

**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) <sup>1</sup> 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

<sup>1</sup> 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 voter<sup>2</sup> 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: 16<sup>3</sup>**

#### **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

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<sup>2</sup> 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.

<sup>3</sup> 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 requirements<sup>4</sup>:

- (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 subsector<sup>5</sup>.

### **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 person<sup>6</sup>:

- (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

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<sup>4</sup> Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>5</sup> Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>6</sup> 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 nomination<sup>7</sup>:

- (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 oath<sup>8</sup>; or
- (b) the person has been declared or decided in accordance with any law—
  - (i) to be in breach of a specified oath<sup>9</sup>; 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 valid<sup>10</sup>.

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<sup>7</sup> Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>8</sup> 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.

<sup>9</sup> Ditto.

<sup>10</sup> 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 nominated<sup>11</sup>.
- 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 notice<sup>12</sup>. 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 Region<sup>13</sup>.
- 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 election<sup>14</sup>.

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<sup>11</sup> Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>12</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>13</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>14</sup> 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 made<sup>15</sup>. 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 Officer<sup>16</sup>.

**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.

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<sup>15</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>16</sup> 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 <sup>17</sup>

**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 voter<sup>18</sup> 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

<sup>17</sup> 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.

<sup>18</sup> 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: 17<sup>19</sup>**

### **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 requirements<sup>20</sup>:

- (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

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<sup>19</sup> 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.

<sup>20</sup> 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 subsector<sup>21</sup>.

#### **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 person<sup>22</sup>:

- (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

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<sup>21</sup> Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>22</sup> 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 nomination<sup>23</sup>:

(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 oath<sup>24</sup>; or

(b) the person has been declared or decided in accordance with any law—

(i) to be in breach of a specified oath<sup>25</sup>; 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 valid<sup>26</sup>.

## **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 nominated<sup>27</sup>.

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

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<sup>23</sup> Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>24</sup> 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.

<sup>25</sup> Ditto.

<sup>26</sup> Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>27</sup> 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 notice<sup>28</sup>. 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 Region<sup>29</sup>.

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 election<sup>30</sup>.

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 made<sup>31</sup>. 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 Officer<sup>32</sup>.

## **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

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<sup>28</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>29</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>30</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>31</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>32</sup> 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 <sup>33</sup>

**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 voter<sup>34</sup> 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

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<sup>33</sup> 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.

<sup>34</sup> 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: 17<sup>35</sup>**

### **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 requirements<sup>36</sup>:

- (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

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<sup>35</sup> 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.

<sup>36</sup> 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 subsector<sup>37</sup>.

#### **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 person<sup>38</sup>:

- (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

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<sup>37</sup> Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>38</sup> 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 nomination<sup>39</sup>:

(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 oath<sup>40</sup>; or

(b) the person has been declared or decided in accordance with any law—

(i) to be in breach of a specified oath<sup>41</sup>; 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 valid<sup>42</sup>.

## **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 nominated<sup>43</sup>.

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

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<sup>39</sup> Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>40</sup> 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.

<sup>41</sup> Ditto.

<sup>42</sup> Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>43</sup> 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 notice<sup>44</sup>. 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 Region<sup>45</sup>.

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 election<sup>46</sup>.

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 made<sup>47</sup>. 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 Officer<sup>48</sup>.

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<sup>44</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>45</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>46</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>47</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>48</sup> 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 <sup>49</sup>

**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 voter<sup>50</sup> 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

<sup>49</sup> 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.

<sup>50</sup> 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: 17<sup>51</sup>**

### **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 requirements<sup>52</sup>:

- (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.

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<sup>51</sup> 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.

<sup>52</sup> 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 subsector<sup>53</sup>.

#### **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 person<sup>54</sup>:

- (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

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<sup>53</sup> Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>54</sup> 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 nomination<sup>55</sup>:

- (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 oath<sup>56</sup>; or
- (b) the person has been declared or decided in accordance with any law—
  - (i) to be in breach of a specified oath<sup>57</sup>; 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 valid<sup>58</sup>.

## **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 nominated<sup>59</sup>.

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

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<sup>55</sup> Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>56</sup> 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.

<sup>57</sup> Ditto.

<sup>58</sup> Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>59</sup> 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 notice<sup>60</sup>. 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 Region<sup>61</sup>.

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 election<sup>62</sup>.

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 made<sup>63</sup>. 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 Officer<sup>64</sup>.

## **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.

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<sup>60</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>61</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>62</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>63</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>64</sup> 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 <sup>65</sup>

**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 voter<sup>66</sup> 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

<sup>65</sup> 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.

<sup>66</sup> 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: 15<sup>67</sup>**

### **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 requirements<sup>68</sup>:

- (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

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<sup>67</sup> 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.

<sup>68</sup> 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 subsector<sup>69</sup>.

#### **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 person<sup>70</sup>:

- (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

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<sup>69</sup> Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>70</sup> 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 nomination<sup>71</sup>:

(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 oath<sup>72</sup>; or

(b) the person has been declared or decided in accordance with any law—

(i) to be in breach of a specified oath<sup>73</sup>; 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 valid<sup>74</sup>.

## **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 nominated<sup>75</sup>.

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

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<sup>71</sup> Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>72</sup> 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.

<sup>73</sup> Ditto.

<sup>74</sup> Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>75</sup> 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 notice<sup>76</sup>. 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 Region<sup>77</sup>.

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 election<sup>78</sup>.

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 made<sup>79</sup>. 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 Officer<sup>80</sup>.

## **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.

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<sup>76</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>77</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>78</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>79</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>80</sup> 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); <sup>81</sup> (b) restricted licence banks within the meaning of the Banking Ordinance (Cap. 155) <sup>82</sup> ; or (c) deposit-taking companies within the meaning of the Banking Ordinance (Cap. 155) <sup>83</sup>

**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 voter<sup>84</sup> 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

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<sup>81</sup> 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.

<sup>82</sup> Ditto.

<sup>83</sup> Ditto.

<sup>84</sup> 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: 17<sup>85</sup>**

### **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 requirements<sup>86</sup>:

- (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

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<sup>85</sup> 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.

<sup>86</sup> 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 subsector<sup>87</sup>.

#### **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 person<sup>88</sup>:

- (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.

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<sup>87</sup> Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>88</sup> 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 nomination<sup>89</sup>:

- (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 oath<sup>90</sup>; or
- (b) the person has been declared or decided in accordance with any law—
  - (i) to be in breach of a specified oath<sup>91</sup>; 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 valid<sup>92</sup>.

## **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 nominated<sup>93</sup>.

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.

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<sup>89</sup> Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>90</sup> 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.

<sup>91</sup> Ditto.

<sup>92</sup> Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>93</sup> 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 notice<sup>94</sup>. 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 Region<sup>95</sup>.

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 election<sup>96</sup>.

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 made<sup>97</sup>. 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 Officer<sup>98</sup>.

**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

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<sup>94</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>95</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>96</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>97</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>98</sup> 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 <sup>99</sup> — <ul style="list-style-type: none"> <li>(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;</li> <li>(ii) is entitled to vote at the Board of Hong Kong Securities Professionals Association Limited;</li> <li>(iii) is entitled to vote at the Committee of The Institute of Securities</li> </ul>

<sup>99</sup> 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; 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 Exchange<sup>100</sup></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

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<sup>100</sup> Ditto.

are eligible to be registered as a voter for this subsector.

II.1.2. Eligible corporate voter<sup>101</sup> 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: 17<sup>102</sup>**

**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?**

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<sup>101</sup> 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.

<sup>102</sup> 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 requirements<sup>103</sup>:

- (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 subsector<sup>104</sup>.

#### **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 person<sup>105</sup>:

- (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

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<sup>103</sup> Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>104</sup> Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>105</sup> 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 nomination<sup>106</sup>:

(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 oath<sup>107</sup>; or

(b) the person has been declared or decided in accordance with any law—

(i) to be in breach of a specified oath<sup>108</sup>; 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 valid<sup>109</sup>.

## **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

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<sup>106</sup> Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>107</sup> 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.

<sup>108</sup> Ditto.

<sup>109</sup> Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

whether or not the person is validly nominated<sup>110</sup>.

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 notice<sup>111</sup>. 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 Region<sup>112</sup>.

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 election<sup>113</sup>.

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

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<sup>110</sup> Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>111</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>112</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>113</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

whose election is questioned, as the case may be, review any ruling made<sup>114</sup>. 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 Officer<sup>115</sup>.

**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.

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<sup>114</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>115</sup> 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 <sup>116</sup>

**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 voter<sup>117</sup> is required to submit a duly completed voter registration form on or before 5 July 2021.

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<sup>116</sup> 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.

<sup>117</sup> 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: 16<sup>118</sup>**

### **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 requirements<sup>119</sup>:

- (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;

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<sup>118</sup> 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.

<sup>119</sup> 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 subsector<sup>120</sup>.

#### **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 person<sup>121</sup>:

- (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

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<sup>120</sup> Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>121</sup> 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 nomination<sup>122</sup>:

- (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 oath<sup>123</sup>; or
- (b) the person has been declared or decided in accordance with any law—
- (i) to be in breach of a specified oath<sup>124</sup>; 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 valid<sup>125</sup>.

## **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 nominated<sup>126</sup>.

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**

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<sup>122</sup> Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>123</sup> 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.

<sup>124</sup> Ditto.

<sup>125</sup> Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>126</sup> 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 notice<sup>127</sup>. 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 Region<sup>128</sup>.

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 election<sup>129</sup>.

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 made<sup>130</sup>. 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 Officer<sup>131</sup>.

## **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**

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<sup>127</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>128</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>129</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>130</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>131</sup> 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 <sup>132</sup>

**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 voter<sup>133</sup> is required to submit a duly completed voter registration form on or before 5 July 2021.

<sup>132</sup> 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.

<sup>133</sup> 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: 17<sup>134</sup>**

### **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 requirements<sup>135</sup>:

- (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;

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<sup>134</sup> 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.

<sup>135</sup> 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 subsector<sup>136</sup>.

#### **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 person<sup>137</sup>:

- (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

<sup>136</sup> Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>137</sup> 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 nomination<sup>138</sup>:

- (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 oath<sup>139</sup>; or
- (b) the person has been declared or decided in accordance with any law—
- (i) to be in breach of a specified oath<sup>140</sup>; 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 valid<sup>141</sup>.

## **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 nominated<sup>142</sup>.

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**

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<sup>138</sup> Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>139</sup> 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.

<sup>140</sup> Ditto.

<sup>141</sup> Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>142</sup> 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 notice<sup>143</sup>. 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 Region<sup>144</sup>.

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 election<sup>145</sup>.

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 made<sup>146</sup>. 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 Officer<sup>147</sup>.

