Special Administrative Region deputies to the National People’s Congress and Hong Kong Special Administrative Region members of the National Committee of the Chinese People’s Political Consultative Conference
Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electorates		Specified Office
			Individuals	Bodies	
190	Ex-officio	190	✓		Hong Kong Special Administrative Region (“HKSAR”) deputies to the National People’s Congress (“NPC deputies”) and HKSAR members of the National Committee of the Chinese People’s Political Consultative Conference (“CPPCC members”) ¹

II. Registration of Ex-officio Members

II.1. Eligibility

II.1.1. All NPC deputies and CPPCC members are eligible to be registered as the ex-officio members of this subsector.

II.1.2. The registration form of NPC deputies and CPPCC members (regardless of which subsector he/she would like to be registered in) must be submitted by the Friends of Hong Kong Association Limited. The registration arrangement is as follows—

- (a) if an NPC deputy or CPPCC member is also a holder of specified office in another subsector (“specified subsectors”) (i.e. subsectors that are not the NPC deputies and CPPCC members subsector), he/she may only register as the ex-

¹ In case a specified person could not be registered as an ex-officio member of this subsector, he/she may not designate another person to be registered as an ex-officio member of this subsector.

officio member of that specified subsector²; if he/she holds more than one specified office in a non-NPC deputies-and-CPPCC members subsector, then he/she may choose to be the ex-officio member of one of the specified subsectors, and designate a person to be the ex-officio member of the remaining subsector (if applicable³) in accordance with the requirements; and

- (b) if the total number of NPC deputies and CPPCC members who are eligible to be registered as ex-officio members after deducting the number of members registered in specified subsectors per subparagraph (a) above exceeds the total 190 seats assigned to the NPC deputies and CPPCC members subsector, then those NPC deputies and CPPCC members may choose to register as ex-officio members in other subsectors that they have substantial connection with. If there are NPC deputies or CPPCC members who choose to register in other subsectors as described in this paragraph, then the number of ex-officio seats of that subsector will increase and the number of elected seats of that subsector will decrease accordingly. After the NPC deputies and CPPCC members are registered as the Election Committee (“EC”) members of the relevant subsectors, the number of ex-officio EC member, and EC members to be returned by nomination or election for each subsector should remain unchanged during that term of the EC⁴.

II.1.3. A person registered as an ex-officio member of this subsector is also required to be registered (or is eligible to be registered and has made an application to be so registered) as an elector for a geographical constituency (“GC”), and is not disqualified from being an elector for a GC⁵.

- II.1.4. A person is not eligible to be registered as an ex-officio member if the person⁶—
- (a) is a principal official appointed pursuant to a nomination under Article 48(5) of the Basic Law;
 - (b) is a directorate officer of the Government;
 - (c) is an Administrative Officer of the Government;
 - (d) is an Information Officer of the Government;
 - (e) is a police officer; or
 - (f) is any other civil servant who is holding a specified office in his/her official

² Section 5I(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

³ This arrangement to designate a person to be the ex-officio member does not apply to the ex-officio seats in the Legal subsector nor the Members of the Legislative Council subsector.

⁴ Section 5I(4), (5) and (6) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁵ Section 5L(1)(a) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁶ Section 5L(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

capacity.

- II.1.5. A person is disqualified from being registered as an ex-officio member if the person⁷—
- (a) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either:
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
 - (b) on the date of submission of the registration form, is serving a sentence of imprisonment;
 - (c) without limiting paragraph (a), where the registration form is submitted within 5 years after the date of the person's conviction, is or has been convicted:
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of any offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
 - (d) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her property and affairs; or
 - (e) is a member of the armed forces of the People's Republic of China or any other country or territory.
- II.1.6. A person is also disqualified from being registered as an ex-officio member if, within the 5 years before the date of submission of the registration form⁸—
- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath⁹; or
 - (b) the person has been declared or decided in accordance with any law:
 - (i) to be in breach of a specified oath¹⁰; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the HKSAR of the People's Republic of China.

⁷ Section 5M(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁸ Section 5M(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

⁹ Section 5M(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.

¹⁰ Ditto.

II.1.7. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

II.1.7.1. The registration form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People’s Republic of China and be signed by the person, or otherwise the registration is not valid¹¹.

II.1.8. Determination of the validity of registration by the Candidate Eligibility Review Committee (“the CERC”)

II.1.8.1. The Electoral Registration Officer will forward the form to the CERC as soon as possible after receiving the registration form. The CERC must, as soon as practicable, determine whether or not the registration is valid.

II.2. Deadline for registration

II.2.1. All persons who are eligible to be registered as ex-officio members of this subsector must submit the registration form on or before 5 July 2021.

II.3. Publication of Interim Register (“IR”) of members of the EC

II.3.1. The Electoral Registration Officer shall compile and publish the IR of members of EC and register the persons whose registration is determined as valid (members-elect) to be ex-officio members.

II.4. Appeals against the registration of ex-officio members

II.4.1. A person who considers that an ex-officio member is not eligible to be registered as a member of the EC may submit a written representation to object to the registration of the ex-officio member as a member of the EC in the IR or Final Register (“FR”) of members of the EC on the ground that¹²—

- (a) the ex-officio member was ineligible to be registered as, or was disqualified from being, a member of the EC;
- (b) a processing error occurred in relation to the process of registration; or
- (c) material irregularity occurred in relation to the determination of the CERC as to the validity of the registration of the ex-officio member.

The appeal must reach the Revising Officer not later than 7 days after the date of publication of the IR concerned¹³. Nevertheless, no appeal can be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member

¹¹ Section 5K of the Schedule to the Chief Executive Election Ordinance (Cap 569).

¹² Section 4A(1) of the EC (Appeals) Regulation (Cap 569A).

¹³ Section 4A(3) of the EC (Appeals) Regulation (Cap 569A).

pursuant to the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region¹⁴.

- II.4.2. A person whose registration has been determined by the CERC to be invalid may claim that he/she is eligible to be, and is not disqualified from being, registered as an ex-officio member by submitting a written representation¹⁵.
- II.4.3. A person whose registration has been determined by the CERC to be invalid after the date of publication of the IR concerned, may lodge an appeal by submitting a written representation to the Revising Officer not later than 7 days after the date of issuance of the notice informing the relevant person of the determination.
- II.4.4. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the FR. The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the ex-officio member concerned, as the case may be, review any ruling made¹⁶. In any case, the ruling concerned must be made not later than 20 days after the date of publication of the IR of members of the EC¹⁷.
- II.5. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC**
- II.5.1. A member-elect of the EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.
- II.5.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).
- II.5.3. The FR of members of the EC will be published on 22 October 2021.

¹⁴ Section 9B of the Chief Executive Election Ordinance (Cap 569).

¹⁵ Section 4A(2) of the Election Committee (Appeals) Regulation (Cap 569A).

¹⁶ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

¹⁷ Section 5(4) of the Election Committee (Appeals) Regulation (Cap 569A).

Election Committee Subsectors

Fifth Sector—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 Hong Kong members of relevant national organisations

Representatives of Hong Kong members of relevant national organisations
Subsector

I. Composition and Method for Returning Members

Number of Seats	Method for Returning Members		Electorates		Specified Entities
			Individuals	Bodies	
110	Election	110	✓		(a) Hong Kong Special Administrative Region delegates of the All-China Women’s Federation (b) Hong Kong Special Administrative Region executive members of the All-China Federation of Industry and Commerce (c) Hong Kong Special Administrative Region committee members of the All-China Federation of Returned Overseas Chinese (d) Hong Kong Special Administrative Region committee members of the All-China Youth Federation (e) Hong Kong Special Administrative Region directors of the China Overseas Friendship Association

II. Members to be returned by election**II.1. Registration of Voters**

II.1.1. This subsector is composed of individual voters. Only specified entities listed above are eligible to be registered as a voter for this subsector.

II.1.2. A natural person who is eligible to be registered as a voter for the Heung Yee Kuk and/or Representatives of Hong Kong members of relevant national organisations subsectors, he/she must be registered as a voter for the Heung Yee Kuk subsector¹⁸.

II.1.3. Eligible individual voter¹⁹ is required to submit a duly completed voter registration form on or before 5 July 2021.

II.2. Election**II.2.1. Number of members to be elected: 110²⁰****II.2.2. How to nominate a candidate?**

II.2.2.1. The Chief Electoral Officer will publish a notice in the Gazette declaring the number of members to be elected by each subsector, the nomination period and the details of submitting a nomination form.

II.2.2.2. Each candidate must submit a nomination form to the Returning Officer and must be nominated by at least 5 voters registered for the subsector concerned (excluding the

¹⁸ In order to ensure that the number of voters in each subsector can reach a certain level, a voter who is eligible to be registered in a subsector with a relatively smaller electorate must be so registered in that subsector. According to section 12(11) of the Schedule to the Chief Executive Election Ordinance (Cap 569), the priority of registration is as follows:

- (a) Heung Yee Kuk;
- (b) Representatives of Hong Kong members of relevant national organisations; and
- (c) Representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of Hong Kong and Kowloon, or representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of the New Territories.

¹⁹ According to section 12(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person is eligible to be registered as a voter if the person (A) is a specified entity of that subsector; and (B) where the person is a natural person, is eligible to be registered as an elector for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency.

²⁰ According to Annex I to the Basic Law amended by the Standing Committee of the National People's Congress and section 51(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569), if the total number of Hong Kong Special Administrative Region ("HKSAR") deputies to the National People's Congress ("NPC") or HKSAR members of the National Committee of the Chinese People's Political Consultative Conference ("CPPCC National Committee") who are eligible to register exceeds 190, an HKSAR deputy to the NPC or an HKSAR member of the CPPCC National Committee who does not hold a specified office of a subsector other than the NPC and CPPCC subsector may choose to register as an EC member in other subsectors which he/she has a substantial connection. In this case, he/she will be counted in the total number of members of the corresponding subsector, and the number of seats to be returned by that subsector through election by eligible corporate or individual voters will be reduced accordingly. The Chief Electoral Officer will publish in the Gazette declaring the actual number of members to be returned by election for each subsector.

candidate himself/herself).

- II.2.2.3. The number of nomination form subscribed by a voter must not exceed the number of members to be elected by that subsector in that election.

II.2.3. Who is eligible to be nominated as a candidate?

- II.2.3.1. In general, a candidate must meet the following requirements²¹—

- (a) has reached 18 years of age;
- (b) is both registered and eligible to be registered for a geographical constituency (“GC”); and
- (c) he: (i) is both registered and eligible to be registered as a voter for that subsector; or (ii) satisfies the Returning Officer for the subsector that the person has a substantial connection with the subsector.

- II.2.3.2. A person is not eligible to be nominated as a candidate if the person holds a specified office as an ex-officio member of the Election Committee (“EC”) (whether or not the person is registered as an ex-officio member), is designated to hold the office as an ex-officio member of the EC (whether or not the person is registered as an ex-officio member) or is selected as a nominee by a designated body, or stands for election in another subsector²².

II.2.4. When a person is disqualified from being a candidate

- II.2.4.1. If a person is not a specified entity of a subsector, he/she is disqualified from (a) being nominated as a candidate at the subsector election; or (b) being elected as a member of the EC representing the subsector²³.

- II.2.4.2. A person is disqualified from being nominated as a candidate and from being elected as a member of the EC, if the person²⁴—

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent

²¹ Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²² Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²³ Section 18A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁴ Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

authority may have substituted for the sentence; or

- (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;
- (e) without limiting paragraph (c), where the subsector election is to be held or is held within 5 years after the date of the person's conviction, is or has been convicted—
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (f) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental capacity, of managing and administering his/her property and affairs; or
- (g) is a member of the armed forces of the People's Republic of China or any other country or territory.

II.2.4.3. A person is also disqualified from being nominated as a candidate and from being elected as an EC member if, within the 5 years before the date of nomination²⁵—

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath²⁶; or
- (b) the person has been declared or decided in accordance with any law—
 - (i) to be in breach of a specified oath²⁷; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region (“HKSAR”) of the People's Republic of China.

²⁵ Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁶ Section 18(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569), specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.

²⁷ Ditto.

II.2.5. Declaration of “Uphold the Basic Law and Pledge Allegiance to the Hong Kong Special Administrative Region”

II.2.5.1. The nomination form must contain a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the HKSAR of the People’s Republic of China and be signed by the person, or otherwise the nomination is not valid²⁸.

II.2.6. Determination of the validity of nomination by the Candidate Eligibility Review Committee (“the CERC”)

II.2.6.1. The Returning Officer will forward the form to the CERC as soon as possible after receiving the nomination form. The CERC must, as soon as practicable after a nomination form is submitted, decide whether or not the person is validly nominated²⁹.

II.2.6.2. The CERC must declare the persons who are validly nominated as candidates by publishing a notice in the Gazette within 14 days after the expiry of the nomination period.

II.2.7. Polling date

II.2.7.1. The poll will be conducted on 19 September 2021. EC members of the subsector are to be elected by secret ballot and a voter may vote for as many candidates as the number of members to be elected by the subsector and no more.

II.2.8. Publication of Interim Register (“IR”) of members of the EC

II.2.8.1. The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the EC (members-elect) at a subsector election. The Electoral Registration Officer shall compile and publish an IR of the members of the EC within 7 days after the result of the election is published.

II.2.9. Appeals against result of an election

II.2.9.1. A person claiming to be a candidate at a subsector election may appeal to a Revising Officer against the result of that election, if he/she considers the person who was declared to have been elected was ineligible to be, or was disqualified from being, a candidate at the election, or material irregularity occurred in relation to the election, or to the polling or counting of votes at the election, by lodging an appeal notice³⁰. Nevertheless, no appeal may be lodged against a decision made by the CERC on the eligibility of a candidate for EC member pursuant to the opinion of the Committee

²⁸ Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

²⁹ Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

³⁰ Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

for Safeguarding National Security of the Hong Kong Special Administrative Region³¹.

II.2.9.2. The appeal concerned must reach the Revising Officer not later than 7 days after the date on which the Returning Officer has published in the Gazette the result of the election³².

II.2.9.3. The Revising Officer will make a ruling for the appeal and notify the Electoral Registration Officer for compiling and publishing the Final Register (“FR”). The Revising Officer may, on his own initiative or for good cause shown by the CERC, the Electoral Registration Officer, the Returning Officer, the appellant or the person whose election is questioned, as the case may be, review the ruling made³³. In any case, the ruling concerned must be made not later than 20 days after the result of the election is published in the Gazette by the Returning Officer³⁴.

II.2.10. The requirement for signing a written oath in order to include the name of a member-elect in the FR of members of the EC

II.2.10.1. A member-elect of EC must submit a written oath signed by him/her in order to include his/her name in the FR of members of the EC for that term of office.

II.2.10.2. After the publication of the IR of members of the EC, a member-elect must sign the written oath and submit it to the Electoral Registration Officer 7 days before the date of publication of the FR of members of the EC for that term of office (i.e. 15 October 2021).

II.2.10.3. The FR of members of the EC will be published on 22 October 2021.

³¹ Section 9B of the Chief Executive Election Ordinance (Cap 569).

³² Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

³³ Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

³⁴ Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).

**Specified Persons Eligible to Inspect
Election Committee Registers and Subsector Registers**

(With effect from the 2022 voter registration cycle)

(I) Election Committee Registers

Election Committee Register	Specified Persons
(1) Election Committee (“EC”) Omissions List	<p>(a) a person who is a subscriber to the Government News and Media Information System maintained by the Director of Information Services; or</p> <p>(b) a body or organisation that is incorporated, or is registered or exempt from registration, under any law of Hong Kong and—</p> <p style="padding-left: 2em;">(i) was provided an extract of the registers by the Electoral Registration Officer (“ERO”) for a purpose related to a previous election¹;</p> <p style="padding-left: 2em;">(ii) was represented by a validly nominated candidate at a previous election; or</p> <p style="padding-left: 2em;">(iii) has publicly declared an intention to arrange for any person (including a person yet to be specified) to stand as a candidate at a coming election².</p> <p>[S 25 of the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election</p>

¹ In relation to an EC register, “previous election” means—

- (a) the last Chief Executive election that was held before the publication date;
- (b) the last Legislative Council general election that was held before the publication date; or
- (c) the last Legislative Council by-election for the EC constituency that was held after the election mentioned in subparagraph (b) and before the publication date.

² In relation to an EC register, “coming election” means—

- (a) the first Chief Executive election that is held after the publication date; or
- (b) any of the following elections that is held within the term of office of the EC to which the register relates—
 - (i) a Legislative Council general election;
 - (ii) a Legislative Council by-election for the EC constituency.

Election Committee Register	Specified Persons
	Committee Subsectors) (Members of Election Committee) Regulation (Cap 541B) (“EAC (ROE) (FCSEC) Reg”)] (As specified in the Gazette, the relevant legislative provision comes into operation on 1 May 2022)
(2) EC Provisional Register	<p>(a) a person who is a subscriber to the Government News and Media Information System maintained by the Director of Information Services; or</p> <p>(b) a body or organisation that is incorporated, or is registered or exempt from registration, under any law of Hong Kong and—</p> <p>(i) was provided an extract of the registers by the ERO for a purpose related to a previous election;</p> <p>(ii) was represented by a validly nominated candidate at a previous election; or</p> <p>(iii) has publicly declared an intention to arrange for any person (including a person yet to be specified) to stand as a candidate at a coming election.</p> <p>[S 29 of the EAC (ROE) (FCSEC) Reg] (As specified in the Gazette, the relevant legislative provision comes into operation on 1 May 2022)</p>
(3) EC Interim Register	<p>(a) a person who is a subscriber to the Government News and Media Information System maintained by the Director of Information Services; or</p> <p>(b) a body or organisation that is incorporated, or is registered or exempt from registration, under any law of Hong Kong and—</p> <p>(i) was provided an extract of the registers by the ERO for a purpose related to a previous</p>

Election Committee Register	Specified Persons
	<p>election;</p> <p>(ii) was represented by a validly nominated candidate at a previous election; or</p> <p>(iii) has publicly declared an intention to arrange for any person (including a person yet to be specified) to stand as a candidate at a coming election; or</p> <p>(c) a person who is a validly nominated candidate for a coming election.</p> <p>[S 39 of the EAC (ROE) (FCSEC) Reg] (As specified in the Gazette, the relevant legislative provision comes into operation on 1 May 2022)</p>
(4) EC Final Register	<p>(a) a person who is a subscriber to the Government News and Media Information System maintained by the Director of Information Services; or</p> <p>(b) a body or organisation that is incorporated, or is registered or exempt from registration, under any law of Hong Kong and—</p> <p>(i) was provided an extract of the registers by the ERO for a purpose related to a previous election;</p> <p>(ii) was represented by a validly nominated candidate at a previous election; or</p> <p>(iii) has publicly declared an intention to arrange for any person (including a person yet to be specified) to stand as a candidate at a coming election; or</p> <p>(c) a person who is a validly nominated candidate for a coming election.</p>

Election Committee Register	Specified Persons
	[S 39 of the EAC (ROE) (FCSEC) Reg] (As specified in the Gazette, the relevant legislative provision comes into operation on 1 May 2022)

(II) Subsector Registers

Subsector Register	Specified Persons
(1) Subsector Omissions List	<p data-bbox="576 837 1348 920"><u>(A) For an omissions list containing entries of individual voters—</u></p> <p data-bbox="576 1003 1348 1133">(a) a person who is a subscriber to the Government News and Media Information System maintained by the Director of Information Services; or</p> <p data-bbox="576 1216 1348 1346">(b) a body or organisation that is incorporated, or is registered or exempt from registration, under any law of Hong Kong and—</p> <p data-bbox="639 1357 1348 1487">(i) was provided an extract of the registers by the ERO for a purpose related to a previous election³;</p> <p data-bbox="639 1498 1348 1581">(ii) was represented by a validly nominated candidate at a previous election; or</p> <p data-bbox="639 1592 1348 1767">(iii) has publicly declared an intention to arrange for any person (including a person yet to be specified) to stand as a candidate at a coming election⁴.</p>

³ In relation to a subsector register, “previous election” means—

- (a) the last subsector ordinary election that was held before the publication date; or
- (b) any subsector by-election that was held after the election mentioned in subparagraph (a) and before the publication date.

