

## LEGISLATIVE COUNCIL BRIEF

District Councils Ordinance  
(Chapter 547)

### DISTRICT COUNCILS (AMENDMENT) BILL 2023

#### INTRODUCTION

At the meeting of the Executive Council (“ExCo”) on 30 May 2023, the Council **ADVISED** and the Chief Executive (“CE”) **ORDERED** that the District Councils (Amendment) Bill 2023 (“the Bill”) (at Annex A) should be introduced into the Legislative Council (“LegCo”) to implement the proposed reform of the District Councils (“DCs”) in the proposals on improving district governance.

A

#### BACKGROUND

2. The current term of DCs will expire at the end of this year. DCs had, in recent years, deviated from their positioning as “district organisations which are not organs of political power” under the Basic Law. A large number of DC members acted with no regard to the functions of DCs, or even went against and beyond the positioning of DCs as district advisory bodies. Some DC members even undermined national security; advocated the so-called “independence” of Hong Kong; supported the black-clad violence; objected to the Hong Kong National Security Law; unscrupulously interfered with and obstructed the administration of the Government; deliberately provoked conflicts; intentionally divided the society; created confrontation; ignored the livelihood of people; maliciously overturned the established mechanism and past decisions on district works; harmed the well-being of Hong Kong residents; and undermined the interest of Hong Kong. There were some 300 members who refused to take the oath to uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China (“uphold Basic Law and bear allegiance to HKSAR”) and hence resigned with various excuses, or were disqualified for making invalid oath. They did not accept the sovereignty and the exercise of sovereignty of the

People's Republic of China over Hong Kong. Of the 479 seats, only one third, equivalent to 146 seats are still filled by serving DC members. The situation is unacceptable and we have to restore the institution to the right track.

3. To improve and enhance the efficacy of district governance, the Chief Executive-in-Council ("CE-in-C") approved at the ExCo meeting of 2 May 2023 the proposals to reform DCs and strengthen district governance structure, and agreed to implement the proposals by amending the relevant legislation and putting in place administrative arrangements. The Government will amend legislation to implement the following proposals to reform DCs, including:

- (A) enhance the advisory and service functions of DCs;
- (B) designate District Officers ("DOs") as DC Chairmen, and empower them to lead the work of DCs;
- (C) optimise the composition of DCs, set the corresponding methods of filling those seats, and introduce an eligibility review mechanism; and
- (D) introduce a performance monitoring mechanism for DC members, which includes investigating DC members whose behavior falls short of the public expectation and handling the case according to its severity.

## **THE BILL**

4. The Bill mainly provides for the following matters:

- (A) functions of DCs;
- (B) designation of DOs as DC Chairmen, and the relevant powers of DC Chairmen;
- (C) composition of DCs;
- (D) the appointment procedures of appointed DC members;
- (E) the registration procedures of DC ex officio members;

- (F) the establishment of the District Council Eligibility Review Committee (“DCERC”);
- (G) scenarios where DC members are disqualified;
- (H) the election methods of DC members to be returned by election and the relevant electoral arrangements; and
- (I) the performance monitoring mechanism for DC members.

**(A) Functions of DCs**

5. Clause 6 of the Bill adds section 4A to the District Councils Ordinance (Cap. 547) (“Cap. 547”) to set out the functions of DCs which include:

- (a) to be consulted by the Government on the district affairs affecting the livelihood and living environment in the District and well-being of the people in the District;
- (b) to collect the views of the people in the District in respect of an issue specified by the Chairman of the DC, and to submit to the Government a summary of the views collected and the suggested corresponding measures;
- (c) to establish a regular communication mechanism with the people in the District, to meet with them and listen to their views regularly;
- (d) to support, and assist in, the promotion of laws and Government policies in the District, and assist the Government in carrying out various consultation, publicity and liaison activities, such as district forum;
- (e) to assist in the smooth delivery of cultural, recreational, environmental sanitary and other services relating to the interests of the people in the District under the coordination of the Government;
- (f) to apply for funding for projects and activities such as—
  - (i) those for the purpose of promotion of sports, arts and culture;
  - (ii) local events and celebration events; and
  - (iii) greening and volunteer work;

- (g) to provide services for people in the District, such as consultation and case referral services;
- (h) to cooperate with other consultation and service organizations in the District under the coordination of the Government to achieve the best results in serving people in the District; and
- (i) to undertake any other matters as commissioned by the Government from time to time.

**(B) Designation of DOs as DC Chairmen, and the relevant powers of DC Chairmen**

6. Clause 57 of the Bill amends section 62 of Cap. 547 to provide that the DO of a District is to be the Chairman of the DC of the District. As there will not be Vice-chairman in DCs, Clause 59 amends sections 66 and 67 of Cap. 547 correspondingly to specify the responsibility of DC Chairmen to preside at the meetings and his / her voting rights. Clauses 61 to 64 of the Bill amend sections 68, 69 and 71 of and add section 71A to Cap. 547 to specify the powers transferred from DCs to DC Chairmen, and provide for a new power of DC Chairmen. These include:

*Powers transferred from DCs to DC Chairmen*

- (a) to make standing orders for regulating the procedure of the DC and its committees;
- (b) to appoint a public officer to act as the secretary of the DC and determine the duties of the secretary for the purpose of carrying out the functions of the DC;
- (c) to appoint committees, appoint to the committee any person who is not a DC member, and appoint a member of the committee who is also a member of that DC, as the chairman of the committee; and

*New power*

- (d) to require members of the DC to collect the views of the people in the District concerned in respect of an issue specified by the Chairman.

**(C) Composition of DCs**

7. Clauses 7 and 78 of the Bill amend section 5 of and Schedule 3 to Cap. 547 to provide that the new term of DCs will comprise appointed members (179 seats), members elected in the District Committees Constituency (“DCC”) elections (176 seats) and District Council Geographical Constituency (“DCGC”) elections (88 seats), and ex officio members (27 seats). The provisions also specify the number of seats to be filled by the respective composition methods in each DC. The total number of seats is 470.

8. Clause 8 of the Bill adds section 5A to Cap. 547 to establish a DCC for each DC. The DCC of a DC is composed of all members of the District Fight Crime Committee (“DFCC”), District Fire Safety Committee (“DFSC”) and Area Committee(s) (“ACs”) (collectively “the District Committees”) of the District.

9. Clause 84 of the Bill adds Schedule 8 to Cap. 547 to prescribe the names and boundaries of the 44 DCGCs for the seventh-term DCs (the names, boundaries and (as referred to in section 1 of the Schedule 8 to be added by Clause 84 of the Bill) relevant maps are at **Annex B**). Clause 97 of the Bill amends section 18 of the Electoral Affairs Commission Ordinance (Cap. 541) (“Cap. 541”) to suspend the statutory function of the Electoral Affairs Commission (“EAC”) to review the DCGC boundaries for the seventh-term DCs. Clause 99 of the Bill amends section 20 of Cap. 541 to specify the delineation method for future DCGC boundaries. On the basis of the composition of the seventh-term DCs, the EAC should ensure that the total population in each of the DCGC of a District should not exceed or fall short of the average population of the District<sup>1</sup> (instead of the population quota of Hong Kong<sup>2</sup>) by more than 25%. Starting from the eighth-term DCs, the EAC will continue to perform its statutory function of reviewing the boundaries of DCGCs.

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<sup>1</sup> That is the total population of the District divided by the total number of members to be returned for all DCGCs in the District, which gives the average population per member of that District, and then times the number of members to be returned by the DCGC.

<sup>2</sup> That is the total population of Hong Kong divided by the total number of members returned for all the DCGCs in Hong Kong.

**(D) Appointment procedures of appointed DC members**

10. Clause 14 of the Bill adds Division 1 of Part IV to Cap. 547 to provide for the appointment procedures for appointed DC members. Specifically, the Director of Home Affairs (“DHA”) may submit a proposal to appoint a person as a member to the DCERC for it to decide whether the proposal is valid. The CE may only appoint<sup>3</sup> a person as a DC member if the proposal to appoint him / her is decided as valid by the DCERC.

**(E) Registration procedures of DC ex officio members**

11. Clauses 15 to 19 of the Bill amend Division 2 of Part IV of Cap. 547 to provide for the registration procedures for DC ex officio members. Starting from the seventh-term DCs, the Chairmen of Rural Committees must submit a registration form to the DHA, and will only become an ex officio member of the DC after the DCERC decides the registration to be valid. For the purpose of constituting the seventh term of office of the DCs, the registration form must be submitted to the DHA by 1 December 2023.

**(F) Establishment of the DCERC**

12. Clause 13 of the Bill adds Part IIIA to Cap. 547 to establish the DCERC which is to consist of the chairperson, two to four official members, and one to three non-official members. Each member of the DCERC is to be appointed by the CE by notice published in the Gazette. The CE must report any appointment made to the Central People’s Government for the record. The DCERC is to review and confirm the eligibility of any person proposed to be appointed as a member, proposed to be registered as an ex officio member, or nominated as a candidate. Clauses 14, 16 and 119 add sections 13 and 17B to Cap. 547 and amend section 16 of the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541F) (“Cap. 541F”) to implement the relevant procedures. The DCERC is to seek the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region (“CSNS”) as to whether the person fails to meet the legal requirements and conditions on upholding Basic Law and bearing

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<sup>3</sup> According to section 42(a) of the Interpretation and General Clauses Ordinance (Cap. 1), the CE also has the power to “remove, suspend, dismiss or revoke the appointment of, and to re-appoint or reinstate, any person appointed in exercise of such power or duty”.

allegiance to HKSAR. If the CSNS gives an opinion, the DCERC must make the decision in accordance with it.

**(G) Scenarios where DC members are disqualified**

13. Clauses 14, 15 and 21 of the Bill add section 12 to, and amend sections 17 and 20 of Cap. 547 to specify the eligibility to be appointed as members, registered as ex officio members and nominated as candidates in the DCC and DCGC elections. Clauses 14, 18 and 22 of the Bill add section 14 to and amend sections 19 and 21 of Cap. 547 to specify when the three types of persons will be disqualified from appointment, registration and nomination. Clause 28 of the Bill adds Division 4 of Part IV to Cap. 547 to set out when a DC member will be disqualified from holding office. These disqualification grounds are the same as those<sup>4</sup> prescribed in Cap. 547.

**(H) Election methods of DC members to be returned at election and the relevant electoral arrangements**

14. In relation to the provisions concerning the DCC and DCGC elections, we will retain most of the existing arrangements as provided in Cap. 547 and Cap. 541F with appropriate adjustments. Salient points are as follows:

- (a) **Registers of electors:** DCGC election will continue to use the final register of electors for LegCo geographical constituencies. However, after the passage of the Bill, the register will be rearranged on the basis of the boundaries of new DCGCs. As regards DCC, the Electoral Registration Officer will compile the DCC register based on the membership list of the District

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<sup>4</sup> Mainly include: (a) is a judicial or prescribed public officer; (b) has, in Hong Kong, or any other place, been sentenced to death or imprisonment and has not either served the sentence or received a free pardon; (c) has been convicted of treason; (d) is convicted of specified offences, including an offence for which the person has been sentenced to imprisonment for a term exceeding 3 months, corrupt or illegal conduct, etc.; (e) is an undischarged bankrupt or, within the previous five years, has obtained a discharge in bankruptcy without paying the creditors in full; (f) in breach of an oath or fails to fulfill the legal requirements and conditions on upholding Basic Law and bearing allegiance to HKSAR; and (g) is found under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity of managing and administering his or her property and affairs.

Committees provided by the DHA. Committee members who have registered as LegCo geographical constituencies electors are not required to register separately. If an elector is a member of more than one District Committees, the member will be automatically assigned to the District Committee with the fewest number of electors. The DCC register will be published not later than seven days before the beginning of the relevant nomination period, and continue to have effect until the conclusion of the election. Existing provisions relating to registers of electors, including inspection, obtaining extracts, and offences for improper use of information, will also be applicable to the DCC register (Clause 81 of the Bill);

- (b) **Nomination requirement:** Candidates of both the DCC and DCGC elections should be nominated by three members (but not more than six) of each of the District Committee<sup>5</sup> in the District. Each member of the District Committee can nominate a number of candidates not exceeding the number of DCC members to be returned in the election concerned in the District for each DCC election, and at most one candidate in each DCGC in the District. Moreover, a candidate of the DCGC election has to obtain the nominations of 50 to 100 electors in the DCGC (Clauses 89 and 90 of the Bill);
- (c) **Voting and counting systems:** The DCC election will adopt the “block vote” voting system. Each member of the District Committee of the District may cast the same number of votes as the number of DCC seats in the District by secret ballot. The candidates to be returned as members are those who obtain the greatest number of votes and then the next greatest and so on until the required number of members is returned for the constituency at that election. The DCGC election will adopt the “double seats and single vote” voting system. Each elector is to cast vote for one DCGC candidate and the two candidates who obtain the greatest and next greatest numbers of votes will be returned as members of the DCGC (Clause 40 of the Bill);

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<sup>5</sup> If there are two or more ACs in a District, those ACs are to be regarded as one AC in the District.



- (d) **Polling station**: If an elector is eligible to vote at both the DCC and DCGC elections, the Chief Electoral Officer may assign two polling stations to the elector for casting the two votes respectively (Clause 130 of the Bill);
- (e) **Election petition**: The existing election petition mechanism will be extended to apply to **DCC**. An election petition may be lodged in respect of a DCC election by three or more electors entitled to vote in the constituency or a person claiming to have been a candidate in the constituency. If the grounds for petition relate to a decision of the DCERC (except for that made pursuant to the opinion of CSNS), the DCERC may be made a respondent to the petition. Other prevailing provisions relating to election petition remain unchanged (Clause 44 of the Bill);
- (f) **Financial assistance (“FA”) for candidates in respect of election expenses**<sup>6</sup>: The existing arrangement will continue to apply to DCGC election and will be extended to DCC election. The specified rate will be adjusted with reference to the inflation rate from \$15 to \$16<sup>7</sup> per vote (Clauses 49 to 52 and 83 of the Bill);
- (g) **Election deposit**: Same as candidates of DCGC, **DCC** candidates are required to lodge a deposit of \$3,000 in respect of the nomination. The deposit will be returned if the nomination is decided to be invalid. If the valid votes obtained by the candidate is less than 3%<sup>8</sup> of the total number of valid votes, the deposit will be forfeited (Clause 86 of the Bill);

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<sup>6</sup> According to the existing FA scheme, a candidate in DC election is eligible for FA only if the candidate is elected, or obtains at least 5% of the total number of valid votes cast in the constituency concerned. The amount payable is the lowest of the following three: (a) the amount obtained by multiplying the total number of valid votes cast for the candidate by the specified rate (for contested election) or the amount obtained by multiplying 50% of the number of registered electors for the constituency by the specified rate (for uncontested election); (b) 50% of the maximum amount of election expenses; or (c) the declared election expenses of the candidate.

<sup>7</sup> The accumulated inflation rate from 2020 to 2023 is 6.4%.

<sup>8</sup> The prevailing rate is 5%. The Bill recommends adjusting it to 3% for consistency with LegCo election.

- (h) **Candidates may send letters free of postage:** Same as candidates of DCGC, a validly nominated **DCC** candidate may send one letter free of postage to each elector in the constituency in accordance with the regulation (Clauses 162 and 189 of the Bill); and
- (i) **Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) (“Cap. 554”):** DCC election will also be subject to Cap. 554. The maximum amount of election expenses (“EEL”) for DCC will be set at \$100,000. As regards DCGC election, under the current proposed boundaries, the new DCGCs are formed by merging existing DC constituency areas (“DCCAs”). The number of DCCAs merged ranges from 7 to 13. With reference to the practice adopted for LegCo geographical constituencies under the Improved Electoral System, the EEL will increase progressively with reference to the number of DCCAs involved. At present, the EEL for a DCCA is \$68,800. After adjusting for accumulated inflation, the EEL for each DCCA should be \$73,200. The EEL for each DCGC will be adjusted with reference to the number of DCCAs involved, and ranges from \$512,400 (involving 7 existing DCCAs) to \$951,600 (involving 13 existing DCCAs) (Clauses 175 to 184 of the Bill).

**(I) Performance monitoring mechanism for DC members**

15. Clause 66 of the Bill adds Part VIA to Cap. 547 to provide for the mechanism for sanctioning misconduct of DC members as follows:

- (a) empower the Secretary for Home and Youth Affairs (“SHYA”) to formulate guidelines to set out the standard of performance required of DC members and misconduct that may constitute grounds for imposing sanction;
- (b) an investigation on the alleged misconduct of a DC member may be initiated by (i) the DC Chairman and three or more members of the DC; or (ii) a motion put forth by a DC member at a DC meeting and supported by more than half of the members present at the meeting by voting, and the case will be referred to a supervisory committee (“the Committee”) appointed by SHYA for investigation. The Committee will comprise a person who is not a member of any DC and four DC members (from DCs other than the DC that the concerned member belongs to).

Upon completion of the relevant investigation, the Committee must submit a written report to SHYA and recommend whether sanctions are required and the appropriate sanctions;

- (c) SHYA may, taking into account the investigation results and the recommendations, decide whether sanctions should be imposed. If affirmative, SHYA may, according to the severity of the case, issue a letter of persuasion to the relevant member or impose the following sanctions, including (i) warning; (ii) financial penalty; or (iii) suspension of duties and his or her entitlement to remuneration, including allowances and end-of-service gratuities on a pro-rata basis during the period of suspension; and
  - (d) if the DC member concerned is aggrieved by the decision of SHYA to impose sanctions, he or she may appeal to the Chief Secretary for Administration (“CS”) within 14 days. However, the appeal does not suspend the decision unless CS decides otherwise. CS may confirm, vary or reverse the decision.
16. Main provisions of the Bill are summarised below:
- (a) **Part 1** provides for the short title and commencement of the Bill;
  - (b) **Part 2** amends Cap. 547;
  - (c) **Part 3** amends subsidiary legislation under Cap. 547; and
  - (d) **Part 4** provides for other related amendments, including amendments to Cap. 541 and its subsidiary legislation, and Cap. 554 and its subsidiary legislation.

C

The existing provisions being amended are at **Annex C**.

## **OTHER OPTIONS**

17. The above proposal must be implemented through legislation. There is no other option.

## **LEGISLATIVE TIMETABLE**

18. The legislative timetable is as follows —

Publication in the Gazette	30 May 2023
First Reading and commencement of Second Reading debate	31 May 2023
Resumption of Second Reading debate, committee stage and Third Reading	to be notified

## **IMPLICATIONS**

19. Implications of the Bill have been set out in the LegCo Brief on Improving Governance at the District Level dated 2 May 2023. The Bill will not affect the current binding effect of the Ordinances and subsidiary legislation which the Bill seeks to amend.

## **PUBLIC CONSULTATION**

20. Since the announcement of the proposals on 2 May, during the period of 2 to 25 May, the Government has arranged/participated in a total of 22 engagement sessions with various sectors, including Hong Kong SAR deputies to the National People's Congress, Hong Kong SAR members of the National Committee of the Chinese People's Political Consultative Conference, LegCo members and representatives from Heung Yee Kuk, DCs, DFCCs, DFSCs, ACs, District Services and Community Care Teams, grassroots associations and associations of Chinese fellow townsmen to brief them on the proposals and listened extensively to the views of representatives from different sectors in Hong Kong. The DOs of 18 districts also attended briefing sessions organised by district organisations and explained the proposals to district personalities. Most of the attendees supported the proposals on improving district governance.

