

## 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.

2.2 The five sectors are as follows:

- (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: Hong Kong Special Administrative Region deputies to the National People's Congress (“NPC deputies”), Hong Kong Special Administrative Region members of the National Committee of the Chinese People's Political Consultative Conference (“CPPCC members”), and representatives of Hong Kong members of relevant national organisations.

The subsectors under the five sectors are as follows:

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

Sector	Subsector
<b>Fourth Sector: Members of the LegCo, representatives of district organisations and other organisations</b> (5 subsectors with 300 seats)	(i) Members of the LegCo (ii) Heung Yee Kuk (“HYK”) (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
<b>Fifth Sector: NPC deputies, CPPCC members, and representatives of Hong Kong members of relevant national organisations</b> (2 subsectors with 300 seats)	(i) NPC deputies and CPPCC members (ii) Representatives of Hong Kong members of relevant national organisations

[S 2 of the Schedule to the CEEO]

### **Method for Returning Members of the Election Committee**

2.3 Members of the EC are returned by three methods, namely ex-officio members, members to be nominated and members to be elected.

The details are as follows:

(a) Ex-officio members

The subsectors with ex-officio members and their respective numbers are as follows:

<b>Subsectors</b>	<b>Number of Ex-officio Members</b>
Engineering	15
Architectural, surveying, planning and landscape	15
Legal	6
Education	16
Medical and health services	15
Social welfare	15
Members of the LegCo	90
NPC deputies and CPPCC members	190 <sup>2</sup>
<b>Total</b>	<b>362<sup>3</sup></b>

(b) Members to be nominated

The subsectors with members returned by nomination by designated bodies and their respective numbers are as follows:

<b>Subsectors</b>	<b>Number of Members to be Nominated</b>
Technology and innovation	15
Accountancy	15
Legal	9
Sports, performing arts, culture and publication	15

<sup>2</sup> If the total number of NPC deputies or CPPCC members who are eligible to be registered as ex-officio members exceeds 190, an NPC deputy or CPPCC member may be registered as an ex-officio member of a subsector other than the NPC deputies and CPPCC members subsector with which he has a substantial connection (excluding the members of the LegCo subsector, the religious subsector and the representatives of associations of Hong Kong residents in the Mainland subsector) in accordance with s 5I(4) of the Schedule to the CEEO. In such case, the number of seats of ex-officio members of that subsector will be increased while the number of seats to be returned by election will be reduced accordingly. Within the same term of office of the EC, the number of ex-officio members and members to be returned by nomination or election for each subsector shall remain unchanged. Regarding the number of members to be returned by election for each subsector in the EC subsector ordinary elections, the notice published in the Gazette by the CEO under s 4(3) of the EAC (EP) (EC) Reg shall prevail.

<sup>3</sup> See footnote 2.

<b>Subsectors</b>	<b>Number of Members to be Nominated</b>
Chinese medicine	15
Religious	60
Representatives of associations of Hong Kong residents in the Mainland	27
<b>Total</b>	<b>156</b>

(c) Members to be elected

Apart from ex-officio members and members to be nominated as mentioned in (a) and (b) of this paragraph, the remaining members of the EC are returned through election by eligible corporate voters or individual voters in the relevant subsectors (a maximum of 982 seats<sup>4</sup>).

2.4 See **Appendix 2** for the methods for returning members and the composition of each subsector.

**PART II : COMPILATION OF INTERIM REGISTER OF MEMBERS OF THE ELECTION COMMITTEE AND FINAL REGISTER OF MEMBERS OF THE ELECTION COMMITTEE AFTER THE CONDUCT OF SUBSECTOR ORDINARY ELECTIONS**

2.5 Before the expiry of the five-year term of office of the CE, ordinary elections for the subsectors and subsector nominations must be conducted by the EAC to constitute the EC of a new term, which will then elect the CE of a new term. If the subsector ordinary elections for all subsectors are

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<sup>4</sup> See footnote 2.

held on the same day, an interim register (“IR”) of members of the EC for a new term shall be compiled and published within seven days after the results of the EC subsector ordinary elections are published. If the subsector ordinary elections for different subsectors are held on different days, the relevant parts of an IR of members of the EC shall be compiled and published within seven days after the results of the relevant elections are published. An IR of members of the EC shall include the particulars of the following persons:

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

[S 40 of the Schedule to the CEEO and s 37(1) of the EAC (ROE) (FCSEC) Reg]