⁴ In relation to a subsector register, “coming election” means any of the following elections that is held within 1 year after the publication date—

- (a) a subsector ordinary election; or

Subsector Register	Specified Persons
	<p><u>(B) For an omissions list containing entries of corporate voters—</u></p> <p>➤ any member of the public</p> <p>[S 25 of the EAC (ROE) (FCSEC) Reg] (As specified in the Gazette, the relevant legislative provision comes into operation on 1 May 2022)</p>
(2) Subsector Provisional Register	<p><u>(A) For a provisional register containing entries of individual voters—</u></p> <p>(a) a person who is a subscriber to the Government News and Media Information System maintained by the Director of Information Services; or</p> <p>(b) a body or organisation that is incorporated, or is registered or exempt from registration, under any law of Hong Kong and—</p> <p>(i) was provided an extract of the registers by the ERO for a purpose related to a previous election;</p> <p>(ii) was represented by a validly nominated candidate at a previous election; or</p> <p>(iii) has publicly declared an intention to arrange for any person (including a person yet to be specified) to stand as a candidate at a coming election.</p>

	<p><u>(B) For a provisional register containing entries of corporate voters—</u></p> <p>➤ any member of the public</p> <p>[S 29 of the EAC (ROE) (FCSEC) Reg] (As specified in the Gazette, the relevant legislative provision comes into operation on 1 May 2022)</p>
(3) Subsector Final Register	<p><u>(A) For a final register containing entries of individual voters—</u></p> <p>(a) a person who is a subscriber to the Government News and Media Information System maintained by the Director of Information Services; or</p> <p>(b) a body or organisation that is incorporated, or is registered or exempt from registration, under any law of Hong Kong and—</p> <p>(i) was provided an extract of the registers by the ERO for a purpose related to a previous election;</p> <p>(ii) was represented by a validly nominated candidate at a previous election; or</p> <p>(iii) has publicly declared an intention to arrange for any person (including a person yet to be specified) to stand as a candidate at a coming election; or</p> <p>(c) a person who is a validly nominated candidate at a coming election.</p>

	<p><u>(B) For a final register containing entries of corporate voters—</u></p> <p>➤ any member of the public</p> <p>[S 38 of the EAC (ROE) (FCSEC) Reg] (As specified in the Gazette, the relevant legislative provision comes into operation on 1 May 2022)</p>
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[Added in July 2021]

**Submission Method, Format and Standard for Posting
Electronic Copy of Election Advertisement and Relevant Information
onto an Open Platform for Public Inspection
(with Annexes I and II on the guidelines and basic layout
design requirements for Candidate's Platform)**

1. To comply with the requirement on public inspection of election advertisements (“EAs”) under s 108(2) of the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap 541I) regarding the electronic submission of EAs, a candidate must post the following EA particulars as applicable, **within 1 working day**^{Note 1} after the publication of an EA, onto either an **open platform** maintained by the Chief Electoral Officer (“CEO”) (“Central Platform”) or one maintained by the candidate himself/herself or a person authorised by him/her (“Candidate’s Platform”) for public inspection:

- (a) an electronic copy of an EA;
- (b) a hyperlink of each EA that is published through an open platform^{Note 2} (the hyperlink to the specific EA published should be provided, rather than the hyperlink to the entire election website or dedicated social media page) where it is technically impracticable to produce an electronic copy of the EA [for example when messages are exchanged in a real-time interactive manner through social network or communication websites on the Internet such as Instagram, Twitter, Facebook, blogs];
- (c) printing/publication information pertaining to the EA including:
 - name and address of the producer/printer;
 - date of production/printing;
 - dimension/size;
 - manner of publication;
 - date of publication;
 - number of copies published; and
 - number of copies produced/printedas applicable;

^{Note 1} A “working day” means any day other than a general holiday and Saturday.

^{Note 2} Open platform means a platform operated through the Internet to which the public has access without having to go through an access control process put in place for that platform.

- (d) an electronic copy of each permission/authorisation for the publication of such EA as applicable (except those provided by the Returning Officer in connection with the allocation of designated spots); and
- (e) an electronic copy of each document giving consent of support.

Central Platform

2. If a candidate chooses to post the EA particulars onto the Central Platform, he/she must comply with the requirements set out in the ensuing paragraphs.

Submission Method

3. A candidate is required to apply to the CEO in a specified form for the creation of an account to access the Central Platform before posting the EA particulars onto the platform for public inspection. Each candidate can only create one account.

4. The CEO will inform the candidate concerned upon the creation of the account and provide the candidate with a username and two sets of passwords (which can be changed subsequently by the candidate) **within 3 working days** after the application has been received. Afterwards, the candidate can access the platform by using the registered username and passwords.

5. EA particulars uploaded onto the platform at any one time by a candidate will be treated and referred to as one single submission. As long as the size of the file(s) does not exceed the limit as stated in para. 7 below, there is no restriction on the number of EAs or other documents to be attached in each submission. If subsequent correction to any submitted EA particulars is required, the candidate must post the corrected EA particulars, including the corrected printing/publication information (“corrected information”) of the EA, onto the platform by selecting the EA particulars concerned. If accepted, both the original and the corrected EA particulars will be displayed alongside for public inspection. The corrected information should be posted onto the platform **not later than 3 working days after the polling day**.

6. An acknowledgement of receipt in the form of a summary report of the EA particulars uploaded will be automatically generated and displayed on the computer screen for reference by the candidate after each successful submission. In addition, the acknowledgement of receipt will also be sent to the e-mail address and mobile phone number as specified on the application form for account creation.

File Size

7. The size of each file to be uploaded **must not exceed 50 MB (Megabyte)** or else the submission will be rejected.

8. Files attached to a submission may be compressed in the format of Zip (.zip), RAR (.rar) or GNU zip (.gz).

9. A file exceeding the above size limit will not be accepted. In such a case, the candidate may upload the EA particulars in separate files.

Format

10. Files attached to a submission must be given, served or presented in the following file formats –

General Document

- (a) Rich Text Format (RTF) or Microsoft Word Format (DOC/DOCX);
- (b) Hypertext Mark Up Language (HTML) Format;
- (c) Adobe Portable Document Format (PDF); or
- (d) Plain Text (TXT);

Graphics/Images

- (e) Graphics Interchange Format (GIF);
- (f) Joint Photographic Experts Group (JPEG);
- (g) Tag Image File Format (TIFF); or
- (h) Portable Network Graphics (PNG);

Audio

- (i) Waveform Audio Format (WAV); or
- (j) MPEG-1 Audio Layer 3 (MP3);

Video

- (k) Audio Video Interleave (AVI); or
- (l) Moving Picture Experts Group (MPEG).

Candidates should arrange to upload files (including text and video, etc.) onto the Central Platform to provide greater access for persons with visual impairment as far as possible.

Computer Instructions

11. The files uploaded must not contain any computer viruses or any computer instructions including, but not limited to, macros, scripts and fields which depend on the execution environment and the execution of which will cause changes to the files themselves or the information system displaying the files.

Candidate's Platform

12. If a candidate chooses to maintain a platform of his/her own for the posting of EA particulars for public inspection, he/she must provide the electronic address of the platform to the CEO **at least 3 working days before the publication of the first EA**. To avoid causing confusion to members of the public, the platform should be dedicated to the sole purpose of posting EA particulars for public inspection. Though candidates of different subsectors are allowed to use a common platform, they should ensure that their EA particulars should be presented in a way that will not cause confusion to the public inspection. The EA particulars posted onto the platform should be virus-free and should be arranged in descending order of the date of submission. The required printing/publication information should also be posted alongside the corresponding EA particulars. To maintain the consistency in design and to facilitate public inspection, the CEO will provide guidelines and specify the basic layout design requirements for such platform for candidates to follow (see **Annex (I) and Annex (II)**). The guidelines and basic layout design requirements can also be downloaded from the Electoral Affairs Commission ("EAC") website.

13. If a candidate wishes to correct any uploaded EA particulars on the platform, he/she should post the corrected EA particulars, together with date of correction alongside with the original EA particulars for public inspection (see **Annex (II)**). Any such corrected information should be posted onto the platform **not later than 3 working days after the polling day**.

14. Candidates are not allowed to remove any EA particulars that have already been uploaded onto the platform, unless such removal is directed by the CEO, the EAC or the Court (as applicable) due to unlawful or non-EA related content/information. In the event that an EA has to be removed as directed by the CEO, the EAC or the Court, the candidate should post a note onto the platform to inform the public about the removal of the EA and the reason for such removal. Other information/documents related to the removed EA should still be displayed at the platform for public inspection (see **Annex (II)**).

15. When posting EA particulars onto the Candidate's Platform, candidates should also follow the requirements on file format and computer instructions as detailed in paras. 10 and 11 above.

16. The CEO will arrange to publicise the electronic address of the platform to facilitate public inspection of the EA particulars.

Important Notes

17. EA particulars must conform to the requirements as set out above. Any electronic file containing images should have sufficient resolution to ensure that the content is both legible and readable.

18. Each candidate must be solely responsible for (and that the CEO has no responsibility to him/her or any third party for) the content/information of the EA particulars uploaded and posted onto the Central Platform, including hyperlinks to external websites. The CEO reserves the right to remove any of the EA particulars posted on the Central Platform containing unlawful, non-EA related or computer virus-affected content/information. In the event that the EA has to be removed due to computer virus contamination, the candidate will be informed to upload the relevant EA particulars onto the Central Platform again.

19. Candidates should observe all existing legal requirements on personal data privacy when uploading information onto the aforesaid platforms for public inspection. In particular, for documents containing/conveying the required permission/authorisation and/or consent of support pertaining to an EA, candidates are reminded to obliterate the identity document number(s) therein (if any), of the person(s) providing such permission/authorisation and/or consent of support before uploading them onto the platforms.

20. When posting a hyperlink of an EA onto the Central Platform or

Candidate's Platform, candidates must ensure that the hyperlink is valid and the relevant website on which the EA is uploaded continues to operate until the end of the period for which copies of election returns are available for public inspection pursuant to s 41 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554)^{Note 3} to facilitate public inspection of the EAs.

[Added in October 2011, amended in September 2016 and July 2021]

^{Note 3} Pursuant to s 41 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554), the CEO must keep all the copies of the election returns available for the public inspection during ordinary business hours until the 30th day before the first anniversary of the date of the deadline for lodging the relevant election return (regardless of any relief granted by the Court of First Instance to candidates in certain circumstances).

Points to Note for Building Candidate's Platform**General**

1. The name of the election should be shown on the candidate's platform, e.g. 20XX Election Committee Subsector Ordinary Elections/By-election.
2. The name of the subsector should be shown on the candidate's platform.
3. The name(s) of the candidate(s) should be shown on the candidate's platform.
4. Once confirmed, the candidate number should be shown on the candidate's platform.
5. The EA particulars (including the electronic copy, hyperlink, consent, permission or authorisation documents, etc. of the EA) should be displayed and arranged in descending order according to the date of publication.
6. The required information to be shown for each EA can be found in **Annex II**.
7. The corrected EA particulars should be placed next to or under the original version.
8. Candidates are not allowed to remove any EA particulars that have already been uploaded onto the candidate's platform, unless such removal is directed by the CEO, the EAC or the Court (as applicable) due to unlawful or non-EA related content/information. In the event that an EA has to be removed as directed by the CEO, the EAC or the Court, the candidate should post a note onto the platform to inform the public about the removal of the EA and the reason for such removal. Other information/documents related to the removed EA should still be displayed at the platform for public inspection.
9. The file format and computer instruction should follow the details shown at **Appendix 5** of the Guidelines on Election-related Activities in respect of the Election Committee Subsector Elections.
10. Sensitive personal data should not be posted onto the candidate's platform. For example, Hong Kong identity card number(s) shown on the consent form should be masked before it is/they are uploaded onto the candidate's platform.
11. Candidates should, where applicable, provide an email address and/or a telephone number on the platform for public enquiries and offer technical assistance when necessary.

Security Measures

1. The candidate's platform should be installed with firewall and/or an Intrusion Protection System to prevent intruder attacks.
2. All files should be properly scanned by anti-virus software before they are posted onto the candidate's platform.
3. To protect against data loss of the candidate's platform, backup exercises should be conducted on a regular basis.
4. The hyper-links to external websites should be checked regularly in order to ensure that they are up-to-date.
5. For more information and resources on online information security, please visit www.infosec.gov.hk.

Accessibility

1. The candidate's platform should be accessible by browsers and operating systems commonly used in personal computers.
2. For any electronic files containing images, they should have sufficient resolution to ensure that the content is both legible and readable.
3. The platform should be available in both English and Chinese, and the text should be readable and understandable. Suitable instructions should also be provided for easy navigation of the platform.
4. The candidate's platform should be easily accessible to persons with visual impairment as far as possible.

[Added in September 2016 and amended in July 2021]

候選人平台建議版面設計 Proposed Layout Design of a Candidate's Platform

選舉 Election: 20XX 年*選舉委員會界別分組一般選舉／選舉委員會界別分組補選
20XX *Election Committee Subsector Ordinary Elections/Election Committee Subsector By-election

界別分組名稱(註 1)

Name of Subsector(Note 1): 會計界 Accountancy

候選人編號 Candidate No.: 1

候選人姓名 Name of Candidate: 陳大文 Chan Tai Man

選舉廣告詳情 (依發布日期降序排列) Election Advertisement Particulars (in descending order according to the 'Date of Publication')

項目 Item	修正日期 Date of Correction (dd-mm-yyyy)	選舉廣告類別 Election Advertisement Type	製作/ 印刷日期 Date of Production/ Printing (dd-mm-yyyy)	尺寸/ 面積 Dimension/ Size	製作數量/ 印刷的 文本數目 Quantity Produced/ Number of Copies Printed	發布數量/ 發布的文本 數目 Quantity Published/ Number of Copies Published	發布日期 Date of Publication (dd-mm-yyyy)	發布的方式 Manner of Publication	製作人/ 印刷人的 姓名或名稱 Name of Producer/ Printer	製作人/ 印刷人的 地址 Address of Producer/ Printer	選舉廣告 檔案/連結 Election Advertisement File/Link	准許/授權文件 Permission/ Authorisation Document	選舉廣告 檔案/連結 移除日期 Date of Removal of Election Advertisement File/Link (dd-mm-yyyy) [Reason 原因]
1	-	小冊子 Pamphlets	15-9-20XX	A4	100	100	17-9-20X X	街頭派發 Distributed on street	AA 印刷公司 AA Printing Company	地址 Address	File1.jpg	-	-
2	-	橫額 Banners	11-9-20XX	1 米 x 2.5 米 1m x 2.5m	20	20	17-9-20X X	懸掛於路邊 鐵欄 Hung on roadside railing	BB 製作公司 BB Producer	地址 Address	File2.jpg	Authorisation .jpg	-
註 2 Note2	18-9-20XX	-	-	-	-	-	-	-	-	-	File2 (Revised).jpg	-	-
3	-	電子海報 Electronic posters	10-9-20XX	10Mb	1501	3	17-9-20X X	Facebook, Twitter, Instagram	CC 廣告設計 公司 CC Advertising Company	地址 Address	http://www. XXX.com.hk/ poster.jpg	Permission. .jpg	-

註 1：只適用於選舉委員會界別分組一般選舉。 Note 1: Only applicable to Election Committee Subsector Ordinary Elections.

註 2：只顯示曾被修正的資料。 Note: Only the corrected particular(s) will be shown.

* 請刪去不適用者。 Please delete as appropriate.

同意書 Consent

項目 Item	檔案 File	備註 Remark
1	Consent1.jpg	
2	Consent2.jpg	同意書已於 18-9-20XX 撤銷 Consent revoked on 18-9-20XX

[Added in September 2016 and amended in July 2021]

Methods of Folding of Election Mail 郵寄選舉郵件應採用的摺疊方法⁽¹⁾

Figure 1 : Folder of A4 (296mm) size
圖示一：對摺的A4（296毫米）尺寸紙張

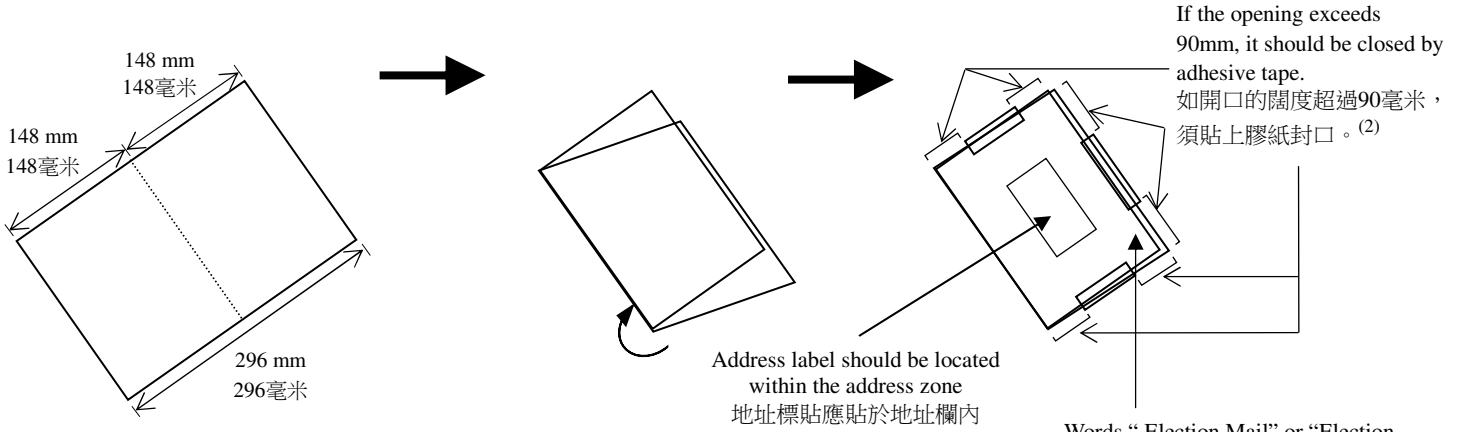


Figure 2 : Folder of A4 (296mm) size with 2 folds
圖示二：兩摺的A4（296毫米）尺寸紙張

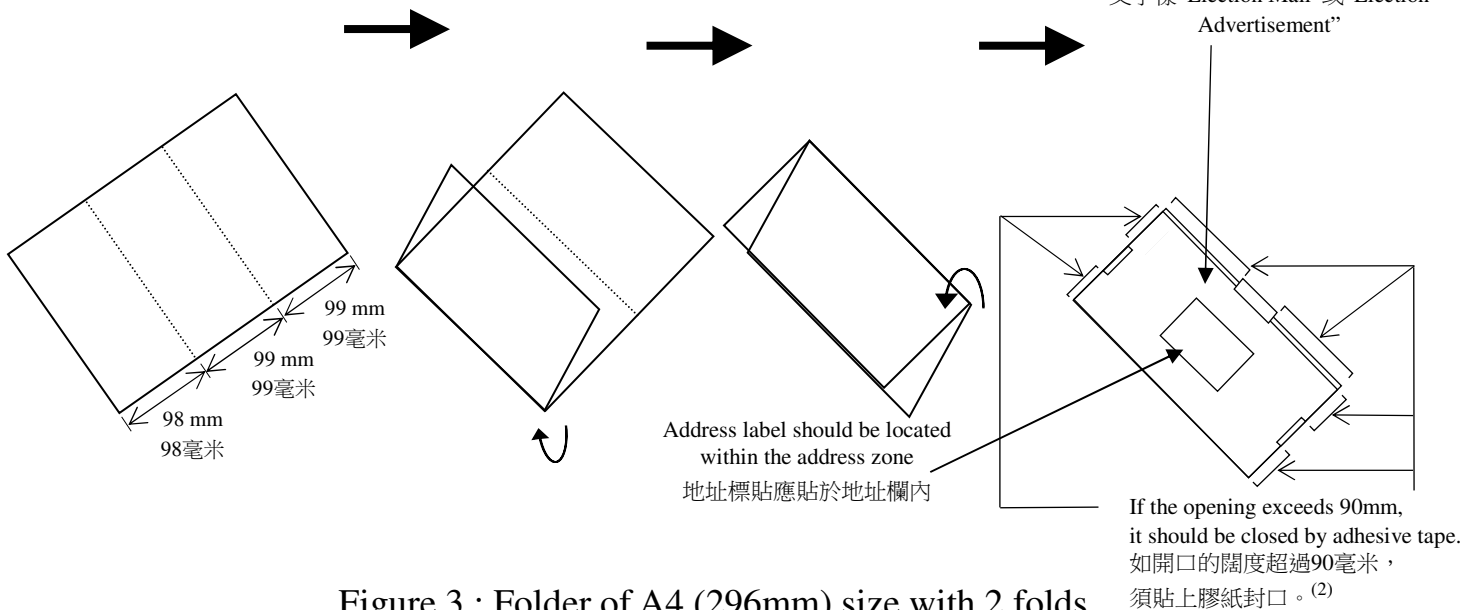
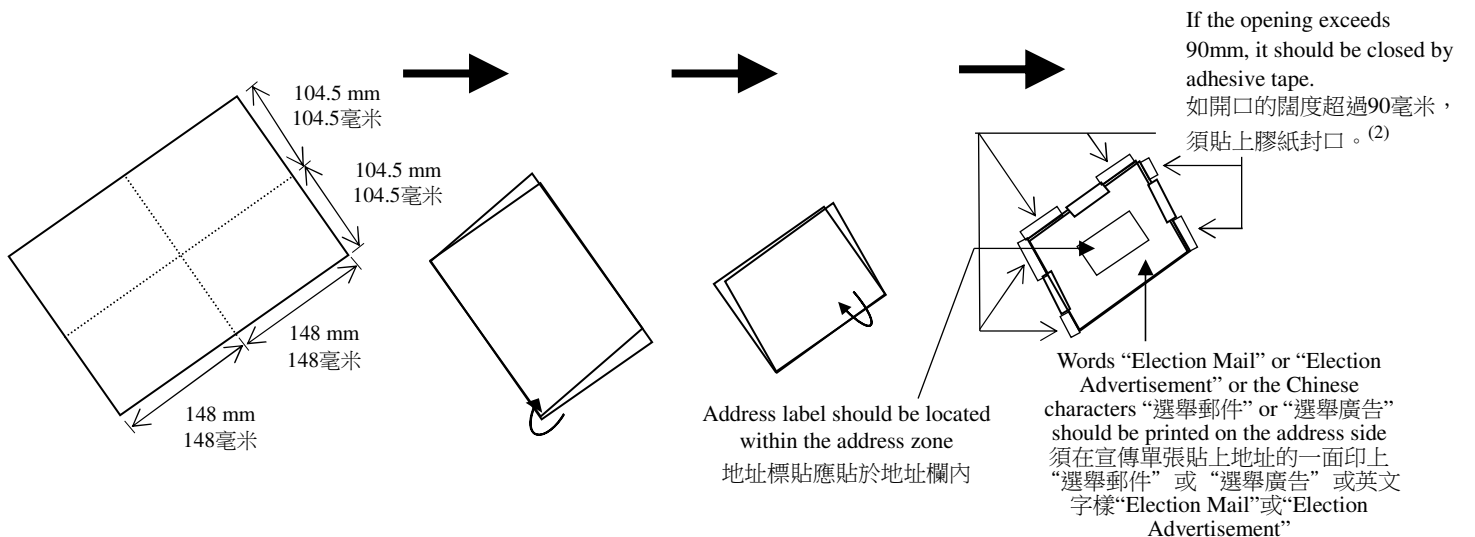