21. As regards LegCo, we have issued a LegCo brief on 2 May and attended the joint panel meeting arranged by the LegCo Panel on Home Affairs, Culture and Sports and Panel on Constitutional Affairs on 4 May. On 5 May, the LegCo House Committee agreed to form the Subcommittee to Study the Proposals for Improving District Governance and Related Matters to discuss the proposals in detail so as to facilitate the subsequent

scrutiny by the bills committee. The Subcommittee held two meetings as of 26 May. All LegCo members who joined the meetings supported the proposals on improving district governance.

22. The Home Affairs Department (“HAD”) has launched a dedicated webpage since 2 May to upload information relating to improving district governance and accept public’s written submissions via email, post or fax from 2 to 16 May (around half of a month). During the period, the HAD received more than 25 000 written submissions (including around 25 000 submissions from individuals and over 300 submissions from organisations). Over 99% of the opinions received support the proposals on improving district governance.

## **PUBLICITY**

23. We will issue a press release. We will also introduce the content of the Bill and new electoral arrangements to the public through the media as appropriate.

## **ENQUIRY**

24. For enquiries on this brief, please contact Mr. Freddy CHIK, Principal Assistant Secretary (3) for Constitutional and Mainland Affairs (Tel: 2810 2852).

**Constitutional and Mainland Affairs Bureau**  
**Home and Youth Affairs Bureau**  
**30 May 2023**

**District Councils (Amendment) Bill 2023**

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# A BILL

## To

Amend the District Councils Ordinance to revise the functions and composition of District Councils; to establish the District Council Eligibility Review Committee; to provide for the mechanism for sanctioning misconduct of members of District Councils; to provide for related matters; and to make minor technical amendments.

Enacted by the Legislative Council.

### Part 1

#### Preliminary

##### 1. Short title and commencement

- (1) This Ordinance may be cited as the District Councils (Amendment) Ordinance 2023.
- (2) This Ordinance—
  - (a) comes into operation on the day on which it is published in the Gazette for the purpose only of enabling arrangements to be made for the constitution of the seventh term of office of the District Councils; and
  - (b) in so far as it has not come into operation under paragraph (a), comes into operation on 1 January 2024.



**2. Enactments amended**

The enactments specified in Parts 2, 3 and 4 are amended as set out in those Parts.

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**Part 2****Amendments to District Councils Ordinance (Cap. 547)****3. Long title amended**

(1) The long title—

**Repeal**

“composition and functions”

**Substitute**

“functions and composition”.

(2) The long title, after “procedure for”—

**Add**

“appointment, registration and”.

(3) The long title, after “Councils;”—

**Add**

“to provide for the mechanism for sanctioning misconduct of members of District Councils;”.

**4. Section 2 amended (interpretation)**

(1) Section 2, definition of *by-election*—

**Repeal**

“an elected”

**Substitute**

“a”.

(2) Section 2, definition of *candidate*—

**Repeal**

“an elected”

**Substitute**

“a”.

- (3) Section 2, definition of
- committee*
- 

**Repeal**

“it”

**Substitute**

“the Chairman of the District Council”.

- (4) Section 2, definition of
- District Council*
- , before “means”—

**Add**

“, in relation to a District.”.

- (5) Section 2, definition of
- District Council*
- , after “Ordinance”—

**Add**

“for the District”.

- (6) Section 2, definition of
- District Officer*
- 

**Repeal**

“means, in relation to a District Council,”

**Substitute**

“, in relation to a District, means”.

- (7) Section 2, definition of
- District Officer*
- 

**Repeal**

“for which that District Council is established”.

- (8) Section 2, definition of
- existing final register*
- 

**Repeal**“*existing final register* (現有的正式選民登記冊)”**Substitute**“*existing GC register* (現有的地方選區選民登記冊)”.

- (9) Section 2, definition of
- ex officio member*
- 

**Repeal**

“section 9(1)(c)”

**Substitute**

“Division 2 of Part IV”.

- (10) Section 2, definition of
- ordinary election*
- , paragraph (a)—

**Repeal**

“the elected”.

- (11) Section 2, definition of
- ordinary election*
- , paragraph (b)—

**Repeal**

“elected members of”.

- (12) Section 2, English text, definition of
- the regulations*
- 

**Repeal**

“Ordinance;”

**Substitute**

“Ordinance.”.

- (13) Section 2—

(a) definition of *constituency*;(b) definition of *corrupt conduct*;(c) definition of *elected member*;(d) definition of *elector*;(e) definition of *illegal conduct*;(f) definition of *member*;(g) definition of *Vice Chairman*—**Repeal the definitions.**

- (14) Section 2—

**Add in alphabetical order**

**“constituency (界別或選區) means—**

- (a) a District Committees constituency; or
- (b) a District Council geographical constituency;

***corrupt or illegal conduct (舞弊或非法行為) means corrupt or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554);***

***District Committee (地區委員會), in relation to a District, means—***

- (a) an Area Committee established in the District;
- (b) the District Fight Crime Committee established in the District; or
- (c) the District Fire Safety Committee established in the District;

***District Committees constituencies register (地區委員會界別選民名冊) means a register of electors for District Committees constituencies compiled and published under section 31A;***

***District Committees constituency (地區委員會界別), in relation to a District Council, means the District Committees constituency established for the District Council under section 5A;***

***District Council geographical constituency (區議會地方選區), in relation to a District Council, means an area declared or specified to be a District Council geographical constituency for the District Council under section 6;***

***elector (選民)—***

- (a) in relation to a District Committees constituency, means a person whose name is included in the existing DCC register; or
- (b) in relation to a District Council geographical constituency, means a person whose name is included in the existing GC register;

***Eligibility Review Committee (資格審查委員會) means the District Council Eligibility Review Committee established under section 10A;***

***existing DCC register (現有的地區委員會界別選民名冊) means a District Committees constituencies register that is currently in force;***

***member (議員) means—***

- (a) a person appointed under Division 1 of Part IV as a member of a District Council;
- (b) a person elected at an election under Part V as a member of a District Council; or
- (c) a person registered under Division 2 of Part IV as an ex officio member of a District Council;

***specified oath (指明誓言) 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;”.***

**5. Part II heading amended (declaration of Districts, establishment of District Councils, declaration of number of elected members and declaration of constituencies)**

Part II, heading—

**Repeal**

everything after “Establishment”

**Substitute**

**“, Functions and Composition of District Councils, etc.”.**

**6. Sections 4A and 4B added**

After section 4—

**Add****“4A. Functions of District Councils**

The functions of a District Council of a District are—

- (a) to be consulted by the Government on the district affairs affecting the livelihood and living environment in the District and well-being of the people in the District;
- (b) to collect the views of the people in the District in respect of an issue specified by the Chairman of the District Council, and to submit to the Government a summary of the views collected and the suggested corresponding measures;
- (c) to establish a regular communication mechanism with the people in the District, to meet with them and listen to their views regularly;
- (d) to support, and assist in, the promotion of laws and Government policies in the District, and assist the Government in carrying out various consultation, publicity and liaison activities, such as district forum;
- (e) to assist in the smooth delivery of cultural, recreational, environmental sanitary and other services relating to the interests of the people in the District under the coordination of the Government;

- (f) to apply for funding for projects and activities such as—
  - (i) those for the purpose of promotion of sports, arts and culture;
  - (ii) local events and celebration events; and
  - (iii) greening and volunteer work;
- (g) to provide services for people in the District, such as consultation and case referral services;
- (h) to cooperate with other consultation and service organizations in the District under the coordination of the Government to achieve the best results in serving the people in the District; and
- (i) to undertake any other matters as commissioned by the Government from time to time.

**4B. Term of office of District Councils**

- (1) The term of office of a District Council is 4 years.
- (2) Each term of office of a District Council is to begin on 1 January next following an ordinary election.”.

**7. Section 5 substituted**

Section 5—

**Repeal the section****Substitute****“5. Composition of District Councils**

- (1) The District Council of each District is to consist of—
  - (a) the District Officer of the District;
  - (b) the persons appointed under Division 1 of Part IV as members of the District Council;

- (c) the persons elected under Part V as members for the District Committees constituency of the District Council;
  - (d) the persons elected under Part V as members for the District Council geographical constituencies of the District Council; and
  - (e) if there is one or more Rural Committees in the District—the persons registered under Division 2 of Part IV as ex officio members of the District Council.
- (2) For the purposes of subsection (1)(b), in relation to a District Council specified in column 2 of Part 1 of Schedule 3, the number specified in column 3 of that Part opposite to the District Council is the maximum number of members to be appointed to that Council.
- (3) For the purposes of subsection (1)(c), in relation to a District Council specified in column 2 of Part 1 of Schedule 3, the number specified in column 4 of that Part opposite to the District Council is the number of members to be returned for the District Committees constituency of that Council.
- (4) For the purposes of subsection (1)(d), in relation to a District Council specified in column 2 of Part 1 of Schedule 3, the number specified in column 5 of that Part opposite to the District Council is the number of members to be returned for the District Council geographical constituencies of that Council.
- (5) For the purposes of subsection (1)(e)—
- (a) in relation to a District Council specified in column 2 of Part 1 of Schedule 3, the number specified in column 6 of that Part opposite to the District Council is the number of ex officio members of that Council; and

- (b) a Rural Committee specified in column 5 of Part 2 of Schedule 3 is taken to be in the District specified opposite to the Rural Committee in column 2 of that Part.
- (6) Subsection (5)(b) and Part 2 of Schedule 3 are without prejudice to any other law governing Rural Committees.”.

**8. Section 5A added**

After section 5—

**Add****“5A. Establishment of District Committees constituencies**

- (1) A District Committees constituency having the name specified in column 3 of Schedule 3A is established for each District Council specified opposite to it in column 2 of that Schedule for the purpose of returning members of the District Council at elections for that constituency.
- (2) The District Committees constituency of a District Council is composed of all members of all the District Committees in the District for which the District Council is established.”.

**9. Section 6 amended (declaration of constituencies)**

- (1) Section 6, heading, after “of”—

**Add****“District Council geographical”.**

- (2) Section 6(1)—

**Repeal paragraph (a)****Substitute**

“(a) declare any area within a District to be a District Council geographical constituency for the purpose of returning members of the District Council of that District at elections for that constituency; and”.

(3) After section 6(1)—

**Add**

“(1A) The number of District Council geographical constituencies in each District is to be half of the number of members to be returned for the District Council geographical constituencies for the District Council of that District.”.

(4) After section 6(2)—

**Add**

“(2A) For the seventh term of office of the District Councils—

(a) the areas that form the District Council geographical constituencies and the names of those constituencies are specified in Schedule 8; and

(b) no order is to be made under subsection (1).”.

(5) Section 6(3), after “this section”—

**Add**

“, or Schedule 8.”.

(6) Section 6(3) and (5)—

**Repeal**

“a constituency”

**Substitute**

“a District Council geographical constituency”.

**10. Section 7 substituted**

Section 7—

**Repeal the section**

**Substitute**

“7. **Number of members to be returned for each District Council geographical constituency**

The number of members to be returned for each District Council geographical constituency is 2.”.

**11. Section 8 amended (Chief Executive in Council may amend Schedule 1, 2 or 3)**

(1) Section 8, heading—

**Repeal**

“or 3”

**Substitute**

“, 3 or 3A”.

(2) Section 8(1)—

**Repeal**

“or 3”

**Substitute**

“, 3 or 3A”.

(3) Section 8(2)(d)—

**Repeal**

“elected to”

**Substitute**

“appointed to, or returned for the District Committees constituency or a District Council geographical constituency of,”.

**12. Part III repealed (composition of a District Council)**

Part III—

**Repeal the Part.****13. Part IIIA added**

Before Part IV—

**Add****“Part IIIA****District Council Eligibility Review Committee****10A. Establishment of the District Council Eligibility Review Committee**

- (1) A District Council Eligibility Review Committee is established for the purposes of this Ordinance and such other purposes as may be prescribed by any other Ordinance.
- (2) The Eligibility Review Committee is to consist of the following members—
  - (a) the chairperson;
  - (b) at least 2 but not more than 4 official members; and
  - (c) at least 1 but not more than 3 non-official members.
- (3) Each member of the Eligibility Review Committee is to be appointed by the Chief Executive by notice published in the Gazette.
- (4) Only a principal official appointed pursuant to a nomination under Article 48(5) of the Basic Law is eligible for appointment under subsection (3) as the

chairperson or an official member referred to in subsection (2)(a) or (b).

- (5) Only a person who is not a public officer is eligible for appointment under subsection (3) as a non-official member referred to in subsection (2)(c).
- (6) The Chief Executive must report any appointment made under subsection (3) to the Central People’s Government for the record.

**10B. Functions of the Eligibility Review Committee**

- (1) The Eligibility Review Committee is to review and confirm the eligibility of—
  - (a) any person proposed to be appointed under Division 1 of Part IV as a member;
  - (b) any person proposed to be registered under Division 2 of Part IV as an ex officio member; or
  - (c) any person nominated under Part V as a candidate.
- (2) In deciding the eligibility of a person under subsection (1)—
  - (a) the Eligibility Review Committee is to seek the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region (*CSNS*) as to whether the person fails to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China; and
  - (b) if an opinion is given by CSNS—the Eligibility Review Committee must make the decision in accordance with the opinion.”.

**14. Part IV, Division 1 added**

Part IV, before Division 2—

**Add****“Division 1—Appointed Members****11. Chief Executive to appoint members**

- (1) The Chief Executive may appoint as members of a District Council a number of persons not exceeding the number specified in column 3 of Part 1 of Schedule 3 in relation to that District Council.
- (2) The Chief Executive may only appoint a person as a member under subsection (1) if the proposal to appoint the person is decided as valid by the Eligibility Review Committee under section 13.
- (3) If the Chief Executive appoints a person as a member under subsection (1), the Designated Officer must issue a letter of appointment to the person.
- (4) A person appointed as a member holds office from the date specified in the letter of appointment and vacates office on 31 December of the year in which an ordinary election is next held after the appointment.
- (5) The Designated Officer must, within 21 days after the date of the letter of appointment, publish in the Gazette the person’s name and his or her term of office as a member.

**12. Who is eligible to be appointed as member**

- (1) A person is eligible to be appointed as a member only if the person—
  - (a) has reached 21 years of age;

- (b) is registered as an elector in the existing GC register;
- (c) is not disqualified from voting at an election;
- (d) is not disqualified from being appointed as a member by virtue of section 14 or any other law; and
- (e) has ordinarily resided in Hong Kong for the 3 years immediately preceding the appointment.

- (2) A person elected at an election as a member for a term of office of a District Council is not eligible to be appointed as a member in that term of office.
- (3) A person who is holding office as the Chairman of a Rural Committee is not eligible to be appointed as a member.

**13. Decision on validity of proposals to appoint persons as members**

- (1) The Designated Officer may submit a proposal to appoint a person as a member to the Eligibility Review Committee.
- (2) The Eligibility Review Committee must, as soon as practicable after receiving a proposal submitted by the Designated Officer, decide whether or not the proposal is valid.
- (3) Without prejudice to sections 12 and 14, the Eligibility Review Committee may decide a proposal to appoint a person to be invalid if and only if—
  - (a) the Eligibility Review Committee is satisfied that the person fails to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China;



- (b) the Eligibility Review Committee is satisfied that the person is not eligible to be, or disqualified from being, appointed as a member; or
  - (c) the Eligibility Review Committee is satisfied that the person is dead.
- (4) In deciding whether a proposal to appoint a person is valid, the Eligibility Review Committee—
- (a) may require the Designated Officer to furnish any information in the possession of the Officer that relates to any of the matters specified in subsection (5);
  - (b) may require the person to furnish any other information that the Committee considers appropriate for enabling the Committee to be satisfied as to the validity of the proposal; and
  - (c) may require the Designated Officer to obtain any other information that relates to any of the matters specified in subsection (5) from any person.
- (5) The matters specified for subsection (4)(a) and (c) are—
- (a) whether the proposal is valid;
  - (b) whether the person is eligible to be appointed as a member under section 12;
  - (c) whether the person is disqualified from being so appointed under section 14; and
  - (d) whether the person is dead.
- (6) If the Eligibility Review Committee decides that a proposal to appoint a person is invalid—
- (a) the Committee must inform the Designated Officer of the decision and the reasons for it; and

- (b) the Designated Officer must, as soon as practicable, inform the person and the Chief Electoral Officer of the decision and the reasons in writing.

#### 14. Disqualification from being appointed as members

- (1) A person is disqualified from being appointed as a member if the person—
- (a) is—
    - (i) a judicial officer; or
    - (ii) a prescribed public officer;
  - (b) has, in Hong Kong, or 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;
  - (c) has been convicted of treason;
  - (d) on the date of submission of the proposal to appoint the person, is serving a sentence of imprisonment;
  - (e) without limiting paragraph (b), where the proposal to appoint the person is submitted within 5 years after the date of the person's conviction, has been convicted—
    - (i) in Hong Kong or any other place, of an offence for which the person has been sentenced to imprisonment, whether suspended or not, for a term exceeding 3 months without the option of a fine;

- (ii) of having engaged in corrupt or illegal conduct;
  - (iii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap. 201); or
  - (iv) of any offence prescribed by section 86A, section 7 of Schedule 4A or regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541);
- (f) is a representative or a salaried functionary of the government of a place outside Hong Kong;
- (g) is a member of any national, regional or municipal legislature, assembly or council of any place outside Hong Kong, other than a people's congress or people's consultative body of the People's Republic of China, whether established at the national level or local level; or
- (h) is an undischarged bankrupt or, within 5 years before the date of submission of the proposal to appoint the person, has either obtained a discharge in bankruptcy or has entered into a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap. 6) with the person's creditors, in either case without paying the creditors in full.
- (2) A person is also disqualified from being appointed as a member if, within 5 years before the date of submission of the proposal to appoint the person—
- (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; or

- (b) the person has been declared or decided in accordance with any law—
    - (i) to be in breach of a specified oath; or
    - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.
- (3) A person is also disqualified from being appointed as a member if the person is found under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs.
- (4) Subsection (3) does not prevent a person from being eligible for appointment as a member if subsequently it is found under the Mental Health Ordinance (Cap. 136) that the person has become capable of managing and administering his or her property and affairs.
- 15. How an appointed member can resign**
- (1) A person appointed as a member may at any time resign from office as a member by giving written notice of resignation to the Designated Officer.
- (2) A notice of resignation is not effective unless it is signed by the member concerned.
- (3) A notice of resignation takes effect—
- (a) on the date on which the notice is received by the Designated Officer; or
  - (b) if a later date is specified in the notice, on that later date.

**16. When the office of appointed member becomes vacant and appointment of substitute**

- (1) The office of a member appointed under this Division becomes vacant if—
  - (a) the member dies;
  - (b) the member resigns in accordance with section 15 or is taken to have resigned under section 17C;
  - (c) the member is disqualified under section 26A from holding office as a member; or
  - (d) the member's appointment is revoked by the Chief Executive.

**Note—**

See section 42 of the Interpretation and General Clauses Ordinance (Cap 1).

- (2) When the office of a member appointed under this Division becomes vacant under subsection (1), the Chief Executive may appoint another person to hold office as a member in that member's place under section 11.”.

**15. Section 17 substituted**

Section 17—

**Repeal the section****Substitute****“17. Who is eligible to be registered as ex officio member**

A person who is holding office as the Chairman of a Rural Committee specified in column 5 of Part 2 of Schedule 3 is eligible to be registered in accordance with this Division as an ex officio member of the District Council specified opposite to the Rural Committee in column 3 of that Part.”.