2.6 After the publication of the IR of members of the EC, the member-elect must submit the signed written oath to the Electoral Registration Officer (“ERO”) seven days before the date of publication of the final register (“FR”) of members of the EC for that term of office; otherwise, the ERO cannot include the name of that member-elect in the FR of members of the EC for that term of office. [S 42A of the Schedule to the CEEO]

2.7 The ERO shall compile an FR of members of the EC for a new term on the basis of the IR of members of the EC, incorporating any amendments made, and publish the FR of members of the EC for a new term on the date on which the EC of a new term is constituted (i.e. 1 February in the year in which the term of office of the CE is to expire). The FR of members

of the EC for the current term will still have effect upon publication of the IR of members of the EC<sup>5</sup>, but shall cease to have effect on the publication of the next FR of members of the EC. [S 9 of the CEEO and ss 40 and 43 of the Schedule to the CEEO]

2.8 The ERO will make available a copy of the IR of members of the EC or FR of members of the EC for inspection by specified persons (see **Appendix 3**) at the offices of the REO during ordinary business hours. The time and place for inspection of the copy of the IR of members of the EC and FR of members of the EC will be published in the Gazette and newspapers, and the publication of the notice is to be treated as the publication of the IR of members of the EC or FR of members of the EC. 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, a copy of the IR of members of the EC and FR of members of the EC for his inspection if the ERO considers it appropriate to do so. The ERO may require a person who wishes to inspect the copy of the IR of members of the EC and/or FR of members of the EC to produce his identity document and complete a form furnished by the ERO. [S 39(1), (2), (3), (4), (4A) and (5) of the EAC (ROE) (FCSEC) Reg]

2.9 The ERO may from time to time amend the IR of members of the EC or FR of members 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]

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

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<sup>5</sup> The current-term EC was constituted on 22 October 2021, and its term of office will end on 21 October 2026.

- (a) if a person is registered as an ex-officio member by virtue of holding a specified office of a subsector (i.e. “specified person”), and that person ceases to hold the specified office;
- (b) if a person is designated to register as an ex-officio member to substitute a specified person, and that specified person ceases to hold the specified office concerned;
- (c) if a person is designated to register as an ex-officio member 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, and then ceases to hold an office in the relevant body, or ceases to hold the office of Council Chairman or the office of Chairman of the Board of Governors.

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

[S 3(1), (1AA), (1AAB) and (1AAC) of the Schedule to the CEEO]

**PART III : COMPILATION OF PROVISIONAL REGISTER OF MEMBERS OF THE ELECTION COMMITTEE AND FINAL REGISTER OF MEMBERS OF THE ELECTION COMMITTEE FOR SUBSECTOR BY-ELECTIONS**

**Provisional Register of Members of the Election Committee and Omissions**

**List**

2.11 The ERO must compile and publish a provisional register (“PR”) of members of the EC within the stipulated period under the following circumstances:

- (a) within 14 days from the date of the vacancy when a vacancy arises in the office of the CE otherwise than due to the expiry of the term of office; or
- (b) within the period from 210 days to 165 days before the end of the current term of office of the LegCo. (The relevant arrangement is not applicable to LegCo by-elections)

However, if the date on which the EC was constituted or the date on which the PR of members of the EC for the previous subsector by-election was published is not more than 12 months from the first day of the period as mentioned in (a) and (b) of this paragraph, the compilation and publication of a PR of members of the EC is not required. In compiling the PR of members of the EC, the ERO shall scrutinise the existing FR of members of the EC, and strike out the names and other relevant particulars of the members of the EC (other than ex-officio members) whom the ERO is satisfied on reasonable grounds as being

dead, having resigned or being deemed to have resigned from the EC<sup>6</sup>, 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”) on the date of the making of the CE vacancy declaration or on the date that is 14 days before the date of notice in the Gazette of publication of the PR of members of the EC (whichever is earlier). Those names and other relevant particulars of members excluded from the PR of members of the EC will be entered on an omissions list (“OL”).