## **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**

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<sup>143</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>144</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>145</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>146</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>147</sup> 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		Electoral Districts		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 <sup>148</sup>

**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 voter<sup>149</sup> 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

<sup>148</sup> 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.

<sup>149</sup> 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: 17<sup>150</sup>**

### **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 requirements<sup>151</sup>:

- (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

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<sup>150</sup> 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.

<sup>151</sup> 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 subsector<sup>152</sup>.

#### **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 person<sup>153</sup>:

- (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

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<sup>152</sup> Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>153</sup> 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 nomination<sup>154</sup>:

(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 oath<sup>155</sup>; or

(b) the person has been declared or decided in accordance with any law—

(i) to be in breach of a specified oath<sup>156</sup>; 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 valid<sup>157</sup>.

## **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 nominated<sup>158</sup>.

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

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<sup>154</sup> Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>155</sup> 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.

<sup>156</sup> Ditto.

<sup>157</sup> Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>158</sup> 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 notice<sup>159</sup>. 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 Region<sup>160</sup>.

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 election<sup>161</sup>.

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 made<sup>162</sup>. 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 Officer<sup>163</sup>.

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<sup>159</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>160</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>161</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>162</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>163</sup> 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 <sup>164</sup>

**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 voter<sup>165</sup> is required to submit a duly completed voter registration form on or before 5 July 2021.

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<sup>164</sup> 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.

<sup>165</sup> 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: 17<sup>166</sup>**

### **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 requirements<sup>167</sup>:

- (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;

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<sup>166</sup> 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.

<sup>167</sup> 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 subsector<sup>168</sup>.

#### **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 person<sup>169</sup>:

- (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

<sup>168</sup> Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>169</sup> 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 nomination<sup>170</sup>:

- (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 oath<sup>171</sup>; or
- (b) the person has been declared or decided in accordance with any law—
- (i) to be in breach of a specified oath<sup>172</sup>; 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 valid<sup>173</sup>.

## **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 nominated<sup>174</sup>.

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.

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<sup>170</sup> Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>171</sup> 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.

<sup>172</sup> Ditto.

<sup>173</sup> Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>174</sup> 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 notice<sup>175</sup>. 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 Region<sup>176</sup>.

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 election<sup>177</sup>.

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 made<sup>178</sup>. 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 Officer<sup>179</sup>.

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<sup>175</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>176</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>177</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>178</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>179</sup> 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) <sup>180</sup>

**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 voter<sup>181</sup> 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.

<sup>180</sup> 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.

<sup>181</sup> 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: 17<sup>182</sup>****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 requirements<sup>183</sup>:

- (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

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<sup>182</sup> 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.

<sup>183</sup> 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 subsector<sup>184</sup>.

#### **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 person<sup>185</sup>:

- (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 nomination<sup>186</sup>:

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<sup>184</sup> Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>185</sup> Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>186</sup> 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 oath<sup>187</sup>; or
- (b) the person has been declared or decided in accordance with any law—
  - (i) to be in breach of a specified oath<sup>188</sup>; 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 valid<sup>189</sup>.

## **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 nominated<sup>190</sup>.

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

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<sup>187</sup> 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.

<sup>188</sup> Ditto.

<sup>189</sup> Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>190</sup> 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 notice<sup>191</sup>. 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 Region<sup>192</sup>.

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 election<sup>193</sup>.

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 made<sup>194</sup>. 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 Officer<sup>195</sup>.

## **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.

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<sup>191</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>192</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>193</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>194</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>195</sup> 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 <sup>196</sup> ; (b) corporate member of The Hong Kong Construction Association, Limited and is entitled to vote at the Council of the company <sup>197</sup> ; or (c) corporate member of The Hong Kong E&M Contractors' Association Limited and is entitled to vote at the Council of the company <sup>198</sup>

<sup>196</sup> 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.

<sup>197</sup> Ditto.

<sup>198</sup> 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 voter<sup>199</sup> 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: 17<sup>200</sup>****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

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<sup>199</sup> 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.

<sup>200</sup> 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 requirements<sup>201</sup>:

- (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 subsector<sup>202</sup>.

### **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 person<sup>203</sup>:

- (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;

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<sup>201</sup> Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>202</sup> Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>203</sup> 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 nomination<sup>204</sup>:
- (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 oath<sup>205</sup>; or
  - (b) the person has been declared or decided in accordance with any law—
    - (i) to be in breach of a specified oath<sup>206</sup>; 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 valid<sup>207</sup>.

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<sup>204</sup> Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>205</sup> 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.

<sup>206</sup> Ditto.

<sup>207</sup> 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 nominated<sup>208</sup>.
- 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 notice<sup>209</sup>. 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 Region<sup>210</sup>.
- 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 election<sup>211</sup>.

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<sup>208</sup> Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>209</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>210</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>211</sup> 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 made<sup>212</sup>. 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 Officer<sup>213</sup>.

**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.

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<sup>212</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>213</sup> 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 <sup>214</sup> ; (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 <sup>215</sup> ; or (c) corporate member of Hong Kong Small and Medium Enterprises Association Limited and is entitled to vote at the Council of the company <sup>216</sup>

<sup>214</sup> 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.

<sup>215</sup> Ditto.

<sup>216</sup> 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 voter<sup>217</sup> 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: 15<sup>218</sup>**

#### **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

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<sup>217</sup> 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.

<sup>218</sup> 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 requirements<sup>219</sup>:

- (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 subsector<sup>220</sup>.

### **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 person<sup>221</sup>:

- (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

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<sup>219</sup> Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>220</sup> Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>221</sup> 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 nomination<sup>222</sup>:

- (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 oath<sup>223</sup>; or
- (b) the person has been declared or decided in accordance with any law—
  - (i) to be in breach of a specified oath<sup>224</sup>; 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 valid<sup>225</sup>.

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<sup>222</sup> Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>223</sup> 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.

<sup>224</sup> Ditto.

<sup>225</sup> 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 nominated<sup>226</sup>.
- 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 notice<sup>227</sup>. 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 Region<sup>228</sup>.
- 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 election<sup>229</sup>.

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<sup>226</sup> Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>227</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>228</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>229</sup> 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 made<sup>230</sup>. 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 Officer<sup>231</sup>.

**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.

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<sup>230</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>231</sup> 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 <sup>232</sup> ; 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 <sup>233</sup>

**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.

<sup>232</sup> 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.

<sup>233</sup> Ditto.

II.1.2. Eligible corporate voter<sup>234</sup> 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: 17<sup>235</sup>**

### **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?**

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<sup>234</sup> 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.

<sup>235</sup> 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 requirements<sup>236</sup>:

- (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 subsector<sup>237</sup>.

#### **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 person<sup>238</sup>:

- (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

<sup>236</sup> Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>237</sup> Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>238</sup> 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 nomination<sup>239</sup>:

(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 oath<sup>240</sup>; or

(b) the person has been declared or decided in accordance with any law—

(i) to be in breach of a specified oath<sup>241</sup>; 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 valid<sup>242</sup>.

## **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

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<sup>239</sup> Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>240</sup> 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.

<sup>241</sup> Ditto.

<sup>242</sup> Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).



whether or not the person is validly nominated<sup>243</sup>.

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 notice<sup>244</sup>. 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 Region<sup>245</sup>.

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 election<sup>246</sup>.

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

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<sup>243</sup> Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>244</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>245</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>246</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

whose election is questioned, as the case may be, review any ruling made<sup>247</sup>. 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 Officer<sup>248</sup>.

**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.

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<sup>247</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>248</sup> 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 — <ul style="list-style-type: none"> <li>(i) is a travel agent holding a licence as defined by section 2 of the Travel Agents Ordinance (Cap 218); and</li> <li>(ii) is —               <ul style="list-style-type: none"> <li>(A) a corporate member of the Travel Industry Council of Hong Kong entitled to vote at the Board of Directors of the Council<sup>249</sup>;</li> <li>(B) a corporate member of Hong Kong Association of China Travel Organisers Limited entitled to vote at the Executive Committee of the company<sup>250</sup>;</li> </ul> </li> </ul>

<sup>249</sup> 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.

<sup>250</sup> Ditto.

					<p>(C) a corporate member of International Chinese Tourist Association Limited entitled to vote at the Executive Committee of the company<sup>251</sup>;</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 company<sup>252</sup>;</p> <p>(E) a corporate member of Hong Kong Outbound Tour Operators' Association Limited entitled to vote at the Executive Committee of the company<sup>253</sup>;</p> <p>(F) a corporate member of Hong Kong Association of Travel Agents Limited entitled to vote at the Executive Committee of the company<sup>254</sup>;</p> <p>(G) a corporate member of Hongkong Taiwan Tourist Operators Association entitled to vote at the Executive Committee of the Association<sup>255</sup>;</p> <p>(H) a corporate member of Hongkong Japanese Tour</p>
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<sup>251</sup> Ditto.

<sup>252</sup> Ditto.

<sup>253</sup> Ditto.

<sup>254</sup> Ditto.

<sup>255</sup> Ditto.

					<p>Operators Association Limited entitled to vote at the Executive Committee of the company<sup>256</sup>; or</p> <p>(I) a corporate member of Society of IATA Passenger Agents Limited entitled to vote at the Executive Committee of the company<sup>257</sup>; 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 Board<sup>258</sup></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 voter<sup>259</sup> 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.

<sup>256</sup> Ditto.

<sup>257</sup> Ditto.

<sup>258</sup> Ditto.

<sup>259</sup> 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: 17<sup>260</sup>****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 requirements<sup>261</sup>:

- (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

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<sup>260</sup> 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.

<sup>261</sup> 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 subsector<sup>262</sup>.

#### **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 person<sup>263</sup>:

- (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 nomination<sup>264</sup>:

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<sup>262</sup> Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>263</sup> Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>264</sup> 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 oath<sup>265</sup>; or
- (b) the person has been declared or decided in accordance with any law—
  - (i) to be in breach of a specified oath<sup>266</sup>; 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 valid<sup>267</sup>.

## **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 nominated<sup>268</sup>.

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

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<sup>265</sup> 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.

<sup>266</sup> Ditto.

<sup>267</sup> Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>268</sup> 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 notice<sup>269</sup>. 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 Region<sup>270</sup>.

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 election<sup>271</sup>.

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 made<sup>272</sup>. 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 Officer<sup>273</sup>.