**16. Sections 17A, 17B and 17C added**

After section 17—

**Add****“17A. How to register as ex officio members**

- (1) A person who is holding office as the Chairman of a Rural Committee may be registered as an ex officio member only if the person submits a registration form that complies with this section to the Designated Officer.
- (2) The registration form must be in the specified form.
- (3) The registration form must contain—
  - (a) a declaration by the person to the effect that the person—
    - (i) is holding office as the Chairman of a Rural Committee; and
    - (ii) is not disqualified from being registered as an ex officio member; and
  - (b) a declaration by the person to the effect that the person will uphold the Basic Law and pledge allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.
- (4) The registration form must be signed by the person.
- (5) The registration form must contain other particulars (if any) required to be furnished on that form.
- (6) The Designated Officer may require a person to be registered under this section to furnish any other information to enable the Eligibility Review Committee to decide whether or not the registration is valid.

- (7) For the purpose of constituting the seventh term of office of the District Councils, the registration form must be submitted to the Designated Officer by 1 December 2023.

**17B. Decision on validity of registration**

- (1) The Designated Officer must, as soon as practicable after receiving a registration form, forward the form to the Eligibility Review Committee.
- (2) The Eligibility Review Committee must, as soon as practicable after receiving a registration form forwarded by the Designated Officer, decide whether or not the registration is valid.
- (3) Without prejudice to sections 17, 17A and 19, the Eligibility Review Committee may decide a registration of a person to be invalid if and only if—
- the registration form has not been completed or signed as required under section 17A;
  - the Eligibility Review Committee is satisfied that the person is disqualified from being registered as an ex officio member; or
  - the Eligibility Review Committee is satisfied that the person is dead.
- (4) In deciding whether a registration of a person is valid, the Eligibility Review Committee—
- may require the Designated Officer to furnish any information in the possession of the Officer that relates to any of the matters specified in subsection (5);
  - may require the person to furnish any other information that the Committee considers

- appropriate for enabling the Committee to be satisfied as to the validity of the registration; and
- may require the Designated Officer to obtain any other information that relates to any of the matters specified in subsection (5) from any person.
- (5) The matters specified for subsection (4)(a) and (c) are—
- whether sections 17 and 17A are complied with in relation to the person;
  - whether the registration of the person is valid;
  - whether the registration form has been completed or signed as required under section 17A;
  - whether the person is disqualified from being registered as an ex officio member; and
  - whether the person is dead.
- (6) If the Eligibility Review Committee decides that a registration of a person is invalid—
- the Committee must endorse on the relevant registration form the decision and the reasons for it; and
  - the Designated Officer must, as soon as practicable, inform the Chief Electoral Officer of the decision and the reasons in writing.
- (7) After the Eligibility Review Committee has made a decision on the validity of a registration of a person—
- the Designated Officer must, as soon as practicable, inform the person of the decision in writing; and
  - if the registration of the person is decided as valid—
    - the Committee must, as soon as practicable, publish in the Gazette a notice declaring the registration as valid; and

- (ii) the Designated Officer must, within 21 days after the decision, publish in the Gazette the person's name and his or her term of office as an ex officio member.

**17C. Member taken to have resigned on becoming ex officio member**

If—

- (a) a person is holding office as a member of a District Council (otherwise than being an ex officio member) (*first office*); and
- (b) the person becomes eligible to be registered as an ex officio member of the same or another District Council (*second office*),

the person is taken to have resigned from the first office with effect immediately before the date on which the person commences to hold the second office.”.

**17. Section 18 repealed (when the office of ex officio member becomes vacant)**

Section 18—

**Repeal the section.**

**18. Section 19 amended (disqualification of ex officio members)**

- (1) Section 19, heading—

**Repeal**

“of”

**Substitute**

“from being registered as”.

- (2) Section 19(1)—

**Repeal**

“holding office”

**Substitute**

“being registered”.

- (3) Section 19(1)(d)—

**Repeal**

“term of office is to begin”

**Substitute**

“registration form is submitted”.

- (4) Section 19(1)(d)—

**Repeal**

“, or is convicted after the beginning of the term of office”.

- (5) Section 19(1)(d)(ii)—

**Repeal**

“in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554)”.

- (6) Section 19(1)(d)(iv), after “by”—

**Add**

“section 86A, section 7 of Schedule 4A or”.

- (7) Section 19(1)(g)—

**Repeal**

“the previous 5 years”

**Substitute**

“5 years before the date of submission of the registration form”.

- (8) Section 19—

**Repeal subsection (1A)**

**Substitute**

“(1A) A person is also disqualified from being registered as an ex officio member if, within 5 years before the date of submission of the registration form—

- (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; or
- (b) the person has been declared or decided in accordance with any law—
  - (i) to be in breach of a specified oath; or
  - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China.”

(9) Section 19—

**Repeal subsection (1B).**

(10) Section 19(2)—

**Repeal**

“An ex officio member”

**Substitute**

“A person”.

(11) Section 19(2)—

**Repeal**

“holding office”

**Substitute**

“being registered as an ex officio member”.

(12) Section 19(3)—

**Repeal**

“holding office”

**Substitute**

“being registered”.

(13) Section 19—

**Repeal subsections (4), (5), (6) and (7).**

**19. Section 19A added**

Part IV, Division 2, after section 19—

**Add****“19A. When the office of ex officio member becomes vacant**

- (1) The office of an ex officio member becomes vacant if—
  - (a) the member dies;
  - (b) the member’s term of office as Chairman of a Rural Committee ends;
  - (c) the member otherwise ceases to hold office as Chairman of a Rural Committee; or
  - (d) the member is disqualified under section 26A from holding office as a member.
- (2) For the purpose of constituting the seventh term of office of the District Councils, if a person who is an ex officio member of the sixth term of office of a District Council fails to submit a registration form in accordance with section 17A, the office of the ex officio member becomes vacant at the end of the sixth term of office of the District Council.

- (3) If the office of an ex officio member becomes vacant under subsection (1) or (2), the person or the person's successor as the Chairman of the Rural Committee (as the case requires) may be registered as an ex officio member in accordance with this Division.”.

**20. Part IV, Division 3 heading amended (elected members)**

Part IV, Division 3, heading—

**Repeal**

“Elected Members”

**Substitute**

“Members Returned at Election”.

**21. Section 20 amended (who is eligible to be nominated as a candidate)**

- (1) Section 20(1)(b)—

**Repeal**

“an elector”

**Substitute**

“registered as an elector in the existing GC register”.

- (2) Section 20(1)(d)—

**Repeal**

“an elected”

**Substitute**

“a”.

- (3) Section 20(4), Chinese text—

**Repeal**

“選區” (wherever appearing)

**Substitute**

“界別或選區”.

**22. Section 21 amended (when person is disqualified from being nominated as a candidate and from being elected as an elected member)**

- (1) Section 21, heading—

**Repeal**

“an elected”

**Substitute**

“a”.

- (2) Section 21(1)—

**Repeal**

“an elected member”

**Substitute**

“a member at an election”.

- (3) Section 21(1)(e)(ii)—

**Repeal**

“in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554)”.

- (4) Section 21(1)(e)(iv), after “by”—

**Add**

“section 7 of Schedule 4A or”.

- (5) Section 21(1)(f)—

**Repeal**

“an elected member”

**Substitute**

“a member at an election”.

- (6) Section 21(1A) and (3)—

**Repeal**

“an elected member”

**Substitute**

“a member at an election”.

- (7) Section 21—

**Repeal subsection (4).**

**23. Section 22 amended (how long elected member is to hold office)**

- (1) Section 22, heading—

**Repeal**

“elected member”

**Substitute**

“member elected at election”.

- (2) Section 22(1)—

**Repeal**

“An elected member”

**Substitute**

“A member elected at an ordinary election”.

- (3) Section 22(2)—

**Repeal**

“an elected member’s (*first elected member*) office becoming vacant”

**Substitute**

“a member’s office becoming vacant under section 26”.

- (4) Section 22(2)—

**Repeal**

“on the day the first elected member would have vacated office had that member served the full term”

**Substitute**

“at the end of the term of office of the District Council during which the by-election was held”.

**24. Section 23 amended (elected members to accept office)**

- (1) Section 23, heading—

**Repeal**

“Elected members to accept office”

**Substitute**

“Members elected at election taken to have accepted office”.

- (2) Section 23(1)—

**Repeal**

“to be a member”

**Substitute**

“as a member at an election”.

- (3) Section 23(3)—

**Repeal**

“an elected”

**Substitute**

“a”.

**25. Section 24 repealed (disqualification of elected members)**

Section 24—

**Repeal the section.**



**26. Section 25 amended (how an elected member can resign)**

- (1) Section 25, heading—

**Repeal**

“an elected member”

**Substitute**

“a member returned at election”.

- (2) Section 25(1)—

**Repeal**

“An elected member”

**Substitute**

“A member returned at an election”.

- (3) Section 25(1)—

**Repeal**

“an elected”

**Substitute**

“a”.

**27. Section 26 amended (when elected member’s office becomes vacant)**

- (1) Section 26, heading—

**Repeal**

“elected member’s office”

**Substitute**

“the office of a member returned at election”.

- (2) Section 26—

**Repeal**

“An elected member’s office”

**Substitute**

“The office of a member returned at an election”.

- (3) Section 26(b)—

**Repeal**

“10”

**Substitute**

“17C”.

- (4) Section 26(c)—

**Repeal**

“24 from holding office as an elected”

**Substitute**

“26A from holding office as a”.

**28. Part IV, Division 4 added**

Part IV, after Division 3—

**Add****“Division 4—Disqualification of Members****26A. Disqualification from holding office as members**

- (1) A member is disqualified from holding office if the member—

- (a) becomes—

(i) a judicial officer; or

(ii) a prescribed public officer;

- (b) has, in Hong Kong, or 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;
- (c) has been convicted of treason;
- (d) without limiting paragraph (b), is convicted—
  - (i) in Hong Kong or any other place, of an offence for which the person has been sentenced to imprisonment, whether suspended or not, for a term exceeding 3 months without the option of a fine;
  - (ii) of having engaged in corrupt or illegal conduct;
  - (iii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap. 201); or
  - (iv) of any offence prescribed by section 86A, section 7 of Schedule 4A or regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541);
- (e) becomes a representative or a salaried functionary of the government of a place outside Hong Kong;
- (f) becomes a member of any national, regional or municipal legislature, assembly or council of any place outside Hong Kong, other than a people's congress or people's consultative body of the People's Republic of China, whether established at the national level or local level; or
- (g) becomes an undischarged bankrupt or, within the previous 5 years, has either obtained a discharge in bankruptcy or has entered into a voluntary arrangement within the meaning of the Bankruptcy

- Ordinance (Cap. 6) with the person's creditors, in either case without paying the creditors in full.
- (2) A member is also disqualified from holding office if the member—
    - (a) is in breach of an oath taken under section 19A of the Oaths and Declarations Ordinance (Cap. 11); or
    - (b) fails, or is declared or decided in accordance with any law 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 of the People's Republic of China.
  - (3) A member is also disqualified from holding office if the member is found under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs.
  - (4) Subsection (3) does not prevent a person from being eligible to be appointed or registered as a member, or to be a candidate at an election, if subsequently it is found under the Mental Health Ordinance (Cap. 136) that the person has become capable of managing and administering his or her property and affairs.
  - (5) Subject to subsection (7), a member is also disqualified from holding office for the remainder of that member's term of office if the member does not attend meetings of the District Council for 4 consecutive months (*disqualifying period*) without obtaining the consent of the Council before the end of that period.
  - (6) The disqualifying period under subsection (5) begins on the day next following the date of the meeting of the

Council at which the member is first absent without consent.

- (7) If during the disqualifying period no meetings are held or only 1 meeting is held, that period is extended to end immediately after the 3rd consecutive meeting from which the member is absent.
- (8) A member is also disqualified from holding office if the member was not eligible to be appointed as a member or nominated as a candidate under section 12 or 20 (as the case requires).”.

**29. Section 27 amended (Chief Executive to specify dates for holding ordinary elections)**

- (1) Section 27(4)—

**Repeal**

“elected members”

**Substitute**

“District Councils”.

- (2) After section 27(4)—

**Add**

- “(5) The Chief Executive may specify different dates for holding an ordinary election to return each of the following classes of members—
- (a) the members to be returned for each District Committees constituency; and
- (b) the members to be returned for all District Council geographical constituencies.”.

**30. Section 29 amended (who is entitled to vote at an election)**

- (1) Section 29(1)—

**Repeal**

“only if the person is an elector”

**Substitute**

“for a District Committees constituency or a District Council geographical constituency only if the person is an elector for the constituency”.

- (2) Section 29—

**Repeal subsections (2) and (3).**

- (3) Section 29(4)—

**Repeal**

“is entitled to vote only once”

**Substitute**

“for a constituency is entitled to vote only once in respect of the constituency”.

- (4) Section 29—

**Repeal subsection (5).**

- (5) Section 29(6)—

**Repeal**

“In any subsequent election, an”

**Substitute**

“An”.

- (6) Section 29(6)—

**Repeal**

“final”

**Substitute**

“GC”.

- (7) Section 29(7)—

**Repeal**

“(5) or”.

**31. Section 30 amended (when an elector is disqualified from voting at an election)**

(1) Section 30—

**Renumber the section as section 30(1).**

(2) After section 30(1)—

**Add**

“(2) An elector of a District Committees constituency is also disqualified from voting at an election for the constituency if the elector has ceased to be a member of a District Committee in the District concerned.”.

**32. Section 31 repealed (Electoral Registration Officer to publish register for the first ordinary election)**

Section 31—

**Repeal the section.****33. Section 31A added**

Part V, at the end of Division 2—

**Add****“31A. Electoral Registration Officer to compile and publish District Committees constituencies register**

(1) The Electoral Registration Officer must compile and publish a register of electors for District Committees constituencies in accordance with Schedule 4A.

(2) Schedule 4A also has effect in relation to the inspection of the register and use of information in the register.”.

**34. Section 32 amended (vacancy in membership of elected members of a District Council to be declared)**

(1) Section 32, heading—

**Repeal**

“elected members of a District Council”

**Substitute**

“members returned at election”.

(2) Section 32(1)—

**Repeal**

“an elected member”

**Substitute**

“a member returned at an election”.

(3) Section 32(2)—

**Repeal**

“an elected”

**Substitute**

“a”.

**35. Section 33 amended (by-election to be held to fill vacancy in membership of District Councils)**

(1) Section 33(1)—

**Repeal paragraph (b).**

(2) Section 33(1)(c), after “the election”—

**Add**

“or because the number of validly nominated candidates for the election was less than the number of members to be returned for the constituency”.

- (3) Section 33(1)(d), after “the election”—

**Add**

“or because the number of candidates returned at the election was less than the number of members to be returned for the constituency due to the death or disqualification of a successful candidate”.

- (4) Section 33(2)—

**Repeal**

“elected”.

**36. Section 34 amended (what requirements are to be complied with by persons nominated as candidates)**

Section 34—

**Repeal subsection (1)****Substitute**

“(1) A person is to be nominated as a candidate for an election by submitting a nomination form in accordance with this section and regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541).

- (1A) The nomination form must—

- (a) be subscribed in accordance with the regulations;
- (b) be accompanied by a deposit; and
- (c) include or be accompanied by a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the Hong Kong Special Administrative Region.”.

**37. Section 36 amended (who are validly nominated candidates)**

- (1) Section 36(1)—

**Repeal**

“Returning Officer”.

**Substitute**

“Eligibility Review Committee”.

- (2) After section 36(1)—

**Add**

“(1A) The Eligibility Review Committee must, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541), publish a notice stating which persons are validly nominated as candidates.”.

- (3) Section 36(2)—

**Repeal**

“after the Returning Officer”

**Substitute**

“after the Eligibility Review Committee”.

- (4) Section 36(2)—

**Repeal**

everything after “(Cap. 541)”

**Substitute**

“, give notice of the death of the candidate.”.

- (5) Section 36(2), Chinese text—

**Repeal**

“某選區”

**Substitute**

“某界別或選區”.

- (6) After section 36(2)—

**Add**

“(2A) If a notice under subsection (1A) has been published, the Returning Officer must also, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541)—

- (a) publicly declare that the candidate has died; and
- (b) further declare which candidate or candidates are validly nominated for election for the constituency.”.

(7) Section 36(3)—

**Repeal**

“Subsection (2) does”

**Substitute**

“Subsections (2) and (2A) do”.

(8) Section 36(3)—

**Repeal**

“an elected”

**Substitute**

“a”.

(9) Section 36—

**Repeal subsection (4)****Substitute**

“(4) If, after the Eligibility Review Committee has made a decision under subsection (1) that a candidate is validly nominated for election for a constituency but before the date specified for holding the election, proof is given to the satisfaction of the Committee that the candidate is disqualified from being nominated as a candidate—

(a) the Committee must, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541), vary the decision to the effect that the candidate is not validly nominated; and

(b) after the Committee so varies the decision, the Returning Officer must, in accordance with those regulations, give notice of the variation of the decision.

(4A) If a notice under subsection (1A) has been published, the Eligibility Review Committee must also, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541)—

(a) publicly declare that the decision has been varied; and

(b) further declare which candidate or candidates are validly nominated for election for the constituency.”.

(10) Section 36(5)—

**Repeal**

“Subsection (4) does”

**Substitute**

“Subsections (4) and (4A) do”.

(11) Section 36(5)—

**Repeal**

“an elected”

**Substitute**

“a”.

**38. Section 37 amended (candidates entitled to send letters to electors free of postage)**

Section 37(1), Chinese text—

**Repeal**

“選區” (wherever appearing)

**Substitute**

“界別或選區”.

**39. Sections 39, 40 and 41 substituted**

Sections 39, 40 and 41—

**Repeal the sections****Substitute****“39. What is to happen if insufficient candidates are nominated**

- (1) If, after the close of nomination of candidates for election for a constituency, the number of validly nominated candidates is no more than the number of members to be returned for the constituency, the Returning Officer must, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541), publicly declare the candidate or candidates to be duly elected as a member or members.
- (2) If, after the close of nomination of candidates for election for a constituency, no candidate was validly nominated or the number of validly nominated candidates was less than the number of members to be returned for the constituency, the Returning Officer must, by notice published in the Gazette, declare the election to have failed or, as the case may be, to have failed to the extent that the number of candidates validly nominated was less than the number of members to be returned.

**40. Death or disqualification of validly nominated candidate on date of election**

- (1) Subsections (2) and (3) apply if, on the date of an election but before the result of the election is declared—
  - (a) proof is given to the satisfaction of the Returning Officer that a validly nominated candidate for election for a constituency has died; or
  - (b) proof is given to the satisfaction of the Eligibility Review Committee that a validly nominated candidate for election for a constituency is disqualified from being elected.
- (2) In the circumstances mentioned in subsection (1)(a) or (b)—
  - (a) the proceedings for the election for the constituency are not to be terminated at that stage;
  - (b) if the polling for the election has not begun or is being conducted, the polling is to begin or to continue as if the death or disqualification had not occurred; and
  - (c) if the counting of votes in respect of the election has not begun or is being conducted, the counting of votes is to begin or to continue as if the death or disqualification had not occurred.
- (3) If, after the counting of votes is finished, the candidate referred to in subsection (1) is found to be successful at the election, the Returning Officer must, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541), publicly declare the election—
  - (a) to have failed; or

- (b) (where more than one member is to be returned at the election for the constituency and there is another candidate or there are other candidates elected for the constituency) to have failed to the extent that the number of candidates returned at the election for the constituency was less than the number of members to be returned for the constituency.