Figure 3 : Folder of A4 (296mm) size with 2 folds
圖示三：兩摺的A4（296毫米）尺寸紙張



Methods of Folding of Election Mail 郵寄選舉郵件應採用的摺疊方法⁽¹⁾

Figure 4A&4B : Folder of A4 (296mm) size sealed with address label
圖示四A及四B：以地址標貼封口的A4（296毫米）尺寸紙張

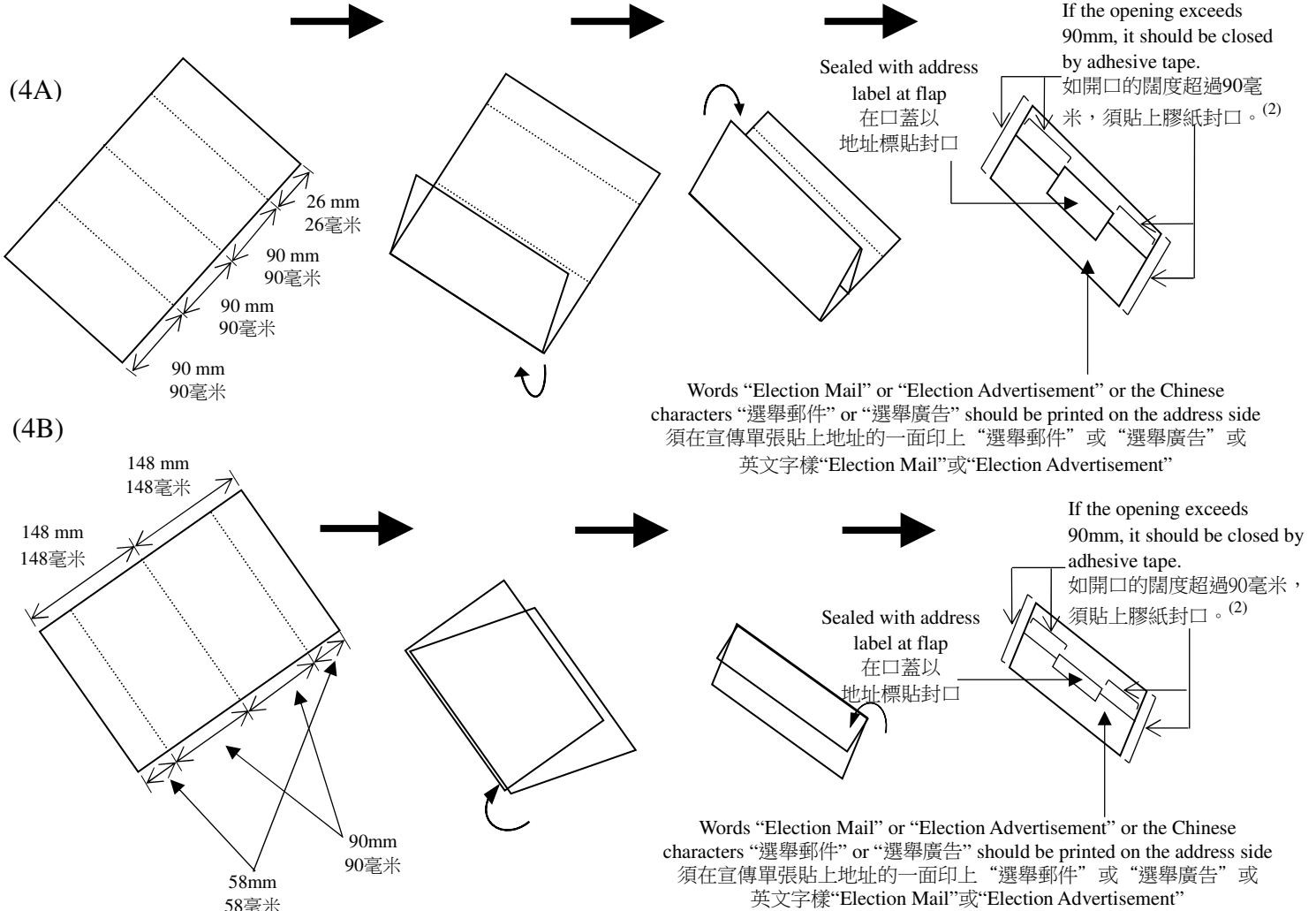
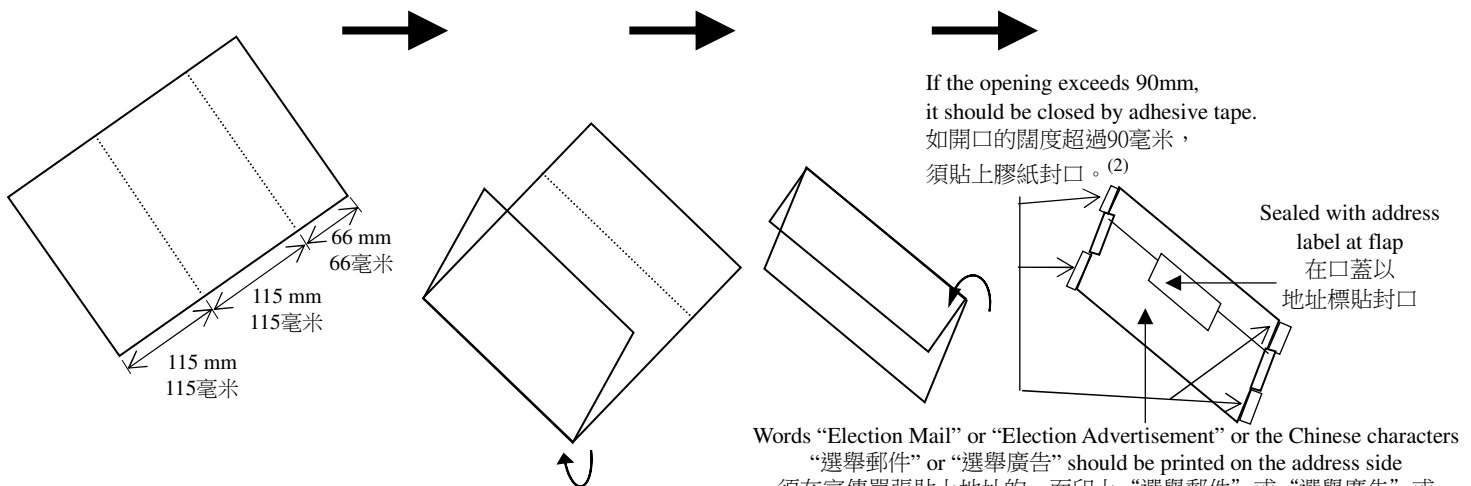


Figure 5 : Folder of A4 (296mm) size sealed with address label
圖示五：以地址標貼封口的A4（296毫米）尺寸紙張



(1) 無論以任何方法摺疊，所有超過90毫米的開口，必須以膠紙封口。

For any methods of folding, all openings exceeding 90 mm should be closed by adhesive tape.

(2) 無論郵件的開口是否已經封口，所有開口部分不得超過90毫米，否則須以膠紙封口。

Regardless of whether the opening is closed or not, all openings shall not exceed 90 mm. Otherwise, they must be sealed with adhesive tape.

Canvassing Activities which are Forbidden
Within a No Canvassing Zone

(Note : (1) This list is by no means an exhaustive list of the canvassing activities which are prohibited within a no canvassing zone (“NCZ”). It only serves to illustrate some of the common forms of canvassing activities.

(2) Door-to-door canvassing and for the purpose of such canvassing, the display or wearing of promotional material, e.g. any badge, emblem, clothing or head-dress which may promote or prejudice the election of a candidate or candidates at the election, or makes direct reference to a body any member of which is standing as a candidate in the election or to a political body in Hong Kong, will only be allowed on storeys **above or below street level (i.e. excluding the storey at the street level) in a building** (including residential and commercial premises such as restaurants or shops) within an NCZ **other than a building in which a polling station is located** provided that permission has been obtained for entry to the building for canvassing votes, and that obstruction is not caused to any person and no sound amplifying system or device is used (except for the performance of duties by officers of the Correctional Services Department on the polling day at dedicated polling stations situated in penal institutions). **Nevertheless, candidates must note that canvassing activities are strictly prohibited on the storey at the street level of all the buildings within an NCZ.)**

1. Unauthorised static display of election advertisements (“EAs”) on walls (including the outer walls of the polling station), windows, railings, fences, etc.
2. Exhibition of portable displays on vehicles (whether in motion or parked within the area), or held or carried by persons.
3. Except for the purpose of door-to-door canvassing referred to in Note (2) above, displaying or wearing any promotional material, e.g. badge, emblem, clothing, carrier bags or head-dress which:

- (a) may promote or prejudice the election of a candidate or candidates at the election; or
 - (b) makes direct reference to a body any member of which is standing as a candidate in the election or a political body in Hong Kong.
4. Distribution of EAs.
5. Canvassing for votes by:
- (a) talking to voters/ARs;
 - (b) greeting voters/ARs by smiling, waving, nodding, shaking hands, etc.;
 - (c) shouting slogans or the name or number of a candidate or any appeal message;
 - (d) singing or chanting; or
 - (e) making signals or signs to voters/ARs.
6. Broadcast of audio or video recording to appeal to or induce voters/ARs to vote or not to vote.
7. Using loud-hailers or loudspeakers (whether carried by a person or mounted on a vehicle or installed in any other manner) to broadcast any message which appeals to or induces voters/ARs to vote or not to vote.
8. Candidates wilfully stay or loiter in the NCZ and show goodwill to voters/ARs, which constitutes canvassing for votes.

[Amended in September 2006, October 2011, September 2016 and July 2021]

**Conduct of Electioneering Activities and Election Meetings in
Premises under the Management of the Housing Department and
the Hong Kong Housing Society**

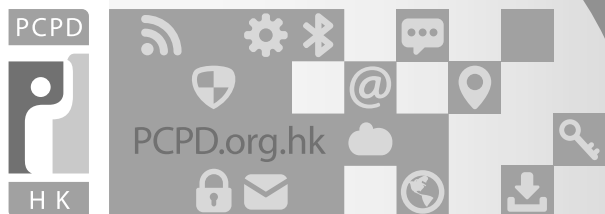
Validly nominated candidates must obtain **prior approval**¹ from an estate manager or officer-in-charge before conducting any electioneering activities or election meetings inside a housing estate, in addition to compliance with regulations and conditions imposed by other relevant authorities. An **application** for approval **should be made at least 2 clear working days (excluding Saturday, Sunday or public holiday) before the date of the election meeting/electioneering activity**, and the applicant will be notified as soon as practicable after a decision is arrived at. To avoid conflict that may arise from allowing 2 or more candidates and their supporters to hold election meetings/electioneering activities in an estate at the same venue and time, the Housing Department and the Hong Kong Housing Society will process the applications as soon as practicable and will adopt the following arrangements:

- (a) if only 1 application for holding an election meeting/electioneering activity at a particular venue and at a particular time is received, that application will be approved;
- (b) if 2 or more applications for the same venue and the same period are received by the Housing Department or the Hong Kong Housing Society 2 clear working days before the election meeting/electioneering activity takes place, the applicants will be advised to negotiate among themselves to reach a compromise on condition that no canvassing from 2 or more groups will be held at the same place and at the same time to avoid any dispute or clash. If no compromise can be reached, allocation of venue or time will be made by the drawing of lots at a time to be decided by office of the relevant estate;
- (c) for the purpose of (a) and (b) above, an application for several periods will be dealt with as separate applications for each of the periods; and

¹ The Housing Department and the Hong Kong Housing Society stipulate that candidates must be validly nominated and submit relevant proof so as to apply for conducting electioneering activities or election meetings within the estate's boundary. The Housing Department and the Hong Kong Housing Society will allow validly nominated candidates with approval to commence electioneering activities within the estate's boundary, on the day following the lots drawing session for candidates conducted by the Returning Officer at the earliest.

- (d) office of the relevant estate should send a copy of the letter of approval to the respective Returning Officer for record and for public inspection.

[Added in September 2006 and amended in July 2021]



Guidance Note

香港個人資料私隱專員公署
Privacy Commissioner
for Personal Data, Hong Kong

Guidance on Election Activities for Candidates, Government Departments, Public Opinion Research Organisations and Members of the Public

1. Introduction

Collection, retention, processing and use of personal data are usually involved in election activities (including elector registration, candidate nomination, electioneering, public opinion researching, and casting and counting of votes). This guidance note provides assistance to candidates and their affiliated political bodies, government departments and public opinion research organisations in relation to compliance with the requirements under the Personal Data (Privacy) Ordinance (the Ordinance) when carrying out election activities. It also provides members of the public with advice on personal data protection in this regard.

2. Legal Liabilities of Candidates, Government Departments and Public Opinion Research Organisations as Principals

Candidates, government departments and public opinion research organisations (the Principals) may engage election agents, campaign staff, full-time or part-time employees, contractors and volunteers (the Agents) to assist in election-related activities. In such circumstances, the Principals are liable for the acts and practices of their Agents in the course of performing actions assigned

by them¹. The Principals are responsible for supervising their Agents to ensure compliance with the requirements under the Ordinance.

3. Guidance for Candidates and their Affiliated Political Bodies

Minimum Data Collection

- 3.1 When candidates collect personal data directly from an individual or indirectly from a third party (e.g. trade union, professional or political body) for election purposes (such as electioneering, organising an election forum, or fund raising), only adequate, and not excessive personal data, necessary for election purposes should be collected (for example, a Hong Kong Identity Card number should not be collected)².

Informed Collection

- 3.2 When a candidate or affiliated trade union, professional or political body solicits personal data directly from an individual for election purposes, the candidate should ensure that the individual is informed of the purpose of collection of the data and other matters³ set out in the Ordinance by, for example, providing a “Personal Information Collection Statement” (PICS) to the individual.

¹ According to section 65(1) and (2) of the Ordinance, any act done or practice engaged in by a person in the course of his employment or as agent for another person with the authority of that other person shall be treated as done or engaged in by his employer or that other person as well as by him.

² Data Protection Principle 1(1): Personal data shall not be collected unless the data is collected for a lawful purpose directly related to a function or activity of the data user; and the data collected is necessary, adequate but not excessive in relation to that purpose.

³ Data Protection Principle 1(3): On or before a data user collects personal data directly from a data subject, the data user shall take all reasonably practicable steps to ensure that the data subject has been informed of whether it is obligatory or voluntary for him to supply the data and the consequences for him if he fails to supply the data. The data subject shall be explicitly informed of the purpose of data collection and the classes of transferees to whom the data may be transferred as well as the name / job title and address of the individual to whom the request of access to and correction of the data subject's personal data may be made.

3.3 Candidates and their Agents may lobby electors by a variety of means⁴. In certain circumstances, the electors may have no previous dealings with the candidates and their Agents, and may be concerned as to where the candidates and their Agents obtained their personal data. When asked, candidates and their Agents should inform the electors as to how their personal data was obtained.

Collection Purpose

3.5 If a trade union, or a professional or political body intends to provide their members' personal data to candidates for election purposes, or to directly send election-related communication to their members, the proper course of action is for such bodies to determine whether this is a permitted purpose for which the personal data was collected. Prior notification to members of such use of their data, and the classes of possible transferees of the data, should be provided.

Case 1

A candidate of the District Council election collected feedback from members of the public on community affairs by distributing flyers. In the flyer, members of the public were requested to provide their names and contact details. However, there was no PICS in the questionnaire and some members of the public were worried about how their personal data would be used.

When the candidate solicited personal data directly from individuals (such as by distributing a flyer for filling in personal data), the candidate should have provided a PICS to the individuals so that they could decide whether their personal data should be provided.

Case 3

After completing a training course organised by a political party, the complainant was asked to complete a questionnaire and provide his personal data for "communication purposes". Subsequently, the political party used the complainant's personal data in canvassing him to vote for a candidate.

In response to the complaint, the party revised the PICS in the questionnaire by explicitly stating that the personal data collected would be used for "election purposes".

Case 2

The Election Committee members of a subsector, and Legislative Councillors of the functional constituency concerned, co-organised an election forum to provide a platform for electors of that subsector to exchange ideas on candidates' manifestoes. A complainant was dissatisfied that the organisers had failed to provide a PICS on the online registration form.

In response to the complaint, the forum organisers revised the online registration form by stating that personal data collected would be used only for enrolling participants, and the data would be destroyed after the event without it being transferred to third parties. Information on making data access and data correction requests was also made available on the registration form.

Case 4

The complainant had been a member of a trade union for years. In a recent election, the complainant received a telephone call from the trade union canvassing votes for a candidate. The complainant stated that the trade union had never informed him that his personal data would be used for election purposes when he joined the union.

Upon the PCPD's enquiry, it was found that the latest version of the PICS in the membership application form had stated that the trade union would use the members' personal data for election purposes. However, the trade union did not provide the latest version of the PICS to those members who had their membership renewed. The PCPD thus requested the trade union to provide the latest version of the PICS to the members when they renewed their membership in future.

Lawful and Fair Collection

3.4 Candidates should not collect personal data for election purposes by deceptive means or by misrepresenting the purpose of the collection, for example, by collecting personal data on the pretext of assisting citizens to apply for government welfare.⁵

⁴ Such as telephone, fax messages, SMS/MMS or emails.

⁵ Data Protection Principle 1(2): Personal data must be collected by means which are lawful and fair in the circumstances of the case.

Express Consent

- 3.6 Personal data may have been provided to candidates and their Agents for non-election purposes, such as in connection with the handling of building management matters, or requests for assistance. Should candidates or their Agents wish to use personal data so collected for an election purpose, express consent from the data subject must be obtained beforehand⁶.

Case 5

A resident of a building lodged a complaint with a political party in relation to the management of the building, and for this purpose supplied his personal data. Subsequently, the political party used his personal data in canvassing him to vote for a candidate in an election.

In response to the complaint, the political party undertook in future to obtain express and voluntary consent from any resident that had lodged a complaint with the party, before using their personal data for election purposes.

Case 6

The PCPD has received complaints against councillors for not respecting the residents' privacy, for example, by uploading photos or videos which contained close-up facial images of individuals involved in disputes in the neighbourhood, or by disclosing the full addresses of patients confirmed of having contracted epidemic diseases.

The PCPD understands that councillors or political bodies may from time to time report on the local affairs in the community through social media, upload photos to reflect actual situations, or provide information to residents for combatting pandemic. However, if the information contains an individual's facial image, full address or any other personal data, councillors should take into account the data subject's wish and feeling. Individual's privacy right should be respected when sharing information on topical affairs and incidents on the social media.

Disclosing personal data on social media

- 3.7 Social networks are rapidly evolving and developing. It is becoming common for political bodies, district councillors and community officers to provide information relating to the district to the residents and to stay connected with them through social media. Political bodies and district councillors must ensure that the personal data privacy of the residents is protected when sharing information that involves personal data.

Registers of Electors

- 3.8 When using personal data from published registers of electors, candidates should ensure that such personal data is used only for election purposes as prescribed by the relevant election legislation. Using any information on the register for a purpose other than a purpose related to an election is an offence under the current electoral legislations and is liable to a fine at level 2 (the prevailing amount is HK\$5,000) and to imprisonment for 6 months.
- 3.9 Besides, the PCPD noted that the Court of Appeal handed down a judgment on 21 May 2020 and a decision on 27 May 2020 regarding an appeal⁷ regarding the dismissal of an application for judicial review on whether the requirement of showing the names of the registered electors together with their principal residential addresses ("Linked Information") in the electoral registers for public inspection or provision to candidates is constitutional⁸. The Court of Appeal held, amongst others, that displaying the Linked Information of

⁶ Data Protection Principle 3: Personal data shall not, without the prescribed consent of the data subject, be used for a new purpose. New purpose, in relation to the use of personal data, means any purpose other than the purpose, or a directly related purpose, for which the data was to be used at the time of the collection of the data.

⁷ Junior Police Officers' Association of the Hong Kong Police Force and Anor (as the applicants) v Electoral Affairs Commission, Chief Electoral Officer, Electoral Registration Officer (as the respondents) Hong Kong Journalists Association (as the intervener) (CACV 73/2020, Date of Judgment: 21 May 2020).