## **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.

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<sup>269</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>270</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>271</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>272</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>273</sup> 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"> <li>1. Parking Management and Consultancy Services Limited</li> <li>2. Airport Authority</li> <li>3. Hong Kong Driver's Training Association</li> <li>4. The Association of N.T. Radio Taxicabs Ltd.</li> <li>5. Autotoll Limited</li> <li>6. The Chartered Institute of Logistics and Transport in Hong Kong</li> <li>7. China Merchants Shipping &amp; Enterprises Co. Ltd.</li> <li>8. Chu Kong Shipping Enterprises (Holdings) Co. Ltd.</li> <li>9. Chuen Kee Ferry Limited</li> <li>10. Chuen Lee Radio Taxis Association Ltd.</li> <li>11. Citybus Ltd.</li> <li>12. Coral Sea Ferry Service Co., Ltd.</li> <li>13. COSCO-HIT Terminals (Hong Kong) Limited</li> <li>14. CTOD Association Company Ltd.</li> <li>15. Turbojet Ferry Services (Guangzhou) Limited</li> <li>16. Discovery Bay Transportation Services Ltd.</li> <li>17. Driving Instructors Merchants</li> </ol>

					<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 &amp; Kowloon Ferry Ltd.</p> <p>31. Hong Kong Kowloon Goods Vehicles, Omnibuses and Minibuses Instructors Association Limited</p> <p>32. Hong Kong &amp; Kowloon Motor Boats &amp; Tug Boats Association Limited</p> <p>33. Hong Kong &amp; 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 &amp; NT Public &amp; 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 &amp; 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 &amp; 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 &amp; 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 &amp; 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 &amp; 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 &amp; Drivers Fraternal Association</p> <p>91. N.W. Area Taxi Drivers &amp; 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 &amp; 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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					& Drivers Association Ltd. 116. Wai Fat Taxi Owners Association Ltd. 117. Wai Yik Hong Kong & Kowloon & NT Taxi Owners Association 118. West Coast International (Parking) Limited 119. Western Harbour Tunnel Co. Ltd 120. Wilson Parking (Hong Kong) Limited 121. Wing Lee Radio Car Traders Association Ltd. 122. Wing Tai Car Owners & Drivers Association Ltd. 123. Wu Gang Shipping Co. Ltd. 124. Xiamen United Enterprises (H.K.) Ltd. 125. School Buses Operators Association Limited 126. Sun Ferry Services Company Limited 127. Shun Tak-China Travel Macau Ferries Limited 128. Hong Kong Container Drayage Services Association Limited 129. Hong Kong Kowloon & N.T. Grab-Mounted Lorries Association Limited 130. Hong Kong Waste Disposal Industry Association 131. HK Public-light Bus Owner & Driver Association 132. Logistics Industry & Container Truck Drivers Union 133. The Concrete Producers Association of Hong Kong
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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 &amp; 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 &amp; Shipbuilding Company Limited</p> <p>229. The Motor Transport Company of Guangdong and Hong Kong Limited</p> <p>230. Weisheng Transportation &amp; 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 voter<sup>274</sup> 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.

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<sup>274</sup> 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: 17<sup>275</sup>****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 requirements<sup>276</sup>:

- (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

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<sup>275</sup> 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.

<sup>276</sup> 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 subsector<sup>277</sup>.

#### **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 person<sup>278</sup>:

- (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 nomination<sup>279</sup>:

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<sup>277</sup> Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>278</sup> Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>279</sup> 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 oath<sup>280</sup>; or
- (b) the person has been declared or decided in accordance with any law—
  - (i) to be in breach of a specified oath<sup>281</sup>; 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 valid<sup>282</sup>.

## **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 nominated<sup>283</sup>.
- 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

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<sup>280</sup> 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.

<sup>281</sup> Ditto.

<sup>282</sup> Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>283</sup> 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 notice<sup>284</sup>. 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 Region<sup>285</sup>.

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 election<sup>286</sup>.

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 made<sup>287</sup>. 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 Officer<sup>288</sup>.

## **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.

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<sup>284</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>285</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>286</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>287</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>288</sup> 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"> <li>1. Association of Better Business &amp; Tourism Services</li> <li>2. Chinese Medicine Merchants Association Ltd.</li> <li>3. Chinese Merchants (H.K.) Association Limited</li> <li>4. Chinese Paper Merchants Association Limited</li> <li>5. The Cosmetic &amp; Perfumery Association of Hong Kong Ltd.</li> <li>6. Eastern District Fresh Fish Merchants' Society</li> <li>7. Federation of Hong Kong Kowloon New Territories Hawker Associations</li> <li>8. The Federation of Hong Kong Watch Trades and Industries Ltd.</li> <li>9. HK Vegetable Wholesaler Community</li> <li>10. Hong Kong and Kowloon Bamboo Goods Merchants Association Limited</li> <li>11. Hong Kong and Kowloon Electrical Appliances Merchants Association Ltd.</li> <li>12. Hong Kong Electro-Plating Merchants Association Limited</li> <li>13. Hong Kong &amp; Kowloon Fruit &amp;</li> </ol>

					<p>Vegetable Employees &amp; Employers Guild</p> <p>14. Hong Kong &amp; 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 &amp; Kowloon Marine Products Merchants Association Ltd.</p> <p>17. Hong Kong &amp; Kowloon Plastic Products Merchants United Association Limited</p> <p>18. The Hong Kong &amp; Kowloon Provisions, Wine &amp; Spirit Dealers' Association Limited</p> <p>19. Hong Kong and Kowloon Rattan Ware Merchants Association (Wing-Hing-Tong)</p> <p>20. Hong Kong &amp; Kowloon Sauce &amp; Preserved-Fruit Amalgamated Employers Association</p> <p>21. Hong Kong &amp; Kowloon Tea Trade Merchants Association Ltd.</p> <p>22. Hong Kong &amp; Kowloon Timber Merchants Association Limited</p> <p>23. Hong Kong &amp; Kowloon Vermicelli &amp; 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 &amp; 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' &amp; 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 &amp; 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 &amp; 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 &amp; Silver Ornament Merchants Association</p> <p>53. The Merchants Association of First Wholesalers/Jobbery of Imported Fresh Fruits &amp; 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 &amp; Antler Association Hong Kong Ltd.</p> <p>58. The Rice Merchants' Association of Hong Kong Limited</p> <p>59. Kowloon Fruit &amp; 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 voter<sup>289</sup> 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.

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<sup>289</sup> 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: 17<sup>290</sup>**

### **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 requirements<sup>291</sup>:

- (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

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<sup>290</sup> 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.

<sup>291</sup> 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 subsector<sup>292</sup>.

#### **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 person<sup>293</sup>:

- (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 nomination<sup>294</sup>:

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<sup>292</sup> Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>293</sup> Section 18(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>294</sup> 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 oath<sup>295</sup>; or
- (b) the person has been declared or decided in accordance with any law—
  - (i) to be in breach of a specified oath<sup>296</sup>; 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 valid<sup>297</sup>.

## **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 nominated<sup>298</sup>.

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

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<sup>295</sup> 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.

<sup>296</sup> Ditto.

<sup>297</sup> Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>298</sup> 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 notice<sup>299</sup>. 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 Region<sup>300</sup>.

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 election<sup>301</sup>.

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 made<sup>302</sup>. 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 Officer<sup>303</sup>.

## **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.

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<sup>299</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>300</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>301</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>302</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>303</sup> 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 <sup>1</sup> (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

<sup>1</sup> 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 requirements<sup>2</sup>—

- (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 election<sup>3</sup>.

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 member<sup>4</sup>.

## **II.3. When a person is disqualified from being a nominee**

II.3.1. A person is disqualified from being a nominee if the person<sup>5</sup>—

- (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

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<sup>2</sup> Section 8(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>3</sup> Section 8(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>4</sup> Section 8(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>5</sup> 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 nomination<sup>6</sup>—

- (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 oath<sup>7</sup>; or
- (b) the person has been declared or decided in accordance with any law—
  - (i) to be in breach of a specified oath<sup>8</sup>; 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

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<sup>6</sup> Section 9(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>7</sup> 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.

<sup>8</sup> 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 valid<sup>9</sup>.

## **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 that<sup>10</sup>—

- (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

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<sup>9</sup> Section 7A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>10</sup> 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 Region<sup>11</sup>.

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 EC<sup>12</sup>.

## **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.

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<sup>11</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>12</sup> Section 5(4) of the Election Committee (Appeals) Regulation (Cap 569A).

- III.1.2. Eligible corporate voter<sup>13</sup> 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: 15<sup>14</sup>**

### **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.

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<sup>13</sup> 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.

<sup>14</sup> 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 requirements<sup>15</sup>:

- (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 subsector<sup>16</sup>.

**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 person<sup>17</sup>:

- (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

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<sup>15</sup> Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>16</sup> Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>17</sup> 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 nomination<sup>18</sup>:

- (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 oath<sup>19</sup>; or
- (b) the person has been declared or decided in accordance with any law—
  - (i) to be in breach of a specified oath<sup>20</sup>; 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 valid<sup>21</sup>.

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<sup>18</sup> Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>19</sup> 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.

<sup>20</sup> Ditto.

<sup>21</sup> 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 nominated<sup>22</sup>.

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 notice<sup>23</sup>. 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 Region<sup>24</sup>.

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 election<sup>25</sup>.

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<sup>22</sup> Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>23</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>24</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>25</sup> 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 made<sup>26</sup>. 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 Officer<sup>27</sup>.

**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.

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<sup>26</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>27</sup> 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 <sup>28</sup> : <ol style="list-style-type: none"> <li>1. the President of The Hong Kong Institute of Architects</li> <li>2. the President of The Hong Kong Institute of Surveyors</li> <li>3. the President of The Hong Kong Institute of Planners</li> <li>4. the President of The Hong Kong Institute of Landscape Architects</li> <li>5. the Chairman of the Hong Kong Housing Authority</li> <li>6. the Chairman of the Town Planning Board</li> <li>7. the Chairman of the Board of the Urban Renewal Authority</li> <li>8. the Chairman of the Hong Kong Housing Society</li> <li>9. the Chairman of the Antiquities Advisory Board</li> <li>10. the Chairperson of the</li> </ol>

<sup>28</sup> 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 &amp; Associates Architects Limited</p> <p>30. DLN Architects Limited</p> <p>31. Leigh &amp; Orange Limited</p> <p>32. LWK &amp; Partners (HK) Limited</p> <p>33. P&amp;T Architects and Engineers Limited</p> <p>34. Ronald Lu &amp; Partners (Hong Kong) Limited</p> <p>35. Wong &amp; Ouyang (HK) Limited</p> <p>36. Wong Tung &amp; Partners Limited</p> <p>37. Ho &amp; Partners Architects Engineers &amp; Development Consultants Limited</p> <p>38. Rocco Design Architects Limited</p> <p>39. Simon Kwan &amp; Associates Limited</p> <p>40. TFP Farrells Limited</p> <p>41. Freevision Limited</p> <p>42. Fruit Design &amp; 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 GC<sup>29</sup>.

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 subsector<sup>30</sup>. 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 member<sup>31</sup>.