**41. How election is to be conducted**

- (1) At every contested election to return a member for a constituency—
- (a) a poll is to be taken of the electors of the constituency; and
- (b) the voting at the poll is to be by secret ballot.
- (2) A poll is to be conducted in accordance with the regulations and regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541).
- (3) The Returning Officer appointed for a constituency is responsible for supervising an election for the constituency in accordance with this Ordinance and the Electoral Affairs Commission Ordinance (Cap. 541).”

**40. Sections 41A and 41B added**

After section 41—

**Add**

**“41A. System of voting and counting of votes: District Committees constituencies**

- (1) Voting and counting of votes at a poll for the return of members for a District Committees constituency is to be conducted in accordance with the simple or relative majority system of election (otherwise known as the “first

- past the post” voting system) whereby an elector of the District Committees constituency is entitled to vote for a number of candidates that is equal to the number of vacancies.
- (2) At an election, an elector for a District Committees constituency is entitled to cast the same number of votes as the number of members to be returned for the constituency at that election.
- (3) The votes cast by an elector for a District Committees constituency at an election are valid only if the elector has cast all the votes under the elector’s entitlement for that election as specified in subsection (2) and no more.
- (4) The candidates to be returned as members for a District Committees constituency at an election are those who obtain the greatest number of votes at the election and then the next greatest and so on until the required number of members is returned for the constituency at that election.
- (5) If, after the counting is finished at an election for a District Committees constituency, a member or members are still to be returned for the constituency and the most successful candidates remaining have an equal number of votes—
- (a) the Returning Officer must determine the result of the election for the purpose of returning the member or members still to be returned by drawing lots; and
- (b) the candidate or candidates on whom the lot falls is or are to be returned at the election.
- (6) Subject to subsection (7), as soon as practicable after determining the result of an election for a District Committees constituency, the Returning Officer must publicly declare as elected the candidate or candidates who were successful at the election.



- (7) If a candidate referred to in section 40(1)(a) or (b) was successful at the election for the constituency, the Returning Officer must not declare the candidate as elected.

**41B. System of voting and counting of votes: District Council geographical constituencies**

- (1) Voting and counting of votes at a poll for the return of members for a District Council geographical constituency is to be conducted in accordance with the simple or relative majority system of election (otherwise known as the “first past the post” voting system) whereby an elector of the District Council geographical constituency is entitled to vote for 1 candidate.
- (2) The candidates to be returned as members for a District Council geographical constituency at an ordinary election are the 2 candidates who obtain the greatest and next greatest numbers of votes.
- (3) Subsection (2) applies with any necessary modifications to a by-election to fill vacancies among the members to be returned for a District Council geographical constituency.
- (4) If, after the counting is finished at an election for a District Council geographical constituency, 1 or 2 members are still to be returned for the constituency and the most successful candidates remaining have an equal number of votes—
- (a) the Returning Officer must determine the result of the election for the purpose of returning the member or members still to be returned by drawing lots; and
- (b) the candidate or candidates on whom the lot falls is or are to be returned at the election.

- (5) Subject to subsection (6), as soon as practicable after determining the result of an election for a District Council geographical constituency, the Returning Officer must publicly declare as elected the candidate or candidates who were successful at the election.
- (6) If a candidate referred to in section 40(1)(a) or (b) was successful at the election for the constituency, the Returning Officer must not declare the candidate as elected.”.

**41. Section 43 amended (misnomer or inaccuracy not to affect operation of election document)**

Section 43(2)—

**Repeal**

“nomination paper”

**Substitute**

“nomination form”.

**42. Section 46 amended (Returning Officer to publish result of election)**

(1) Section 46(1)—

**Repeal**

“an elected member”

**Substitute**

“a member or members”.

(2) Section 46(1)—

**Repeal**

“returned at the election is the elected member”

**Substitute**

“or candidates returned at the election is or are the members”.

**43. Section 49 amended (election may be questioned only by election petition made on specified grounds)**

(1) Section 49(1)—

**Repeal**

“return an elected”

**Substitute**

“return a”.

(2) Section 49(1)(a)—

**Repeal**

“an elected”

**Substitute**

“a”.

(3) Section 49(2)—

**Repeal**

“an elected”

**Substitute**

“a”.

(4) Section 49(3), definition of *election*, after “of”—

**Add**

“the Eligibility Review Committee,”.

(5) Section 49(3)—

**Repeal the definition of *corrupt or illegal conduct*.**

**44. Sections 50 and 51 substituted**

Sections 50 and 51—

**Repeal the sections**

**Substitute**

**“50. Who may lodge election petition**

(1) An election petition may be lodged in respect of an election for a District Committees constituency—

(a) by 3 or more electors entitled to vote in the constituency; or

(b) by a person claiming to have been a candidate in the constituency.

(2) An election petition may be lodged in respect of an election for a District Council geographical constituency—

(a) by 10 or more electors entitled to vote in the constituency; or

(b) by a person claiming to have been a candidate in the constituency.

**51. Who may be made respondent to election petition**

(1) The following persons may be made a respondent to an election petition—

(a) a person whose election is questioned by the petition;

(b) the Returning Officer in respect of the election; and

(c) if grounds for the petition relate to a decision of the Eligibility Review Committee—the Eligibility Review Committee.

(2) 2 or more candidates at an election may be made respondents to the same election petition and their cases may be tried at the same time, but for the purposes of this

Part, and in relation to any order for giving security for costs, the petition is taken to be a separate election petition against each respondent.”.

45. **Section 55 amended (Court to determine election petition)**
- (1) Section 55(1)—  
**Repeal**  
 “Returning Officer”  
**Substitute**  
 “Eligibility Review Committee”.
- (2) Section 55(1), English text—  
**Repeal**  
 “that Officer”  
**Substitute**  
 “the Returning Officer”.
46. **Section 58B amended (Court of Final Appeal’s determination)**  
 Section 58B(a)(i)(A)—  
**Repeal**  
 “Returning Officer”  
**Substitute**  
 “Eligibility Review Committee”.
47. **Section 59 amended (acts of person not invalid if determined not duly elected)**  
 Section 59—  
**Repeal**  
 “an elected” (wherever appearing)

**Substitute**

“a”.

48. **Section 60 amended (what is to happen if an elected member is determined not to have been duly elected)**
- (1) Section 60, heading—  
**Repeal**  
 “an elected”  
**Substitute**  
 “a”.
- (2) Section 60(1), (1A), (2), (3), (4) and (5)—  
**Repeal**  
 “an elected” (wherever appearing)  
**Substitute**  
 “a”.
49. **Section 60A amended (interpretation: Part VA)**
- (1) Section 60A(1), definition of *disqualified candidate*—  
**Repeal**  
 “Returning Officer under section 40(2)”  
**Substitute**  
 “Eligibility Review Committee under section 40(1)(b)”.
- (2) Section 60A(1)—  
 (a) **Repeal the definition of *elected as an elected member*;**  
 (b) **Add in alphabetical order**  
 “*elected as a member* (當選為議員), in relation to a candidate, means—

- (a) a candidate who is declared to be duly elected in a notice published under section 46, unless he or she is determined under section 55(1) or (2) or 58B to be not duly elected;
  - (b) a deceased candidate who is found to be successful at the election under section 40(3), unless proof is given to the satisfaction of the Eligibility Review Committee under section 40(1)(b) that he or she is disqualified from being elected; or
  - (c) a candidate who becomes a member under section 60(2);”.
- (3) Section 60A(2)(a) and (b), Chinese text—
- Repeal**  
“選區” (wherever appearing)
- Substitute**  
“界別或選區”.
- (4) Section 60A—
- Repeal subsection (3)**
- Substitute**  
“(3) For section 60D(2)(a)—
- (a) the number of electors for a District Committees constituency is the number of electors for the constituency as shown in the District Committees constituencies register that is in force at the time the election is held; and
  - (b) the number of electors for a District Council geographical constituency is the number of electors registered for that constituency as shown in the final register of geographical constituencies compiled

and published by the Electoral Registration Officer under section 32 of the Legislative Council Ordinance (Cap. 542) that is in force at the time the election is held.”.

**50. Section 60C amended (eligibility for financial assistance)**

- (1) Section 60C, English text—
- Repeal**  
“he is”
- Substitute**  
“the candidate”.
- (2) Section 60C(a)—
- Repeal**  
“a candidate who is elected as an elected”
- Substitute**  
“is elected as a”.
- (3) Section 60C(b)—
- Repeal**  
“a candidate who is not elected as an elected member but who”
- Substitute**  
“is not elected as a member but”.
- (4) Section 60C, Chinese text—
- Repeal**  
“選區” (wherever appearing)
- Substitute**  
“界別或選區”.
- (5) Section 60C, Chinese text—

**Repeal**

“他” (wherever appearing)

**Substitute**

“該候選人”.

**51. Section 60D amended (amount payable as financial assistance)**

(1) Section 60D(1), Chinese text—

**Repeal**

“選區”

**Substitute**

“界別或選區”.

(2) Section 60D(2)(a)—

**Repeal**

“registered”.

(3) Section 60D(2), Chinese text—

**Repeal**

“選區” (wherever appearing)

**Substitute**

“界別或選區”.

**52. Section 60E amended (entitlement to financial assistance not affected by failure of election, but financial assistance not payable if election proceedings are terminated)**

(1) Section 60E, heading—

**Repeal**

“, but financial assistance not payable if election proceedings are terminated”.

(2) Section 60E—

**Repeal subsection (2).****53. Part VI heading amended (functions, Chairman and Vice Chairman and procedure of a District Council)**

Part VI, heading—

**Repeal**

“Functions, Chairman and Vice Chairman”

**Substitute**

“Chairman”.

**54. Part VI, Division 1 heading repealed (functions of a District Council)**

Part VI, Division 1, heading—

**Repeal the heading.**

**55. Section 61 repealed (functions of a District Council)**

Section 61—

**Repeal the section.**

**56. Part VI, Division 2 heading repealed (Chairman and Vice Chairman of a District Council)**

Part VI, Division 2, heading—

**Repeal the heading.**

**57. Section 62 substituted**

Section 62—

**Repeal the section**

**Substitute**

**“62. District Officer to be Chairman**

The District Officer of a District is to be the Chairman of the District Council of the District.”.

**58. Sections 63, 64 and 65 repealed**

Sections 63, 64 and 65—

**Repeal the sections.**

**59. Sections 66 and 67 substituted**

Sections 66 and 67—

**Repeal the sections**

**Substitute**

**“66. Chairman to preside at meetings**

The Chairman of a District Council is to preside at meetings of the District Council.

**67. Chairman to have a casting vote**

At a meeting of a District Council, the Chairman is to have an original vote and a casting vote if the votes are equal.”.

**60. Part VI, Division 3 heading repealed (procedure of a District Council)**

Part VI, Division 3, heading—

**Repeal the heading.**

**61. Section 68 amended (District Council may make standing orders)**

(1) Section 68, heading—

**Repeal**

**“District Council”**

**Substitute**

**“Chairman”.**

(2) Section 68—

**Repeal subsection (1)**

**Substitute**

“(1) The Chairman of a District Council may make standing orders for regulating the procedure of the District Council and its committees.”.

(3) Section 68—

**Repeal subsection (3)**

**Substitute**

“(3) The standing orders of a District Council must provide for the quorum of its committees.”.

**62. Section 69 amended (District Council may appoint secretary)**

(1) Section 69, heading—

**Repeal**

**“District Council”**

**Substitute**

**“Chairman”.**

(2) Section 69(1)—

**Repeal**

**“its functions, a”**

**Substitute**

**“the functions of a District Council, the Chairman of the”.**

(3) Section 69(2)—

**Repeal**

“A”

**Substitute**

“The Chairman of a”.

**63. Section 71 amended (District Council may appoint committees)**

- (1) Section 71, heading—

**Repeal**

“District Council may appoint committees”

**Substitute**

“Committees of a District Council”.

- (2) Section 71(1)—

**Repeal**

“its functions, a District Council may”

**Substitute**

“the functions of a District Council, the Chairman of the District Council must”.

- (3) Section 71(2)—

**Repeal**

“A District Council may appoint to a”

**Substitute**

“The Chairman of a District Council may appoint to the”.

- (4) Section 71(3)—

**Repeal**

“A committee of a District Council is to elect”

**Substitute**

“The Chairman of a District Council is to appoint”.

**64. Section 71A added**

After section 71—

**Add****“71A. Chairman may require members to collect views**

The Chairman of a District Council may require members of the District Council to collect the views of the people in the District concerned in respect of an issue specified by the Chairman.”.

**65. Section 72 amended (proceedings of a District Council or a committee not affected by vacancy or defect in membership etc.)**

- (1) Section 72(2)(b), after “the”—

**Add**

“appointment, registration or”.

- (2) Section 72—

**Repeal subsection (4)****Substitute**

“(4) For the purposes of this section, a vacancy in the membership of a District Council includes a vacancy in its membership when it first meets after an ordinary election.”.

**66. Part VIA added**

After Part VI—

**Add**

**“Part VIA****Misconduct and Sanctions****72A. Interpretation: Part VIA**

In this Part—

*Secretary* (局長) means the Secretary for Home and Youth Affairs.

**72B. Secretary may issue guidelines on performance of members**

- (1) For the purposes of this Part, the Secretary may issue guidelines indicating—
  - (a) the standard of performance required of a member; and
  - (b) the misconduct that may constitute grounds for imposing sanction.
- (2) The Secretary must—
  - (a) publish the guidelines in a way appropriate to bring them to the notice of the members; and
  - (b) make copies of the guidelines available to the public.
- (3) Guidelines issued under this section are not subsidiary legislation.
- (4) The Secretary may amend or revoke any of the guidelines. Subsections (2) and (3) apply to an amendment or revocation of guidelines in the same way as they apply to the guidelines.
- (5) A person does not incur any civil or criminal liability only because the person has contravened any of the guidelines.

- (6) If, in any legal proceedings, the court is satisfied that a provision of the guidelines is relevant to the determination of a matter that is in issue in the proceedings—
  - (a) the guidelines are admissible in evidence in the proceedings; and
  - (b) proof that the person contravened, or did not contravene, the provision may be relied on by a party to the proceedings as tending to establish or negate the matter.

**72C. Investigation on misconduct of members**

- (1) An investigation on an alleged misconduct of a member of a District Council may be initiated by—
  - (a) the Chairman and 3 or more members of the District Council; or
  - (b) a motion passed by more than half of the members present in a meeting of the District Council.
- (2) If an investigation is initiated under subsection (1), the Secretary must appoint a supervisory committee that consists of the following persons to conduct the investigation—
  - (a) 1 person who is not a member of any District Council; and
  - (b) 4 members of any District Council that is not the District Council mentioned in subsection (1).
- (3) The supervisory committee is to conduct the investigation to—
  - (a) establish whether the facts on which the allegation is based are true;



- (b) give its opinion on whether the established facts constitute grounds for imposing sanction under section 72D; and
  - (c) if there is ground for imposing sanction—give its opinion on the appropriate sanction to be imposed on the member concerned.
- (4) The supervisory committee must submit a written report to the Secretary as soon as practicable after the completion of the investigation stating the established facts and its opinion mentioned in subsection (3).

**72D. Secretary may impose sanctions etc.**

- (1) The Secretary may, after considering the report of a supervisory committee on a member under section 72C, issue a letter of persuasion to, or impose any of the following sanctions on, the member as the Secretary considers appropriate—
- (a) warning;
  - (b) financial penalty;
  - (c) suspension of the member's functions and duties as a member.
- (2) The amount of financial penalty imposed under subsection (1)(b) is to be—
- (a) determined by the Secretary; and
  - (b) deducted from the member's remuneration to which the member is entitled.
- (3) If a person's functions and duties as a member are suspended under subsection (1)(c), during the period of suspension, the person—
- (a) must not act as a member;

- (b) must not do anything for the purpose of carrying into effect the provisions of this Ordinance or any other enactment conferring functions on a District Council;
  - (c) must not enjoy any corresponding entitlement; and
  - (d) is not to be regarded as a member for the purposes of section 86.
- (4) Despite subsection (3)(c), the person is entitled to be reimbursed the operating expenses incurred by the person during the period of suspension.
- (5) If a person's functions and duties as a member are suspended under subsection (1)(c) and the person is absent from a meeting of a District Council during the suspension, the person is not to be regarded as being absent from that meeting for the purposes of section 26A(5).
- (6) The Secretary must, as soon as practicable after imposing a sanction on a member under subsection (1), inform the member in writing.
- (7) If a person acts, or claims to be entitled to act, as a member while his or her functions and duties as a member are suspended under subsection (1)(c), the Secretary for Justice may apply to the Court for an interim injunction restraining the person from so acting or claiming.

**72E. Appeal against sanctions**

- (1) A member who is aggrieved by a decision of the Secretary under section 72D may appeal to the Chief Secretary for Administration.
- (2) The appeal must be made within 14 days after the date of the decision.

- (3) The appeal does not suspend the decision unless the Chief Secretary for Administration decides otherwise.
- (4) On an appeal under subsection (1) against a decision, the Chief Secretary for Administration may confirm, vary or reverse the decision.
- (5) The Chief Secretary for Administration must issue a notice of decision made under subsection (3) or (4) to the member who made the appeal.”.

**67. Section 74 substituted**

Section 74—

**Repeal the section****Substitute****“74. Designated Officer and Electoral Registration Officer may specify forms**

- (1) The Designated Officer may specify the form of any registration, notice or other document required for the purposes of Part IV.
- (2) The Electoral Registration Officer may specify the form of any application, notice, return, record or other document required for the purposes of Part V.”.

**68. Section 75 amended (appointment of Returning Officers and assistants)**

Section 75(1), Chinese text—

**Repeal**

“選區” (wherever appearing)

**Substitute**

“界別或選區”.

**69. Section 76 amended (offence to obstruct or hinder electoral officer)**

- (1) Section 76, heading, after “officer”—

**Add**

“or Eligibility Review Committee”.

- (2) Section 76, after “officer”—

**Add**

“or the Eligibility Review Committee”.

- (3) Section 76—

**Repeal**

“level 2”

**Substitute**

“level 5”.

**70. Section 79 amended (proceedings against persons on grounds of disqualification)**

Section 79(2D)—

**Repeal**

“sections 19(4) and 24(5)”

**Substitute**

“section 26A(5)”.

**71. Part IX heading amended (Chief Executive in Council to make regulations and amend Schedule 4, 5 or 7)**

Part IX, heading—

**Repeal**

“4, 5”

**Substitute**

“4A”.

72. **Section 81 amended (Chief Executive in Council may make regulations)**

Section 81(2)(a)—

**Repeal**

“paper”

**Substitute**

“form”.

73. **Section 82 amended (Chief Executive in Council may amend Schedule 4, 5 or 7)**

(1) Section 82, heading—

**Repeal**

“4, 5”

**Substitute**

“4A”.

(2) Section 82—

**Repeal**

“4, 5”

**Substitute**

“4A”.

74. **Section 83 repealed (Designated Officer to give notice of membership)**

Section 83—

**Repeal the section.**

75. **Section 84 amended (Designated Officer to give notice of vacancy)**

Section 84, after “membership of”—

**Add**

“a member appointed under Division 1 of Part IV or”.

