

CHAPTER 2

COMPOSITION OF THE ELECTION COMMITTEE

PART I : THE SECTORS AND SUBSECTORS

Composition of the Election Committee

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

2.2 The 5 sectors are, namely:

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

The subsectors under the 5 sectors are as follows:

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

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

[S 2 of the Schedule to the CEEO]

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

Method for the Constitution of the EC

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

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

(a) Ex-officio members

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

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

(b) EC members returned by nomination

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

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

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

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

(c) EC members returned by election

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

[Amended in July 2021]

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

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

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

³ Ditto.

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

include the specified particulars of the following persons:

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

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

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

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

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

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

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

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

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

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

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

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

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

Provisional Register of EC Members and Omissions List

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

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

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

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

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

Appeal - Objections and Claims

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

Final Register of EC Members

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

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

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

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

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

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