⁸ In this appeal, the applicants challenged the constitutionality of section 20(3) of the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap.541A) and Section 38(1) of the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap.541F) (together as "Impugned Provisions"). Under the Impugned Provisions, the Linked Information of a registered elector as recorded in the Final Register would be available (1) to the public for inspection at place(s) specified by the Electoral Registration Officer and (2) to the candidate(s) for the constituency to which the elector belongs.

electors in the electoral registers to an individual's right to privacy and is thus protected generally under Article 14 of section 8 in Part II of the Hong Kong Bill of Rights Ordinance⁹ (c.f. from Article 17(1) of the International Covenant on Civil and Political Rights). Hence, the requirement of displaying publicly the names and residential addresses of some individuals (for example victims of stalking or family violence) may cause a real risk of harm to them. As the ultimate guardian of the law, the Court of Appeal is obliged to consider if a proportionate balance is struck between the right of privacy and the right to vote (particularly the measures adopted in the current electoral system to achieve the transparent election aim)¹⁰. Nevertheless, the Court of Appeal also ruled that it is not its function to formulate electoral policy or to devise a particular electoral system. The PCPD suggests the candidates and stakeholders pay attention to the relevant election policy and amendment in law (if applicable) published by the Registration and Electoral Office in future¹¹.

Personal Data in Other Public Domains

3.10 Other than for the register of electors, personal data available in the public domain (such as professional registers) is generally not intended to be used for election purposes. Before using personal data obtained from the public domain, candidates must take into account the original purpose for which the public register was established, the restrictions on its use, and the reasonable privacy expectation¹² of the data subjects.

Option to Decline

3.11 As a matter of good practice, when candidates and their Agents canvass for votes from individuals directly, or indirectly through a third party (such as a trade union, or a professional body or political body), the individuals should be given an option to decline receipt of any subsequent electioneering communication from the candidates in relation to the election concerned, so as to avoid receipt of unwanted electioneering communication from such candidates.

List of “No”

3.12 Candidates should also maintain a list of individuals who, to their knowledge, find election-related communication, such as phone calls, mail, fax messages, emails or visits, objectionable, and avoid approaching them to canvass for their votes.

Data Security

3.13 When conducting election activities, candidates and their Agents should take all practicable steps to protect personal data of electors against accidental or unauthorised access¹³. For example, they should safeguard electors’ personal data that they have obtained from the register of electors or government departments (such as a DVD of the "Candidate Mailing Label System", and mailing labels of electors). If it is absolutely necessary to access electors’ information outside office premises for an election purpose, only the minimal and necessary data should be taken away from the office premises. Furthermore, the data should be encrypted and protected from unauthorised access or retrieval. After use, the data should be returned to the office, or be delivered to a safe place for proper storage as soon as possible.

Case 7

A district councillor sent an email to a list of recipients canvassing votes for a candidate in an election without concealing the names and email addresses of the recipients. The complainant, being one of the recipients of that email, complained that his name and email address had been disclosed to all other recipients of the email.

In response to the complaint, the district councillor agreed to safeguard the security of the personal data of the electors when transmitting messages via electronic means (for example, by use of the “bcc” function).

⁹ Article 14 of section 8 in Part II of the Hong Kong Bill of Rights Ordinance (Cap. 383): (1) No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. (2) Everyone has the right to the protection of the law against such interference or attacks.

¹⁰ See paragraphs 95-96 of the judgment.

¹¹ This paragraph is updated as of 10 June 2020.

¹² Reference can be made to the *Guidance on Use of Personal Data Obtained from the Public Domain* issued by the office of the Privacy Commissioner for Personal Data, Hong Kong (PCPD).

¹³ Data Protection Principle 4(1): All practicable steps shall be taken to ensure that personal data (including data in a form in which access to or processing of the data is not practicable) held by a data user is protected against unauthorised or accidental access, processing, erasure, loss or use.

Data Disposal

- 3.14 Personal data collected for election purposes should not be retained for a period beyond completion of all the election activities¹⁴. For example, after an election, candidates should dispose of all the electors' personal data obtained from a published register of electors, or those provided by government departments for election purposes. When data processors¹⁵ are appointed or engaged by the candidates to destroy personal data of electors on their behalf, the candidates must use contractual or other means to prevent the personal data being transferred to data processors from: (i) being kept longer than is necessary for election purposes¹⁶; and (ii) unauthorised or accidental access, processing, erasure, loss or use¹⁷.

Distributing or Providing Assistance in Purchasing Supplies

- 3.15 Political bodies and councillors may from time to time distribute supplies to the residents and they may collect the residents' personal data for identification purposes. Political bodies and councillors should respect the residents' privacy and comply with the Ordinance when collecting, using and retaining the residents' personal data.

Case 8

Political bodies, councillors and community officers provided assistance in purchasing anti-epidemic items through the internet or distributed anti-epidemic items to members of the public at roadside booths. This aroused a number of privacy concerns:

Case 8 (continued)

- 1) Even if there is a practical need for the organiser to collect personal data, for instance for the purposes of registration, compiling a waiting list, and collection or delivery of products, the organiser should collect the minimum amount of personal data in a lawful and fair manner¹⁸. As in the circumstances of shopping in the supermarket, providers of goods and services should not collect personal data that is unrelated to the transactions. Hence, the organiser should not collect data that is unrelated to and unnecessary for the transactions or delivery (for example, date of birth, income, family status, family members' personal data and identity card copy).
- 2) No matter whether the organiser collects personal data through paper or electronic form, the organiser should inform members of the public of the purpose of collection, the classes of transferees and whether it is obligatory or voluntary to supply the data¹⁹. The good practice is to provide a PICS to them.
- 3) The organiser should not use the personal data collected for other purposes without the data subjects' consent²⁰ (for example, for purposes other than the directly related purposes for which the data was collected, including marketing of commercial products or to advance political publicity)²¹. If the organiser intends to use the personal data collected for other purposes, the organiser should explain clearly to the data subject and seek the data subject's consent. The consent given by the data subject must be express and voluntary.

¹⁴ Data Protection Principle 2(2): Personal data shall not be kept longer than is necessary for the fulfillment of the purpose (including any directly related purpose) for which the data is or is to be used.

¹⁵ "Data processor" means a person who processes personal data on behalf of another person; and does not process the data for any of the person's own purposes. Reference can be made to the information leaflet *Outsourcing the Processing of Personal Data to Data Processors* issued by the PCPD.

¹⁶ Data Protection Principle 2(3): If a data user engages a data processor, whether within or outside Hong Kong, to process personal data on the data user's behalf, the data user must adopt contractual or other means to prevent any personal data transferred to the data processor from being kept longer than is necessary for processing of the data.

¹⁷ Data Protection Principle 4(2): If a data user engages a data processor, whether within or outside Hong Kong, to process personal data on the data user's behalf, the data user must adopt contractual or other means to prevent unauthorised or accidental access, processing, erasure, loss or use of the data transferred to the data processor for processing.

¹⁸ See footnote 2 and footnote 5.

¹⁹ See footnote 3.

²⁰ See footnote 6.

²¹ Except for those scenarios that are exempted under Part 8 of the Ordinance.

Case 8 (continued)

- 4) For the retention period of personal data, notwithstanding that the Ordinance does not require data users to inform data subjects of the retention period of personal data, data users are required to erase personal data that is no longer needed for the purpose for which the data is used²². Hence, the organiser should erase the personal data collected after distributing the supplies or providing the services (in other words, after fulfilling the purpose for which the data is used), in order to avoid potential data security problem.

4. Guidance for the Relevant Government Departments

Security Measures

- 4.1 In campaigns launched by government departments for the purpose of promoting elector registration or updating electors' particulars, such activities may involve collection of personal data in paper form (such as collection of elector registration forms at pavement booths). Government departments should take practicable steps to safeguard personal data so collected against accidental or unauthorised access by unrelated parties²³. For example, the responsible staff should be alert to data leakage risks in the surroundings when receiving completed forms. If notebook computers / tablets or portable storage devices are used, extra care must be taken (see paragraph 4.3 below for more details). The data should be returned to the office or delivered to a safe place for proper storage as soon as possible upon completion of the activities.
- 4.2 Government departments should, at all times, adopt all practicable security measures to protect the voluminous and sensitive personal data of electors held by them against unauthorised or accidental access, processing, erasure, loss or use²⁴. In addition to encrypting the database, government departments should also:

- Make available the personal data for access or use only on a "need-to-know" and "need-to-use" basis, especially when portable storage devices, such as notebook computers, are involved;
- Adopt the principle of least-privileged rights, by which only staff authorised to handle identity verification are able to retrieve or access relevant personal data;
- Strictly evaluate the necessity of downloading and copying electors' personal data, and establish approval procedures and standards;
- Monitor to ascertain if any system containing electors' personal data has been downloaded or copied without authorisation. Such systems and related servers should record all activity logs in order to trace access, use, downloading, editing and / or deletion of the data by a system user; and
- Install monitoring and alarm mechanisms in all systems containing electors' personal data, and the related servers, so that if there is an irregularity (such as downloading or deletion of huge volume of personal data), timely reporting of the case, as well as tracing and reviews can be performed.

- 4.3 In circumstances when accessing electors' personal data outside office premises is required, a risk assessment should be conducted to ascertain the actual need of storing electors' personal data in portable storage devices (such as in USB flash cards, notebook computers / tablets, portable hard drives or optical discs). If it is necessary to store electors' personal data by such means, effective technical security measures commensurate with the quantity and sensitivity of the data should be adopted by, for example, use of two-factor authentication for data access. Adequate physical security measures should also be effected to safeguard devices (such as affixing the device with a cable lock to an appropriate fixture, or avoidance of departmental logos on the devices)²⁵.

- 4.4 Government departments should formulate, systematically review and update their current personal data security policies, procedures and practical guidelines, according to their functions and activities. Steps should be taken to effectively disseminate personal data security policies to all staff, and provide clear instructions as to how to

²² See footnote 14.

²³ See footnote 13.

²⁴ See footnote 13.

²⁵ Reference can be made to the *Guidance on the Use of Portable Storage Devices* issued by the PCPD.

access such policies. Government departments should also review and formulate a compliance check mechanism to ensure personal data security policies, procedures and practical guidelines are complied with.

- 4.5 The multiple transfers and storage venues for the election documents increased the risk and harm of losing the documents. For the purposes of monitoring and reviewing the implantation of the security measures, government departments should set up procedures in respect of proper recording of movements of electoral documents, retrieval systems and dossier reviews.

Case 9

A backup notebook computer of a government department prepared for use in an election was discovered missing at the fallback election venue. The computer stored the names of Election Committee members eligible to vote in the election, and also the personal data of all electors in Hong Kong.

While the Privacy Commissioner for Personal Data, Hong Kong (Privacy Commissioner) considered the chance of leakage being low, as the personal data of the electors involved had already undergone multiple layers of encryption, the assessment and approval of the use of an enquiry system containing the electors' data was not well thought out or adapted to the special circumstances of the case. The data user had simply followed past practices and had failed to review, update or appraise the existing mechanism in light of the circumstances, in a timely manner. The investigation revealed that the data user lacked the requisite awareness and vigilance expected of it in protecting personal data. Rules of application and implementation of various guidelines had not been clearly set out or followed, and internal communication was not sufficiently effective. The data user failed to take all reasonably practicable steps in consideration of the actual circumstances, or to ensure that electors' personal data was protected from accidental loss, and thereby contravened Data Protection Principle 4(1)²⁶ of the Ordinance. An enforcement notice was served on the government department to remedy and prevent recurrence of the contravention²⁷.

Case 10

A government department lost a marked final register of electors after an election. The register contained the unique and sensitive information about electors' identity card numbers and their polling statuses.

The Privacy Commissioner found that there were no specific guidelines or standing procedures as security standards for managing the marked final register. Its inventory and movements were not properly and adequately documented. There were no dossier reviews, and retrieval systems for storerooms were not put in place .

In addition, human errors in handling physical and tangible records of personal data could have been caused by overly long work hours, scarce resources, inexperienced or under-trained staff, etc. The Privacy Commissioner served an Enforcement Notice to direct the government department to remedy and prevent any recurrence of the contraventions.

- 4.6 When handling requests for information that involve the personal data of individuals, including electors, candidates or nominees, government departments must carefully assess if the release of the requested information would amount to a breach of Data Protection Principle 3²⁸. In making such a determination, the exemptions provided in Part 8 of the Ordinance²⁹ are applicable. If necessary, more information may be sought from the requestor to facilitate appropriate consideration.

5. Guidance for Public Opinion Research Organisations

Informed Collection

- 5.1 Public opinion research organisations may conduct opinion or mock polls to gauge public views on candidates' approval ratings or electors' voting preferences. An elector's voting preference is considered to be very sensitive personal data, and organisers of these activities should exercise due care to ensure that participants are informed of the purpose of collecting the personal data, and other matters required by the Ordinance³⁰.

²⁶ See footnote 13.

²⁷ The investigation report (R17-6249) is available on the PCPD website.

²⁸ See footnote 6.

²⁹ If application of Data Protection Principle 3 is likely to prejudice security, defence and international relations; crime prevention or detection; assessment or collection of any tax or duty; news activities; health; legal proceeding; due diligence exercise; handling life-threatening emergency situation, the relevant personal data is exempt from the use limitation requirements.

³⁰ See footnote 3.

- 5.2 For the purpose of gauging public views on candidates' approval ratings and the electors' voting preferences, public opinion research organisations need only the overall results of the survey and some macro parameters (for example, gender, age group, occupation categories, area of residence and income group). Hence, it is generally not necessary for the public opinion research organisations to indiscriminately collect the respondents' personal data (such as names, identity card numbers, telephone numbers and addresses). If data subjects are asked to provide these kinds of personal data for research purpose, they must check clearly the purpose of collection before considering to disclose such data, and should do so only on a well-informed and voluntary basis.

Case 11

A complainant provided his personal data in a signature campaign organised by a political body. He noticed that the purpose of collecting the personal data and data transfer arrangement was not stated on the form used for collecting personal data. According to the organiser, it had indicated on the form that "the personal data was collected solely for expressing views, and it would be destroyed afterwards".

In response to the complaint, the organiser undertook to take all practicable steps to supply relevant information to the participants in similar future events launched, including, for instance, the purpose for which the data was to be used, whether it was obligatory or voluntary for participants to provide the data, the classes of person to whom the data might be transferred, and their right to request access to a copy of their personal data and to request correction of the data.

Lawful and Fair Collection

- 5.3 When collecting personal data in opinion or mock polls, organisers should carefully assess if the means of data collection could confuse or mislead the participants. Vigilance should be exercised to avoid providing untrue or misleading information concerning the background and objectives of the activities. If the organisers fail to identify themselves as the data user to the participants, or fail to state the nature of the activities clearly (e.g. whether the activities are "official" or "of legal effect"), this could amount to unfair collection of personal data³¹.

Case 12

A political body commissioned a public opinion research organisation to launch a mock poll during the election, but the website of the activity did not state clearly that the mock poll was "non-official" or "of no legal effect."

Furthermore, despite the claim on the website that the research team was commissioned by a political association to launch the activity, other parties or associations had publicly stated that they were involved in planning or participating in the activity. While the website carried the emblem of a university and a contact email with the university's domain name, there was a footnote in small print stating the activity was unrelated to the university. No clear explanation of the purpose and lawful basis for the data collection was given by the activity organiser, and the true identity of the data user was not made known. The Privacy Commissioner took the view that such a manner of collection of personal data was unfair.

After intervention by the Privacy Commissioner, the activity organiser stated on the website the purpose of collecting the participants' personal data; it made clear to the participants that the activity was initiated by community organisations; and it had no connection with the official election and the result was of no legal effect. Information related to the university, including the university's emblem and email domain name, were deleted from the website and the name of the organiser was clearly stated.

In this case, before casting their votes in a mock poll, participants were required to install an instant messaging programme for identity verification, and then input in the voting system their password used for the said programme. By giving away the password, participants had in effect allowed third parties to read the messages they had sent or received with the programme. A security loophole was thus created.

Subsequently, to remedy the security problem revealed in this case, the organiser replaced the voting system in question.

Data Security

- 5.4 If collection of personal data is involved, organisers of opinion or mock polls should still safeguard personal data collected against accidental or unauthorised access by unrelated parties.³² When employing the

³¹ See footnote 5.

³² See footnote 13.

use of computer programmes or software developed by third parties, assessment should be made to identify possible privacy risks (including, for example, the security issues related to data transmission and storage, technical safeguards of the system and network, and the restriction on data access by staff). Measures should be taken to ensure the personal data collected is appropriately protected.

Data Disposal

5.5 Organisers should not retain personal data collected in opinion or mock polls after completion of these activities³³. If data processors are appointed or engaged by the organisers to destroy the personal data of participants on their behalf, the organisers must comply with the relevant requirements under the Ordinance (see paragraph 3.14 above).

6. Personal Data Protection Advice for Members of the Public

6.1 Upon receipt of emails or letters soliciting personal data in relation to election, members of the public must verify senders' identity to ensure there is no fraudulent collection of personal data in the name of government departments.

6.2 In submitting the completed elector registration form to the relevant authority, due care must be exercised regardless of the means of submission. For example, the envelope should be properly sealed and the information of recipients should be input correctly.

6.3 Members of the public may indicate on the elector registration form that emailing is their preference for receiving electioneering communications from the candidates. Otherwise, the email address provided would only be used by the relevant authority for communication purposes.

6.4 Electors may exercise their right to object to receipt of electioneering communications from the candidates and their affiliated political bodies.

6.5 Electors who have changed their registration particulars should report the change to the relevant authority as soon as possible for the record update.

6.6 If participants of opinion or mock polls need to provide personal data, they must ascertain if the organisers of these activities have clearly stated the nature of the activities (e.g. whether the activities are "official" or "of legal effect") and identified

themselves. Participants are also reminded to check if the organisers have provided them with information such as the purpose of collecting the personal data, and other matters required by the Ordinance³⁴. In case of doubts, enquiries should be made to the organisers.

6.7 If personal data is collected by political bodies in their activities such as distribution of or providing assistance in making purchases of supplies, the participants should ascertain whether the data collected will be used in subsequent elections. If the participants do not consent to such use, they should not provide their personal data.

6.8 Members of the public should not give up their personal data for small gains. Personal data belongs to the data subjects themselves. They are advised to be vigilant about protecting their own personal data. Before providing personal information through whatever channels, they should first read the PICS and the privacy policy, and get to know the other party's identity and background, as well as their purposes of collection, the classes of transferees and whether the other party is collecting excessive personal data, etc.

6.9 If members of the public believe that their personal data have been collected or used improperly, they can consider raising their queries and negotiating with the individuals or organisations concerned. If they are dissatisfied with the individuals' or organisations' response, they can complain to the PCPD.

7. A Final Note

In view of the huge volume and sensitive nature of the personal data collected or used in election activities, candidates, government departments, public opinion research organisations and members of the public must make the best efforts to avoid leakage.

Data users are recommended to formulate a policy on data breach handling and the giving of breach notifications³⁵. In the unfortunate event of a data breach, data users should consider issuing notifications to lessen the harm caused by the breach.

The PCPD stands ready to offer assistance and respond to data breach notifications to all stakeholders. For enquiries, please visit our website from which all publications referred to in this guidance can be downloaded, or call our hotline at 2827 2827.

³³ See footnote 14.

³⁴ footnote 3.

³⁵ Reference can be made to the *Guidance on Data Breach Handling and the Giving of Breach Notifications* issued by the PCPD.



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Guidance Note on Safe Conduct of Election-related Activities

Introduction

1. This guidance note serves to provide general advice to candidates and organisers of election-related activities, to enable them to conduct such activities safely.

Election Meetings

2. The Public Order Ordinance (Cap 245) and Chapter 10 Part III of the 'Guidelines on Election-related Activities in respect of the Election Committee Subsector Elections' provide direction on when a meeting, to be held in a public place, is to be notified to the Police and the procedures to be followed.

3. In the interests of safety, and to minimise the potential for confrontation and/or the harassment of candidates, irrespective of whether an election meeting is required to be notified to the Police, candidates should be mindful of the sensitivities of their intended audience. In this regard, consideration should be given to making appropriate arrangements with the local management office, if one exists, to facilitate the holding of the meeting. Should a candidate have any concerns over the issue on his/her safety, consideration should be given to seeking advice from the local police station, prior to the holding of such meeting.

Election Forums

4. In addition to the provisions of Chapter 11 Part III of the 'Guidelines on Election-related Activities in respect of the Election Committee Subsector Elections', organisers of election forums should be aware of the potential for possible instances of harassment of candidates.

5. In order to ensure that order, fairness and impartiality are maintained and to avoid any embarrassment, where a forum is to be held at private premises, prior precautions should be made with the owner, occupier, owners' corporation, building management or the mutual aid committee concerned, to ensure the safety of all participants and the orderly proceeding of the forum. Where necessary, security guards should be employed at the forum venue.

Electioneering at Living or Working Places of Voters/ARs

6. Chapter 9 of the 'Guidelines on Election-related Activities in respect of the Election Committee Subsector Elections' relates to the conduct of electioneering activities at the living or working places of voters/ARs, etc.

7. If a decision is made by the owners or owners' corporations to allow electioneering by candidates, the decision can also set out the hours of access and other conditions. These conditions can minimise the potential for confrontation and the harassment of candidates.

8. Related to this, candidates should be sensitive to the feelings of tenants, occupiers and owners in planning and carrying out electioneering activities. By doing so, they will ensure that such activities can be carried out in a safe and orderly manner.

9. In addition to obtaining the formal approval or consent of the owners or the owner's corporation which have right to control or manage the common parts of the building to conduct electioneering activities in the building, it is advisable for the candidates to notify the management office at the time that the electioneering activities are being carried out.