<sup>29</sup> Section 5L(1)(a) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>30</sup> Section 5I of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>31</sup> 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 person<sup>32</sup>—
- (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 servant<sup>33</sup>, 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 person<sup>34</sup>:
- (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

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<sup>32</sup> Section 5L(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>33</sup> Section 5L of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>34</sup> 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 form<sup>35</sup>:
- (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 oath<sup>36</sup>; or
  - (b) the person has been declared or decided in accordance with any law:
    - (i) to be in breach of a specified oath<sup>37</sup>; 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 valid<sup>38</sup>.
- 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.

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<sup>35</sup> Section 5M(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>36</sup> 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.

<sup>37</sup> Ditto.

<sup>38</sup> 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 that<sup>39</sup>—

- (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 concerned<sup>40</sup>. 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 Region<sup>41</sup>.

- 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 representation<sup>42</sup>.
- 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

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<sup>39</sup> Section 4A(1) of the EC (Appeals) Regulation (Cap 569A).

<sup>40</sup> Section 4A(3) of the EC (Appeals) Regulation (Cap 569A).

<sup>41</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>42</sup> 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 made<sup>43</sup>. 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 EC<sup>44</sup>.

**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 voter<sup>45</sup> 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

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<sup>43</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>44</sup> Section 5(4) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>45</sup> 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: 15<sup>46</sup>**

### **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 requirements<sup>47</sup>:

- (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.

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<sup>46</sup> 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.

<sup>47</sup> 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 subsector<sup>48</sup>.

#### **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 person<sup>49</sup>:

- (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

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<sup>48</sup> Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>49</sup> 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 nomination<sup>50</sup>:

- (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 oath<sup>51</sup>; or
- (b) the person has been declared or decided in accordance with any law—
  - (i) to be in breach of a specified oath<sup>52</sup>; 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 valid<sup>53</sup>.

### **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 nominated<sup>54</sup>.

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

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<sup>50</sup> Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>51</sup> 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.

<sup>52</sup> Ditto.

<sup>53</sup> Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>54</sup> 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 notice<sup>55</sup>. 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 Region<sup>56</sup>.

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 election<sup>57</sup>.

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 made<sup>58</sup>. 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 Officer<sup>59</sup>.

### **III.2.10. The requirement for signing a written oath in order to include the name of a**

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<sup>55</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>56</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>57</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>58</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>59</sup> 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 <sup>60</sup> ; or (c) the following listed bodies:  <b>Part 1—Statutory Regulatory and Consultative Bodies</b>  1. Chinese Medicine Council of Hong Kong 2. Chinese Medicine Development Committee

<sup>60</sup> 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><b>Part 2—Administrative and Training Institutions</b></p> <ol style="list-style-type: none"> <li>1. Hong Kong Registered Chinese Medicine Practitioners Association Limited</li> <li>2. China Society of Practitioners of Chinese Medicine Limited</li> <li>3. The Kowloon Chinese Herbalists Association Limited</li> <li>4. Buddhist Vassar Chinese Medical College Limited</li> <li>5. Hong Kong Wah Ha Medicine Association</li> <li>6. School of Chinese Medicine, The University of Hong Kong</li> <li>7. Hong Kong Acupuncture and Moxibustion Association</li> <li>8. School of Chinese Medicine, The Chinese University of Hong Kong</li> <li>9. Society for Research on Traditional Chinese Medicine Limited</li> <li>10. Wahhar College Hong Kong Limited</li> <li>11. School of Continuing and Professional Studies, The Chinese University of Hong Kong</li> <li>12. School of Chinese Medicine, Hong Kong</li> </ol>
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					<p>Baptist University</p> <p>13. Hong Kong &amp; 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 &amp; Traumatic Association Limited</p>
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					<p>26. Hong Kong Chinese Herbalists Association Limited</p> <p>27. Association of Hong Kong &amp; Kowloon Practitioners of Chinese Medicine, Limited</p> <p>28. Hong Kong Chinese Medicine Practitioners Association Limited</p> <p><b>Part 3—Other Relevant Bodies</b></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 &amp; 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 requirements<sup>61</sup>—

- (a) is both registered and eligible to be registered as an elector for a geographical

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<sup>61</sup> 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 election<sup>62</sup>.

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 member<sup>63</sup>.

### **II.3. When a person is disqualified from being a nominee**

II.3.1. A person is disqualified from being a nominee if the person<sup>64</sup>—

- (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

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<sup>62</sup> Section 8(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>63</sup> Section 8(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>64</sup> 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 nomination<sup>65</sup>—
- (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 oath<sup>66</sup>; or
- (b) the person has been declared or decided in accordance with any law—
- (i) to be in breach of a specified oath<sup>67</sup>; 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 valid<sup>68</sup>.

#### **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

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<sup>65</sup> Section 9(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>66</sup> 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.

<sup>67</sup> Ditto.

<sup>68</sup> 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 that<sup>69</sup>—

- (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 Region<sup>70</sup>.

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

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<sup>69</sup> Section 4 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>70</sup> 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 EC<sup>71</sup>.

## **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 voter<sup>72</sup> 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.

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<sup>71</sup> Section 5(4) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>72</sup> 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: 15<sup>73</sup>**

### **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 requirements<sup>74</sup>:

- (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

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<sup>73</sup> 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.

<sup>74</sup> 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 subsector<sup>75</sup>.

### **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 person<sup>76</sup>:

- (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

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<sup>75</sup> Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>76</sup> 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 nomination<sup>77</sup>:

- (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 oath<sup>78</sup>; or
- (b) the person has been declared or decided in accordance with any law—
  - (i) to be in breach of a specified oath<sup>79</sup>; 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 valid<sup>80</sup>.

### **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 nominated<sup>81</sup>.

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.

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<sup>77</sup> Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>78</sup> 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.

<sup>79</sup> Ditto.

<sup>80</sup> Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>81</sup> 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 notice<sup>82</sup>. 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 Region<sup>83</sup>.

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 election<sup>84</sup>.

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 made<sup>85</sup>. 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 Officer<sup>86</sup>.

**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

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<sup>82</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>83</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>84</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>85</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>86</sup> 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 <sup>87</sup> : <ol style="list-style-type: none"> <li>1. the Vice-Chancellor of The University of Hong Kong</li> <li>2. the Vice-Chancellor of The Chinese University of Hong Kong</li> <li>3. the President of The Hong Kong University of Science and Technology</li> <li>4. the President of the City University of Hong Kong</li> <li>5. the President of The Hong Kong Polytechnic University</li> <li>6. the President of The Education University of Hong Kong</li> <li>7. the President and Vice-</li> </ol>

<sup>87</sup> 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 bodies<sup>88</sup>:</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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<sup>88</sup> 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 colleges<sup>89</sup> 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))<sup>90</sup>; or</p> <p>(i) schools entirely maintained and controlled by the Government<sup>91</sup></p>
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<sup>89</sup> 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.

<sup>90</sup> Ditto.

<sup>91</sup> 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 GC<sup>92</sup>.

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 subsector<sup>93</sup>. 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 member<sup>94</sup>.

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 subsector<sup>95</sup>.

II.1.5. A person is not eligible to be registered as an ex-officio member if the person<sup>96</sup>—

- (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;

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<sup>92</sup> Section 5L(1)(a) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>93</sup> Section 5I of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>94</sup> Section 5J of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>95</sup> Section 5J(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>96</sup> 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 person<sup>97</sup>:

- (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 form<sup>98</sup>:

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<sup>97</sup> Section 5M(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>98</sup> 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 oath<sup>99</sup>; or
- (b) the person has been declared or decided in accordance with any law:
  - (i) to be in breach of a specified oath<sup>100</sup>; 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 valid<sup>101</sup>.

### **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

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<sup>99</sup> 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.

<sup>100</sup> Ditto.

<sup>101</sup> 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 that<sup>102</sup>—

- (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 concerned<sup>103</sup>. 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 Region<sup>104</sup>.

- 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 representation<sup>105</sup>.
- 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 made<sup>106</sup>. 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 EC<sup>107</sup>.

## **II.5. The requirement for signing a written oath in order to include the name of a**

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<sup>102</sup> Section 4A(1) of the EC (Appeals) Regulation (Cap 569A).

<sup>103</sup> Section 4A(3) of the EC (Appeals) Regulation (Cap 569A).

<sup>104</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>105</sup> Section 4A(2) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>106</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>107</sup> 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 voter<sup>108</sup> 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.

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<sup>108</sup> 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: 14<sup>109</sup>****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 requirements<sup>110</sup>:

- (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

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<sup>109</sup> 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.

<sup>110</sup> 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 subsector<sup>111</sup>.

### **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 person<sup>112</sup>:

- (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.

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<sup>111</sup> Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>112</sup> 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 nomination<sup>113</sup>:

- (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 oath<sup>114</sup>; or
- (b) the person has been declared or decided in accordance with any law—
  - (i) to be in breach of a specified oath<sup>115</sup>; 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 valid<sup>116</sup>.

### **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 nominated<sup>117</sup>.

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.

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<sup>113</sup> Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>114</sup> 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.

<sup>115</sup> Ditto.

<sup>116</sup> Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>117</sup> 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 notice<sup>118</sup>. 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 Region<sup>119</sup>.

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 election<sup>120</sup>.

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 made<sup>121</sup>. 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 Officer<sup>122</sup>.

**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.

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<sup>118</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>119</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>120</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>121</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>122</sup> 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 <sup>123</sup> : <ol style="list-style-type: none"> <li>1. the President of The Hong Kong Institution of Engineers</li> <li>2. the Chairman of the Board of the Airport Authority</li> <li>3. the Chairman of the Consulting Engineers' Committee</li> <li>4. the Chairperson of the Construction Industry Council</li> <li>5. the Chairman of the Building Contractors Committee</li> <li>6. the Chairman of the Advisory Committee on Water Supplies</li> <li>7. the Chairman of the Transport Advisory Committee</li> <li>8. the Chairman of the Advisory Council on the Environment</li> <li>9. the Chairman of the Electrical Safety Advisory Committee</li> <li>10. the Chairman of the Gas</li> </ol>

<sup>123</sup> 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"> <li>11. the Chairman of the Energy Advisory Committee</li> <li>12. the Chairman of the Advisory Committee on the Appearance of Bridges and Associated Structures</li> <li>13. the Chairman of the Lift and Escalator Safety Advisory Committee</li> <li>14. the Chairman of the Board of MTR Corporation Limited</li> <li>15. the Chairperson of the Drinking Water Safety Advisory Committee</li> </ol>
	Election	15		✓	<p>The following listed bodies:</p> <ol style="list-style-type: none"> <li>1. The Hong Kong Institution of Engineers</li> <li>2. CLP Power Hong Kong Limited</li> <li>3. The Hong Kong and China Gas Company Limited</li> <li>4. The Hongkong Electric Company, Limited</li> <li>5. MTR Corporation Limited</li> <li>6. Airport Authority</li> <li>7. Kowloon-Canton Railway Corporation</li> <li>8. Structural Engineers Registration Committee</li> <li>9. Contractors Registration Committee</li> <li>10. Geotechnical Engineers Registration Committee</li> <li>11. Construction Industry Council</li> <li>12. Construction Industry Training Board</li> </ol>

					<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 &amp; 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 &amp; Engineering Limited</p> <p>26. Ove Arup &amp; 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 &amp; 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 &amp; 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 &amp; 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 GC<sup>124</sup>.
- 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 subsector<sup>125</sup>. 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 member<sup>126</sup>.
- II.1.4. A person is not eligible to be registered as an ex-officio member if the person<sup>127</sup>—
- (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 servant<sup>128</sup>, 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 person<sup>129</sup>:

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<sup>124</sup> Section 5L(1)(a) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>125</sup> Section 5I of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>126</sup> Section 5J of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>127</sup> Section 5L(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>128</sup> Section 5L of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>129</sup> 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 form<sup>130</sup>:

- (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 oath<sup>131</sup>; or
- (b) the person has been declared or decided in accordance with any law:
  - (i) to be in breach of a specified oath<sup>132</sup>; or
  - (ii) to have failed to fulfil the legal requirements and conditions on upholding

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<sup>130</sup> Section 5M(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>131</sup> 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.