76. **Section 86A added**

After section 86—

**Add**

**“86A. Offence of false declaration**

(1) A person commits an offence if the person—

- (a) makes a statement that the person knows to be false in a material particular in a specified document;
- (b) recklessly makes a statement that is incorrect in a material particular in a specified document; or
- (c) knowingly omits a material particular from a specified document.

(2) A person commits an offence if the person, directly or indirectly, by himself or herself or by another person on his or her behalf, conspires with, incites, compels, induces, coerces, intimidates or persuades another person to—

- (a) make a false statement in a specified document; or
- (b) provide information that the person knows to be wrong in a material particular in a specified document.

(3) A person who commits an offence under subsection (1) or (2) is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

(4) An offence under this section is to be an offence prescribed for the purposes of sections 14, 19 and 26A.

(5) In this section—

*specified document* (指明文件) means a registration form, declaration or any other document required or used for the purposes of Division 1 or 2 of Part IV.”.

**77. Section 87 repealed (transitional: application of section 28 to first ordinary election)**

Section 87—

**Repeal the section.**

**78. Schedule 3 amended**

(1) Schedule 3—

**Repeal**

**“Schedule 3**

[ss. 5, 8 & 9]”

**Substitute**

**“Schedule 3**

[ss. 5, 8, 11 & 17]

**Composition of District Councils”.**

(2) Schedule 3—

**Repeal Part 1**

**Substitute**

**“Part 1**

**Number of Members**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Item	District Council	Number of appointed members	Number of members to be returned for District Committees constituencies	Number of members to be returned for District Council geographical constituencies	Number of ex officio members
1.	Central and Western District Council	8	8	4	0
2.	Eastern District Council	12	12	6	0
3.	Kowloon City District Council	8	8	4	0
4.	Kwun Tong District Council	16	16	8	0

## District Councils (Amendment) Bill 2023

Part 2  
Clause 78 74

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Item	District Council	Number of appointed members	Number of members to be returned for District Committees constituencies	Number of members to be returned for District Council geographical constituencies	Number of ex officio members
5.	Sham Shui Po District Council	8	8	4	0
6.	Southern District Council	8	8	4	0
7.	Wan Chai District Council	4	4	2	0
8.	Wong Tai Sin District Council	8	8	4	0
9.	Yau Tsim Mong District Council	8	8	4	0
10.	Islands District Council	4	4	2	8

## District Councils (Amendment) Bill 2023

Part 2  
Clause 78 75

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Item	District Council	Number of appointed members	Number of members to be returned for District Committees constituencies	Number of members to be returned for District Council geographical constituencies	Number of ex officio members
11.	Kwai Tsing District Council	13	12	6	1
12.	North District Council	8	8	4	4
13.	Sai Kung District Council	12	12	6	2
14.	Sha Tin District Council	17	16	8	1
15.	Tai Po District Council	8	8	4	2
16.	Tsuen Wan District Council	8	8	4	2

District Councils (Amendment) Bill 2023

Part 2  
Clause 79

76

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Item	District Council	Number of appointed members	Number of members to be returned for District Committees constituencies	Number of members to be returned for District Council geographical constituencies	Number of ex officio members

17.	Tuen Mun District Council	13	12	6	1
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18.	Yuen Long District Council	16	16	8	6
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79. **Schedule 3A added**  
After Schedule 3—  
**Add**

**“Schedule 3A**

[ss. 5A & 8]

**Establishment of District Committees  
Constituencies**

District Councils (Amendment) Bill 2023

Part 2  
Clause 79

77

Column 1	Column 2	Column 3
Item	Name of District Council	Name of District Committees Constituencies
1.	Central and Western District Council	Central and Western District Committees constituency
2.	Eastern District Council	Eastern District Committees constituency
3.	Kowloon City District Council	Kowloon City District Committees constituency
4.	Kwun Tong District Council	Kwun Tong District Committees constituency
5.	Sham Shui Po District Council	Sham Shui Po District Committees constituency
6.	Southern District Council	Southern District Committees constituency
7.	Wan Chai District Council	Wan Chai District Committees constituency
8.	Wong Tai Sin District Council	Wong Tai Sin District Committees constituency

Column 1	Column 2	Column 3
Item	Name of District Council	Name of District Committees Constituencies
9.	Yau Tsim Mong District Council	Yau Tsim Mong District Committees constituency
10.	Islands District Council	Islands District Committees constituency
11.	Kwai Tsing District Council	Kwai Tsing District Committees constituency
12.	North District Council	North District Committees constituency
13.	Sai Kung District Council	Sai Kung District Committees constituency
14.	Sha Tin District Council	Sha Tin District Committees constituency
15.	Tai Po District Council	Tai Po District Committees constituency
16.	Tsuen Wan District Council	Tsuen Wan District Committees constituency

Column 1	Column 2	Column 3
Item	Name of District Council	Name of District Committees Constituencies
17.	Tuen Mun District Council	Tuen Mun District Committees constituency
18.	Yuen Long District Council	Yuen Long District Committees constituency”.
<b>80.</b>	<b>Schedule 4 repealed (forms for acceptance of office)</b> Schedule 4— <b>Repeal the Schedule.</b>	
<b>81.</b>	<b>Schedule 4A added</b> Before Schedule 5— <b>Add</b>  <b>“Schedule 4A</b>  <div style="text-align: right;">[ss. 14, 19, 21, 26A, 31A &amp; 82]</div> <b>District Committees Constituencies Register</b>	
<b>1.</b>	<b>When must a District Committees constituencies register be compiled</b> The Electoral Registration Officer must compile a District Committees constituencies register for an election not later than	

7 days before the beginning of the nomination period for the election as determined under regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541).

## 2. Form of register

- (1) A District Committees constituencies register is to be divided into parts by reference to District Committee constituencies so that there is a separate part in the register for the District Committee constituency of the District Council of each District.
- (2) Each part of the register must be further divided into 3 sections corresponding to the 3 District Committees in the District concerned so that there is a separate section for each District Committee.
- (3) For the purposes of subsection (2), if there are 2 or more Area Committees in a District, those Area Committees are to be regarded as 1 District Committee in the District.
- (4) Subject to subsection (6), each section of the register must contain an entry for each member of the District Committee concerned who is registered as an elector in the existing GC register and no more.
- (5) An entry in the register relating to a member of a District Committee must show—
  - (a) the name of the member as shown in the entry relating to the member in the existing GC register; and
  - (b) the principal residential address of the member as shown in the entry relating to the member in the existing GC register.
- (6) Subject to subsection (7), if a person is a member of 2 or more District Committees, the entry relating to the person

may only be included under 1 section of the register in the following way—

- (a) among the sections of the register that correspond to those District Committees, the entry is to be included in the section with the fewest number of entries (*specified section*); and
  - (b) if there are more than one specified section, the Electoral Registration Officer must decide the section under which the entry is to be included by drawing lots.
- (7) If there are 2 or more persons who are members of 2 or more District Committees, the Electoral Registration Officer must decide the order in which the entries relating to those persons are to be included in the register by the alphabetical order of their respective surnames in English.
  - (8) Subject to this section, the Electoral Registration Officer may determine the form of the register.

## 3. Electoral Registration Officer may request information for compiling register

- (1) For the purpose of compiling a District Committees constituencies register, the Electoral Registration Officer may request the Designated Officer to furnish the name, identity document number and sex of each member of each District Committee.
- (2) If the Electoral Registration Officer makes a request under subsection (1), the Designated Officer must furnish the information within 7 days.
- (3) The Electoral Registration Officer may, in a particular case, extend the period referred to in subsection (2) as the Officer considers appropriate.



- (4) If the period is extended under subsection (3), the Designated Officer must furnish the information within the extended period.

**4. Electoral Registration Officer to publish notice of register**

- (1) The Electoral Registration Officer must, as soon as practicable after a District Committees constituencies register is compiled under section 1 of this Schedule, publish a notice that complies with subsection (2) in—
- (a) the Gazette;
  - (b) at least one Chinese language daily newspaper in circulation in Hong Kong; and
  - (c) at least one English language daily newspaper in circulation in Hong Kong.
- (2) A notice under subsection (1) must specify—
- (a) that a copy of the register is available for inspection by specified persons during ordinary business hours; and
  - (b) the place or places at which a copy of the register may be so inspected.
- (3) The register takes effect on the date of publication of the notice under subsection (1) in relation to the register and continues to have effect until the conclusion of the election.

**5. Electoral Registration Officer must make the register available for inspection by specified persons**

- (1) The Electoral Registration Officer must make available for inspection in accordance with this section by specified persons a copy of a District Committees constituencies register at the place or places specified in the notice

published under section 4 of this Schedule in respect of the register (*specified places*) during ordinary business hours free of charge.

- (2) The Electoral Registration Officer may make available for inspection in accordance with this section by specified persons, a copy of a specific part of the register at a place additional to the specified places, if the Officer considers appropriate.
- (3) The Electoral Registration Officer may determine the period during which and the times at which it may be so inspected under subsection (2).
- (4) For the purposes of subsections (2) and (3), the Electoral Registration Officer may further make available for inspection in accordance with this section by specified persons an additional copy of the register or an additional copy of a specific part of the register, in which entries are arranged in a way that the Officer considers appropriate for such inspection.
- (5) The Electoral Registration Officer must, in a copy of the register, or a copy of any part of the register, that is made available for inspection by specified persons under this section, show the name of each person registered in a way that—
- (a) if the person's name is recorded in Chinese—only the first Chinese character of the name is identifiable; or
  - (b) if the person's name is recorded in English—only the first word of the name is identifiable.
- (6) Subsection (5) does not affect the way in which any other particulars of a person registered in the register may be shown.

- (7) A person who is a validly nominated candidate for a District Committees constituency at a coming election may, in that capacity, inspect under this section only a copy of the part of the register that relates to the constituency.
- (8) The Electoral Registration Officer must also, in a way the Officer considers appropriate, make available for inspection by a person registered in a register an extract from the register showing only the entry relating to that person in full.
- (9) The Electoral Registration Officer may require a person who wishes to inspect under this section a copy of, or an extract from, a register, or a copy of any part of a register, to—
- (a) produce to the Officer the identity document of the person; and
  - (b) complete a form furnished by the Officer.
- (10) In this section—
- coming election* (下一個選舉), in relation to a register, means an election that is held within 1 year after the publication date;
- previous election* (先前的選舉), in relation to a register, means—
- (a) the last ordinary election that was held before the publication date; or
  - (b) any by-election that was held after the election mentioned in paragraph (a) and before the publication date;
- publication date* (刊登日期), in relation to a register, means the date on which a notice relating to the register is published under section 4(1) of this Schedule;

*specified person* (指明的人) means—

- (a) a person who is a subscriber to the Government News and Media Information System maintained by the Director of Information Services;
- (b) a body or organization that is incorporated, or is registered or exempt from registration, under any law of Hong Kong and—
  - (i) was provided an extract under section 6 of this Schedule for a purpose related to a previous election;
  - (ii) was represented by a validly nominated candidate at a previous election; or
  - (iii) has publicly declared an intention to arrange for any person (including a person yet to be specified) to stand as a candidate at a coming election; or
- (c) a person who is a validly nominated candidate for a District Committees constituency at a coming election.

**6. Electoral Registration Officer may make available extracts of register to specified persons for purposes of an election**

- (1) The Electoral Registration Officer may, at any time after the publication of a District Committees constituencies register, make available an extract from such published register for any purpose related to an election to a specified person.
- (2) The Electoral Registration Officer may, before making available an extract, arrange the entries in the extract in a form that the Officer considers appropriate for the purposes of this section.

- (3) When the Electoral Registration Officer makes available an extract under subsection (1), the Officer must specify the particular election for which it may be used.
- (4) A person to whom an extract is made available under this section must not, in relation to that extract, do any act specified in section 7(1)(a), (c) or (d) of this Schedule for a purpose other than a purpose related to the election for which it may be used under subsection (3).
- (5) In an extract made available under this section, the Electoral Registration Officer may include (by way of a note or other means that the Officer considers appropriate) information as to whether any person whose particulars are included in that extract is entitled to vote at an election.
- (6) In this section—  
*specified person* (指明的人) means a person falling within paragraph (b) or (c) of the definition of *specified person* in section 5(10) of this Schedule.

#### 7. Offences for using information in a register for purposes unrelated to an election

- (1) A person who—
  - (a) reproduces or permits another person to reproduce in any form any particular contained in an entry in a District Committees constituencies register or an extract from a District Committees constituencies register;
  - (b) uses or permits another person to use any information relating to a person obtained for the purpose of compiling a District Committees constituencies register;

- (c) uses or permits another person to use any information relating to a person contained in a District Committees constituencies register or an extract from a District Committees constituencies register; or
- (d) imparts to any other person any information referred to in paragraph (a), (b) or (c),  
for a purpose other than a purpose related to an election, commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.
- (2) Despite anything to the contrary in subsection (1), a person who contravenes section 6(4) of this Schedule commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.
- (3) An offence under subsection (1) or (2) is to be an offence prescribed for the purposes of—
  - (a) sections 14, 19, 21 and 26A;
  - (b) sections 39 and 40 of the Legislative Council Ordinance (Cap. 542); and
  - (c) sections 14 and 20 of the Chief Executive Election Ordinance (Cap. 569) and sections 5M, 9 and 18 of the Schedule to that Ordinance.

#### 8. Electoral Registration Officer may amend register

- (1) The Electoral Registration Officer may, during the period in which a District Committees constituencies register takes effect, amend the register in accordance with section 2 of this Schedule if—
  - (a) the Designated Officer informs the Electoral Registration Officer of any change in the membership of a District Committee; or

(b) a member of a District Committee becomes, or ceases to be, registered as an elector in the existing GC register.

(2) If the Electoral Registration Officer amends the register under subsection (1), the Officer must, as soon as practicable after the amendment, publish, in accordance with section 4 of this Schedule, a notice to the effect that the register has been so amended.

(3) The Electoral Registration Officer may also amend the register so as to rectify any clerical or printing error or any incorrect or outdated name, address or other personal particulars of a person who is recorded in the register.”

**82. Schedule 5 repealed (voting procedure under section 65 of this Ordinance)**

Schedule 5—

**Repeal the Schedule.**

**83. Schedule 7 amended (financial assistance: specified rate)**

(1) Schedule 7, paragraph (a)—

**Repeal**

“2019—\$14”

**Substitute**

“2023—\$15”.

(2) Schedule 7, paragraph (b)—

**Repeal**

“\$15”

**Substitute**

“\$16”.

**84. Schedule 8 added**

After Schedule 7—

**Add**

**“Schedule 8**

[s. 6]

**District Council Geographical Constituencies for Seventh Term of Office of District Councils**

**1. Interpretation**

In this Schedule—

*approved map* (獲批准地圖) means a map approved by the Chief Executive in Council on 30 May 2023 that, in relation to a District, is the map or any of the maps specified for the District in column 3 of the Table in section 2 of this Schedule;

*constituency boundary* (選區分界), in relation to a District Council geographical constituency specified in this Schedule, means the boundary delineating the constituency represented on the relevant approved map by a green line described in the map legend as—

- (a) where it coincides with a red line described in the map legend as “District Boundary”—“2023 District Council Geographical Constituency Boundary (coincides with District Boundary)”; and
- (b) where it does not coincide with a red line mentioned in paragraph (a)—“2023 District Council Geographical Constituency Boundary”.

**2. Specification of District Council geographical constituencies**

- (1) Each area delineated and marked on an approved map as described in column 3 of the Table is specified to be a District Council geographical constituency for the purpose of returning members for the seventh term of office of the District Council of the District specified for that area in column 2 of the Table at an election.
- (2) The name of the District Council geographical constituency is specified in column 4 of the Table opposite the relevant area.

**Table**

**District Council Geographical Constituencies**

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of District Council Geographical Constituency
1.	Central and Western District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCGC/R/2023/A	Central

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of District Council Geographical Constituency
		and marked with the code A1.	
		(2) That area delineated by the relevant constituency boundary on that approved map and marked with the code A2.	Western
2.	Eastern District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCGC/R/2023/C and marked with the code C1.	Tai Pak
		(2) That area delineated by the relevant constituency	Hong Wan

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of District Council Geographical Constituency
		boundary on that approved map and marked with the code C2.	
		(3) That area delineated by the relevant constituency boundary on that approved map and marked with the code C3.	Chai Wan
3.	Kowloon City District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCGC/R/2023/G and marked with the code G1.	Kowloon City North

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of District Council Geographical Constituency
		(2) That area delineated by the relevant constituency boundary on that approved map and marked with the code G2.	Kowloon City South
4.	Kwun Tong District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCGC/R/2023/J and marked with the code J1.	Kwun Tong Southeast
		(2) That area delineated by the relevant constituency boundary on that approved map and	Kwun Tong Central

Column 1 Item	Column 2 Name of District	Column 3 Delineation of Area	Column 4 Name of District Council Geographical Constituency
		marked with the code J2.	
		(3) That area delineated by the relevant constituency boundary on that approved map and marked with the code J3.	Kwun Tong North
		(4) That area delineated by the relevant constituency boundary on that approved map and marked with the code J4.	Kwun Tong West
5.	Sham Shui Po District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan	Sham Shui Po West

Column 1 Item	Column 2 Name of District	Column 3 Delineation of Area	Column 4 Name of District Council Geographical Constituency
		No. DCGC/R/2023/F and marked with the code F1.	
		(2) That area delineated by the relevant constituency boundary on that approved map and marked with the code F2.	Sham Shui Po East
6.	Southern District	(1) That area delineated by the relevant constituency boundary on the approved maps identified as Plan No. DCGC/R/2023/D1 and DCGC/R/2023/D2 and marked with the code D1.	Southern District Southeast

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of District Council Geographical Constituency
		(2) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCGC/R/2023/D1 and marked with the code D2.	Southern District Northwest
7.	Wan Chai District	That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCGC/R/2023/B and marked with the code B1.	Wan Chai
8.	Wong Tai Sin District	(1) That area delineated by the relevant constituency boundary on the	Wong Tai Sin East

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of District Council Geographical Constituency
		approved map identified as Plan No. DCGC/R/2023/H and marked with the code H1.	
		(2) That area delineated by the relevant constituency boundary on that approved map and marked with the code H2.	Wong Tai Sin West
9.	Yau Tsim Mong District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCGC/R/2023/E and marked with the code E1.	Yau Tsim Mong South



Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of District Council Geographical Constituency
		(2) That area delineated by the relevant constituency boundary on that approved map and marked with the code E2.	Yau Tsim Mong North
10.	Islands District	That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCGC/R/2023/T and marked with the code T1.	Islands
11.	Kwai Tsing District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No.	Tsing Yi

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of District Council Geographical Constituency
		DCGC/R/2023/S and marked with the code S1.	
		(2) That area delineated by the relevant constituency boundary on that approved map and marked with the code S2.	Kwai Chung East
		(3) That area delineated by the relevant constituency boundary on that approved map and marked with the code S3.	Kwai Chung West
12.	North District	(1) That area delineated by the relevant constituency boundary on the approved map	Wu Tip Shan

## District Councils (Amendment) Bill 2023

Part 2  
Clause 84

100

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of District Council Geographical Constituency
		identified as Plan No. DCGC/R/2023/N1 and marked with the code N1.	
		(2) That area delineated by the relevant constituency boundary on the approved maps identified as Plan No. DCGC/R/2023/N1 and DCGC/R/2023/N2 and marked with the code N2.	Robin's Nest
13.	Sai Kung District	(1) That area delineated by the relevant constituency boundary on the approved maps identified as Plan	Sai Kung and Hang Hau

## District Councils (Amendment) Bill 2023

Part 2  
Clause 84

101

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of District Council Geographical Constituency
		No. DCGC/R/2023/Q1 and DCGC/R/2023/Q2 and marked with the code Q1.	
		(2) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCGC/R/2023/Q2 and marked with the code Q2.	Tseung Kwan O South
		(3) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCGC/R/2023/Q2	Tseung Kwan O North

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of District Council Geographical Constituency
		and marked with the code Q3.	
14.	Sha Tin District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCGC/R/2023/R and marked with the code R1.	Sha Tin West
		(2) That area delineated by the relevant constituency boundary on that approved map and marked with the code R2.	Sha Tin East
		(3) That area delineated by the relevant constituency	Sha Tin South

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of District Council Geographical Constituency
		boundary on that approved map and marked with the code R3.	
		(4) That area delineated by the relevant constituency boundary on that approved map and marked with the code R4.	Sha Tin North
15.	Tai Po District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCGC/R/2023/P1 and marked with the code P1.	Tai Po South
		(2) That area delineated by the	Tai Po North



Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of District Council Geographical Constituency
		(3) That area delineated by the relevant constituency boundary on that approved map and marked with the code L3.	Tuen Mun North
18.	Yuen Long District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCGC/R/2023/M and marked with the code M1.	Yuen Long Town Centre
		(2) That area delineated by the relevant constituency boundary on that approved map and	Yuen Long Rural East

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of District Council Geographical Constituency
		marked with the code M2.	
		(3) That area delineated by the relevant constituency boundary on that approved map and marked with the code M3.	Tin Shui Wai South and Ping Ha
		(4) That area delineated by the relevant constituency boundary on that approved map and marked with the code M4.	Tin Shui Wai North".