General

10. Should any safety issues be of particular concern, consideration should be given to seeking advice from the local police station, prior to the conduct of the activity.

[Amended in September 2006 and September 2016]

Application for a Permit under S4(17)
of Summary Offences Ordinance, Cap 228
for Non-Charitable Purposes

This application should reach Division III of Home Affairs Department at 30/F, Southorn Centre, 130 Hennessy Road at least **FOUR WEEKS** before the date of the activity. This will enable the applicant to be notified of the result of his application about seven days before the event. Non-charitable fund raising activities without permits for fund-raising for non-charitable purposes are subject to prosecution by the Police under S4(17) of Summary Offences Ordinance, Cap 228. For enquiries, please call 2835 1492.

1. Name of applicant : * Mr/Mrs/Miss/Ms _____

Name in Chinese (if any) : _____

2. Hong Kong Identity Card Number : _____

(Please enclose a photocopy of your Hong Kong Identity Card)

3. Address : _____

4. Contact Telephone No. : _____ Fax No. : _____

Email Address: _____

5. If this application is made on behalf of an organisation, please complete the following details : -

i) Name of organisation (English): _____

Name of organisation (Chinese): _____

ii) Position of applicant in organisation : _____

iii) Details of key officers in organisation :

<u>Post</u>	<u>Name</u>	<u>Address</u>
<u>President/Chairman</u>	_____	_____

<u>Secretary</u>	_____	_____
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<u>Treasurer/Accountant</u>	_____	_____
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iv) Date the organisation was formed : _____

v) Type of organisation : Society registered/exempt under the Societies Ordinance, or
Company incorporated in Hong Kong, or
Others (Please give details)

(Please enclose a copy of the certificate of registration/exemption of your organisation and also a copy of the memorandum and articles of association or the constitution or rules of your organisation whichever is applicable. If your organisation is a company incorporated in Hong Kong, a copy each of a Certificate of Incorporation and Certificate of Existence issued by the Companies Registry should also be produced.)

6. If the money raised is intended to benefit another organisation, please complete the following details : -

i) Name of organisation (English): _____

Name of organisation (Chinese): _____

ii) Relationship between applicant and that organisation :

iii) Details of key officers in that organisation :

<u>Post</u>	<u>Name</u>	<u>Address</u>
<u>President/Chairman</u>	_____	_____
<u>Secretary</u>	_____	_____
<u>Treasurer/Accountant</u>	_____	_____

iv) Date the organisation was formed : _____

v) Type of organisation : Society registered/exempt under the Societies Ordinance, or
Company incorporated in Hong Kong, or
Others (Please give details)

(Please enclose a copy of the certificate of registration/exemption of the organisation and also a copy of the memorandum and articles of association or the constitution or rules of the organisation whichever is applicable. If the organisation is a company incorporated in Hong Kong, a copy each of a Certificate of Incorporation and Certificate of Existence issued by the Companies Registry should also be produced.)

vi) Has the organisation given consent to the activity being organised by you ? * Yes / No

7. If the applicant is making this application as an individual, please complete the following details : -

i) Date and place of birth : _____

ii) Length of residence in Hong Kong : _____

iii) Are you a permanent resident of Hong Kong ? * Yes / No

8. ✦ Intended use of money to be collected : _____

9. ✦ Format of the activity : _____

10. ✦ Method for money collection (note) : _____

11. ✦ Date and time of the activity listed in priority : _____

(Note : To ensure a fair distribution of venues, dates and frequency of fund-raising among all potential applicants, there could be a restriction on the number of days approved, depending on prevailing circumstances.)

12. ✦ Venue and address : _____

Has permission to use venue been secured ? * Yes / No / Under application / Not applicable

(If the venues are in open public places, please give exact locations and enclose layout plan. Please also indicate where furniture (e.g. table) will be placed, if appropriate.)

✦ If approval is given to this application, the permit issued will specify the details given in these items. It will therefore be to the applicant's own advantage to plan the activity carefully, so as to avoid the need to seek fresh approval later on as a result of any changes to the above details.

13. Details of previous S 4(17) application(s) to the Secretary for Home Affairs by the applicant, or the organisations named in 5(i) and 6(i) above, or any of the persons named in 5(iii) and 6(iii) above :

<u>Name of Applicant</u>	<u>Date of Application</u>	<u>Approved or Rejected</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

14. State here any additional information which the applicant wishes to provide in support of this application (e.g. reasons for requesting that the administrative guidelines or licensing conditions for the issue of permit be waived in whole or in part.)

I declare that to the best of my knowledge and belief, the information supplied by me in this form is true and correct.

Signed : _____
(Applicant)

(Chop of organisation, if applicable) Date : _____

* Delete where applicable

(If there is not enough space in this form for the filling in of the required information, the applicant may provide details on a separate sheet of paper and attach it to the form.)

Note: If the activities concerned involve hawking in public places, please seek advice from the Food and Environmental Hygiene Department (Tel: 2867 5935) as to whether a temporary hawker licence is required.

July 2016

Statement of Purpose

Purpose of Collection

The personal data provided by means of this form will be used by Home Affairs Department for the purpose of :

“to exercise functions on fund-raising activities for non-charitable purposes”

Classes of Transferees

2. The personal data you provided by means of this form may be disclosed to other Government bureaux, departments and relevant persons and bodies for the purposes mentioned in paragraph 1 above.

Access to personal data

3. You have a right of access and correction with respect to personal data as provided for in sections 18 and 22 and principle 6 of Schedule 1 of the Personal Data (Privacy) Ordinance. Your right of access includes the right to obtain a copy of your personal data provided by this form.

Enquiries

4. Enquiries concerning the personal data collected by means of this form, including the making of access and corrections, should be addressed to :

Executive Officer
Home Affairs Department
Tel. No. : 2835 1492

Administrative Guidelines and Licensing Conditions
for the issue of Public Fund-raising Permits
for Non-Charitable Purposes

1. Applications for permission under Section 4(17) of the Summary Offences Ordinance (Cap 228) (“SOO”) to raise funds by collection of money or sale or exchange for donations of badges, tokens or similar articles in a public place should, where the funds are to be used for a charitable purpose, be referred to the Director of Social Welfare. Where the funds are to be used for any other purpose, such applications should be referred to the Secretary for Home Affairs.

2. Non-charitable fund raising activities without permits for fund-raising for non-charitable purposes are subject to prosecution by the Police under Section 4(17) of SOO, Cap 228.

A. **Administrative Guidelines for Consideration**

3. When considering an application for a public fund-raising permit under section 4(17) of the SOO, the Secretary for Home Affairs will **normally** wish to be satisfied that : -

- (i) the organisation or group on behalf of which the permit is sought, and the organisation or group to benefit from the collection if different, are, where applicable, properly registered under the laws of Hong Kong;
- (ii) if the applicant is an individual, he should be aged 21 or above, and should either be a permanent resident of Hong Kong within the meaning of the Immigration Ordinance, or have been ordinarily resident in Hong Kong for a minimum of seven years;
- (iii) the funds collected will be used for purposes which would contribute directly or indirectly to the development of representative government in Hong Kong;
- (iv) the fund-raising activity will not cause public order and public safety problems, and will not cause nuisance or harassment to the general public;
- (v) the fund-raising activity should not be held on a morning which is a “flag day” approved by the Director of Social Welfare unless it is to be held in a confined public place;
- (vi) the fund-raising activity should not be held at the same time and in the same venue or its vicinity as a charitable fund-raising

activity;

- (vii) there will be no more than one non-charitable fund-raising activity in the same venue or its vicinity on the same day except where the activities are organised by the same applicant;
- (viii) there will be a fair distribution of venues, dates and frequency of fund-raising among all potential applicants. The number of non-charitable fund-raising activities by the same person or organisation will not be excessive so as to avoid undue inconvenience to the public. As a general rule, each approved activity should not last for more than five days in any two consecutive weeks and that each applicant (by an individual or an organisation) would not be allowed to conduct more than 20 fund-raising activities within a 12-month period. For an activity to be conducted in more than one location, a permit will be required for each location; and
- (ix) the permittee who had breached the conditions stipulated in the permit last granted would not be considered for a new permit unless explanations/justifications have been provided to the satisfaction of the Secretary for Home Affairs.

4. Each application will be considered on its own merits having regard to the above administrative guidelines.

B. Licensing Conditions

5. The following conditions will normally be imposed if an application is approved :-

- (i) permission must have been obtained or is likely to be forthcoming from the relevant authorities, including the authority responsible for the management of the venue(s), for the fund-raising activity to be held;
- (ii) the funds collected will not be used to finance any profit-making ventures or activities;
- (iii) the funds collected will be used only in Hong Kong;
- (iv) no person will benefit improperly from the collection;
- (v) the permission given for the fund-raising activity is only valid for the details specified in the permit. If there are any changes to such details, the approval of the Secretary for Home Affairs will be required;

- (vi) the permission given for the fund-raising activity will become null and void if the funds collected are used for purposes other than those specified in the permit;
- (vii) within 90 days after the conclusion of the fund-raising activity, the permittee will cause the money received from the public, less any reasonable expenses incurred, to be applied for the purpose for which the permission is given;
- (viii) if after applying the funds collected as described in (vii) above, there is still a balance left, the permittee will donate the unspent funds to a charitable institution which is exempt from tax under section 88 of the Inland Revenue Ordinance (Cap 112) for charitable purpose;
- (ix) the funds collected will be audited by a qualified accountant arranged by the permittee. A copy of the audited accounts will be submitted to the Secretary for Home Affairs within 90 days after the conclusion of the fund-raising activity. The audited accounts will also be made available to members of the public for inspection upon demand;
- (x) all donations are to be purely voluntary, and that the activity shall not create public order problems or cause nuisance, including excessive noise, or harassment to the general public, and that the manner in which the activity is conducted should not be such as to be likely to produce a reaction generally against public fund-raising activities;
- (xi) during the course of the fund-raising activity, the name of the organisation and a copy of the permit/approval letter should be prominently displayed. Every participant of the activity should also wear a clear and legible badge identifying the name of the participant and the name of the organisation; and
- (xii) children under the age of 14 must not be allowed to take part in the activity. Participation by young persons between the age of 14 - 18 must be entirely voluntary and the prior written consent of parents must be obtained.

6. The Secretary for Home Affairs may, if a particular application so warrants, impose additional conditions such as those required for the protection of the participants in the fund-raising event, for the preservation of law and order, for crowd

control, or for public safety purposes. In specific circumstances, he may waive certain conditions where it appears reasonable for him to do so.

7. Upon approval of the application, the relevant details about the fund-raising activity including the name of the activity and the date, time and venue for conducting it will be uploaded on the GovHK website (<http://www.gov.hk/fundraising>) and Data.One (<http://data.one.gov.hk>)

July 2016

Observations made by the Court in an Election Petition relating to a Television Programme on 2010 Legislative Council By-election

1. A candidate of the 2010 Legislative Council By-election made an election petition relating to a multi-episode television programme which introduced the election platforms of all candidates of the By-election. Due to the airtime constraint, only four candidates were introduced in each episode and the time allocated to each candidate was more or less the same.
2. There were five candidates in the constituency in which the aforesaid candidate contested and the candidate number allocated to him was 5. According to the candidate number, the broadcaster of the television programme mentioned above introduced the first four candidates of that constituency in the same episode, while the aforesaid candidate was covered in the next episode. However, there was no mention in the episode on the first four candidates that there was a remaining candidate in that constituency who would be introduced in the next episode. The Court considered that it was possible that such arrangement might cause misunderstanding to the audience who only watched the former episode that there were only four candidates in the constituency concerned.
3. The Electoral Affairs Commission considers that the broadcaster should let the audience know: (a) the total number and the names of all candidates in the same constituency (or subsector in the case of EC Subsector Elections) in each relevant episode; and (b) the episode which will cover or has covered the candidate(s) who is/are not introduced in the current episode. Such an arrangement will ensure that the audience will be fully aware of the total number of candidates in the same constituency (or subsector in the case of EC Subsector Elections) even if they watch only one single episode instead of all episodes on the same constituency (or subsector in the case of EC Subsector Elections) and that equal treatment will be given to all candidates concerned.
4. Where appropriate, broadcasters are advised to follow the arrangement set out in para. 3 above when producing multi-episode programmes which are election-related.

[Added in October 2011]

Fair and Equal Treatment of Candidates by the Print Media

1. Fairness and equality will in each case be viewed by the Electoral Affairs Commission with reference to the surrounding circumstances.
2. Practical problems that may be experienced by publishers like limitation of column space and staff resources, and situations such as some candidates who have extensive arguments and opinions on issues of public relevance and those who have none, candidates who have made newsworthy statements or speeches as opposed to those who have not uttered a word, and the difference in status and standing of candidates as public figures, etc., are examples of circumstances against which the criteria of fairness and equality are to be judged.
3. What is important is that practical problems, in general terms without specifics, should not be allowed to be used as pretexts for not giving fair and equal treatment and coverage to all candidates competing in the same subsector. Merely saying that practical problems gave rise to the selective reporting will be viewed as a lame excuse, but if the other candidates had been approached and they refused to offer any interview, and this fact is made known in the same article, there can hardly be any suspicion or complaint that the guidelines have been breached.
4. Equal treatment and coverage are not necessarily equal space and equal number of words written on each candidate of the same subsector. It is an idea that has to be examined in all the circumstances of each individual case. Where a candidate says more on a topic and another candidate says less, that can be truthfully and faithfully reported, and no reasonable-minded person will say that that is unequal reporting. Fairness and equality here are in the sense of **equal opportunity** being given to all candidates competing in the same subsector alike, so as to help voters/Authorised Representatives make informed choices.

5. If there is fair and equal treatment of all candidates competing in the same subsector in a publication, its editorial line or the personal opinions of the writer on each of the candidates can be freely expressed, insofar as they are fair comments and based on true facts. Any newspaper is at full liberty to express its support for or disapproval of a candidate. The guidelines do not seek to impose any shackle on the expression of such ideas.

[Amended in July 2021]

Application Procedure for the Approval of Float Design

1. All applications in respect of the design of any float to be used in a procession or parade must be made in writing with information on the make, model and registration mark (or vehicle identification number in the case of a brand new vehicle) of the vehicle to be used as a float.
2. The application should be accompanied by 3 copies of a drawing, certified by qualified electrical or mechanical engineers, in minimum A3 size, showing the following details:
 - (1) the float and vehicle outline, side, plan, front and rear view, with all major dimensions (both proposed and original) shown
 - (2) the means of entry/exit to and from the driver's compartment
 - (3) location of mirrors which will enable the driver to view both sides of the float
 - (4) location of exhaust outlets from any internal combustion engines
 - (5) location of any auxiliary power equipment installed
 - (6) means of communication with the passengers on the float
 - (7) location of passengers and support for passengers (seats, handles, etc.) on the float

Applicant's attention is drawn to regulation 53(2) of the Road Traffic (Traffic Control) Regulations (Cap 374G) on requirements for carriage of passengers: No driver of a vehicle on a road shall permit a passenger to travel in the vehicle unless seated in a properly constructed seat secured to the bodywork of the vehicle except –

- (a) where the vehicle is a public service vehicle licensed to carry standing passengers; or
 - (b) where the vehicle is exempted under regulation 53A of the above mentioned Regulation.
- (8) detailed artwork is **not** required

3. All applications must be made at least **1 month** in advance of the date of the event to:

Engineer (Vehicle Approval and Planning)
Vehicle Safety and Standards Division
Transport Department

(Contact telephone: 3842 5729

Fax: 2802 7533)

4. If the application is approved in principle (subject to the vehicle inspection results), the applicant will be so advised within 14 days upon the receipt of the application, and also informed of further details of the vehicle inspection.
5. In case the design is considered unacceptable, the applicant should resubmit revised drawings within 1 week's time upon notice.

[Amended in September 2006, October 2011 and July 2021]

**Items of Expenses to be
Counted towards Election Expenses**

(Note: This is by no means an exhaustive list of items of expenditure to be counted as election expenses. It only serves to illustrate the common items of election expenses.)

1. Fees and allowances, including travelling expenses, paid to agents and assistants engaged in relation to one's election activities.
2. Costs incurred for meals and drinks for agents and assistants before and on polling day.
3. Costs incurred for the design and production of election advertisements ("EAs") such as:
 - (a) banners
 - (b) signboards
 - (c) placards
 - (d) posters
 - (e) handbills
 - (f) publicity pamphlets
 - (g) video and audio recordings
 - (h) electronic messages
 - (i) various forms of literature or publicity material for promoting the election of a candidate or candidates or prejudicing the election of another candidate or candidates.

(Note: Costs incurred for publicity materials used to express gratitude for voters' support after the election will not be counted as election expenses.)

4. Costs incurred for the display and removal of EAs, including labour charges. If the EAs have not been removed by the deadline specified by the Electoral Affairs Commission, the removal costs for the EAs charged by government departments should also be included.
5. Costs incurred by relevant authorities for the removal of EAs displayed without authorisation.
6. Costs incurred for renting office space for electioneering purposes. (Remarks: (a) If the space used is part of the ward office of an

incumbent member of District Council (“DC”), an appropriate apportionment of the rentals paid should be declared in the candidate’s election return, and relevant invoices and receipts should be obtained from the landlord instead of being issued by the incumbent member of DC. (b) If a candidate (who is not an incumbent member of Legislative Council (“LegCo”) or DC) rents part of the ward office of an incumbent member of LegCo or DC, an appropriate apportionment of the rentals paid should be declared in the candidate’s election return, and relevant invoices and receipts should be obtained from the recipient of the apportioned rentals paid by the candidate.)

7. Costs of stationery used in connection with the election campaign.
8. Operation/miscellaneous costs in connection with the election campaign, e.g. photocopying, hire of telephone line and fax line. (Note: Election deposit will not be counted as election expenses.)
9. Postage for the mailing of publicity materials.
10. Costs incurred for the hire of transport in connection with the election.
11. Costs of deploying vehicles for publicity. (Remarks: If a vehicle is lent to the candidate by any person(s) free of charge, the candidate should, apart from reporting the free goods or service as an election donation, declare the estimated market value of rental of similar vehicles in his/her election return.)
12. Costs of advertisements by means of the media, taxis or other public transport.
13. Costs for organising election meetings, including venue charges.
14. Costs of T-shirts, armbands, caps and other identification materials for election agents and assistants.
15. Costs incurred for refurbishing old publicity boards and the estimated value of the boards.
16. Costs incurred in the publication by a candidate during the election period (i.e. from the commencement of the nomination period to the day on which a declaration is made under s 35 of the Schedule to Chief Executive Election Ordinance (Cap 569) or s 22 of the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap 541I); or the day on which the polling ends) of a document that

gives details of the work done by the candidate in the capacity of:

- (a) the Chief Executive;
 - (b) a member of the Election Committee;
 - (c) a member of the LegCo, a DC or the Heung Yee Kuk;
 - (d) the Chairman, Vice-chairman or a member of the Executive Committee of a Rural Committee; or
 - (e) a Rural Representative.
17. Costs incurred by the political body or organisation of the candidate in promoting his/her election. (Note: Costs of meeting where the platform of the political body or organisation is publicised without specific reference to the candidate will not be counted as election expenses. In addition, for the avoidance of doubt, costs of electioneering activities (e.g. campaign rallies) participated by an uncontested candidate after declaration of the election result in respect of his/her subsector to promote the election of other contested candidates will not be counted as election expenses of the uncontested candidate.)
18. Costs for obtaining legal/professional advice incurred in respect of the conduct of an election (e.g. (a) where a candidate hires a lawyer to vet an election publicity pamphlet to make sure that there is no libellous content in the text; and (b) where a candidate engages a building professional to advise on or carry out building works for the erection of EAs). (Note: Fees incurred for obtaining (a) legal advice on the general interpretation/application of the electoral laws including whether a particular item of expense can be regarded as “election expenses” and “election donations”, and (b) professional advice on the apportionment of expenses between purposes related to an election and any other purposes, will not be regarded as election expenses.)
19. Interest incurred from a loan to finance the election campaign of a candidate. (For an interest-free loan, the interest waived should be declared as an election donation and should be correspondingly counted as election expenses. A reasonable amount should be determined after assessment with reference to the market interest rate.)
20. Allowance for organising activities to promote one’s candidature is a form of election donation which should be counted as election expenses (e.g. (a) an allowance paid to workers in the activities organised by political party(ies) for promoting the election of candidate and/or (b) the sponsorship made by the party(ies) for the activities).
21. Although some people may not charge the candidate for the work or

goods supplied and labour or services rendered (except voluntary services), the difference between the reasonable sum estimated for relevant charges and any allowance or discount generally available to customers is in itself an election expense (which should be correspondingly counted as an election donation made by these people).

22. Goods incidentally given to the provision of a voluntary service.
23. Costs for charitable activities organised to promote one's candidature.
24. Costs for any negative publicity launched against one's rival candidates.

[Amended in September 2006, October 2011, September 2016 and July 2021]

Collection of Election Donations

1. Any person or organisation^{Note} (including a political party) acting as an agent for a candidate or candidates to solicit, receive or collect election donations is advised to:
 - (1) have the prior consent/authorisation of the candidate(s);
 - (2) set up a dedicated ledger account for receiving and handling election donations;
 - (3) state the apportionment of donations between candidates or other parties if more than one candidate or other parties are involved;
 - (4) comply with all the requirements under the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554) in respect of election donations, as in the case of donations received by the candidate(s) direct. For example, for donation of more than \$1,000, a receipt should be issued to the donor by the candidate concerned instead of the agent;
 - (5) ensure that donors are clearly advised of the purpose(s)/use of their donations; and
 - (6) apply for permission from the Secretary for Home Affairs if the donations are collected through fund-raising activities in a public place for non-charitable purposes.