<sup>132</sup> 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 valid<sup>133</sup>.

**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 that<sup>134</sup>—

- (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

<sup>133</sup> Section 5K of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>134</sup> 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 concerned<sup>135</sup>. 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 Region<sup>136</sup>.

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 representation<sup>137</sup>.

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 made<sup>138</sup>. 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 EC<sup>139</sup>.

## **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.

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<sup>135</sup> Section 4A(3) of the EC (Appeals) Regulation (Cap 569A).

<sup>136</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>137</sup> Section 4A(2) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>138</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>139</sup> 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 voter<sup>140</sup> 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: 15<sup>141</sup>**

##### **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

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<sup>140</sup> 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.

<sup>141</sup> 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 requirements<sup>142</sup>:

- (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 subsector<sup>143</sup>.

### **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 person<sup>144</sup>:

- (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

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<sup>142</sup> Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>143</sup> Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>144</sup> 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 nomination<sup>145</sup>:

- (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 oath<sup>146</sup>; or
- (b) the person has been declared or decided in accordance with any law—
  - (i) to be in breach of a specified oath<sup>147</sup>; 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

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<sup>145</sup> Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>146</sup> 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.

<sup>147</sup> Ditto.

of China and be signed by the person, or otherwise the nomination is not valid<sup>148</sup>.

### **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 nominated<sup>149</sup>.

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 notice<sup>150</sup>. 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 Region<sup>151</sup>.

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

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<sup>148</sup> Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>149</sup> Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>150</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>151</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

election<sup>152</sup>.

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 made<sup>153</sup>. 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 Officer<sup>154</sup>.

**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.

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<sup>152</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>153</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>154</sup> 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 <sup>155</sup>
	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

<sup>155</sup> 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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					Limited 19. Hong Kong Mediation Centre Limited 20. Asian Academy of International Law Limited 21. Legal Affairs Steering Committee of the Hong Kong Chinese Enterprises Association 22. The Legal Education Fund Limited 23. Basic Law Institute Limited 24. Asia Pacific Law Association Limited 25. Hong Kong Basic Law Education Association 26. Basic Law Foundation Limited 27. South China International Arbitration Center (HK) Limited 28. Legal Profession Advancement Association Limited 29. The Hong Kong and Mainland Legal Profession Association Limited 30. International Probono Legal Services Association 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 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 GC<sup>156</sup>.
- 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 subsector<sup>157</sup>. 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 member<sup>158</sup>.
- II.1.4. A person is not eligible to be registered as an ex-officio member if the person<sup>159</sup>—
- (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 registered<sup>160</sup>, 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

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<sup>156</sup> Section 5L(1)(a) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>157</sup> Section 5I of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>158</sup> Section 5J of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>159</sup> Section 5L(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>160</sup> Section 5L of the Schedule to the Chief Executive Election Ordinance (Cap 569).

person<sup>161</sup>:

- (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 form<sup>162</sup>:

- (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 oath<sup>163</sup>; or
- (b) the person has been declared or decided in accordance with any law:

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<sup>161</sup> Section 5M(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>162</sup> Section 5M(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>163</sup> 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 oath<sup>164</sup>; 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 valid<sup>165</sup>.

### **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 that<sup>166</sup>—
  - (a) the ex-officio member was ineligible to be registered as, or was disqualified

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<sup>164</sup> Ditto.

<sup>165</sup> Section 5K of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>166</sup> 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 concerned<sup>167</sup>. 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 Region<sup>168</sup>.

- 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 representation<sup>169</sup>.
- 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 made<sup>170</sup>. 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 EC<sup>171</sup>.

## **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

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<sup>167</sup> Section 4A(3) of the EC (Appeals) Regulation (Cap 569A).

<sup>168</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>169</sup> Section 4A(2) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>170</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>171</sup> 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 requirements<sup>172</sup>—

- (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

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<sup>172</sup> Section 8(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

candidate at a subsector ordinary election<sup>173</sup>.

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 member<sup>174</sup>.

### **III.3. When a person is disqualified from being a nominee**

III.3.1. A person is disqualified from being a nominee if the person<sup>175</sup>—

- (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 nomination<sup>176</sup>—

- (a) the person has vacated an office, or has been disqualified from entering on an

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<sup>173</sup> Section 8(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>174</sup> Section 8(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>175</sup> Section 9(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>176</sup> 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 oath<sup>177</sup>; or

- (b) the person has been declared or decided in accordance with any law—
  - (i) to be in breach of a specified oath<sup>178</sup>; 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 valid<sup>179</sup>.

#### **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.

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<sup>177</sup> 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.

<sup>178</sup> Ditto.

<sup>179</sup> 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 that<sup>180</sup>—

- (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 Region<sup>181</sup>.

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 EC<sup>182</sup>.

**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.

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<sup>180</sup> Section 4 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>181</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>182</sup> 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 voter<sup>183</sup> 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: 15<sup>184</sup>**

###### **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

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<sup>183</sup> 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.

<sup>184</sup> 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 requirements<sup>185</sup>:

- (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 subsector<sup>186</sup>.

### **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 person<sup>187</sup>:

- (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

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<sup>185</sup> Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>186</sup> Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>187</sup> 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 nomination<sup>188</sup>:

- (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 oath<sup>189</sup>; or
- (b) the person has been declared or decided in accordance with any law—
  - (i) to be in breach of a specified oath<sup>190</sup>; or
  - (ii) to have failed to fulfil the legal requirements and conditions on upholding

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<sup>188</sup> Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>189</sup> 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.

<sup>190</sup> 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 valid<sup>191</sup>.

#### **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 nominated<sup>192</sup>.

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 notice<sup>193</sup>.

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<sup>191</sup> Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>192</sup> Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>193</sup> 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 Region<sup>194</sup>.

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 election<sup>195</sup>.

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 made<sup>196</sup>. 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 Officer<sup>197</sup>.

**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.

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<sup>194</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>195</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>196</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>197</sup> 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 <sup>198</sup> : <ol style="list-style-type: none"> <li>1. the Chairman of the Hospital Authority</li> <li>2. the Chairman of the Board of Governors of The Prince Philip Dental Hospital</li> <li>3. the Chairman of the Medical Council of Hong Kong</li> <li>4. the Chairman of the Dental Council of Hong Kong</li> <li>5. the President of the Hong Kong Academy of Medicine</li> <li>6. the Chairman of the Nursing Council of Hong Kong</li> <li>7. the Chairman of the Midwives Council of Hong Kong</li> <li>8. the Chairman of the Supplementary Medical Professions Council</li> <li>9. the Chairman of the</li> </ol>

<sup>198</sup> 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))<sup>199</sup>;</p> <p>(b) any hospital licensed under the Private Healthcare Facilities Ordinance (Cap 633)<sup>200</sup>; or</p> <p>(c) The following listed bodies:</p> <ol style="list-style-type: none"> <li>1. Hospital Authority</li> <li>2. Board of Governors of The Prince Philip Dental Hospital</li> <li>3. Medical Council of Hong Kong</li> </ol>

<sup>199</sup> 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.

<sup>200</sup> Ditto.



					<ol style="list-style-type: none"> <li>4. Dental Council of Hong Kong</li> <li>5. Hong Kong Academy of Medicine</li> <li>6. Nursing Council of Hong Kong</li> <li>7. Midwives Council of Hong Kong</li> <li>8. Supplementary Medical Professions Council</li> <li>9. Pharmacy and Poisons Board</li> <li>10. Chiropractors Council</li> <li>11. Li Ka Shing Faculty of Medicine of The University of Hong Kong</li> <li>12. Faculty of Medicine of The Chinese University of Hong Kong</li> <li>13. Hong Kong St. John Ambulance</li> <li>14. Auxiliary Medical Service</li> <li>15. Medical Laboratory Technologists Board</li> <li>16. Occupational Therapists Board</li> <li>17. Optometrists Board</li> <li>18. Physiotherapists Board</li> <li>19. Radiographers Board</li> <li>20. Hong Kong Association of Speech Therapists</li> <li>21. Hong Kong Institute of Audiologists</li> <li>22. The Hong Kong Academy of Accredited Dietitians</li> <li>23. The Hong Kong Association of Educational</li> </ol>
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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 GC<sup>201</sup>.

II.1.3. It is important to note that if an National People’s Congress (“NPC”) deputy or a

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<sup>201</sup> 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 subsector<sup>202</sup>. 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 member<sup>203</sup>.

- II.1.4. A person is not eligible to be registered as an ex-officio member if the person<sup>204</sup>—
- (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 servant<sup>205</sup>, 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 person<sup>206</sup>:
- (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;

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<sup>202</sup> Section 5I of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>203</sup> Section 5J of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>204</sup> Section 5L(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>205</sup> Section 5L of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>206</sup> 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 form<sup>207</sup>:

- (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 oath<sup>208</sup>; or
- (b) the person has been declared or decided in accordance with any law:
  - (i) to be in breach of a specified oath<sup>209</sup>; 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

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<sup>207</sup> Section 5M(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>208</sup> 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.

<sup>209</sup> Ditto.

of China and be signed by the person, or otherwise the registration is not valid<sup>210</sup>.

**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 that<sup>211</sup>—

- (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 concerned<sup>212</sup>. 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

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<sup>210</sup> Section 5K of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>211</sup> Section 4A(1) of the EC (Appeals) Regulation (Cap 569A).

<sup>212</sup> Section 4A(3) of the EC (Appeals) Regulation (Cap 569A).

Hong Kong Special Administrative Region<sup>213</sup>.