[S 4(1), (2), (3), (4)(a) and (b) of the Schedule to the CEEO, and s 24(3A) of the EAC (ROE) (FCSEC) Reg]

2.12 The ERO will make available a copy of the PR of members of the EC and that OL for inspection by specified persons (see **Appendix 3**) at the offices of the REO during ordinary business hours for a period of seven days. The time and place for inspection of the copy of the PR of members of the EC and OL will be published in the Gazette and newspapers, and the publication of

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<sup>6</sup> (a) A member of the EC (other than an ex-officio member) is deemed to have resigned from the membership as a non ex-officio member if he is concurrently registered as an ex-officio member of the EC. [S 3(2) of the Schedule to the CEEO]

(b) If a member of the EC representing the HYK subsector; representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of Hong Kong and Kowloon subsector or representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of the New Territories subsector ceases to be the Chairman, Vice-chairman or a Councillor of the Full Council of the HYK, or ceases to be a member of the relevant Area Committees, District Fight Crime Committees, and District Fire Safety Committees, then he is deemed to have resigned from the membership of the EC, unless the cessation is due to the expiry of his term of office in the representing body and he 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]

(c) If a member of the EC representing the education subsector, accountancy subsector, Chinese medicine subsector, legal subsector or technology and innovation subsector ceases to hold the office in the relevant body, or ceases to be the Council Chairman or Chairman of the Board of Governors of the relevant 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 is deemed to have resigned from the membership of the EC, unless the cessation is due to the expiry of his term of membership or office in the representing body and he holds the relevant office again or continues to be that member for the new term immediately after the cessation. [S 3(1), (1AAC), (1AAD), (1AAE), (1AAF) and (1AAG) of the Schedule to the CEEO]

the notice is to be treated as the publication of the PR of members of the EC. 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, a copy of the PR of members of the EC and OL for his inspection if the ERO considers it appropriate to do so. The ERO may require a person who wishes to inspect the copy of the PR of members of the EC and/or OL to produce his identity document and complete a form furnished by the ERO. [S 4(5) of the Schedule to the CEEO and ss 25(1), (2), (4), (5), (6), 29(1), (1A), (2), (3), (4), (5) and (7) of the EAC (ROE) (FCSEC) Reg]

### **Appeal – Claims and Objections**

2.13 On or before the last day of the specified period for inspection of the PR of members of the EC and OL, 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 of members of the EC; and any person whose name and other relevant particulars have been included in the OL may use the specified form to lodge in person<sup>7</sup> with the ERO a notice of claim in respect of the omission of his name. [S 48 of the Schedule to the CEEO and ss 30 and 31 of the EAC (ROE) (FCSEC) Reg]

### **Final Register of Members of the Election Committee**

2.14 Based on the PR of members of the EC published, the EAC will ascertain the number of members for each subsector of the EC (other than the ex-officio members), so as to identify any shortfall in the number of members representing a particular subsector as compared to the number of members allocated to that subsector. If any vacancy is identified in the membership of a

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<sup>7</sup> To facilitate a person who is imprisoned or held in custody by a law enforcement agency to lodge a claim or objection, the person concerned may send a notice of claim/objection to the ERO by post. [Ss 30(2A) and 31(8A) of the EAC (ROE) (FCSEC) Reg]

subsector, a supplementary nomination and/or a subsector by-election must be arranged to fill such vacancy or vacancies. [S 5 of the Schedule to the CEEO]

2.15 **Within seven days after the publication of the result of a subsector by-election, the ERO shall compile and publish the FR of members of the EC for the current term.** For supplementary nominations, the ERO shall compile and publish the FR of members of the EC within seven days after a nominee is declared as a member of the EC, unless the period during which the nomination is to be made and the nomination period for a subsector by-election coincide or partly coincide. The ERO will make available a copy of the FR of members of the EC for inspection by specified persons (see **Appendix 3**) at the offices of the REO during ordinary business hours. The FR of members of the EC shall include:

- (a) changes (if any) in the membership of the EC (see para. 2.9 of this chapter); and
- (b) new members returned by the supplementary nomination and/or subsector by-election (see para. 2.14 of this chapter).

The time and place for inspection of the copy of the FR of members of the EC will be published in the Gazette and newspapers, and the publication of the notice is to be treated as the publication of the FR of members of the EC. 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, a copy of the FR of members of the EC for his inspection if the ERO considers it appropriate to do so. The ERO may require a person who wishes to inspect the copy of the FR of members of the EC to produce his identity document and complete a form furnished by the ERO. [S 40(2) and (3) of the Schedule to the CEEO, and s 39(1), (2), (3), (4), (4A) and (5) of the EAC (ROE) (FCSEC) Reg]