2. On the other hand, though there is no prohibition against the solicitation of donations by a candidate on the behalf of a political party or any other organisation, he/she must make sure that the message conveyed is clear enough so that members of the public are well advised of the purpose and nature of the donation and that in no circumstances would they be misled to believe that the donation is solicited and used for the election of the candidates.

[Added in September 2016]

^{Note} In this context, all costs incurred by any person or organisation in the course of rendering relevant service to the candidate(s) should be counted towards election expenses, and are therefore subject to the relevant requirements governing the authorisation of election expenses agents as set out in Chapter 7. If the person renders his/her service to the candidate free of charge, voluntarily, personally in his/her own time, the service is regarded as "voluntary service" according to section 2 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554). The candidate is, therefore, not required to include the costs of such service in his/her election expenses (this exemption does not apply to service(s) rendered by an organisation).

**Guidelines for Candidates on Sending Election Advertisements
to Registered Voters and Authorised Representatives
in the Custody of the Correctional Services Department**

(Note: The following guidelines serve to illustrate that certain mail items which, if possessed by voters/authorised representatives (“ARs”) in the custody of the Correctional Services Department (“CSD”), may cause security hazards to penal institutions and hence will be rejected. The list of items set out below is by no means exhaustive.)

For security reasons and to maintain good order and discipline in penal institutions, any election advertisement (“EA”) mailed to registered voters/ARs in the custody of the CSD will be subject to security check; an EA will be rejected if it falls within any of the following categories:-

Materials

- (a) metal or plastic materials;
- (b) laminated materials;
- (c) sharp objects; or
- (d) materials coated with powder-like substance.

Content/Information

- (a) on how to manufacture arms, ammunition, weapon, explosives, harmful or deleterious substance, intoxicating liquor or any dangerous drugs within the meaning of the Dangerous Drugs Ordinance (Cap 134);
- (b) that depicts, describes or encourages violence in the penal institutions or the escape by any inmate/prisoner from the penal institutions;
- (c) that encourages gambling in the penal institutions, or adversely affects the rehabilitation of voters/ARs in the custody of the CSD;
- (d) that abets or induces voters/ARs in the custody of the CSD to commit offences enumerated in the Prison Rules (Cap 234A) or any other criminal offences;

- (e) that poses threat to any individual's personal safety or to the security, good order and discipline of the penal institutions; or
- (f) that is obscene/indecent.

Size & volume

- (a) items larger than A4 size; or
- (b) oversized items.

Remarks: For enquiries, please contact the Principal Officer (Penal Operations)3 of the CSD at 2582 4023.

Correctional Services Department
January 2015

INDEX

Index

(The numbers indicate paragraph numbers)

a

- action checklist for candidates.....4.12, Appendix 1
- actors, during election period..... 11.28
- address, change of a voter's residential address.....3.34-3.35, 3.41-3.42, 3.54
- admission
 - counting station (see also *counting station*).....5.68, 5.70, 5.72, 7.17, 7.48-7.49
 - polling station (see also *polling station*).....
5.5-5.7, 5.10, 5.24, 5.27, 5.31-5.34, 5.37-5.38, 5.59, 5.61-5.62, 7.14, 7.17, 7.31
- advance return of election donations (see also *donation*).....
.....16.34, 16.41-16.43, Appendix 1
- advertising
 - through the internet platform.....
.....8.6-8.7, 8.11, 8.56-8.59, 8.62, 16.3, 16.47, Appendix 1, Appendix 5
 - through the printing media.....8.65, 11.22-11.26, 11.31, 11.33
- agent
 - counting (see *counting agent*)
 - election (see *election agent*)
 - election expense (see *election expense agent*)
 - polling (see *polling agent*)
- allocation of designated spots.....4.57, 8.25-8.27, 8.31-8.32, 8.35-8.40
- allocation of polling station (see also *polling station*).....5.2, 5.13, 5.21, 7.39
- amplifying device
 - restrictions.....
.....5.25-5.26, 7.42, 9.16, 10.13, 10.19, 12.2-12.6, 12.11, 14.12, 14.15, 15.13
 - sanction by Electoral Affairs Commission ("EAC").....9.16, 12.5, 12.12
 - time restriction.....9.16, 12.5
 - vehicles.....12.4-12.5, 12.7-12.10
- anonymous donations (see also *donation*).....16.26, 16.33
- appeal
 - against final register (see also *final register*).....6.3-6.4, Appendix 3
 - against interim register (see also *interim register*).....6.3-6.4, Appendix 3
 - against provisional register (see also *provisional register*).....2.15
 - against registration of ex-officio members as members of the EC.....
.....1.16, 6.4-6.6, Appendix 3
 - against result of an election.....1.16, 4.5, 6.1-6.2, Appendix 3

appeal (*Cont'd*)

- in relation to declaration and registration of nominees as members of the EC
..... 6.3, Appendix 3

application for registration as a voter (see also *voter*).....
..... 3.4, 3.6, 3.8-3.9, 3.20, 3.22, 3.24, 3.30, 3.32-3.33

appointment

- counting agent (see also *counting agent*)..... 7.44-7.45
- election agent (see also *election agent*)..... 7.7-7.9
- polling agent (see also *polling agent*)..... 7.25-7.26

assistance to incapacitated voter (see also *voter with mobility difficulty*).....
..... 5.47, 5.50, 7.39-7.41

authorisation of election expense agent (see also *election expense agent*).....
..... 7.13, 7.18-7.20, 7.24, 8.73, 8.80, 16.3, 16.17-16.20, 18.12, Appendix 1

authorised representative

- eligibility for appointment..... 3.22-3.23
- notice of appointment..... 3.24

b

badge, emblem, clothing or head-dress (see also *promotional material*).....
..... 5.25-5.26, 5.57, 7.36, 7.42, 8.9, 11.25, 14.12, Appendix 7

ballot box

- delivery..... 5.64, 5.66
- locking and sealing
 - at the close of poll..... 5.5, 5.63, 7.34-7.35
 - before commencement of poll..... 5.5, 5.27-5.29, 7.34-7.35
- opening..... Note under 5.45, 5.73, 7.50

ballot paper

- colour..... 5.30
- counting..... 5.65-5.66
- disposal..... 5.83-5.85
- invalid..... 5.75-5.76, 5.78
- marking..... 5.9-5.10, 5.34, 5.44-5.47, 5.50, 5.53, 5.55, 5.75-5.76, 7.34, 7.40-7.41
 - chop..... 5.44, 5.76, 7.41
- not to be counted..... 5.51-5.56, 5.75, 5.78, 7.34
- questionable..... 5.66, 5.75-5.78, 7.50
- removal from polling station..... 5.43, Note under 5.45
- spoilt..... 5.36, 5.55, 5.63, 5.75, 7.34

ballot paper (<i>Cont'd</i>)	
- tendered.....	5.36-5.37, 5.56, 5.74-5.75, 7.34
- unissued.....	5.63, 7.34
- unused.....	5.51-5.54, 5.63, 5.74-5.75, 7.34
- validity.....	5.66, 5.76-5.79
ballot paper account.....	5.63-5.64, 5.66
braille template (see also <i>voter with visual impairment</i>).....	5.46, 7.41
breach/non-compliance of the Guidelines.....	1.23, 8.68, 8.71, 9.29-9.30, 12.12, 13.11, 15.20, 16.45, 17.33, 17.36, 20.1, 20.6, 20.8, 20.16
bribery (see also <i>corrupt conduct</i>).....
.....	4.11, Important Note under 4.54, 16.41, 17.7, 17.18-17.19
broadcasting (see <i>election broadcasting</i>)	
by-election.....	1.5, 1.20-1.21, 2.10-2.11, 2.14, 2.16-2.17, 3.56, Important Note under 4.16, Important Note under 4.25, 4.37, 4.61, 5.89-5.91
 <i>c</i>	
candidate	
- action checklist.....	4.12, Appendix 1
- appearing in commercial advertisements.....	8.106, 11.29-11.30
- attending public functions.....	19.9
- complaints inside a polling station.....	7.43, 20.11
- death or disqualification.....
.....	3.60-3.61, 4.3, 4.11-4.12, 4.16, 4.41, 4.50-4.52, 16.52-16.53, 17.37
- definition.....	Important Note under 8.8, Important Note under 11.5, 16.2, 16.8, Important Note under 19.1
- eligibility.....	1.14, 4.31, 4.37, 4.41, 4.50
- false statement (see also <i>false statement</i>).....
.....	4.9, 4.27, 16.36-16.40, 17.10-17.11, 17.31, Appendix 1
- nomination (see <i>nomination of candidates</i>)	
- request for re-count of votes.....	5.81-5.82
- withdrawal.....	4.41, 4.54, 7.23
Candidates' Briefing.....	4.57
canvassing activities	
- in a penal institution or the premises of a law enforcement agency.....	9.10
- in no canvassing zone.....	5.4, 5.24-5.26, 7.42, 8.34, 12.3, 12.11, 14.2, 14.11-14.18, 14.20, 15.13, Appendix 7
- involving pupils.....	13.7

canvassing activities (<i>Cont'd</i>)	
- joint canvassing.....	8.42
- outside a polling station (see also <i>polling station</i>).....	5.4, 5.24-5.26, 12.3, 12.11, 14.12-14.15, 15.13
- using loudspeaker (see <i>amplifying device</i>)	
- using vehicles.....	8.34, 12.3, 12.5, 12.7-12.11, 14.13, Appendix 7, Appendix 14
cardboard.....	5.43, 5.45
censure (see also <i>reprimand</i>)	
- abuse of free postage services.....	8.101
- breach of time restriction when using loud-hailers or loudspeakers.....	9.16, 12.5
- breach/non-compliance of Guidelines.....	1.23, 8.71, 9.29-9.30, 11.35-11.36, 12.12, 13.11, 15.12, 15.20, 17.36, 20.3-20.4, 20.16
- corrupt and illegal conduct.....	17.36
- exit poll.....	15.12, 15.20
- false claim of support.....	17.36
- involving youths of school age.....	13.2, 13.11
- namedropping.....	17.36
- opportunity to make representations.....	20.16
- unauthorised display of election advertisements.....	8.34, 8.71, 14.13
- unauthorised electioneering against the decision of an organisation or building.....	9.12
- unfair and unequal treatment.....	9.23, 9.29-9.30, 11.35-11.36, 20.3-20.4
central counting station (see also <i>counting station</i>).....	5.13, 5.61, 5.65-5.67
Central Platform for public inspection (see <i>open platform for public inspection</i>)	
change of a voter's particulars (see also <i>provisional register</i>).....	3.34-3.35, 3.54
Chief Electoral Officer ("CEO") (see also <i>Registration and Electoral Office ("REO")</i>)	
- authorising other form of delivery of nomination form to Returning Officer ("RO").....	4.20, Appendix 1
- authorising public officers to enter polling or counting station.....	5.31, 5.67
- Central Platform maintained by the CEO or a person authorised by the CEO.....	8.4, Appendix 5
- designating polling stations, dedicated polling stations, special polling stations and counting stations.....	5.15, 5.21
- keeping sealed packets of documents for safe custody.....	5.84
- reporting irregularities to EAC.....	20.13, 20.19
Chief Returning Officer ("CRO").....	5.31, 5.65, 5.67-5.68, 5.71-5.72, 7.6, 7.48, 7.51, 19.2
chop (see also <i>ballot paper</i>).....	5.44, 5.76, 7.41

civil servants (see also <i>Officials under the Political Appointment System</i>)	
- attending public functions	19.1, 19.4-19.7, 19.9
- civil servants acting as agents for candidates	7.6, 19.2
- supporting electioneering activities of a candidate	7.6, 19.2
claim of support	8.43, 17.12-17.16, 18.1-18.14
close of poll	5.5, 5.13, 5.32, 5.50-5.52, 5.61-5.63, 7.34, 8.12, 14.8, 15.4, 15.7, 15.9
columnist (see <i>regular columnist, restrictions to contribute articles</i>)	
commercial advertisements, candidates appearing in	8.106, 11.29-11.30
common parts (see also <i>fair and equal treatment principle</i>)	8.13, 8.29, 9.1, 9.3, 9.8, 9.20-9.22, 9.24, 9.26, 10.20, Important Note under 12.8, Appendix 10
complaints	
- against conduct, behaviour or acts of RO or REO officers	20.7
- against criminal, corrupt or illegal activities	20.2
- false complaint	20.20
- duties of the CEO, Presiding Officer (“PRO”), Deputy PRO, Assistant PRO, RO and REO	20.12-20.15, 20.19
- hotline	20.9, 20.11
- inside polling station	7.43, 20.11-20.12
- obligations of the RO, PRO and the REO	20.19
- period	20.8
- procedure	20.9-20.12
- processing	20.13-20.17
- relating to breach of Guidelines or Regulation	8.71, 16.45, 17.32, 20.1, 20.6
- relating to display of election advertisements	8.71, 20.16
- report to Chief Executive	20.18
Complaints Committee	9.12-9.13, 16.45, 17.33, 20.5-20.7, 20.11, 20.13-20.15, 20.17, 20.19-20.20
conduct at	
- counting station (see also <i>counting agent</i> and <i>counting station</i>)	5.67-5.73, 7.48-7.52
- polling station (see also <i>polling agent</i> and <i>polling station</i>)	5.57-5.60, 7.35-7.37
consent of support (see also <i>namedropping</i>)	8.23, 8.40, Important Note under 8.80, 17.12-17.16, 18.1-18.19
contributor	11.27-11.28
corporate voter	1.3, 2.3, 3.6, 3.22-3.24, 3.26, 3.28, 3.35-3.36, 3.41, 3.47, 4.16, 5.14, Appendix 3, Appendix 4

corrupt and illegal conduct

- election expenses and election donations.....7.9, Important Note under 7.13, 7.23, 8.10, 8.74, 8.76, 16.16-16.17, 16.20, 16.47-16.50, 17.28
- electioneering and voting.....17.10-17.27
- enforcement.....1.9, 17.2
- Information Booklet (see also ICAC, Information Booklet).....17.2
- non-compliance and sanction (see also *censure* and *reprimand*).....17.33-17.38
- penalty.....17.3, 17.37-17.38
- power of court to excuse innocent acts.....17.29-17.32

corrupt conduct

- bribery.....4.11, Important Note under 4.54, 16.41, 17.7, 17.18-17.19
- deception.....5.11, Note under 5.45, 17.5, 17.7-17.8, 17.26
- deface of nomination paper.....17.9
- duress.....Important Note under 4.54, 5.11, 5.48, 17.5, 17.7-17.8, 17.24-17.25
- election expenses and election donations.....16.48-16.53, 17.22, 17.28
- force.....
..Important Note under 4.54, 5.8, 5.11, 5.48, 5.50, 17.5, 17.7-17.8, 17.24-17.25
- nomination and withdrawal of candidates.....17.7-17.9
- penalty.....17.3, 17.37-17.38
- treating.....10.8, 17.20-17.23
- voting offences.....17.27

corruption, ICAC Information Booklet (see also *corrupt and illegal conduct*).....17.2

counting, rules relating to.....5.53-5.56, 5.66-5.81

counting agent

- appointment.....7.44-7.45
- civil servants acting as agents.....7.6
- conduct inside counting station.....5.67-5.73, 7.49-7.51
- number.....7.4
- qualification.....7.5
- revocation.....7.46
- role.....7.47

counting of votes

- presence.....5.67-5.70
- process.....5.65-5.81
- re-count of votes.....5.71, 5.81-5.82

counting officer/staff.....5.65, 5.67, 7.6, 7.50, 19.2

counting station

- admission.....5.67-5.70, 5.72, 7.14, 7.48-7.49

counting station (<i>Cont'd</i>)	
- central counting station.....	5.13, 5.65-5.67
- conduct at (see also <i>conduct at</i> and <i>counting agent</i>).....	5.67-5.73, 7.48-7.52
- designation.....	5.15
- display of notice of result (see also <i>result</i>).....	5.82
- photographing, filming and recording (video or audio).....	5.71
- public area.....	5.67-5.70
- public observation.....	5.67-5.68
counting zone.....	5.65, 5.67, 5.69-5.71
Court of First Instance (“CFI”).....	3.46, 7.23-7.24, 8.5,
8.22, 8.72, 16.31, 16.35-16.36, 16.40, 16.44, 17.29-17.32, 18.4, 18.18, Appendix 1	
court, power to excuse innocent acts.....	17.29-17.32

d

date	
- allocation of number to candidates by drawing of lots.....	4.57
- appeal against final register.....	6.3, Appendix 3
- appeal against interim register.....	6.3, Appendix 3
- appeal against provisional register.....	2.15, 3.20
- application for re-allocation of polling station by voter with a disability.....	5.2, 5.21
- application for registration as voters.....	3.18
- application period of Nominations Advisory Committees (see also <i>Nominations Advisory Committees</i>).....	4.31-4.32, 4.37
- deadline for postage-free election mail to reach addressees before polling day.....	8.91, Appendix 1
- election or polling (see also <i>polling day</i>).....	1.4, 3.1, Appendix 3
- voter’s notice of change of particulars to reach Electoral Registration Officer.....	3.4
- nomination.....	4.12
- publication of final registers.....	2.7, 2.17, 3.20, 3.55-3.56, Appendix 3
- publication of interim registers.....	2.5, Appendix 3
- publication of provisional registers and omissions lists.....	2.5, 2.14, 3.20, 3.32
- sending in material for inclusion in Introduction to Candidates.....	4.54
- sending poll card.....	5.19
- suggestions of designated spots to reach CEO.....	Note under 8.27

declaration	
- for using free postage.....	8.98-8.99
- omitted printing details.....	8.66
- result of election (see also <i>election or result</i>).....	
.....	3.59-3.61, 4.21, 5.82, 7.23, 8.52, 16.31
Declaration of Secrecy	
- counting station.....	5.70, 7.48-7.49, Appendix 1
- polling station.....	5.33, 7.32-7.33, 7.36, Appendix 1
dedicated polling station (see also <i>polling station</i>).....	5.5, 5.7, 5.13, 5.15, 5.18, 5.22-5.25, 5.27-5.28, 5.31-5.32, 5.34, 5.40, 5.42, 5.49-5.52, 5.58-5.59, 5.63, 7.4, 7.11, 7.13-7.16, 7.25-7.29, 7.34, 7.37, 7.42, 14.15, 15.11, Appendix 1, Appendix 7
delivery of ballot box (see also <i>ballot box</i>).....	5.64, 5.66
delivery of return and declaration of election expenses and donations (see also <i>return and declaration of election expenses and donations</i>).....	16.31
deposit, consent of support (see also <i>consent</i>).....	8.56, 17.13, 18.17
deposit, election.....	1.15, 4.19, 4.30, 4.39-4.41, Appendix 1
deposit, election advertisement with RO (see also <i>election advertisement</i>).....	
.....	8.56-8.63, Appendix 1, Appendix 5
deposit, permission or authorisation to display election advertisement (see also <i>election advertisement</i>).....	8.33, 8.56-8.63
deregistration.....	3.20, 3.31-3.32
designated spot for displaying election advertisement (see <i>election advertisement</i>)	
designation of	
- no canvassing zone (see also <i>no canvassing zone</i>).....	5.3, 5.17, 5.24, 14.4-14.6
- no staying zone (see also <i>no staying zone</i>).....	5.3, 5.17, 5.24, 14.4-14.6
- polling and counting station (see also <i>polling station and counting station</i>).....	
.....	5.1, 5.15, 5.18-5.21
dismounting of election advertisement (see also <i>election advertisement</i>).....	
.....	8.13, 8.34, 8.47, 8.49, 8.52, 8.58, 8.68-8.69, Important Note under 12.8, 14.13-14.14, 20.16, Appendix 1, Appendix 15
display of election advertisement (see <i>election advertisement</i>)	
disposal of documents and ballot papers.....	5.83-5.85
disposal of election donation (see also <i>donation</i>).....	16.24, 16.26, 16.32-16.33
disqualification	
- candidate (see also <i>candidate</i>).....	3.60-3.61, 4.3, 4.11-4.12, 4.16, 4.29, 4.31, 4.38, 4.41, 4.50, 4.53, 6.1, 16.52-16.53, 17.3, 17.37, Appendix 3
- voter (see also <i>voter</i>).....	3.5, 3.22, 3.27-3.28
- from voting	2.9, 2.18, 3.22, 3.27-3.28

distribution of election advertisement (see *election advertisement*)