- 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 representation<sup>214</sup>.
- 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 made<sup>215</sup>. 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 EC<sup>216</sup>.

**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

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<sup>213</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>214</sup> Section 4A(2) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>215</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>216</sup> 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 voter<sup>217</sup> 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: 15<sup>218</sup>**

### **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.

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<sup>217</sup> 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.

<sup>218</sup> 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 requirements<sup>219</sup>:

- (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 subsector<sup>220</sup>.

**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 person<sup>221</sup>:

- (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

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<sup>219</sup> Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>220</sup> Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>221</sup> 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 nomination<sup>222</sup>:

- (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 oath<sup>223</sup>; or
- (b) the person has been declared or decided in accordance with any law—
  - (i) to be in breach of a specified oath<sup>224</sup>; 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 valid<sup>225</sup>.

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<sup>222</sup> Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>223</sup> 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.

<sup>224</sup> Ditto.

<sup>225</sup> 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 nominated<sup>226</sup>.
- 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 notice<sup>227</sup>. 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 Region<sup>228</sup>.
- 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 election<sup>229</sup>.

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<sup>226</sup> Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>227</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>228</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>229</sup> 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 made<sup>230</sup>. 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 Officer<sup>231</sup>.

**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.

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<sup>230</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>231</sup> 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 <sup>232</sup> : <ol style="list-style-type: none"> <li>1. the Chairperson of the Executive Committee of the Hong Kong Council of Social Service</li> <li>2. the Chairperson of the Social Workers Registration Board</li> <li>3. the Chairman of the Council of the Institute of Social Service Development</li> <li>4. the Chairman of the Board of Directors of the Tung Wah Group of Hospitals</li> <li>5. the Chairman of the Board of Directors of the Po Leung Kuk</li> <li>6. the Chairman of the Board of Directors of the Yan Chai Hospital</li> <li>7. the Chairman of the Board of Directors of Pok Oi</li> </ol>

<sup>232</sup> 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>Department<sup>233</sup>; or</p> <p>(b) the following listed bodies:</p> <ol style="list-style-type: none"> <li>1. Hong Kong Council of Social Service</li> <li>2. Social Workers Registration Board</li> <li>3. Institute of Social Service Development</li> <li>4. Tung Wah Group of Hospitals</li> <li>5. Po Leung Kuk</li> <li>6. Yan Chai Hospital</li> <li>7. Pok Oi Hospital</li> <li>8. Yan Oi Tong Limited</li> <li>9. The Lok Sin Tong Benevolent Society Kowloon</li> <li>10. New Home Association Limited</li> <li>11. Social Workers Across Borders Limited</li> <li>12. The Hong Kong Volunteers Federation Company Limited</li> <li>13. The Hong Kong Federation of Trade Unions Hong Ling Society</li> <li>14. The United Labour Chi Hong Association Limited</li> <li>15. The Hong Kong Island Social Services Charitable Foundation Limited</li> </ol>
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<sup>233</sup> 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 GC<sup>234</sup>.

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 subsector<sup>235</sup>. 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 member<sup>236</sup>.

II.1.4. A person is not eligible to be registered as an ex-officio member if the person<sup>237</sup>—

- (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

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<sup>234</sup> Section 5L(1)(a) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>235</sup> Section 5I of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>236</sup> Section 5J of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>237</sup> Section 5L(3) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

officer or civil servant<sup>238</sup>, 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 person<sup>239</sup>:

- (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 form<sup>240</sup>:

- (a) the person has vacated an office, or has been disqualified from entering on an

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<sup>238</sup> Section 5L of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>239</sup> Section 5M(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>240</sup> 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 oath<sup>241</sup>; or

- (b) the person has been declared or decided in accordance with any law:
  - (i) to be in breach of a specified oath<sup>242</sup>; 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 valid<sup>243</sup>.

## **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

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<sup>241</sup> 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.

<sup>242</sup> Ditto.

<sup>243</sup> 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 that<sup>244</sup>—

- (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 concerned<sup>245</sup>. 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 Region<sup>246</sup>.

- 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 representation<sup>247</sup>.
- 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 made<sup>248</sup>. 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 EC<sup>249</sup>.

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<sup>244</sup> Section 4A(1) of the EC (Appeals) Regulation (Cap 569A).

<sup>245</sup> Section 4A(3) of the EC (Appeals) Regulation (Cap 569A).

<sup>246</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>247</sup> Section 4A(2) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>248</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>249</sup> 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 voter<sup>250</sup> 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.

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<sup>250</sup> 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: 15<sup>251</sup>****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 requirements<sup>252</sup>:

- (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

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<sup>251</sup> 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.

<sup>252</sup> 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 subsector<sup>253</sup>.

### **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 person<sup>254</sup>:

- (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.

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<sup>253</sup> Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>254</sup> 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 nomination<sup>255</sup>:

- (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 oath<sup>256</sup>; or
- (b) the person has been declared or decided in accordance with any law—
  - (i) to be in breach of a specified oath<sup>257</sup>; 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 valid<sup>258</sup>.

### **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 nominated<sup>259</sup>.

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.

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<sup>255</sup> Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>256</sup> 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.

<sup>257</sup> Ditto.

<sup>258</sup> Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>259</sup> 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 notice<sup>260</sup>. 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 Region<sup>261</sup>.

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 election<sup>262</sup>.

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 made<sup>263</sup>. 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 Officer<sup>264</sup>.

**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.

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<sup>260</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>261</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>262</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>263</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>264</sup> 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 <sup>265</sup> ; (b) Hong Kong Sports Institute Limited; (c) any body <sup>266</sup> that— (i) is a corporate member of the Hong Kong Publishing Federation Limited; and (ii) is entitled to vote at

<sup>265</sup> 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.

<sup>266</sup> Ditto.

					<p>general meetings of the company; or</p> <p>(d) the following listed bodies:</p> <p><b>Part 1—Performing Arts Industry Associations and Local Licensed Broadcasting Institutions</b></p> <ol style="list-style-type: none"> <li>1. Hong Kong Motion Picture Industry Association Limited</li> <li>2. Hong Kong Film Awards Association Ltd.</li> <li>3. Association for Betterment of Hong Kong's Entertainment Industry in Mainland China Limited</li> <li>4. Federation of Hong Kong Filmmakers Limited</li> <li>5. Movie Producers and Distributors Association of Hong Kong Ltd.</li> <li>6. Hong Kong Chamber of Films Limited</li> <li>7. Hong Kong Theatres Association Ltd.</li> <li>8. 華南電影工作者聯合會</li> <li>9. International Federation of the Phonographic Industry (Hong Kong Group) Limited</li> <li>10. Music Publishers Association of Hong Kong Limited</li> <li>11. Hong Kong Recording Industry Alliance Limited</li> <li>12. Television Broadcasts</li> </ol>
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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 &amp; Television Association Limited</p> <p><b>Part 2—Cultural Public Institutions, Associations and Bodies</b></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 &amp; 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 requirements<sup>267</sup>—

- (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

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<sup>267</sup> 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 election<sup>268</sup>.

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 member<sup>269</sup>.

### **II.3. When a person is disqualified from being a nominee**

II.3.1. A person is disqualified from being a nominee if the person<sup>270</sup>—

- (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

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<sup>268</sup> Section 8(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>269</sup> Section 8(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>270</sup> Section 9(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

date of nomination<sup>271</sup>—

- (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 oath<sup>272</sup>; or
- (b) the person has been declared or decided in accordance with any law—
  - (i) to be in breach of a specified oath<sup>273</sup>; 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 valid<sup>274</sup>.

#### **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

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<sup>271</sup> Section 9(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>272</sup> 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.

<sup>273</sup> Ditto.

<sup>274</sup> 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 that<sup>275</sup>—

- (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 Region<sup>276</sup>.

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 EC<sup>277</sup>.

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<sup>275</sup> Section 4 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>276</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>277</sup> 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 voter<sup>278</sup> 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.

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<sup>278</sup> 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: 15<sup>279</sup>****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 requirements<sup>280</sup>:

- (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

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<sup>279</sup> 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.

<sup>280</sup> 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 subsector<sup>281</sup>.

### **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 person<sup>282</sup>:

- (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

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<sup>281</sup> Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>282</sup> 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 nomination<sup>283</sup>:

- (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 oath<sup>284</sup>; or
- (b) the person has been declared or decided in accordance with any law—
  - (i) to be in breach of a specified oath<sup>285</sup>; 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 valid<sup>286</sup>.

### **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 nominated<sup>287</sup>.

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.

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<sup>283</sup> Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>284</sup> 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.

<sup>285</sup> Ditto.

<sup>286</sup> Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>287</sup> 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 notice<sup>288</sup>. 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 Region<sup>289</sup>.

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 election<sup>290</sup>.

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 made<sup>291</sup>. 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 Officer<sup>292</sup>.

**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.

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<sup>288</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>289</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>290</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>291</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>292</sup> 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><b>Part 1—National Level Research Platforms</b></p> <ol style="list-style-type: none"> <li>1. State Key Laboratory of Emerging Infectious Diseases (The University of Hong Kong)</li> <li>2. State Key Laboratory of Brain and Cognitive Science (The University of Hong Kong)</li> <li>3. State Key Laboratory of Translational Oncology (The Chinese University of Hong Kong)</li> <li>4. State Key Laboratory of Terahertz and Millimeter Waves (City University of Hong Kong)</li> </ol>

					<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 &amp; Reconstruction</p>
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					<p>22. Hong Kong Branch of Chinese National Engineering Research Center for Control &amp; Treatment of Heavy Metal Pollution</p> <p>23. Hong Kong Institute of Science &amp; Innovation, Chinese Academy of Sciences Limited</p> <p>24. Centre for Regenerative Medicine and Health, Hong Kong Institute of Science &amp; Innovation, Chinese Academy of Sciences Limited</p> <p>25. Centre for Artificial Intelligence and Robotics, Hong Kong Institute of Science &amp; Innovation, Chinese Academy of Sciences Limited</p> <p><b>Part 2—Public Organizations Highly Relevant to Development of Innovation and Technology</b></p> <p>1. Hong Kong Applied Science And Technology Research Institute Company Limited</p> <p>2. Logistics and Supply Chain MultiTech R&amp;D Centre Limited</p> <p>3. The Hong Kong Research Institute of Textiles and Apparel Limited</p>
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				<p>4. Nano and Advanced Materials Institute Limited</p> <p>5. Hong Kong Cyberport Management Company Limited</p> <p>6. Hong Kong Science and Technology Parks Corporation</p> <p>7. The Hong Kong Institute of Biotechnology Limited</p> <p>8. Hong Kong Productivity Council</p> <p>9. Hong Kong Internet Registration Corporation Limited</p> <p>10. Hong Kong-Shenzhen Innovation and Technology Park Limited</p> <p>11. Automotive Platforms and Application Systems R&amp;D Centre</p> <p><b>Part 3—Academic Organizations and professional Bodies Participating in Government’s Consultation related to Development of Innovation and Technology</b></p> <p>1. The Hong Kong Academy of Sciences</p> <p>2. Hong Kong Academy of Engineering Sciences</p> <p>3. The Hong Kong Young Academy of Sciences</p> <p>4. The Society of Hong Kong Scholars</p>
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					<ol style="list-style-type: none"> <li>5. Internet Professional Association Limited</li> <li>6. Hong Kong Information Technology Joint Council Limited</li> <li>7. Hong Kong Computer Society</li> <li>8. Hong Kong Software Industry Association Limited</li> <li>9. Communications Association of Hong Kong Limited</li> <li>10. Hong Kong Society of Artificial Intelligence and Robotics Limited</li> <li>11. Hong Kong Biotechnology Organization</li> <li>12. HK Bio-Med Innotech Association Limited</li> <li>13. Hong Kong Data Centre Association Limited</li> <li>14. Hong Kong Federation of Innovative Technologies and Manufacturing Industries Limited</li> <li>15. Smart City Consortium Limited</li> <li>16. E-Commerce Association of Hong Kong Limited</li> <li>17. Esports Association of Hong Kong Limited</li> <li>18. The Hong Kong Electronic Industries Association Limited</li> </ol>
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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 requirements<sup>293</sup>—

- (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 election<sup>294</sup>.