**Part 3****Amendments to Subsidiary Legislation under District Councils Ordinance (Cap. 547)****Division 1—District Councils (Subscribers and Election Deposit for Nomination) Regulation (Cap. 547 sub. leg. A)****85. Section 1 amended (interpretation)**

Section 1(3), Chinese text—

**Repeal**

“選區” (wherever appearing)

**Substitute**

“界別或選區”.

**86. Sections 3 and 4 substituted**

Sections 3 and 4—

**Repeal the sections****Substitute****“3. Return of deposit on invalid nomination etc.**

(1) The deposit lodged by or on behalf of a person in respect of the person’s nomination as a candidate for a constituency at an election must be returned in accordance with this section if—

- (a) a decision is made under section 36(1) of the Ordinance that the person is not validly nominated as a candidate for that constituency;

- (b) the person withdraws the person’s nomination as a candidate for election in respect of that constituency under section 35 of the Ordinance; or
- (c) a decision has been made under section 36(1) of the Ordinance that the person is validly nominated as a candidate for a constituency, and subsequently—
- (i) a declaration that the person has died is made under section 36(2A)(a) of the Ordinance; or
- (ii) the decision under section 36(1) of the Ordinance is varied under section 36(4) of the Ordinance to the effect that the person is not validly nominated.
- (2) The Returning Officer for the constituency concerned must, as soon as practicable after the following event, notify the Director of Accounting Services in writing that the deposit lodged by or on behalf of the candidate concerned is returnable to that candidate, or to the person who lodged the deposit on behalf of that candidate, as the case may be—
- (a) for a case mentioned in subsection (1)(a) or (b)—the publication under the appropriate regulations of a notice containing particulars of the candidates validly nominated in respect of that constituency; or
- (b) for a case mentioned in subsection (1)(c)—
- (i) if no declarations mentioned in section 36(2A) or (4A) of the Ordinance are to be made in accordance with the appropriate regulations in relation to the death or variation of decision—the publication under the appropriate regulations of a notice containing particulars of the candidates validly nominated in respect of that constituency; or

(ii) if declarations mentioned in section 36(2A) or (4A) of the Ordinance are to be made in accordance with the appropriate regulations in relation to the death or variation of decision—the making of those declarations.

(3) The Director of Accounting Services must, as soon as practicable after receiving a notification under subsection (2), return the amount of the deposit to the candidate, or to the person who lodged the deposit on behalf of that candidate, as specified in the notification.

**4. Disposal of deposit after publication of election result or declaration of failure of election**

(1) Subject to subsection (2), the deposit lodged by or on behalf of each candidate for a constituency at an election must, unless it is to be returned in accordance with section 3, be returned in accordance with this section after the following declaration is made—

- (a) a declaration under section 39(1) of the Ordinance that a candidate is duly elected as a member in respect of that constituency;
- (b) a declaration under section 41A(6) or 41B(5) of the Ordinance that a candidate is elected as a member in respect of that constituency; or
- (c) a declaration under section 40(3)(a) of the Ordinance that the election for that constituency has failed.

(2) The deposit lodged in respect of an unsuccessful candidate's nomination must be forfeited to the general revenue in accordance with this section if, as determined by a counting of the votes and any re-count, the total number of ballot papers containing valid votes in favour

of the candidate is less than 3% of the total number of ballot papers containing valid votes received in the constituency concerned.

(3) Subject to subsection (5), the Returning Officer for the constituency concerned must, as soon as practicable after the following event, notify the Director of Accounting Services in writing that the deposit lodged by or on behalf of the candidate concerned is returnable to that candidate, or to the person who lodged the deposit on behalf of that candidate, as the case may be—

- (a) for a case mentioned in subsection (1)(a)—the publication under the appropriate regulations of a notice declaring that the candidate is duly elected in respect of that constituency;
- (b) for a case mentioned in subsection (1)(b)—the publication under the appropriate regulations of a notice of the result of the election for that constituency; or
- (c) for a case mentioned in subsection (1)(c)—the publication under the appropriate regulations of a notice declaring that the election for that constituency has failed.

(4) The Director of Accounting Services must, as soon as practicable after receiving a notification under subsection (3), return the amount of the deposit to the candidate, or to the person who lodged the deposit on behalf of that candidate, as specified in the notification.

(5) The Returning Officer for the constituency concerned must, as soon as practicable after the publication of the notice mentioned in subsection (3)(b) or (c), notify the Director of Accounting Services in writing that, in relation to any unsuccessful candidate mentioned in

subsection (2), the deposit lodged in respect of the candidate's nomination for the constituency concerned at the relevant election is to be forfeited to the general revenue.”.

**87. Section 5 amended (disposal of deposit in case of death of candidate)**

Section 5(1), Chinese text—

**Repeal**

“選區” (wherever appearing)

**Substitute**

“界別或選區”.

**88. Section 6 amended (notifications in specified form)**

Section 6—

**Repeal**

everything after “Regulation”

**Substitute**

“must be in a form specified by the Electoral Affairs Commission.”.

**89. Section 7 substituted**

Section 7—

**Repeal the section**

**Substitute**

**“7. Number and qualifications of subscribers required for nomination form**

- (1) The nomination form of a person seeking nomination in respect of the District Committees constituency of the

District Council of a District must be subscribed by electors for the District Committees constituency as follows—

- (a) there must be not less than 3 but not more than 6 electors in each of the District Committees in the District; and
- (b) the electors must not be the person seeking the nomination.
- (2) The nomination form of a person seeking nomination in respect of a District Council geographical constituency of the District Council of a District—
- (a) must be subscribed by electors for the District Council geographical constituency as follows—
- (i) the number of electors subscribing must be not less than 50 but not more than 100; and
- (ii) the electors must not be the person seeking the nomination; and
- (b) must be subscribed by electors for the District Committees constituency of the District Council as follows—
- (i) there must be not less than 3 but not more than 6 electors in each of the District Committees in the District; and
- (ii) the electors must not be the person seeking the nomination.
- (3) For the purposes of subsections (1)(a) and (2)(b)(i), if there are 2 or more Area Committees in a District, those Area Committees are to be regarded as 1 District Committee in the District.



- (4) A person whose signature as a subscriber to a nomination form is in surplus having regard to the required number of subscribers for the purposes of subsection (1)(a), (2)(a)(i) or (b)(i) must be regarded as not having subscribed the nomination form.”.

**90. Section 8 added**

After section 7—

**Add**

**“8. How many nomination forms can a subscriber subscribe to**

- (1) A person is entitled to subscribe at an election—
- (a) if the person is subscribing as an elector for a District Committees constituency for the purposes of section 7(1)(a)—a number of nomination forms in respect of the District Committees constituency up to the number of members to be returned for the constituency at the election;
  - (b) if the person is subscribing as an elector for a District Council geographical constituency for the purposes of section 7(2)(a)(i)—1 nomination form in respect of the District Council geographical constituency; and
  - (c) if the person is subscribing as an elector for a District Committees constituency of a District Council for the purposes of section 7(2)(b)(i)—1 nomination form in respect of each District Council geographical constituency of the District Council.
- (2) If a person subscribes more nomination forms than the number the person is entitled to subscribe under subsection (1)(a), (b) or (c) in a particular capacity (*specified number*), the person’s signature is inoperative

on any nomination form subscribed in that capacity delivered after the delivery of the specified number of nomination form so subscribed by that person.

- (3) Despite subsection (2)—
- (a) a person who has subscribed the nomination form of another person (*nominee*) as a candidate for a constituency (*previous nomination form*) in a particular capacity may subscribe in accordance with this section another nomination form (*next nomination form*) in that capacity if—
    - (i) a decision is made under section 36(1) of the Ordinance that the nominee is not validly nominated as a candidate for that constituency; or
    - (ii) the nominee withdraws the nomination under section 35 of the Ordinance; and
  - (b) for the purposes of paragraph (a)—
    - (i) the person’s signature is not to be inoperative on the next nomination form only because the person has subscribed the previous nomination form; and
    - (ii) if the person subscribes more than one nomination form as the next nomination form, the person’s signature is inoperative on any nomination form so subscribed other than the first one delivered.
- (4) To avoid doubt, even if the number of nomination forms subscribed by a person in a particular capacity has reached the number the person is entitled to subscribe under subsection (1)(a), (b) or (c), the person is not prevented

from subscribing in accordance with this section the same or another nomination form in another capacity.

- (5) A person is disqualified from subscribing a nomination form as an elector for a District Committees constituency if the person is disqualified from voting at an election for that constituency.
- (6) A person is disqualified from subscribing a nomination form as an elector for a District Council geographical constituency if the person is disqualified from being registered as such an elector or from voting at an election for that constituency.”.

## Division 2—District Councils (Election Petition) Rules (Cap. 547 sub. leg. C)

### 91. Schedule substituted

Schedule—

Repeal the Schedule

Substitute

“Schedule

[r. 4]

### Election Petition

IN THE HIGH COURT OF HONG KONG

ORIGINAL JURISDICTION

In the Matter of the District Councils Ordinance (Cap. 547)

and

In the Matter of a District Council election for the *\*(name of District Committees constituency) District Committees Constituency/(name of District Council geographical constituency) District Council Geographical Constituency* held on *(date of election)*.

1. The Election Petition of *(name of Petitioner or names of Petitioners)* states—

\**(a)* that the Petitioner was a candidate at the above election;

(or) \**(a)* that the Petitioners are electors who were entitled to vote at the above election;

\**(b)* in an election which was not contested, that *\*(name of candidate)* was a candidate at the election/*(name of each candidate)* were candidates at the election, and on *(date on which that candidate was declared elected or those candidates were declared elected)* the Returning Officer for the above-mentioned Constituency declared, for the purposes of section 39(1) of the District Councils Ordinance (Cap. 547), *\*that candidate/those candidates* to be elected for the above-mentioned Constituency in a notice published in the Gazette on *(date of publication in Gazette of that notice)* in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541); and

(or) \**(b)* in a contested election, that the poll was held on the above day, that *(name of each candidate)* were candidates at the election, and on *(date on which the successful candidate was declared elected or successful candidates were declared elected)* the

Returning Officer for the above-mentioned Constituency declared (*name of successful candidate or names of successful candidates*) to be elected for the above-mentioned Constituency in a notice of result of election prepared in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541), and that that notice was published in the Gazette on (*date of publication in Gazette of notice of result of election*) in accordance with regulations in force under that Ordinance; and

- (c) that (*ground under section 49(1) of the District Councils Ordinance (Cap. 547) on which the election is questioned and on which relief is to be sought and the facts on which the Petitioner relies or the Petitioners rely*).
- \*2. The \*Petitioner/Petitioners therefore \*requests/request, in the case of an election which was not contested, the Court to determine—
- (a) whether any decision of the District Council Eligibility Review Committee as to the validity of any nomination in the notice of nominations published in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541) (as read with the definition of *election* in section 49(3) of the District Council Ordinance (Cap. 547)) was correct;
- (b) if the Court determines that the decision of the District Council Eligibility Review Committee was not correct, whether the \*candidate/candidates declared by the Returning Officer to have been elected for the above-mentioned Constituency in the

notice published for the purposes of section 39(1) of the District Councils Ordinance (Cap. 547) in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541) \*was/were duly elected; and

- (c) any further or other relief as may be just.
- (or) \*2. The Petitioner therefore requests, in the case of a contested election, the Court to determine—
- (a) whether \*the candidate (*to be named*)/some other candidate (*to be named*) declared by the Returning Officer for the above-mentioned Constituency to be elected in the notice was duly elected;
- (b) if the Court determines that that person was not duly elected, whether \*the Petitioner/some other candidate (*to be named*) was duly elected in that person's place; and
- (c) any further or other relief as may be just.
- (or) \*2. The Petitioners therefore request, in the case of a contested election, the Court to determine—
- (a) whether \*the candidate (*to be named*)/some other candidate (*to be named*)/the candidates (*to be named*) declared by the Returning Officer for the above-mentioned Constituency to be elected in the notice \*was/were duly elected;
- (b) if the Court determines that \*that person/those persons \*was/were not duly elected, whether \*the other candidate (*to be named*)/some other candidate (*to be named*)/the candidates (*to be named*) \*was/were duly elected in \*his/her/their place; and
- (c) any further or other relief as may be just.

Dated this ..... day of ..... 20 .....

Signed

\*Petitioner/Petitioners  
(or) \*Solicitors

\*This Election Petition is lodged by the \*Petitioner/Petitioners.

(or) \*This Election Petition is lodged by *(name of solicitors)*,  
Solicitors acting for and on behalf of the \*Petitioner/Petitioners.

The address for service is *(address to be stated)*.

It is proposed to serve a copy of this Election Petition on *(name of Respondent or names of Respondents)* and on the Secretary for Justice.

\* Delete whichever is inapplicable.”.

**Division 3—Declaration of Constituencies (District Councils) Order 2018 (Cap. 547 sub. leg. H)**

92. **Declaration of Constituencies (District Councils) Order 2018 repealed**  
Declaration of Constituencies (District Councils) Order 2018—  
**Repeal the Order.**

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**Part 4****Related Amendments****Division 1—Electoral Affairs Commission Ordinance (Cap. 541)****93. Long title amended**

The long title—

**Repeal**

“geographical constituencies and District Council”

**Substitute**

“Legislative Council geographical constituencies and District Council geographical”.

**94. Section 2 amended (interpretation)**(1) Section 2(1), definition of *District Council constituency*—**Repeal**

“constituency within the meaning of”

**Substitute**

“District Council geographical constituency as defined by”.

(2) Section 2(1), definition of *geographical constituency*—**Repeal**

“, subject to section 17,”.

**95. Section 8 amended (report on elections)**

(1) Section 8(1)—

**Repeal**

“and (6A)”

**Substitute**

“, (6A) and (6B)”.

(2) After section 8(6A)—

**Add**

“(6B) If the Chief Executive specifies under section 27(5) of the District Councils Ordinance (Cap. 547) different dates for holding an ordinary election for the District Committees constituencies (as defined by section 2 of that Ordinance) and the District Council constituencies, the period within which the report in relation to that election is to be made under subsection (1) begins only on the conclusion of the election for all the constituencies.”.

**96. Section 17 amended (definitions)**(1) Section 17(1), definition of *population quota*—**Repeal**

everything after “in relation to”

**Substitute**

“a general election, means the total population of Hong Kong divided by the total number of members to be returned for all the geographical constituencies in that election.”.

(2) Section 17(1)—

**Repeal the definition of *geographical constituency*.**

(3) Section 17(1)—

**Add in alphabetical order**

“*District* (地方行政區) has the meaning given by section 2 of the District Councils Ordinance (Cap. 547);”.

(4) Section 17—

**Repeal subsection (2)****Substitute**

“(2) In this Part—

- (a) a reference to the population of Hong Kong is to be construed as a reference to the population of Hong Kong as estimated by the Commission under section 20(6); and
- (b) a reference to the population of a District is to be construed as a reference to the population of the District as estimated by the Commission under section 20(6).”

**97. Section 18 amended (report on boundaries)**

After section 18(5)—

**Add**

“(6) Despite subsection (1)(b), the Commission is not required to submit a report under that subsection in relation to the ordinary election for the seventh term of office of the District Councils.”

**98. Section 19 amended (provisional recommendations)**

Section 19—

**Repeal subsection (9).****99. Section 20 amended (criteria for making recommendations)**

(1) Section 20(1)(c)—

**Repeal**

everything after “as near”

**Substitute**

“as is practicable to the number calculated in accordance with the formula set out in subsection (1A) (*relevant number*)”.

(2) Section 20(1)(d)—

**Repeal**

“population quota”

**Substitute**

“relevant number applicable to that constituency”.

(3) After section 20(1)—

**Add**

“(1A) For the purposes of subsection (1)(c) and (d), the formula is—

$$\frac{A}{B} \times C$$

where—

- A is the total population of the District in which the proposed District Council constituency is situated;
- B is the total number of members to be returned for all the District Council constituencies in the District pursuant to any electoral law; and
- C is the number of members to be returned by the proposed District Council constituency pursuant to any electoral law.”

(4) Section 20(4A)—

**Repeal**

“elected to a District Council”

**Substitute**

“returned for a District Council constituency”.

- (5) Section 20(4B)(c)—  
**Repeal**  
“elected to a District Council”  
**Substitute**  
“returned for a District Council constituency”.
- (6) Section 20(4B)—  
**Repeal**  
“to be elected as”  
**Substitute**  
“as”.
- (7) Section 20(6)(a)—  
**Repeal**  
“or any proposed constituency”  
**Substitute**  
“, any District, any proposed geographical constituency or any proposed District Council constituency”.
- (8) Section 20(6)(b), after “Hong Kong,”—  
**Add**  
“the District,”.
- (9) Section 20—  
**Repeal subsection (7).**

**Division 2—Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A)**

**100. Title amended**

The title, after “District Council”—

**Add**

“Geographical”.

**101. Section 2 amended (interpretation)**

Section 2(1)—

**Repeal the definition of *District Council constituency***

**Substitute**

“*District Council constituency* (區議會選區)—

- (a) in relation to the compilation of a register for 2023 or any subsequent year before the specified year mentioned in paragraph (b)—means an area that is specified to be a District Council geographical constituency (as defined by section 2 of the District Councils Ordinance (Cap. 547)) (*DCGC*) in Schedule 8 to that Ordinance; or
- (b) in relation to the compilation of a register for the year in which the first order made under section 6(1)(a) of that Ordinance after 2023 comes into operation (*specified year*) or any subsequent year—means an area that is declared to be a DCGC in the last order made under that section immediately before the date by which the register must be compiled under section 32(1) of the

Legislative Council Ordinance (Cap. 542) for that year;”.