Donation

- advance return.....16.34, 16.41-16.43, Appendix 1
- anonymous.....16.26, 16.33, Appendix 1
- definition.....16.9
- disposal.....16.24, 16.26, 16.32
- in kind.....16.9, 16.23, 16.26, 16.28-16.31, 16.33
- purpose.....16.9, 16.21-16.22, 16.26, 16.30
- receipt.....
.....7.23, 16.26, 16.32-16.34, 16.49, Appendix 1, Appendix 15, Appendix 16
- return (see *return and declaration of election expenses and election donations*)

drawing of lots

- allocation of number to candidate.....4.56-4.58
- allocation of spots for display of election advertisement...8.31, 8.37, 8.39, 9.26
- allocation of venue for conducting election meeting.....Appendix 8
- determination of election result.....3.57-3.58
- occupation of government land (see also *temporary occupation of government land*).....8.54

e

election

- by-election (see *by-election*)
- date.....1.4, 3.1, Appendix 3
- declaration of result.....3.59, 3.61, 5.82

election advertisement

- Central Platform.....
...8.4, 8.6, 8.56-8.59, 8.62-8.63, 17.13, 17.15, 18.17, Appendix 1, Appendix 5
- corrective information.....8.58, Appendix 5
- definition.....8.8-8.16
- deposit with RO.....8.56-8.63, Appendix 1, Appendix 5
- designated spots.....4.57, 5.24-5.25, 8.25-8.28, 8.31-8.41, 8.44, 14.11
 - allocation.....8.31-8.32, 8.35-8.40
 - re-allocation.....8.39
 - suggestions by prospective candidates.....8.27
- dismounting.....8.52
- distribution.....8.61, 9.1, 9.15, 10.10, 13.3, 13.5, 17.11
- document that gives the details of the work done.....8.14-8.16, Appendix 15

election advertisement (*Cont'd*)

- guidelines for sending election advertisement to registered voters and authorised representatives in the custody of Correctional Services Department and other law enforcement agencies..... 8.104, Appendix 17
- joint display..... 8.40-8.41, 9.26
- mailing
 - free postage
 - addressing..... 8.87-8.90
 - approval of specimens..... 8.92-8.93
 - conditions..... 8.77-8.80
 - make-up..... 8.81-8.86
 - method of folding..... 8.85, Appendix 6
 - posting arrangement..... 8.91-8.103
 - size..... 8.80, 8.84
 - weight..... 8.80
- mounting and installation..... 8.17, 8.37, 8.45-8.51, 12.8, 18.9
- negative campaigning..... 16.18
- no canvassing zone..... 5.24-5.25, 8.34, 14.11
- no-display of election advertisement..... 8.31
- omitted printing details..... 8.66
- open platform/candidate's platform maintained by the candidate or a person authorised by the candidate.....
..... 8.4, 8.6, 8.56-8.59, 8.62-8.63, 17.13, 17.15, 18.17, Appendix 1, Appendix 5
- penalty..... 8.33, 8.67-8.71
- permission/authorisation for display.....
..... 8.24-8.25, 8.28, 8.33, 8.38, 8.56, 8.60, 8.68, 8.72, 8.76
- political advertising relating to broadcasting..... 11.32
- prejudicing a candidate..... 8.8-8.10, 8.15-8.16, 8.18-8.19
- print media..... 8.65, 11.22-11.23, 11.31, 11.33
- printed election materials..... 8.61, 8.64-8.66
- printing/publication details..... 8.57-8.64
- private spots..... 8.24-8.25, 8.28-8.30, 8.33-8.34, 8.70, 9.26
- public inspection..... 8.4, 8.6, 8.33, 8.40, 8.56, 8.58-8.63, 8.66
- published materials by organisations..... 8.73-8.76
- quantity..... 8.21
- relief..... 8.72
- removal..... 8.47-8.49, 8.52, 8.58, 8.68-8.69, 8.71
- re-use of old publicity boards..... 8.43

election advertisement (<i>Cont'd</i>)	
- roadside railings.....	8.44
- size.....	8.44, 8.80, 8.85, 12.8
- unauthorised display and consequence.....	8.31, 8.68-8.69, 14.14
- unlawful content.....	8.78
election agent	
- appointment.....	7.7-7.9
- civil servants acting as agents.....	7.6
- lodging of complaint inside polling station.....	7.43, 20.11
- number.....	7.4, 7.7
- qualification.....	7.5-7.6
- request for re-count of votes.....	5.81
- revocation.....	7.10-7.11
- role.....	7.13-7.17
election broadcasting	
- fair and equal treatment (see also <i>fair and equal treatment principle</i>).....	11.1-11.3, 11.5, 11.7, 11.10-11.13, 11.16-11.17, 11.19, 11.22, 11.24-11.25, 11.34
- no unfair advantage.....	11.26
- participation by candidates.....	11.11-11.13, 11.15-11.17, 11.24
- political advertising.....	11.32
- relating to exit poll results (see also <i>exit poll</i>).....	15.9
- restrictions on presenters, regular contributors, actors, musicians, singers or other entertainers who are candidates.....	11.27-11.28
election campaigning.....	10.5, 10.15, 10.22, 11.23, 12.12, 13.10, 16.18
Election Committee (“EC”)	
- composition.....	1.1-1.3, 2.1-2.4, Appendix 2
- ex-officio membership.....	1.3, 2.3, 2.10-2.11
- final register.....	2.6-2.8, 2.12, 2.17, 6.3-6.4, 6.7
- function.....	1.2, 3.1
- interim register.....	2.5-2.8, 3.19, 6.3-6.4, 6.6-6.7
- membership.....	1.5, 1.7, 2.4, 2.10-2.11
- provisional register.....	1.5, 2.12-2.16, 5.90
- term of office.....	1.4-1.5, 1.7, 2.5, 2.7-2.8, 2.11, 3.1, 3.12
Election Committee Subsectors	
- application for registration as voter.....	3.18
- authorised representative	
- eligibility for appointment.....	3.22-3.23
- notice of appointment.....	3.24

Election Committee Subsectors (*Cont'd*)

- by-election.....1.5, 1.20-1.21, 2.14, 2.16-2.17, 3.56, Important Note under 4.16, Important Note under 4.25, 4.37, 4.61, 5.89-5.91, Appendix 1, Appendix 5
- constituents.....2.1-2.3, 3.3, Appendix 3
- corporate voter.....1.3, 2.3, 3.6, 3.22-3.24, 3.26, 3.28, 3.35-3.36, 3.41, 3.47, 4.16, 5.14, Appendix 3, Appendix 4
- eligibility to vote.....3.9-3.10, 3.21
- final register.....3.2, 3.5, 3.8-3.10, 3.20-3.22, 3.34, 3.40-3.42, 3.46-3.47, 3.53-3.55, 5.34, 5.37, 5.41, 5.56, 5.63, 7.34-7.36, 9.14-9.15, Appendix 4
- nomination.....2.5, Appendix 3
- optional subsector.....3.12
- ordinary election.....1.20-1.21, 2.5, 3.1, 3.56, Important Note under 4.16, Important Note under 4.25, 4.36-4.37, 8.5, Appendix 3, Appendix 5
- provisional register.....3.4, 3.8-3.10, 3.20, 3.31-3.32, 3.40-3.42, 3.44-3.45, 3.47-3.49, 3.51, 3.53-3.54
- qualification for registration as a voter.....3.22-3.26
- subscribing voter.....4.16
- supplementary nomination.....1.5, 2.16-2.17, 4.16, Important Note under 4.25, 5.90
- voting system (see also *first past the post system*).....3.42-3.47
- election day (see also *date* and *polling day*).....1.4, 3.1, 3.60-3.61, 7.18, Appendix 3
- election deposit
 - amount.....4.19, 4.39
 - payment.....1.15, 4.17, 4.39-4.40
 - return.....1.15, 4.41
- election donation (see *donation*)
- election expenses
 - corrupt and illegal conduct (see also *corrupt and illegal conduct*, *corrupt conduct* and *illegal conduct*).....7.9, 7.13, 7.20, 7.23, 8.10, 8.74, 16.16, 16.19, 16.39, 16.47-16.49, 17.22, 17.28
 - definition.....8.20, 16.8-16.10
 - items also counted.....7.20-7.21, 8.10-8.11, 8.28, 8.43, 8.52, 8.69, 8.101, 9.18, 10.2, 16.12, 16.30, 17.22, Appendix 15
 - liability of a candidate.....7.9, 7.13, 7.23, 16.4, 16.20, 16.31, 16.47, 16.52
 - maximum scales.....1.17, 7.2, 7.19, 7.24, 8.21-8.22, 16.1, 16.14-16.16, 16.20, 16.23-16.24, 16.39, 16.47
 - return (see *return and declaration of election expenses and election donations*)

election expenses (*Cont'd*)

- who may incur.....7.9, 7.13, 7.18, 7.22, 8.73-8.74, 16.17-16.20

election expense agent

- authorisation.....7.18-7.20, 7.24, 16.17-16.20
- civil servants acting as agents.....7.6
- illegal conduct.....7.22-7.23, 16.47
- number.....7.4, 7.18
- qualification.....7.5-7.6
- revocation.....7.21
- role.....7.22, 16.17

election forum.....10.1, 11.1, 11.11-11.15, 11.27

election meeting

- at private premises.....9.1, 10.5-10.7, 10.11, 10.20-10.21, Appendix 8
- definition.....10.1
- in a public place.....10.5, 10.9-10.19
- liability of candidates.....10.4
- notification to the Police.....10.9-10.12, 10.21
- responsibility of organiser.....10.13
- safe conduct, guidance note on election-related activities...10.14, Appendix 10

electioneering activities

- at government premises.....9.9
- at private premises.....9.2, 9.4, 10.5, 10.20
 - declaration to management body.....9.27
 - identification of canvassers.....9.18
 - management bodies...9.1, 9.3-9.4, 9.6, 9.8, 9.11-9.12, 9.19-9.20, 9.25-9.26
 - management company.....9.3, 9.22
 - mutual aid committee.....9.3, 9.22
 - notification of decision to RO.....9.25
 - owners' committee.....9.22
 - owners' corporation.....9.3, 9.21-9.22, 9.24
 - owners' right.....9.24
 - residents association.....9.22
 - sanction.....9.29-9.30
 - tenants association.....9.22
 - tenants' right.....9.24
- corrupt and illegal conduct (see also *corrupt and illegal conduct, corrupt conduct* and *illegal conduct*).....17.10-17.27
- in public housing estates.....9.28, 10.20, 10.23, Appendix 8

electioneering activities (<i>Cont'd</i>)	
- in schools	13.1, 13.9-13.10
- participated by school pupils (see also <i>pupil involvement</i>)	13.2-13.8
- safe conduct, guidance note on election-related activities	Appendix 10
- using loud-hailers (see <i>amplifying device</i>)	
electioneering exhibition	10.22-10.23
Electoral Registration Officer	
- change of personal particulars	3.34-3.35
- publishing final register	2.6-2.8, 2.17, 3.9-3.10, 3.20, 3.46, 3.55, Appendix 3
- publishing interim register	2.5-2.8, 3.19, Appendix 3
- publishing provisional register and omissions list	2.13, 3.20, 3.41-3.45
- registration of voters	3.22, 3.30, 3.34
electronic address of the open platform maintained by a candidate	8.56, 8.63, Appendix 1, Appendix 5
electronic copy of election advertisement and the relevant information/documents	8.56, 8.62, 17.12, 17.15, 18.17, Appendix 1, Appendix 5
electronic poll register system	5.7, 5.34-5.35, 5.37, 5.63, 7.36
eligibility	
- nomination of candidates (see <i>nomination of candidates</i>)	
- to vote	3.9-3.10, 3.21
empty opaque bag	3.58
entertainers, during election	11.27-11.28
entrance intercom system	9.15, 9.17
exit poll	
- application	15.10-15.12
- approval	15.12
- identification of interviewers	15.15-15.16
- notice, conducting exit polls	15.12
- restrictions	15.4-15.5, 15.8-15.13, 15.16-15.17
- sanction (see also <i>censure</i> and <i>reprimand</i>)	15.5, 15.8, 15.13, 15.20
- secrecy of the vote	15.2, 15.8-15.9
- time for publication of result	15.9, 15.12
<i>f</i>	
facsimile transmission	4.30, 7.1, 7.8, 7.10, 7.14, 7.19, 7.21, 7.25-7.26, 7.28, 7.45-7.46, 8.9, 8.103, 14.7, Appendix 1, Appendix 11, Appendix 14, Appendix 15

fair and equal treatment principle

- broadcasters.....11.1-11.3, 11.5, 11.7-11.14, 11.16-11.19, Appendix 12
- common parts of building.....
.....8.29, 9.1, 9.3, 9.8, 9.20, 9.22, 9.24, 9.26, 10.20, Appendix 10
- display of election advertisement at private premises.....8.29, 9.3, 9.26-9.27
- election broadcasting.....11.3-11.5, 11.16-11.19
- election forums.....11.1, 11.11-11.15
- electioneering activities at private premises.....9.1, 9.3, 9.8-9.9, 9.20, 9.22
- electioneering activities in schools.....13.9-13.10
- print media.....11.1-11.3, 11.5, 11.7, 11.20-11.25, 11.31, Appendix 13
- sanction (see also *censure* and *reprimand*).....
.....9.12, 9.23, 9.29-9.30, 11.34-11.36, 13.11

false claim of support.....8.43, 17.12-17.16, 18.4-18.13, 18.15-18.17, 18.19

false statement

- about a candidate.....4.9, 4.25, 17.10-17.11
- about a complaint.....20.20
- in return and declaration of election expenses and donations.....
.....16.35-16.40, 16.50, 17.30-17.31
- of withdrawal of candidature.....17.10-17.11
- penalty.....4.9, 4.27, 16.50, 17.37, 20.20

filming inside

- counting station (see also *counting station*).....5.69
- polling station (see also *polling station*).....5.46, 5.58, 7.42

final register

- abuse or misuse of information.....Important Note under 3.55
- appeal.....6.3-6.4, Appendix 3
- contents.....2.5, 2.16-2.17
- date of publication.....2.7, 2.17, 3.20, 3.55-3.56, Appendix 3
- Election Committee.....2.5, 2.7-2.8, 2.16-2.18, 6.3
- inspection.....3.46
- reflection of changes of voters' particulars.....3.55
- validity.....2.7, 3.54

first past the post system

- drawing of lots.....3.58-3.59
- equality of votes.....3.56-3.58

float design.....12.10, Appendix 14

force or duress (see *corrupt conduct*)

form

- advance return of election donations.....16.34, 16.41-16.43, Appendix 1
- authorisation for display/distribution of election advertisements at private premises.....8.24, Appendix 1
- consent of support.....17.14-17.16, 18.7-18.8, 18.16, Appendix 1, Appendix 5
- corrected information of election advertisements.....8.58, Appendix 1
- declaration for posting of election mail.....8.98-8.99, Appendix 1
- Declaration of Secrecy (see *Declaration of Secrecy*)
- nomination (see also *nomination of candidates*).....
.....4.13-4.25, Appendix 1, Appendix 3
- notice of appointment of counting agents.....7.44-7.45, Appendix 1
- notice of appointment of election agent.....7.8, Appendix 1
- notice of appointment of polling agents.....7.25, Appendix 1
- notice of authorisation of persons to incur election expense.....
.....7.19-7.21, Appendix 1
- notice of posting of election mail.....8.93, 8.95, Appendix 1
- notice of revocation of appointment of agents.....
.....7.10, 7.21, 7.28, 7.46, Appendix 1
- notice of withdrawal of candidature.....4.54, Appendix 1
- notification for public meeting or procession (see also *notification to the Police*).....10.10
- notification of decision on electioneering activities in a building.....
.....9.25, Appendix 1
- permission to raise funds.....10.24, Appendix 11
- return and declaration of election expenses and donations.....
.....7.23, 11.33, 16.1, 16.31-16.34, Appendix 1
- return of election deposit.....4.41, Appendix 1
- standard receipt for donations.....7.23, 16.26, 16.34, Appendix 1
- free postage of election mail (see *election advertisement*)
- free publication.....11.23
- functional constituency.....3.4
- fund raising activities.....10.24, Appendix 11

g

- Gazette of the result (see also *result*).....5.81, 6.2, 7.23, 8.52, 16.31, Appendix 3
- geographical constituency (“GC”).....
.....2.12, 3.6, 3.14, 3.22, 3.27, 3.36, 4.10-4.11, Appendix 3

- government officials (see also *Officials under the Political Appointment System*)
- attending public functions.....19.1, 19.4-19.7
 - civil servants acting as agents for candidates.....7.6, 19.2
 - supporting electioneering activities of a candidate.....7.6, 19.2, 19.13
- h*
- hours of poll.....5.5, 5.19, 5.22, 5.27, 5.62, 15.9, 15.11-15.12
- i*
- ICAC, Information Booklet.....17.2
- identification of
- canvassers conducting electioneering activities in a building.....9.18
 - interviewers conducting exit poll.....15.15-15.16
 - polling staff, candidates, election agents and polling agents.....7.38
 - voters at polling stations (see also *voter*).....5.34
- illegal conduct
- claim of support.....17.12-17.14, 18.4-18.15, 18.19
 - court to excuse innocent acts.....17.29-17.32
 - election expenses exceed maximum amount.....
.....7.2, 8.22, 16.4, 16.16, 16.20, 16.23, 16.39, 16.47
 - false or misleading statement about a candidate.....
.....16.39-16.40, 16.50, 17.10-17.11
 - incurring election expenses without authorisation.....
.....7.9, 7.20, 8.74, 8.76, 10.2, 11.5, 16.3-16.4, 16.47, 17.15
 - namedropping.....18.1-18.19
 - penalty.....3.9, 8.67, 14.20, 16.47-16.52, 17.3, 17.37, 18.19
 - voting offences.....17.26
- impersonation.....5.42, 5.45, 7.30, 7.35, 17.27
- incapacitated voter (see also *voter with mobility difficulty*).....5.47, 5.50, 7.39-7.41
- Information Booklet, ICAC (see *ICAC, Information booklet*)
- inspection
- election advertisement (see *election advertisement*)
 - final register (see *final register*)
 - provisional register and omissions list (see *provisional register* and *omissions list*)

inspection (*Cont'd*)

- return and declaration of election expenses and donations (see *return and declaration of election expenses and donations*)

internet platforms.....8.6, 8.11, 16.47

interim register

- appeals.....6.3-6.6
- date of publication.....2.5, Appendix 3

Introduction to Candidates

- contents.....4.6, 4.8-4.9, 4.17, 4.59-4.61
- submission of message and photograph to Returning Officer.....4.59
- to be displayed outside polling station.....5.23
- to be mailed to voters.....4.58

invalid ballot paper (see *ballot paper*)

invalid nomination (see *nomination of candidates*)

l

law enforcement agency.....2.6, 2.13, 2.15, 2.17, 3.41, 3.48, 3.51, 3.55, 4.58, 5.13, 5.18, 5.31, 5.33, 5.42, 5.45, 5.52, 5.58-5.59, 7.32, 7.37, 8.105, 9.10, 11.35, 14.18

locking of ballot box (see *ballot box*)

loud-hailer (see *amplifying device*)

loudspeaker (see *amplifying device*)

m

mailing of election advertisement (see *election advertisement*)

management bodies.....5.4, 9.1, 9.3-9.4, 9.6, 9.8, 9.11-9.12, 9.17, 9.19-9.20, 9.24-9.27

management company.....9.3, 9.22

marking of ballot paper (see *ballot paper*)

maximum amount of election expenses (see also *election expenses*).....1.17, 7.2, 7.19, 7.24, 8.21-8.22, 16.1, 16.14, 16.16, 16.20, 16.23-16.24, 16.39, 16.47

media

- print
 - advertisements.....8.65, 11.23, 11.33
 - fair and equal treatment.....11.1, 11.24-11.25, Appendix 13
 - restrictions on regular columnists.....11.31
- Reporting.....8.65, 11.1-11.10, 11.16, 11.18-11.19, 11.21-11.23, 11.33-11.35, Appendix 13

media (<i>Cont'd</i>)	
- relating to exit poll results	15.7, 15.9
- television and radio (see also <i>election broadcasting</i> and <i>election forum</i> and <i>electioneering on television and radio</i>)	11.1, 11.24, 11.27-11.30, 11.32, Appendix 12
misconduct	
- in a no canvassing zone or no staying zone	14.18
- in or in the vicinity of counting station	5.72, 7.51
- in or in the vicinity of polling station	5.45, 5.59, 7.36-7.37
mobile telephone	5.57-5.58, 7.36
mounting and installation of election advertisement (see also <i>election advertisement</i>)	8.45-8.51
musicians, during election period	11.28
mutual aid committee	8.9, 8.73, 9.3, 9.22, 10.20, 10.22, Appendix 10
<i>n</i>	
namedropping	
- form of consent	18.16-18.17
- illegal conduct (see also <i>false claim of support</i>)	18.1-18.19
- penalty (see also <i>censure</i> and <i>reprimand</i>)	18.19
negative campaigning	16.18, Appendix 15
no canvassing zone	
- boundary	5.17, 5.24-5.25, 8.34, 14.4, 14.8
- canvassing activities allowed/forbidden (see also <i>canvassing activities</i>)	5.4, 5.24-5.26, 7.42, 8.34, 9.10, 12.11, 14.11-14.18, 15.13, Appendix 7
- designation	5.3, 5.17, 5.24, 14.4-14.5
- notice of declaration/determination	5.17, 14.6-14.9
- penalty	14.18, 14.20
- purpose	5.3, 5.24, 14.1
- variation	14.8-14.10
no display of election advertisement (see also <i>election advertisement</i> and <i>no canvassing zone</i>)	8.31, 8.34
no staying zone	
- canvassing activities forbidden	5.24-5.26, 7.42, 14.1, 14.16-14.18
- designation	5.17, 14.4-14.5
- notice of declaration	5.17, 14.6-14.9
- penalty	14.18, 14.20