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 member<sup>295</sup>.

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<sup>293</sup> Section 8(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>294</sup> Section 8(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>295</sup> 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 person<sup>296</sup>—

- (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 nomination<sup>297</sup>—

- (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 oath<sup>298</sup>; or
- (b) the person has been declared or decided in accordance with any law—

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<sup>296</sup> Section 9(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>297</sup> Section 9(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>298</sup> 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 oath<sup>299</sup>; 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 valid<sup>300</sup>.

#### **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 that<sup>301</sup>—
  - (a) the declared member was ineligible to be selected as, or was disqualified from

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<sup>299</sup> Ditto.

<sup>300</sup> Section 7A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>301</sup> 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 Region<sup>302</sup>.

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 EC<sup>303</sup>.

## **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).

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<sup>302</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>303</sup> 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 voter<sup>304</sup> 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: 15<sup>305</sup>**

##### **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

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<sup>304</sup> 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.

<sup>305</sup> 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 requirements<sup>306</sup>:

- (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 subsector<sup>307</sup>.

### **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 person<sup>308</sup>:

- (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

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<sup>306</sup> Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>307</sup> Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>308</sup> 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 nomination<sup>309</sup>:

- (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 oath<sup>310</sup>; or
- (b) the person has been declared or decided in accordance with any law—
  - (i) to be in breach of a specified oath<sup>311</sup>; 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.

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<sup>309</sup> Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>310</sup> 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.

<sup>311</sup> 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 valid<sup>312</sup>.

**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 nominated<sup>313</sup>.

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 notice<sup>314</sup>. 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

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<sup>312</sup> Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>313</sup> Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>314</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

Administrative Region<sup>315</sup>.

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 election<sup>316</sup>.

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 made<sup>317</sup>. 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 Officer<sup>318</sup>.

**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.

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<sup>315</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>316</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>317</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>318</sup> 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 <sup>1</sup> : <ul style="list-style-type: none"> <li>(i) The Federation of Vegetable Marketing Co-operative Societies, Limited</li> <li>(ii) The Federation of Pig Raising Co-operative Societies of Hong Kong, Kowloon and New Territories, Limited</li> <li>(iii) The Joint Association of Hong Kong Fishermen</li> <li>(iv) Federation of Hong Kong Aquaculture Associations</li> <li>(v) The Federation of Fishermen's Co-operative Societies of Shau Kei Wan District, Limited</li> <li>(vi) The Federation of Fishermen's Co-operative Societies of Tai Po District, N.T., Limited</li> <li>(vii) The Federation of Fishermen's Co-operative</li> </ul>

<sup>1</sup> 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"> <li>1. Aberdeen Fishermen Friendship Association</li> <li>2. The Ap Lei Chau Fishermen's Credit Co-operative Society, Unlimited</li> <li>3. The Castle Peak Fishermen's Credit Co-operative Society, Unlimited</li> <li>4. The Castle Peak Mechanized Trawler Fishermen's Credit Co-operative Society, Unlimited</li> <li>5. Cheung Chau Fisheries Joint Association</li> <li>6. Cheung Chau Fishermen's Welfare Promotion Association</li> <li>7. The Fanling Kwun Ti Village Farmers' Irrigation Co-operative Society, Ltd.</li> <li>8. Fish Farming and Stuff Association</li> <li>9. Fisherman's Association of Po Toi Island</li> <li>10. Fishery Development Association (Hong Kong) Limited</li> <li>11. Fraternal Association of The Floating Population of Hong Kong</li> </ol>
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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 &amp; 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 &amp; 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 &amp; 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 &amp; 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 voter<sup>2</sup> 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

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<sup>2</sup> 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: 60<sup>3</sup>**

### **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 requirements<sup>4</sup>:

- (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

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<sup>3</sup> 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.

<sup>4</sup> 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 subsector<sup>5</sup>.

#### **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 person<sup>6</sup>:

- (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

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<sup>5</sup> Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>6</sup> 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 nomination<sup>7</sup>:

- (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 oath<sup>8</sup>; or
- (b) the person has been declared or decided in accordance with any law—
  - (i) to be in breach of a specified oath<sup>9</sup>; 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 valid<sup>10</sup>.

## **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 nominated<sup>11</sup>.

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

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<sup>7</sup> Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>8</sup> 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.

<sup>9</sup> Ditto.

<sup>10</sup> Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>11</sup> 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 notice<sup>12</sup>. 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 Region<sup>13</sup>.

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 election<sup>14</sup>.

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 made<sup>15</sup>. 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 Officer<sup>16</sup>.

## **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.

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<sup>12</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>13</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>14</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>15</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>16</sup> 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"> <li>1. Federation of Hong Kong Guangdong Community Organisations Limited</li> <li>2. Hong Kong Federation of Fujian Associations Limited</li> <li>3. Federation of HK Guangxi Community Organisations Limited</li> <li>4. Hong Kong Federation of Hainan Community Organisations Limited</li> <li>5. The United Zhejiang Residents Associations (Hong Kong) Limited</li> <li>6. Federation of HK Jiangsu Community Organisations Limited</li> <li>7. Hong Kong Beijing Association Limited</li> <li>8. Hong Kong-Shanghai Economic Development Association Limited</li> <li>9. Federation of Hong Kong Hubei Associations Limited</li> <li>10. Hunan Fraternal Association of Hong Kong Limited</li> <li>11. Hong Kong Federation of Jiang Xi Associations Limited</li> </ol>

					<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 &amp; Macau Association Limited</p> <p>(b) The associations of Chinese fellow townsmen that are recognized by the aforementioned listed bodies at county level or above<sup>17</sup></p>
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<sup>17</sup> 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 voter<sup>18</sup> 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: 60<sup>19</sup>****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

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<sup>18</sup> 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.

<sup>19</sup> 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 requirements<sup>20</sup>:

- (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 subsector<sup>21</sup>.

### **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 person<sup>22</sup>:

- (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;

<sup>20</sup> Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>21</sup> Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>22</sup> 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 nomination<sup>23</sup>:

- (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 oath<sup>24</sup>; or
- (b) the person has been declared or decided in accordance with any law—
  - (i) to be in breach of a specified oath<sup>25</sup>; 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 valid<sup>26</sup>.

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<sup>23</sup> Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>24</sup> 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.

<sup>25</sup> Ditto.

<sup>26</sup> 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 nominated<sup>27</sup>.
- 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 notice<sup>28</sup>. 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 Region<sup>29</sup>.
- 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 election<sup>30</sup>.

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<sup>27</sup> Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>28</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>29</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>30</sup> 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 made<sup>31</sup>. 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 Officer<sup>32</sup>.

**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.

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<sup>31</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>32</sup> 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 <sup>33</sup> 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 <sup>34</sup>

**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.

<sup>33</sup> 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.

<sup>34</sup> 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 voter<sup>35</sup> 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: 60<sup>36</sup>**

### **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.

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<sup>35</sup> 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.

<sup>36</sup> 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 requirements<sup>37</sup>:

- (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 subsector<sup>38</sup>.

**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 person<sup>39</sup>:

- (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

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<sup>37</sup> Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>38</sup> Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>39</sup> 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 nomination<sup>40</sup>:

- (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 oath<sup>41</sup>; or
- (b) the person has been declared or decided in accordance with any law—
  - (i) to be in breach of a specified oath<sup>42</sup>; 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 valid<sup>43</sup>.

## **II.2.6. Determination of the validity of nomination by the Candidate Eligibility Review Committee (“the CERC”)**

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<sup>40</sup> Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>41</sup> 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.

<sup>42</sup> Ditto.

<sup>43</sup> 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 nominated<sup>44</sup>.

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 notice<sup>45</sup>. 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 Region<sup>46</sup>.

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 election<sup>47</sup>.

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

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<sup>44</sup> Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>45</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>46</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>47</sup> 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 made<sup>48</sup>. 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 Officer<sup>49</sup>.

**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.

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<sup>48</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>49</sup> 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 <sup>50</sup>

**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 voter<sup>51</sup> 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.

<sup>50</sup> 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.

<sup>51</sup> 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: 60<sup>52</sup>****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 requirements<sup>53</sup>:

- (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

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<sup>52</sup> 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.

<sup>53</sup> 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 subsector<sup>54</sup>.

#### **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 person<sup>55</sup>:

- (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.

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<sup>54</sup> Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>55</sup> 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 nomination<sup>56</sup>:

- (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 oath<sup>57</sup>; or
- (b) the person has been declared or decided in accordance with any law—
  - (i) to be in breach of a specified oath<sup>58</sup>; 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 valid<sup>59</sup>.

## **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 nominated<sup>60</sup>.

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.

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<sup>56</sup> Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>57</sup> 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.

<sup>58</sup> Ditto.

<sup>59</sup> Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>60</sup> 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 notice<sup>61</sup>. 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 Region<sup>62</sup>.

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 election<sup>63</sup>.

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 made<sup>64</sup>. 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 Officer<sup>65</sup>.

**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

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<sup>61</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>62</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>63</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>64</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>65</sup> 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"> <li>1. Catholic Diocese of Hong Kong</li> <li>2. Chinese Muslim Cultural and Fraternal Association</li> <li>3. Hong Kong Christian Council</li> <li>4. The Hong Kong Taoist Association</li> <li>5. The Confucian Academy</li> <li>6. The Hong Kong Buddhist Association</li> </ol>

**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 requirements<sup>66</sup>—

- (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 election<sup>67</sup>.