**102. Section 3 amended (form of register)**

- (1) Section 3(5)(a)(ii)—

**Repeal**

“or”.

- (2) Section 3(5)(a)(iii)—

**Repeal the semicolon**

**Substitute**

“; or”.

- (3) After section 3(5)(a)(iii)—

**Add**

“(iv) an elector for a District Committees constituency;”.

- (4) Section 3(5)(c)—

**Repeal**

“and”.

- (5) Section 3(5)(d)—

**Repeal the full stop**

**Substitute**

“; and”.

- (6) After section 3(5)(d)—

**Add**

“(e) the District Committees constituency for which a person is an elector.”.

- (7) Section 3(8)—

**Repeal the definition of *elector***

**Substitute**

“*elector* (選民)—

- (a) in relation to a functional constituency—means a person who is registered in a register of electors for functional constituencies compiled under section 32 of the Legislative Council Ordinance (Cap. 542); or
- (b) in relation to a District Committees constituency—means a person whose name is included in a register of electors for District Committees constituencies compiled and published under section 31A of the District Councils Ordinance (Cap. 547);”.

- (8) Section 3(8)—

**Add in alphabetical order**

“*District Committees constituency* (地區委員會界別) has the meaning given by section 2 of the District Councils Ordinance (Cap. 547);”.

**103. Section 8 amended (Electoral Registration Officer to determine whether persons registered in the existing final register are registered in the appropriate section and subsection)**

- (1) Section 8(1)(d), after “that Ordinance”—

**Add**

“or Schedule 8 to that Ordinance”.

- (2) Section 8(2), after “subsection (1)—

**Add**

“(specified information) or make the specified information available to that person in any way the Electoral Registration Officer considers appropriate”.



**104. Section 10 amended (Electoral Registration Officer to publish a notice that omissions list is available for inspection by specified persons)**

- (1) Section 10(5), definition of *coming election*, paragraph (d), after “by-election”—

**Add**

“for a District Council constituency”.

- (2) Section 10(5), definition of *previous election*, paragraph (d), after “by-election”—

**Add**

“for a District Council constituency”.

**105. Section 20 amended (Electoral Registration Officer to publish notice of final register and to make final register available for inspection by specified persons)**

- (1) Section 20(7), definition of *coming election*, paragraph (d), after “by-election”—

**Add**

“for a District Council constituency”.

- (2) Section 20(7), definition of *previous election*, paragraph (d), after “by-election”—

**Add**

“for a District Council constituency”.

**106. Section 22 amended (offences and penalties)**

- (1) Section 22(7)(b)—

**Repeal**

“19, 21, 24”

**Substitute**

“14, 19, 21, 26A”.

- (2) Section 22(7)(c), before “9 and”—

**Add**

“5M,”.

- (3) Section 22(8)(b)—

**Repeal**

“19, 21 and 24”

**Substitute**

“14, 19, 21 and 26A”.

- (4) Section 22(8)(c), before “9 and”—

**Add**

“5M,”.

**Division 3—Electoral Affairs Commission (Registration)  
(Electors for Legislative Council Functional Constituencies)  
(Voters for Election Committee Subsectors) (Members of  
Election Committee) Regulation (Cap. 541 sub. leg. B)**

**107. Section 2 amended (interpretation)**

Section 2(1), definition of *GC Register Regulation*, after “District Council”—

**Add**

“Geographical”.

**108. Section 42 amended (offences and penalties)**

- (1) Section 42(9)(b)—

**Repeal**

“19, 21, 24”

**Substitute**

“14, 19, 21, 26A”.

- (2) Section 42(9)(c), before “9 and”—

**Add**

“5M,”.

- (3) Section 42(10)(b)—

**Repeal**

“19, 21 and 24”

**Substitute**

“14, 19, 21 and 26A”.

- (4) Section 42(10)(c), before “9 and”—

**Add**

“5M,”.

**Division 4—Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D)**

**109. Section 2 amended (interpretation)**

Section 2(1), definition of *geographical constituencies final register*, after “District Council”—

**Add**

“Geographical”.

**Division 5—Electoral Affairs Commission (Nominations Advisory Committees (District Councils)) Regulation (Cap. 541 sub. leg. E)**

**110. Section 1 amended (interpretation)**

- (1) Section 1(1), definition of *nomination form*—

**Repeal**

“an elected member”

**Substitute**

“a member of a District Council”.

- (2) Section 1(1)—

(a) definition of *constituency*;

(b) definition of *elected member*—

**Repeal the definitions.**

- (3) Section 1(1)—

**Add in alphabetical order**

“*constituency* (界別或選區) has the meaning given by section 2 of the District Councils Ordinance (Cap. 547);”.

**111. Section 6 amended (procedure relating to applications by Returning Officers)**

Section 6(5), Chinese text—

**Repeal**

“選區” (wherever appearing)

**Substitute**

“界別或選區”.

**Division 6—Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541 sub. leg. F)**

**112. Section 2 amended (interpretation)**

- (1) Section 2(1), definition of *candidate*—

**Repeal**

“an elected”

**Substitute**

“a”.

- (2) Section 2(1)—

**Repeal the definition of *election day***

**Substitute**

“*election day* (選舉日), in relation to a constituency, means the date on which an election for the constituency is to be held;”.

- (3) Section 2(1)—

**Repeal the definition of *elector***

**Substitute**

“*elector* (選民) has the meaning given by section 2 of the District Councils Ordinance (Cap. 547);”.

- (4) Section 2(1), definition of *geographical constituencies final register*, after “District Council”—

**Add**

“Geographical”.

- (5) Section 2(1)—

**Repeal the definition of *nomination period***

**Substitute**

“*nomination period* (提名期) means—

- (a) in relation to nominations for a constituency, the period specified under section 8(2)(b); and  
(b) for a by-election for a constituency, the period specified under section 10(5)(a);”.

- (6) Section 2(1), definition of *notice appointing the election day*—

**Repeal**

everything after “Ordinance”

**Substitute**

“(Cap. 547)—

- (a) to hold an election to return members for District Committees constituencies; or  
(b) to hold an election to return members for District Council geographical constituencies;”.

- (7) Section 2(1), definition of *ordinary business hours*, paragraph (b)(ii)—

**Repeal**

“or termination”.

- (8) Section 2(1)—

**Repeal the definition of *registered residential address***

**Substitute**

“*registered residential address* (登記住址), in relation to a person, means the address recorded in the particulars of that person in the final register;”.

- (9) Section 2(1)—

**Repeal the definition of *validly nominated candidate***

**Substitute**

“*validly nominated candidate* (獲有效提名的候選人)—

- (a) subject to paragraph (b), means a person whom the Eligibility Review Committee has decided under section 16 to be validly nominated; or
- (b) in case a declaration under section 24(2) or 25(2) is made, means a person who is stated to be validly nominated in the declaration;”.

(10) Section 2(1), Chinese text—

- (a) definition of *指明地點*;
- (b) definition of *提名表格*;
- (c) definition of *選票*—

**Repeal**

“選區” (wherever appearing)

**Substitute**

“界別或選區”.

(11) Section 2(1), Chinese text, definition of *點票區*—

**Repeal**

“圍。”

**Substitute**

“圍;”.

(12) Section 2(1)—

- (a) definition of *constituency*;
- (b) definition of *elected member*;
- (c) definition of *final register*—

**Repeal the definitions.**

(13) Section 2(1)—

**Add in alphabetical order**

“*constituency* (界別或選區) has the meaning given by section 2 of the District Councils Ordinance (Cap. 547);

*DCC ballot paper* (地區委員會界別選票) means a ballot paper to vote for a candidate standing for election for a District Committees constituency;

*District Committees constituencies register* (地區委員會界別選民名冊) means the register of electors for District Committees constituencies compiled and published under section 31A of the District Councils Ordinance (Cap. 547) that is in effect;

*District Committees constituency* (地區委員會界別) has the meaning given by section 2 of the District Councils Ordinance (Cap. 547);

*District Council geographical constituency* (區議會地方選區) has the meaning given by section 2 of the District Councils Ordinance (Cap. 547);

*Eligibility Review Committee* (資格審查委員會) has the meaning given by section 2 of the District Councils Ordinance (Cap. 547);

*final register* (正式選民冊) means—

- (a) the District Committees constituencies register; or
- (b) the geographical constituencies final register;

*GC ballot paper* (地方選區選票) means a ballot paper to vote for a candidate standing for election for a District Council geographical constituency;

*member* (議員) means a person elected at an election under Part V of the District Councils Ordinance (Cap. 547) as a member of a District Council;”.

(14) Section 2(2)(a) and (b)—

**Repeal**

“an elected”

**Substitute**

“a”.

- (15) Section 2(3)(b) and (4), Chinese text—

**Repeal**

“選區” (wherever appearing)

**Substitute**

“界別或選區”.

- 113. Section 2A amended (effect of inclement weather warning on date and period)**

Section 2A(1), definition of *working day*, paragraph (b)(ii)—

**Repeal**

“or termination”.

- 114. Part 2, Division 1 repealed (publication of register for the first ordinary election)**

Part 2—

**Repeal Division 1.**

- 115. Section 8 amended (Chief Electoral Officer to publish a notice specifying a period and place for submitting nomination forms)**

- (1) Section 8(1)—

**Repeal**

“day, the Chief Electoral Officer must publish in the Gazette a”

**Substitute**

“day for a constituency, the Chief Electoral Officer must publish in the Gazette, for the constituency, a”.

- (2) Section 8(2)—

**Repeal**

“, in relation to each constituency”.

- (3) Section 8(2)—

**Repeal paragraph (a)**

**Substitute**

“(a) the name of the constituency and the name of the relevant District;”.

- (4) After section 8(2)(a)—

**Add**

“(ab) the number of members to be returned for the constituency;”.

- (5) Section 8(2)(b), Chinese text—

**Repeal**

“選區”

**Substitute**

“界別或選區”.

- (6) Section 8(2)(e), after “election”—

**Add**

“for the constituency”.

- (7) Section 8(2)—

**Repeal paragraph (f)**

**Substitute**

“(f) that a poll will be held on the date referred to in paragraph (e) for the constituency, if the number of validly nominated candidates for election for the constituency exceeds the number of members to be returned for the constituency.”.

**116. Section 9 amended (Chief Electoral Officer to determine nomination period)**

Section 9(1), after “period”—

**Add**

“for a constituency”.

**117. Section 10 amended (Chief Electoral Officer to publish by-election notice if a by-election is to be held under section 33 of the District Councils Ordinance)**

(1) Section 10(2)—

**Repeal**

everything after “by-election is to be”

**Substitute**

“held—

(a) the name of the constituency and the name of the relevant District; and

(b) the number of members to be returned for the constituency at the by-election.”

(2) Section 10(3), after “to be held”—

**Add**

“for the constituency”.

(3) Section 10(4)—

**Repeal**

everything after “subsection (3) if”

**Substitute**

“the number of validly nominated candidates for election for the constituency exceeds the number of members to be returned for the constituency at the by-election.”

**118. Section 12 amended (how to nominate a candidate for a constituency)**

(1) Section 12, Chinese text, heading—

**Repeal**

“選區”.

**Substitute**

“界別或選區”.

(2) Section 12(1), after “candidate”—

**Add**

“for a constituency”.

(3) Section 12(4)—

**Repeal**

“34(1)(b)”

**Substitute**

“34(1A)(c)”.

(4) Section 12(5)(a), after “candidate”—

**Add**

“for the constituency”.

(5) Section 12(6)(a), Chinese text—

**Repeal**

“登記冊內的資料”

**Substitute**

“冊內的詳情”.

(6) Section 12(10)—

**Repeal**

everything after “considers appropriate”

**Substitute**

“for enabling the Eligibility Review Committee to be satisfied—

- (a) that the candidate is eligible to be nominated as a candidate for a constituency; or
- (b) otherwise as to the validity of the nomination.”.

**119. Section 16 amended (Returning Officer to decide whether candidates are validly nominated)**

- (1) Section 16, heading—

**Repeal**

“Returning Officer”

**Substitute**

“Eligibility Review Committee”.

- (2) Section 16—

**Repeal subsection (1)****Substitute**

“(1) The Returning Officer must, as soon as practicable after receiving a nomination form, forward the form to the Eligibility Review Committee.

- (1A) The Eligibility Review Committee must, as soon as practicable after receiving a nomination form forwarded by the Returning Officer, decide whether a candidate is validly nominated.”.

- (3) Section 16(2)(a)—

**Repeal**

“Returning Officer”

**Substitute**

“Eligibility Review Committee”.

- (4) Section 16(3)—

**Repeal**

“Returning Officer may”

**Substitute**

“Eligibility Review Committee may”.

- (5) Section 16(3)(c) and (d)—

**Repeal**

“Returning Officer”

**Substitute**

“Eligibility Review Committee”.

- (6) Section 16(3)(d), Chinese text—

**Repeal**

“選區” (wherever appearing)

**Substitute**

“界別或選區”.

- (7) After section 16(3)—

**Add**

“(3A) In deciding whether a candidate is validly nominated for a constituency, the Eligibility Review Committee—

- (a) may require the Returning Officer to advise the Committee, and have regard to such advice of the Returning Officer, as to any of the matters specified in subsection (3B); and
- (b) may require the candidate to furnish any other information the Committee considers appropriate to be satisfied—

- (i) that the candidate is eligible to be nominated as a candidate for the constituency concerned; or
  - (ii) otherwise as to the validity of the nomination.
- (3B) The matters specified for subsection (3A)(a) are—
- (a) whether, in the opinion of the Returning Officer, section 12 is complied with in relation to the candidate;
  - (b) subject to subsection (3C), whether, in the opinion of the Returning Officer, sections 20, 21 and 34 of the District Councils Ordinance (Cap. 547) are complied with in relation to the candidate;
  - (c) whether, in the opinion of the Returning Officer, the nomination form of the candidate is valid;
  - (d) whether the candidate has withdrawn candidature for that constituency;
  - (e) whether the nomination form of the candidate has been signed by the prescribed number of subscribers qualified to subscribe to the nomination form under the District Councils (Subscribers and Election Deposit for Nomination) Regulation (Cap. 547 sub. leg. A);
  - (f) whether the nomination form of the candidate has been completed or signed as required under this Regulation;
  - (g) in the opinion of the Returning Officer—
    - (i) whether the candidate is eligible to be nominated as a candidate under the District Councils Ordinance (Cap. 547); and

- (ii) whether the candidate is disqualified from being nominated as a candidate under that Ordinance;
  - (h) whether the candidate has been nominated for another constituency in the same election and, if so, whether the other candidature has been withdrawn;
  - (i) whether the candidate has lodged the appropriate deposit; and
  - (j) whether, according to the information available to the Returning Officer, the candidate is dead.
- (3C) For the purposes of subsection (3B)(b), the Returning Officer is not to advise the Eligibility Review Committee on whether a candidate has complied with section 34(1A)(c) of the District Councils Ordinance (Cap. 547).”.
- (8) After section 16(4)—
- Add**
- “(5) In this section, a reference to section 20, 21 or 34 of the District Councils Ordinance (Cap. 547) being complied with in relation to a candidate for a constituency is to be construed as follows—
- (a) for section 20 of that Ordinance—that the candidate is eligible to be nominated as a candidate at an election for that constituency under that section;
  - (b) for section 21 of that Ordinance—that the candidate is not disqualified from being nominated as a candidate at an election for that constituency under that section; and
  - (c) for section 34 of that Ordinance—that the candidate has complied with that section.”.



**120. Section 17 amended (Returning Officer to have regard to advice of Nominations Advisory Committee)**

Section 17—

**Repeal**

“deciding under section 16”

**Substitute**

“forming an opinion for the purposes of section 16(3A)(a) and (3B)(g) as to”.

**121. Section 18 amended (Returning Officer may give opportunity to rectify a nomination form)**

Section 18(1)—

**Repeal**

“making a decision under section 16”

**Substitute**

“forming an opinion for the purposes of section 16(3A)(a) and (3B)(c) as to whether the nomination form is valid”.

**122. Section 19 amended (Returning Officer to endorse invalid nomination forms)**

(1) Section 19, heading—

**Repeal**

“Returning Officer to endorse invalid nomination forms”

**Substitute**

“Eligibility Review Committee to endorse invalid nomination forms and Returning Officer to notify candidates of decision as to validity of nomination”.

(2) Section 19—

**Repeal subsection (1)****Substitute**

“(1) If the Eligibility Review Committee decides that the nomination of a candidate is invalid, the Committee must endorse on the nomination form the decision and the reasons for it.”.

(3) Section 19(2)—

**Repeal**

“Returning Officer”

**Substitute**

“Eligibility Review Committee”.

(4) After section 19(2)—

**Add**

“(2A) The Eligibility Review Committee must, after deciding whether a person is validly nominated—

- (a) inform the Returning Officer of the decision; and
- (b) return the nomination form to the Returning Officer for retention.”.

(5) Section 19(3), after “decision”—

**Add**

“of the Eligibility Review Committee”.

(6) After section 19(3)—

**Add**

“(3A) The Returning Officer must also send a notice of a decision of the Eligibility Review Committee that a person is not validly nominated to the Director of Home Affairs.”.

**123. Section 21 amended (no nomination for more than one constituency)**

(1) Section 21, Chinese text, heading—

**Repeal**

“選區”

**Substitute**

“界別或選區”.

(2) Section 21(1) and (2), Chinese text—

**Repeal**

“選區” (wherever appearing)

**Substitute**

“界別或選區”.

(3) Section 21(2), Chinese text—

**Repeal**

“選區”

**Substitute**

“界別或選區”.

**124. Section 22 amended (Returning Officer to publish a notice of particulars of validly nominated candidates)**

(1) Section 22, heading—

**Repeal**

“Returning Officer”

**Substitute**

“Eligibility Review Committee”.

(2) Section 22(1)—

**Repeal**

“Returning Officer”

**Substitute**

“Eligibility Review Committee”.

(3) Section 22(2)—

**Repeal**

“constituencies”

**Substitute**

“District Committees constituencies and District Council geographical constituencies”.

(4) Section 22(3)—

**Repeal**

everything after “(2)”

**Substitute**

“—

(a) separate notices may be published for each District Committees constituency and each District Council geographical constituency;

(b) 1 notice may be published for all the District Committees constituencies and all the District Council geographical constituencies in 1 District; or

(c) 1 notice may be published for all the District Committees constituencies and 1 notice may be published for all the District Council geographical constituencies.”.

(5) Section 22(4), Chinese text—

**Repeal**

“選區” (wherever appearing)

**Substitute**

“界別或選區”。

(6) Section 22—

**Repeal subsection (6).**

**125. Section 23 amended (Returning Officer to publish a notice for the purposes of section 39(1) of the District Councils Ordinance)**

(1) Section 23—

**Repeal subsection (1)**

**Substitute**

“(1) If, for a constituency, no more candidates have been validly nominated than the number of members to be returned for that constituency, the Returning Officer must, for the purposes of section 39(1) of the District Councils Ordinance (Cap. 547), declare in a notice the candidate or candidates as being duly elected as a member or members for that constituency.”.

(2) Section 23(2)—

**Repeal**

“separate”.

(3) Section 23(2)(b)—

**Repeal**

“an elected”

**Substitute**

“a”.

**126. Section 24 amended (Returning Officer to notify and declare if a validly nominated candidate is proved to have died)**

(1) Section 24(1)—

**Repeal**

“but after that Officer”

**Substitute**

“for the constituency but after the Eligibility Review Committee”.