no staying zone (<i>Cont'd</i>)	
- purpose.....	5.3, 5.24, 14.1
- variation.....	14.8-14.10
no unfair advantage principle (see also <i>fair and equal treatment principle</i>).....	
.....	8.28, 9.11, 9.22, 9.30, 11.13, 11.35, 13.10
noise nuisance.....	9.16, 12.2-12.6
nomination of candidates	
- corrupt conduct.....	17.7-17.9
- disqualifications.....	4.11-4.13
- eligibility.....	1.14, 4.10
- false declaration.....	4.27
- form.....	4.4-4.6, 4.8-4.9, 4.14-4.21, 4.23
- invalid.....	4.4-4.5, 4.16, 4.21, Important Note under 4.40, 4.41, 4.46-4.47, 4.49-4.51, 4.53, 16.8
- notice of validly nominated candidates.....	
.....	4.24, 4.26, 4.44, 4.55-4.56, 8.77, Appendix 1
- period.....	4.16
- procedure.....	4.14-4.21
- subscriber.....	1.15, Important Note under 4.16, 4.46, 4.50
- validity.....	4.5, 4.25, 4.30, 4.38, 4.42, 4.44
- withdrawal.....	4.54
Nominations Advisory Committees (“NACs”)	
- application period.....	4.31, 4.37
- application procedure.....	4.32, 4.37
- composition.....	4.28
- decision.....	4.33-4.35, 4.38
- non-binding effect.....	4.38
- power.....	4.33-4.34, 4.37
- scope of work.....	4.29-4.37
notification to RO regarding electioneering activities in a building.....	9.25
notification to the Police	
- public meeting (see <i>public meeting</i>)	
- public procession (see <i>public procession</i>)	
notice of	
- declaration of no canvassing zone (see <i>no canvassing zone</i>)	
- nomination (see also <i>nomination of candidates</i>).....	
.....	3.60, 4.14, 4.44, 4.55-4.56, Appendix 3

notice of (<i>Cont'd</i>)	
- result of election (see also <i>counting station and result</i>)	4.20, 5.63, 5.82, 7.23, 8.52, 16.31
- validly nominated candidates (see also <i>nomination of candidates</i>)	4.24, 4.26, 4.44, 4.55-4.56, Appendix 1
<i>o</i>	
Officials under the Political Appointment System (see also <i>civil servants</i>)	19.1, 19.10-19.13
omissions list	2.13, 2.15, 3.7-3.10, 3.20, 3.31, 3.40, 3.42-3.45, 3.47-3.49, 3.51-3.52
Online Voter Information Enquiry System	3.2, 3.50, 3.52
open platform for public inspection	
- Candidate's Platform	8.4, 8.6, 8.56-8.59, 8.62-8.63, 17.13, 17.15, 18.10, 18.17, Appendix 1, Appendix 5
- Central Platform	8.4, 8.6, 8.56-8.59, 8.62-8.63, 17.13, 17.15, 18.10, 18.17, Appendix 1, Appendix 5
opening of ballot box (see <i>ballot box</i>)	
ordinary election	1.20-1.21, 2.5, 3.1, 3.56, Important Note under 4.16, Important Note under 4.25, 4.31, 4.36-4.37, 8.5, Appendix 3, Appendix 5
ordinarily resided in Hong Kong	3.36-3.39
owners' committee	8.9, 8.73, 9.22
owners' corporation	8.9, 8.73, 9.3, 9.21-9.22, 9.24, 10.20, 10.22, 18.9, Appendix 10
<i>p</i>	
paging machine	5.57-5.58, 7.36
payment of election deposit (see <i>election deposit</i>)	
period for nomination (see <i>nomination of candidates</i>)	
permission/authorisation of display	
- display of election advertisement at private premises	8.24-8.25, 8.28, 8.38, 8.56
- display of election advertisement on designated spots	8.24-8.26, 8.33
personal data privacy, guidance note on electioneering activities	9.14-9.15, Appendix 9
personal data privacy, nominations of candidates	Important Note under 4.16
photograph, introduction to candidates	4.59

- photographing inside
- counting station (see also *counting station*).....5.69
 - polling station (see also *polling station*).....5.46, 5.58, 7.42
- Politically appointed officials (see *Officials under the Political Appointment System*)
- poll card
- contents.....5.19, 5.21
 - date of sending.....5.19
- polling agent
- appointment.....7.25-7.27
 - civil servants acting as agents.....7.6
 - conduct inside polling station.....7.35-7.37
 - lodging of complaint inside polling station.....7.43, 20.11
 - number.....7.4
 - qualification.....7.5
 - revocation.....7.28-7.29
 - role.....7.30, 7.35
- polling day (see also *date*).....3.24, 3.31, 4.11, 4.52-4.53, 4.58, 5.13, 5.15, 5.17, 5.19, 5.21, 5.25, 5.32, 5.34, 5.65, 5.89, 7.1, 7.8, 7.10, 7.14-7.15, 7.25-7.28, 7.34, 7.42, 7.45-7.46, 8.27, 8.34, 8.52, 8.54, 8.58, 8.91, 9.15, 11.3, 12.3, 12.11, 14.1, 14.6, 14.9-14.10, 14.13-14.15, 15.1, 15.6, 15.11-15.12, 19.5, 20.3, 20.6, 20.8, Appendix 1, Appendix 3, Appendix 7, Appendix 15
- polling officer/staff.....5.9, 5.29, 5.31-5.32, 5.34-5.35, 5.37-5.39, 5.43-5.47, 5.57-5.58, 5.61, 7.35, 7.38, 7.40-7.41, 15.15
- polling station
- admission.....5.5-5.7, 5.10, 5.24, 5.27, 5.31-5.34, 5.37-5.38, 5.59, 5.61-5.62, 7.14, 7.17, 7.31
 - allocation.....5.2, 5.13, 5.21, 7.39
 - canvassing activities forbidden.....5.4, 5.24, 5.26
 - communication with voters inside.....5.57-5.58, 7.36, 20.11
 - conduct inside.....5.57-5.60, 7.35-7.37
 - conduct outside.....5.24-5.25, 12.11, 14.11-14.19
 - dedicated polling station (see *dedicated polling station*)
 - designation.....5.6, 5.15, 5.21
 - persons with mobility difficulty.....5.2, 5.13, 5.21, 7.39
 - photographing, filming and recording (video or audio).....5.46, 5.58, 5.69, 7.42
 - re-allocation.....5.2, 5.13, 5.21, 7.39
 - situated in maximum security prisons.....5.28, 5.31-5.32, 7.4, 7.11, 7.13-7.14, 7.26, 7.29, Appendix 1
 - special polling station (see *special polling station*)

polling station (*Cont'd*)

- visually impaired voters (see *visually impaired voters*)
- voting compartments.....5.9-5.10, 5.44-5.45, 5.53, 7.36

posting arrangement of election advertisement (see *election advertisement*)

posting up an electronic copy of election advertisement and relevant information/
documents.....8.4, 8.6, 8.56-8.59, 8.61-8.63, 17.13, 17.15, 18.17, Appendix 1, Appendix 5

presenters of television, radio and movie

- guest presenter.....11.27
- restrictions to appear in a programme.....11.27-11.28

Presiding Officer (“PRO”)

- after the close of poll.....5.5, 5.27, 5.43-5.44, 5.61-5.62, 7.34
- assistance to incapacitated voter.....5.9, 5.47, 7.40
- before commencement of poll.....5.5, 5.27, 7.34
- keeping order at polling station.....5.59, 5.72
- overseeing no canvassing zone.....14.14, 15.14
- questioning voter before issuing ballot paper.....5.41, 7.35
- recording complaint.....20.11-20.12
- regulating number of persons inside polling station.....5.32, 7.17
- reporting irregularities.....20.13, 20.19

print media (see also *media*)

- advertising through.....8.65, 11.22-11.26, 11.31, 11.33
- fair and equal treatment (see also *fair and equal treatment principle*).....
.....11.1-11.3, 11.5, 11.7, 11.20-11.25, 11.31, Appendix 13

printed election materials (see also *election advertisement*).....8.61, 8.64-8.66

printing details of election advertisement (see also *election advertisement*)...8.64-8.66

privacy of voters.....Important Note under 4.16, 9.14-9.15, 18.15, Appendix 9

private premises

- display of election advertisement (see *election advertisement* and *fair and equal treatment principle*)
- election meeting (see *election meeting*)
- electioneering activities (see *electioneering activities* and *fair and equal treatment principle*)

private spots for displaying election advertisement (see also *election advertisement*)....

.....8.24-8.25, 8.28-8.30, 8.33-8.34, 8.70, 9.26

procedure

- complaints (see also *complaints*).....20.9-20.12
- nomination (see also *nomination of candidates*).....4.14-4.26

promotional material (see also <i>badge, emblem, clothing or head-dress</i>)	5.25-5.26, 5.57, 7.36,
7.42, 8.9, 8.13, 9.27, Important Note under 12.8, 14.11-14.12, Appendix 7, Appendix 15	
provisional register	
- abuse or misuse of information	Important Note under 3.55, Important Note under 9.15
- appeals	2.15, 3.51
- contents	3.41
- date of publication	2.12
- Election Committee	2.12, 2.14
- exclusion of a voter's name	3.32, 3.42
- inclusion of a voter's name	3.31-3.32
- voters to change particulars	3.4, 3.20, 3.34-3.35
public area inside counting station (see also <i>counting station</i>)	5.68
public function	17.17, 19.1, 19.4, 19.9
public fund-raising permits (see also <i>fund raising activities</i>)	10.24, Appendix 11
public housing estates (see also <i>electioneering activities</i>)	8.35, 9.28, 10.20, 10.22-10.23, Appendix 8
public inspection	
- copy of authorisation of election expense agent	7.24
- election advertisement (see also <i>election advertisement</i>)	8.33, 8.56, 8.58-8.63, 8.66
- final register (see also <i>final register</i>)	3.46
- nomination form	4.5, 4.21
- open platform (see <i>open platform for public inspection</i>)	
- permission or authorisation of display of election advertisements in private spots	8.28, 8.33
- return and declaration of election expenses and election donations (see also <i>return and declaration of election expenses and election donations</i>)	7.24, 16.44
- statutory declaration for inadvertent omission of printing details	8.66
- written consent and notices of revocation	18.17
public meeting (see also <i>election meeting</i>)	
- notification to the Police	10.9-10.12, 10.21
- prohibition	10.12-10.13
- responsibility of organiser	10.13
public observation inside counting station (see also <i>counting station</i>)	5.67-5.68
public procession	10.4-10.5, 10.15-10.19
- notification to the Police	10.15-10.16

public resource.....	7.6, 16.13, 19.2, 19.13
public statements.....	
.....	1.23, 8.71, 8.101, 9.29, 11.35-11.36, 12.12, 13.11, 15.12, 15.20, 17.36, 20.4, 20.16
publish materials/message.....	8.9-8.19, 8.56, 8.73, 17.11
pupil involvement	
- canvassing activities (see also <i>canvassing activities</i>).....	13.7
- sanction (see also <i>censure</i> and <i>reprimand</i>).....	13.2, 13.11
- undue influence	13.2-13.3, 13.5
<i>q</i>	
qualification	
- authorised representative (see also <i>authorised representative</i>).....	3.6, 3.22-3.23
- counting agent (see also <i>counting agent</i>).....	7.5-7.6
- election agent (see also <i>election agent</i>).....	7.5-7.6
- election expense agent (see also <i>election expense agent</i>).....	7.5-7.6
- nomination of candidate (see <i>nomination of candidates</i>)	
- polling agent (see also <i>polling agent</i>).....	7.5-7.6
- subscriber (see also <i>subscriber</i>).....	4.16, 4.46, 4.50
- to vote.....	3.9-3.10, 3.21
- voter (see also <i>voter</i>).....	3.9-3.10, 3.21
questionable ballot paper (see also <i>ballot paper</i>).....	5.66, 5.75-5.78, 7.50
<i>r</i>	
re-allocation of polling station (see also <i>polling station</i>).....	5.2, 5.21
re-count of votes (see also <i>counting of votes</i>).....	5.71, 5.81-5.82
register	
- final register (see <i>final register</i>)	
- interim register (see <i>interim register</i>)	
- provisional register (see <i>provisional register</i>)	
- use of information contained.....	Important Note under 3.55
Registration and Electoral Office (see also <i>Chief Electoral Officer</i> and <i>Electoral Registration Officer</i>)	
- processing application for voter registration.....	3.20-3.26
- reporting irregularities to EAC.....	20.13
regular columnists, restrictions to contribute articles.....	11.31
regular contributors, restrictions to appear in a programme.....	11.27-11.28

reprimand (see also *censure*)

- breach of time restriction when using loud-hailers.....9.16, 12.5
- breach/non-compliance of Guidelines.....
1.23, 8.71, 9.29-9.30, 11.35-11.36, 12.12, 13.11, 15.12, 15.20, 17.36, 20.16
- corrupt and illegal conduct.....17.36
- exit poll.....15.12, 15.20
- false claim of support.....17.36
- involving youths of school age.....13.2, 13.11
- namedropping.....17.36
- opportunity to make representations.....20.16
- unauthorised display of election advertisements.....8.34, 8.71, 14.13
- unauthorised electioneering against the decision of an organisation or building
.....9.12
- unfair and unequal treatment.....9.23, 9.29-9.30, 11.35-11.36

residents' association.....9.22

restricted zone.....5.17, 5.67, 7.36, 14.4-14.6, 14.9-14.10, 14.18

restrictions on

- canvassing activities in no canvassing zone and no staying zone.....
.....5.4, 5.24-5.26, 7.42, 8.34, 12.11, 14.2, 14.11-14.20, 15.13, Appendix 7
- presenters.....11.12, 11.27-11.28
- regular columnists.....11.31
- regular contributors.....11.27-11.28
- use of loudspeaker (see *amplifying device*)

result

- declaration.....3.59-3.61, 5.82
- notice.....5.82
- publication in the Gazette.....5.82

return and declaration of election expenses and election donations

- court power to excuse innocent acts.....17.29-17.32
- errors.....16.35-16.40
- false statements.....16.35-16.40, 16.50
- penalty for non-compliance.....16.47, 16.52
- public inspection.....7.24, 16.44
- requirement.....16.31-16.34
- submit.....16.31-16.34

return of election deposit (see also *election deposit*).....1.15, 4.41

Returning Officer

- allocation of designated spots.....4.57, 8.26-8.27, 8.31, 8.33, 8.35-8.37, 8.39

Returning Officer (*Cont'd*)

- authorising a person to enter polling station for liaison purposes..... 5.31, 5.58
- authorising a person to enter counting station..... 5.67
- conduct of a re-count..... 5.71, 5.81-5.82
- decision on a ballot paper..... 5.78
- declaration of election result..... 3.59, 3.61, 4.53, 4.56, 5.82, Appendix 3
- determination and declaration of no canvassing zone and no staying zone.....
..... 14.4-14.10
- displaying notice of result..... 5.82
- handling complaints..... 8.71, 16.45, 17.33, 20.6, 20.11, 20.13-20.15
- keeping order at polling and counting station..... 5.59, 5.72
- opening of ballot box at counting station..... 5.65
- providing sketch maps of polling station and no canvassing zones..... 8.34
- reporting irregularities to EAC..... 20.13, 20.19

Revising Officer.....
..... 1.13, 1.16, 3.9-3.10, 3.44, 3.53-3.54, 4.5, 5.79, 5.85, 6.1-6.3, 6.6-6.7, Appendix 3

revocation

- counting agent (see also *counting agent*)..... 7.46
- election agent (see also *election agent*)..... 7.10-7.11
- election expense agent (see also *election expense agent*)..... 7.21
- polling agent (see also *polling agent*)..... 7.28-7.29

role

- counting agent (see also *counting agent*)..... 7.47
- election agent (see also *election agent*)..... 7.13-7.17
- election expense agent (see also *election expense agent*)..... 7.22, 16.17
- polling agent (see also *polling agent*)..... 7.30, 7.35

roll-up banner..... 8.9, 8.53

s

schools, electioneering activities..... 13.9-13.10

school pupils (see *pupil involvement*)

sealing of ballot box (see *ballot box*)

secrecy of the vote..... 5.8-5.9, 5.33, 5.48-5.49, 5.67, 5.70, 7.32, 7.36, 7.48, 15.8-15.9

- exit poll (see also *exit poll*)..... 15.8-15.9
- inside counting station..... 5.67, 5.70, 7.48
- inside polling station..... 5.33, 7.32, 7.36

secrecy of voting (see *secrecy of the vote*)

sector of Election Committee.....	2.2, Appendix 2
short message service.....	Appendix 5, Appendix 9
singers, during election period.....	11.28
social media/networking.....	8.9, 8.56, 18.6, Appendix 5
special polling station	5.2, 5.13, 5.15, 5.21, 7.39
spoilt ballot paper (see also <i>ballot paper</i>).....	5.36, 5.55, 5.63, 5.75, 7.34
statutory relief mechanism/arrangement for errors and false statement.....	16.35-16.40
subscriber (see also <i>nomination of candidates</i>)	
- number required.....	4.16, 4.50
- qualification.....	4.16, 4.46, 4.50

t

telephone (see <i>mobile telephone</i>)	
template (see <i>braille template</i>)	
temporary occupation of government land.....	8.53-8.55
tenants' association.....	8.9, 8.73, 9.22
tendered ballot paper (see also <i>ballot paper</i>).....	5.36-5.37, 5.45, 5.56, 5.74-5.75, 7.34
treating (see also <i>corrupt conduct</i>).....	10.8, 17.20-17.23
television and radio (see also <i>electioneering activities</i>).....	11.1-11.19
types and numbers of agents.....	7.4

u

undue influence.....	13.2-13.3, 13.5, 17.24-17.25
unissued ballot paper (see also <i>ballot paper</i>).....	5.63, 7.34
unused ballot paper (see also <i>ballot paper</i>).....	5.51-5.54, 5.63, 5.74-5.75, 7.34

v

validity	
- ballot paper (see also <i>ballot paper</i>).....	5.66, 5.76-5.79
- nomination (see also <i>nomination of candidates</i>).....	
.....	4.5, 4.25, 4.30, 4.38, 4.42, 4.44
vehicles (see also <i>amplifying device</i>).....	
.....	8.34, 10.16, 12.3, 12.5, 12.7-12.11, 14.13, Appendix 7, Appendix 14, Appendix 15
video or audio recording inside	
- counting station (see also <i>counting station</i>).....	5.71

- video or audio recording inside (*Cont'd*)
- polling station (see also *polling station*).....5.44, 5.60, 7.42
- visual deficiency voter (see also *voter*)
- assistance to incapacitated voter.....5.47, 7.41
 - braille template.....5.46, 7.41
 - visual impairment.....4.61, 5.46-5.47, 7.40-7.41
- voluntary service.....16.6, 16.9, 16.25, 16.30, Appendix 15, Appendix 16
- voter
- application for registration/deregistration.....3.4-3.10, 3.20-3.22, 3.24-3.32
 - change of residential address and other personal particulars.....
.....3.34-3.35, 3.41-3.42, 3.54
 - corporate voter.....1.3, 2.3, 3.6, 3.22-3.24,
3.26, 3.28, 3.35-3.36, 3.41, 3.47, 4.16, 5.14, Appendix 3, Appendix 4
 - disqualifications from voting.....3.22, 3.27-3.28
 - eligibility to vote.....3.9-3.10, 3.21
 - identification at polling station.....5.34
 - imprisoned or held in custody.....2.6, 2.13, 2.15, 2.17, 3.43, 3.48, 3.51,
3.55, 4.58, 5.13, 5.18, 5.22, 7.15, 7.27, 8.104-8.105, Appendix 1, Appendix 17
 - qualification for registration.....3.7-3.9, 3.40, 3.52, Appendix 3
 - visual deficiency (see *visual deficiency voter*)
 - with mobility difficulty.....5.2, 5.13, 5.20-5.21, 7.39-7.40
- voter with mobility difficulty (see also *voter*)
- marking of ballot paper.....5.47, 5.50, 7.40
 - re-allocation of polling station.....5.2, 5.13, 5.21, 7.39
 - template (see *braille template*)
- voting
- corrupt conduct (see also *corrupt conduct*).....
.....5.11, 5.42, 5.45, 7.35, 17.17, 17.19, 17.23-11.27
 - date (see also *date*).....3.1, 5.19, Appendix 3
 - disqualification.....2.9, 2.18, 3.22, 3.27-3.28
 - eligibility.....3.9-3.10, 3.21
 - empty opaque bag.....3.58
 - marking of ballot paper (see also *ballot paper*).....7.34, 7.40-7.41
 - number of vote allowed.....3.56, 5.37-5.38
 - secrecy (see *secrecy of the vote*)
 - time.....5.5, 5.19, 5.22, 5.27, 5.62, 15.9, 15.11-15.12
 - where to vote.....5.18-5.19, 5.21-5.22, 7.39
- voting compartment.....5.9-5.10, 5.44-5.45, 5.53, 7.36

voting offences (see also <i>corrupt conduct</i>).....	17.27
voting preference.....	15.2, 17.18, 17.20, 17.23
voting system (see also <i>first past the post system</i>).....	3.42-3.47

w

websites of

- candidates.....	8.9, 8.56, 11.5, 18.6
- ICAC.....	17.2
- REO.....	3.51, 4.15, 4.22, 4.24, 4.61, 7.15, 7.27, 9.25, 17.14, 18.16
withdrawal of candidate (see also <i>candidate, corrupt conduct and false statement</i>).....	
.....	4.41, 4.54, 7.13, 7.23, 17.7