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 member<sup>68</sup>.

**II.3. When a person is disqualified from being a nominee**

II.3.1. A person is disqualified from being a nominee if the person<sup>69</sup>—

- (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;

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<sup>66</sup> Section 8(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>67</sup> Section 8(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>68</sup> Section 8(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>69</sup> 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 nomination<sup>70</sup>—
- (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 oath<sup>71</sup>; or
  - (b) the person has been declared or decided in accordance with any law—
    - (i) to be in breach of a specified oath<sup>72</sup>; 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 valid<sup>73</sup>.
- 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.

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<sup>70</sup> Section 9(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>71</sup> 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.

<sup>72</sup> Ditto.

<sup>73</sup> 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 that<sup>74</sup>—

- (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 Region<sup>75</sup>.

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

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<sup>74</sup> Section 4 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>75</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

of members of the EC<sup>76</sup>.

**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.

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<sup>76</sup> 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 <sup>1</sup>

**II. Registration of Ex-officio Members****II.1. Eligibility**

II.1.1. All members of the Legislative Council<sup>2</sup> 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 GC<sup>3</sup>.

II.1.3. A person is not eligible to be registered as an ex-officio member if the person<sup>4</sup>—

- (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

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> Section 5L(1)(a) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>4</sup> 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 person<sup>5</sup>:

- (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 form<sup>6</sup>:

- (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 oath<sup>7</sup>; or
- (b) the person has been declared or decided in accordance with any law:

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<sup>5</sup> Section 5M(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>6</sup> Section 5M(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>7</sup> 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 oath<sup>8</sup>; 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 valid<sup>9</sup>.

#### **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 that<sup>10</sup>—
  - (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

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<sup>8</sup> Ditto.

<sup>9</sup> Section 5K of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>10</sup> 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 concerned<sup>11</sup>. 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 Region<sup>12</sup>.

- 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 representation<sup>13</sup>.
- 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 made<sup>14</sup>. 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 EC<sup>15</sup>.

**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.

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<sup>11</sup> Section 4A(3) of the EC (Appeals) Regulation (Cap 569A).

<sup>12</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>13</sup> Section 4A(2) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>14</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>15</sup> 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 subsector<sup>16</sup>.

II.1.3. Eligible individual voter<sup>17</sup> is required to submit a duly completed voter registration form on or before 5 July 2021.

<sup>16</sup> 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.

<sup>17</sup> 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: 27<sup>18</sup>****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 requirements<sup>19</sup>—

- (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

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<sup>18</sup> 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.

<sup>19</sup> Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

election in another subsector<sup>20</sup>.

#### **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 subsector<sup>21</sup>.

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 person<sup>22</sup>:

- (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

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<sup>20</sup> Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>21</sup> Section 18A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>22</sup> 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 nomination<sup>23</sup>:

- (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 oath<sup>24</sup>; or
- (b) the person has been declared or decided in accordance with any law—
  - (i) to be in breach of a specified oath<sup>25</sup>; 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 valid<sup>26</sup>.

## **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 nominated<sup>27</sup>.

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

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<sup>23</sup> Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>24</sup> 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.

<sup>25</sup> Ditto.

<sup>26</sup> Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>27</sup> 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 notice<sup>28</sup>. 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 Region<sup>29</sup>.

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 election<sup>30</sup>.

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 made<sup>31</sup>. 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 Officer<sup>32</sup>.

## **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.

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<sup>28</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>29</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>30</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>31</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>32</sup> 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		✓	<p>Each of the following bodies should nominate 1 Election Committee member:</p> <ol style="list-style-type: none"> <li>1. Mainland China (Shenzhen) Consultant Services Centre, The Hong Kong Federation of Trade Unions</li> <li>2. Mainland China (Guangzhou) Consultant Services Centre, The Hong Kong Federation of Trade Unions</li> <li>3. Mainland China (Dongguan) Consultant Services Centre, The Hong Kong Federation of Trade Unions</li> <li>4. Mainland China (Zhongshan) Consultant Services Centre, The Hong Kong Federation of Trade Unions</li> <li>5. Mainland China (Huizhou) Consultant Services Centre, The Hong Kong Federation of Trade Unions</li> <li>6. Mainland China (Fujian, Xiamen) Consultant Services Centre, The Hong Kong</li> </ol>



					<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 requirements<sup>33</sup>—

- (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 election<sup>34</sup>.

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 member<sup>35</sup>.

**II.3. When a person is disqualified from being a nominee**

II.3.1. A person is disqualified from being a nominee if the person<sup>36</sup>:

- (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;

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<sup>33</sup> Section 8(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>34</sup> Section 8(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>35</sup> Section 8(4) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>36</sup> 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 nomination<sup>37</sup>:
- (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 oath<sup>38</sup>; or
  - (b) the person has been declared or decided in accordance with any law—
    - (i) to be in breach of a specified oath<sup>39</sup>; 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 valid<sup>40</sup>.
- 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.

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<sup>37</sup> Section 9(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>38</sup> 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.

<sup>39</sup> Ditto.

<sup>40</sup> 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 that<sup>41</sup>—

- (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 Region<sup>42</sup>.

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

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<sup>41</sup> Section 4 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>42</sup> 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 EC<sup>43</sup>.

**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.

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<sup>43</sup> 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 subsector<sup>44</sup>.

- II.1.3. Eligible individual voter<sup>45</sup> 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: 76<sup>46</sup>**

### **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 requirements<sup>47</sup>—

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<sup>44</sup> 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.

<sup>45</sup> 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.

<sup>46</sup> 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.

<sup>47</sup> 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 subsector<sup>48</sup>.

#### **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 subsector<sup>49</sup>.

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 person<sup>50</sup>:

- (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

<sup>48</sup> Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>49</sup> Section 18A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>50</sup> 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 nomination<sup>51</sup>:

- (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 oath<sup>52</sup>; or
- (b) the person has been declared or decided in accordance with any law—
  - (i) to be in breach of a specified oath<sup>53</sup>; 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 valid<sup>54</sup>.

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<sup>51</sup> Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>52</sup> 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.

<sup>53</sup> Ditto.

<sup>54</sup> 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 nominated<sup>55</sup>.

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 notice<sup>56</sup>. 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 Region<sup>57</sup>.

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 election<sup>58</sup>.

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<sup>55</sup> Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>56</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>57</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>58</sup> 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 made<sup>59</sup>. 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 Officer<sup>60</sup>.

**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.

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<sup>59</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>60</sup> 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 subsector<sup>61</sup>.

II.1.3. Eligible individual voter<sup>62</sup> 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: 80<sup>63</sup>**

**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 requirements<sup>64</sup>—

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<sup>61</sup> 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.

<sup>62</sup> 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.

<sup>63</sup> 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.

<sup>64</sup> 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 subsector<sup>65</sup>.

#### **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 subsector<sup>66</sup>.

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 person<sup>67</sup>:

- (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

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<sup>65</sup> Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>66</sup> Section 18A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>67</sup> 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 nomination<sup>68</sup>:

- (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 oath<sup>69</sup>; or
- (b) the person has been declared or decided in accordance with any law—
  - (i) to be in breach of a specified oath<sup>70</sup>; 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 valid<sup>71</sup>.

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<sup>68</sup> Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>69</sup> 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.

<sup>70</sup> Ditto.

<sup>71</sup> 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 nominated<sup>72</sup>.
- 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 notice<sup>73</sup>. 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 Region<sup>74</sup>.
- 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 election<sup>75</sup>.

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<sup>72</sup> Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>73</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>74</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>75</sup> 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 made<sup>76</sup>. 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 Officer<sup>77</sup>.

**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.

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<sup>76</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>77</sup> 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”) <sup>1</sup>

#### 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-

<sup>1</sup> 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 subsector<sup>2</sup>; 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 applicable<sup>3</sup>) 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 EC<sup>4</sup>.

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 GC<sup>5</sup>.

- II.1.4. A person is not eligible to be registered as an ex-officio member if the person<sup>6</sup>—
- (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

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<sup>2</sup> Section 5I(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>3</sup> 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.

<sup>4</sup> Section 5I(4), (5) and (6) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>5</sup> Section 5L(1)(a) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>6</sup> 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 person<sup>7</sup>—
- (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 form<sup>8</sup>—
- (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 oath<sup>9</sup>; or
  - (b) the person has been declared or decided in accordance with any law:
    - (i) to be in breach of a specified oath<sup>10</sup>; 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.

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<sup>7</sup> Section 5M(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>8</sup> Section 5M(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>9</sup> 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.

<sup>10</sup> 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 valid<sup>11</sup>.

**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 that<sup>12</sup>—

- (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 concerned<sup>13</sup>. Nevertheless, no appeal can be lodged against a decision made by the CERC on the eligibility of a candidate for the EC member

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<sup>11</sup> Section 5K of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>12</sup> Section 4A(1) of the EC (Appeals) Regulation (Cap 569A).

<sup>13</sup> 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 Region<sup>14</sup>.

- 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 representation<sup>15</sup>.
- 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 made<sup>16</sup>. 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 EC<sup>17</sup>.
- 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.

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<sup>14</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>15</sup> Section 4A(2) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>16</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>17</sup> 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 subsector<sup>18</sup>.

II.1.3. Eligible individual voter<sup>19</sup> 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: 110<sup>20</sup>****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

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<sup>18</sup> 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.

<sup>19</sup> 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.

<sup>20</sup> 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 requirements<sup>21</sup>—

- (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 subsector<sup>22</sup>.

### **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 subsector<sup>23</sup>.

- 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 person<sup>24</sup>—

- (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

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<sup>21</sup> Section 17 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>22</sup> Sections 17(2) and 20 of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>23</sup> Section 18A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>24</sup> 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 nomination<sup>25</sup>—

- (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 oath<sup>26</sup>; or
- (b) the person has been declared or decided in accordance with any law—
  - (i) to be in breach of a specified oath<sup>27</sup>; 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.

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<sup>25</sup> Section 18(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>26</sup> 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.

<sup>27</sup> 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 valid<sup>28</sup>.

**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 nominated<sup>29</sup>.

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 notice<sup>30</sup>. 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

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<sup>28</sup> Section 17A of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>29</sup> Section 22(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569).

<sup>30</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

for Safeguarding National Security of the Hong Kong Special Administrative Region<sup>31</sup>.

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 election<sup>32</sup>.

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 made<sup>33</sup>. 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 Officer<sup>34</sup>.

**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.

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<sup>31</sup> Section 9B of the Chief Executive Election Ordinance (Cap 569).

<sup>32</sup> Section 3 of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>33</sup> Section 10(1) of the Election Committee (Appeals) Regulation (Cap 569A).

<sup>34</sup> Section 5(3) of the Election Committee (Appeals) Regulation (Cap 569A).