(2) Section 24(2), (4)(b) and (c), (5)(b) and (c) and (7), Chinese text—

**Repeal**

“選區”

**Substitute**

“界別或選區”。

(3) Section 24—

**Repeal subsections (8), (9) and (10).**

**127. Section 25 amended (Returning Officer to vary decision if a validly nominated candidate is proved to be disqualified)**

(1) Section 25, heading—

**Repeal**

“vary decision”

**Substitute**

“notify, and Eligibility Review Committee to declare,”.

(2) Section 25—

**Repeal subsections (1) and (2)**

**Substitute**

“(1) If the disqualification of a candidate is proved to the satisfaction of the Eligibility Review Committee before the election day for the constituency but after the Committee has decided that the candidate is validly

nominated, the Returning Officer must notify the Chief Electoral Officer as soon as possible.

- (2) The Eligibility Review Committee must, as soon as practicable, declare that the Committee's decision under section 16 is varied to the effect that the candidate is not validly nominated. The Committee must further declare which candidates are validly nominated for election for the relevant constituency.”
- (3) Section 25(3)(d)—  
**Repeal**  
“Returning Officer”  
**Substitute**  
“Eligibility Review Committee”.
- (4) Section 25(4)(b), Chinese text—  
**Repeal**  
“該選區”  
**Substitute**  
“有關界別或選區”.
- (5) Section 25(4)(c)—  
**Repeal**  
“Returning Officer”  
**Substitute**  
“Eligibility Review Committee”.
- (6) Section 25(4)(d) and (5)(b) and (c), Chinese text—  
**Repeal**  
“選區”  
**Substitute**

“界別或選區”.

- (7) Section 25—

**Repeal subsection (6)**

**Substitute**

“(6) The Eligibility Review Committee must endorse on the nomination form of the disqualified candidate that the Committee's decision under section 16 in relation to that candidate is varied and the reasons for it. The Committee must sign the endorsement.”.

- (8) Section 25(7), Chinese text—

**Repeal**

“選區”

**Substitute**

“界別或選區”.

- (9) Section 25—

**Repeal subsections (8), (9) and (10).**

**128. Section 25A added**

Part 2, Division 2, after section 25—

**Add**

**“25A. No poll upon death or disqualification of candidate under certain circumstances**

- (1) If, after the death referred to in section 24(1) or the disqualification referred to in section 25(1)—
- (a) the number of candidates remaining validly nominated for election for the constituency concerned is equal to the number of members to be returned for that constituency;

- (b) no candidate remains validly nominated for election for the constituency concerned; or
- (c) the number of candidates remaining validly nominated for election for the constituency concerned is less than the number of members to be returned for that constituency,
- the Returning Officer must, by such means as that Officer considers appropriate in the circumstances, declare that no poll is to be held for the constituency.
- (2) The Returning Officer must in the notice under section 24(3)(a) or 25(3)(a), if any, or in a separate notice—
- (a) for subsection (1)(a)—declare, for the purposes of section 39(1) of the District Councils Ordinance (Cap. 547), the remaining candidate or candidates as being duly elected as a member or members;
- (b) for subsection (1)(b)—declare, for the purposes of section 39(2) of the District Councils Ordinance (Cap. 547), the election to have failed;
- (c) for subsection (1)(c), declare—
- (i) for the purposes of section 39(1) of the District Councils Ordinance (Cap. 547), the remaining candidate or candidates as being duly elected as a member or as members; and
- (ii) for the purposes of section 39(2) of that Ordinance, the election to have failed to the extent that the number of candidates remaining validly nominated for election is less than the number of members to be returned.
- (3) A separate notice containing a declaration under subsection (2)(a) or (c)(i) must—
- (a) be published in the Gazette as soon as practicable;

- (b) state the name and address of each candidate declared to be duly elected as a member; and
- (c) be in the specified form.
- (4) A separate notice containing a declaration under subsection (2)(b) or (c)(ii) must comply with section 97(1).”.
- 129. Section 31 amended (designation of polling stations, counting stations and ballot paper sorting stations)**
- (1) Section 31(1B), Chinese text—
- Repeal**  
“選區” (wherever appearing)
- Substitute**  
“界別或選區”.
- (2) Section 31(1C), after “must”—
- Add**  
“, in relation to a District Council geographical constituency,”.
- (3) Section 31(1CA), after “must”—
- Add**  
“, in relation to a constituency,”.
- (4) Section 31(1D), Chinese text—
- Repeal**  
everything before “須指定”
- Substitute**  
“(1D) 如就某一界別或選區而言，有 2 個或多於 2 個的投票站被指定而其中至少有一個是小投票站、特別投票站或專用投票站，則總選舉事務主任”.
- (5) Section 31(1E), after “may”—

**Add**

“, in relation to a District Council geographical constituency.”.

**130. Section 33 amended (Chief Electoral Officer to assign polling stations for constituencies and to allocate polling stations to electors)**

(1) Section 33, Chinese text, heading—

**Repeal**

“選區”

**Substitute**

“界別或選區”.

(2) Section 33(1), Chinese text—

**Repeal**

“選區” (wherever appearing)

**Substitute**

“界別或選區”.

(3) Section 33(2)—

**Repeal**

everything after “Officer”

**Substitute**

“—

- (a) must allocate to each elector a polling station to cast the vote he or she is entitled to cast at an election; and
- (b) if an elector is entitled to cast more than one vote at an election—may allocate to the elector one polling station or more than one polling station to cast the person’s votes.”.

(4) Section 33(3)(a), after “an elector”—

**Add**

“for a District Council geographical constituency”.

**131. Section 34 amended (Chief Electoral Officer to send poll cards to electors)**

(1) Section 34(2)(b), Chinese text—

**Repeal**

“登記”.

(2) After section 34(2A)—

**Add**

“(2B) If an elector is entitled to cast more than one vote at an election, the Chief Electoral Officer may send separate poll cards for each vote or send one poll card for all the votes.”.

(3) Section 34(3)—

**Repeal**

everything after “poll card”

**Substitute**

“or each poll card the polling station or stations at which the elector must cast his or her vote or votes.”.

**132. Section 35 amended (Chief Electoral Officer may allocate special polling stations)**

(1) Section 35(1), Chinese text—

**Repeal**

“選區”

**Substitute**

“界別或選區”。

- (2) Section 35(6), after “constituency”—

**Add**

“or constituencies”.

**133. Section 36 amended (persons to vote at the correct polling station)**

Section 36(1), English text, after “station”—

**Add**

“or stations”.

**134. Section 38 amended (Chief Electoral Officer to supply candidates with copy or extract of final register)**

- (1) Section 38, Chinese text, heading—

**Repeal**

“登記”。

- (2) Before section 38(1)—

**Add**

“(1A) The Chief Electoral Officer must supply to each candidate for a District Committees constituency a copy or extract of the part of the District Committees constituencies register relating to the constituency for which that candidate is nominated.”.

- (3) Section 38(1)—

**Repeal**

everything after “each candidate”

**Substitute**

“for a District Council geographical constituency a copy or extract of the part of the geographical constituencies final

register relating to the constituency for which that candidate is nominated.”.

- (4) Section 38—

**Repeal subsection (3).**

- (5) Section 38(4)—

**Repeal**

“An extract under subsection (1)(b)”

**Substitute**

“A copy or extract under this section”.

**135. Section 39 amended (Chief Electoral Officer to supply Returning Officer with copy or extract of final register)**

- (1) Section 39, Chinese text, heading—

**Repeal**

“登記”。

- (2) Before section 39(1)—

**Add**

“(1A) The Chief Electoral Officer must supply to the Returning Officer for a District Committees constituency a copy or extract of the part of the District Committees constituencies register relating to the constituency for which the Returning Officer is appointed.”.

- (3) Section 39(1)—

**Repeal**

everything after “to the Returning Officer”

**Substitute**

“for a District Council geographical constituency a copy or extract of the part of the geographical constituencies final

register relating to the constituency for which the Returning Officer is appointed.”.

- (4) Section 39—

**Repeal subsection (3).**

- (5) Section 39(4)—

**Repeal**

“subsection (1)(b)”

**Substitute**

“this section”.

**136. Section 40 amended (Chief Electoral Officer to carry out other duties relating to polling stations)**

- (1) Section 40(2)—

**Repeal**

“24 or 25”

**Substitute**

“24(2) or 25(2)”.

- (2) Section 40(2), Chinese text—

**Repeal**

“選區進行投票之用，總選舉事務主任必須向該投票站的投票站主任提供其認為是該選區所需數目的選票。總選舉事務主任必”

**Substitute**

“界別或選區進行投票之用，總選舉事務主任須向該投票站的投票站主任提供其認為是該界別或選區所需數目的選票。總選舉事務主任”。

- (3) Section 40(3)—

**Repeal**

everything after “Presiding Officer”

**Substitute**

“a copy or extract of the appropriate part of the final register.”.

- (4) Section 40—

**Repeal subsection (4).**

- (5) Section 40(5)—

**Repeal**

“(3)(b)”

**Substitute**

“(3)”.

- (6) Section 40(7)—

**Repeal**

everything after “polling station”

**Substitute**

“—

- (a) materials; and

- (b) if the polling station is assigned for conducting the poll for a District Council geographical constituency or for conducting a poll for a by-election for the District Committees constituency in relation to which the Commission has made a direction under section 57A(2)—chops bearing the mark “√”, with or without any design,

that are necessary to enable electors to mark the ballot papers.”.



**137. Section 52 amended (form of ballot paper and order of appearance of names of candidates on ballot papers)**

(1) Section 52—

**Repeal subsection (1)****Substitute**

“(1) A ballot paper to be used to vote for a District Committees constituency is to be in Form 1 in Schedule 2.

(1AA) A ballot paper to be used to vote for a District Council geographical constituency is to be in Form 2 in Schedule 2.

(1AAB) If the Commission has made a direction under section 57A(2) in relation to a by-election for a District Committees constituency, a ballot paper to be used to vote at that by-election is to be in Form 3 in Schedule 2.”.

(2) Section 52(1A), after “Schedule 2”—

**Add**

“(except Forms 1 and 3 in that Schedule)”.

(3) After section 52(2)(b)—

**Add**

“(ba) to have different types of ballot paper printed in different colours or with different colour patterns;”.

(4) Section 52(2)(c)—

**Repeal**

“paper; or”

**Substitute**

“paper;”.

(5) Section 52(2)(d)—

**Repeal the full stop****Substitute**

“; or”.

(6) After section 52(2)(d)—

**Add**

“(e) to have different designs printed on the back of different types of ballot papers.”.

(7) Section 52(3) and (9), Chinese text—

**Repeal**

“選區”

**Substitute**

“界別或選區”.

**138. Section 54 amended (questions to be asked from persons applying for a ballot paper)**

(1) After section 54(1)—

**Add**

“(1A) When asking the questions, the Presiding Officer must have regard to whether the ballot paper applied for is a DCC ballot paper or a GC ballot paper, and that Officer must choose, frame, adjust or modify the questions accordingly.”.

(2) Section 54—

**Repeal subsection (2)****Substitute**

“(2) The questions referred to in subsection (1) are—

- (a) “Are you the person registered in the final register now in effect for this District Committees constituency, as follows (the Presiding Officer to read the whole entry as it is recorded in the copy or

- extract of the final register supplied to that Officer)?” or “你是否已登記在對本地區委員會界別有效的正式選民冊上的人，並且有關記項一如以下所述 (the Presiding Officer to read the whole entry as it is recorded in the copy or extract of the final register supplied to that Officer)?”;
- (b) “Are you the person registered in the final register now in effect for this District Council geographical constituency, as follows (the Presiding Officer to read the whole entry as it is recorded in the copy or extract of the final register supplied to that Officer)?” or “你是否已登記在對本區議會地方選區有效的正式選民冊上的人，並且有關記項一如以下所述 (the Presiding Officer to read the whole entry as it is recorded in the copy or extract of the final register supplied to that Officer)?”;
- (c) “Have you already voted for this or any other District Committees constituency in this election?” or “在這次選舉中，你是否已經就本地區委員會界別或任何其他地區委員會界別投票?”;
- (d) “Have you already voted for this or any other District Council geographical constituency in this election?” or “在這次選舉中，你是否已經就本區議會地方選區或任何其他區議會地方選區投票?”.
- (3) Section 54(4), Chinese text—  
**Repeal**  
“將向該人”  
**Substitute**  
“向該人”.

- 139. Section 56 amended (Presiding Officer to issue only one ballot paper to an elector)**
- (1) Section 56, heading, after “elector”—  
**Add**  
“for a constituency”.
- (2) Section 56(1), after “a ballot paper”—  
**Add**  
“for a constituency”.
- (3) Section 56(2) and (3)(a) and (b), Chinese text—  
**Repeal**  
“選民登記冊”  
**Substitute**  
“選民冊”.
- (4) Section 56(3)(b), Chinese text—  
**Repeal**  
“登記冊電子文本” (wherever appearing)  
**Substitute**  
“選民冊電子文本”.
- 140. Section 56A amended (elector who has not cast vote may return to cast vote with permission)**  
Section 56A(1)(a) and (5)(a), after “ballot paper”—  
**Add**  
“for a constituency”.
- 141. Section 57 amended (procedure for voting)**
- (1) Section 57(1), after “a ballot paper”—  
**Add**

“for a constituency”.

(2) Section 57(2)—

**Repeal**

everything after “elector must”

**Substitute**

“, before leaving the voting compartment, conceal the mark on it as directed by the Commission under subsection (2A).”.

(3) Section 57—

**Repeal subsection (2A)**

**Substitute**

“(2A) The Commission may direct, in a way it considers appropriate, the elector—

- (a) to put the ballot paper, unfolded, into the ballot box with the marked side facing down;
- (b) to—
  - (i) fold the ballot paper so that the marked side is inside; and
  - (ii) put the folded ballot paper into the ballot box;
- (c) to—
  - (i) put the ballot paper, unfolded, into an envelope provided at the polling station; and
  - (ii) put the ballot paper contained in the envelope into the ballot box; or
- (d) to—
  - (i) fold the ballot paper so that the marked side is inside;
  - (ii) put the folded ballot paper into an envelope provided at the polling station; and

- (iii) put the ballot paper contained in the envelope into the ballot box.”.

**142. Section 57A added**

After section 57—

**Add**

**“57A. How DCC ballot papers are to be marked**

- (1) An elector voting for a District Committees constituency must mark the ballot paper by filling in black the ovals on it opposite the names of the candidates of the elector’s choice.
- (2) However, the Commission may, in relation to a by-election for a District Committees constituency, direct that the ballot paper must be marked with a chop provided for that purpose by the Chief Electoral Officer at the polling station and bearing the mark “√”, with or without any design.
- (3) If the Commission makes a direction under subsection (2) in relation to a by-election—
  - (a) an elector voting at the by-election must mark the ballot paper with the chop provided under section 40(7) for the purpose; and
  - (b) the chop is to be affixed to give a single “√” in each of the circles opposite the names of the candidates of the elector’s choice on the ballot paper.
- (4) An elector voting for a District Committees constituency must vote for a number of candidates that is equal to the number of members to be returned for the constituency at the election.”.

**143. Section 58 amended (how ballot papers are to be marked)**

- (1) Section 58, heading, before “ballot”—

**Add**

“GC”.

- (2) Section 58(1), after “elector”—

**Add**

“voting for a District Council geographical constituency”.

**144. Section 59 amended (marking of ballot papers for or by incapacitated person)**

Section 59(2)—

**Repeal**

“section 58”

**Substitute**

“section 57A or 58 (as applicable)”.

**145. Section 64 amended (Presiding Officer to prepare a ballot paper account for each packet of sealed ballot papers)**

- (1) Section 64(1) and (2), Chinese text—

**Repeal**

“選區”

**Substitute**

“界別或選區”.

- (2) Section 64(3)(a) and (4)—

**Repeal**

“District”

**Substitute**

“constituency”.

**146. Section 75B added**

After section 75A—

**Add****“75B. Counting of votes for District Committees constituencies**

- (1) This section applies to the counting of the votes for a District Committees constituency.
- (2) The Presiding Officer of a main counting station must, at the counting zone, count in accordance with this section.
- (3) The Presiding Officer of a main counting station must, when counting the votes at the main counting station, mix the ballot papers in at least one of the ballot boxes at the polling station designated as the main counting station together with—
  - (a) the ballot papers that have been delivered to the main counting station from one or more special polling stations; and
  - (b) the ballot papers that have been delivered to the main counting station from one or more ballot paper sorting stations, or one or more dedicated polling stations, as may be appropriate.
- (4) The votes recorded on the ballot papers are to be counted according to the system of counting described in section 41A of the District Councils Ordinance (Cap. 547).
- (5) The votes cast may be counted by using an approved programme and a computer.
- (6) In the course of counting in accordance with subsection (4)—
  - (a) any ballot paper that—

- (i) appears to have any writing or mark by which the elector can possibly be identified;
  - (ii) appears to be not marked in accordance with section 57A(1) or (3)(b);
  - (iii) appears to be substantially mutilated; or
  - (iv) appears to be void for uncertainty, is questionable and must be separated and forwarded to the Presiding Officer to decide whether the vote is to be counted in accordance with section 79; and
- (b) any ballot paper described in section 78(1)(b), (c), (d), (f), (ha) and (hb) must be separated and the vote is not to be counted pursuant to section 78.

(7) In this section—

*approved programme* (認可程式) means any computer software that the Commission is satisfied is programmed to count the votes for a District Committees constituency so as to give an accurate result.”.

**147. Section 76 amended (counting of votes)**

(1) Section 76, heading, after “votes”—

**Add**

“for District Council geographical constituencies”.

(2) Before section 76(1)—

**Add**

“(1A) This section applies to the counting of the votes for a District Council geographical constituency.”.

(3) Section 76(4)—

**Repeal**

“41”

**Substitute**

“41B”.

**148. Section 78 amended (votes recorded on invalid ballot papers not to be counted)**

(1) After section 78(1)(f)—

**Add**

“(fa) for a DCC ballot paper—which is not marked in accordance with section 57A(1) or (3)(b);”.

(2) Section 78(1)(g)—

**Repeal**

“a ballot paper which”

**Substitute**

“for a GC ballot paper—which”.

(3) After section 78(1)(ha)—

**Add**

“(hb) for a DCC ballot paper—which is not marked in accordance with section 57A(3)(a) or (4);”.

(4) Section 78(1)(i)—

**Repeal**

“which”

**Substitute**

“for a GC ballot paper—which”.

(5) Section 78(2)(a), after “(ha)—

**Add**

“, (hb)”.

**149. Section 79 amended (Presiding Officer to make decisions on questionable ballot papers)**

- (1) Section 79(1), after “section”—

**Add**

“75B(6)(a) or”.

- (2) Section 79(2)(b)(ii)—

**Repeal**

“section 58(2)”

**Substitute**

“section 57A(1) or (3)(b) or 58(2) (as applicable)”.

- (3) Section 79(3)—

**Repeal**

“with section 58(2)”

**Substitute**

“with section 57A(1) or (3)(b) or 58(2) (as applicable)”.

- (4) Section 79(3)—

**Repeal**

“in section 58(2)”

**Substitute**

“in section 57A(1) or (3)(b) or 58(2) (as the case requires)”.

- (5) Section 79(6)(g)—

**Repeal**

“section 58”

**Substitute**

“section 57A or 58 (as applicable)”.

- (6) Section 79(6)(i), before “ballot”—

**Add**

“GC”.

**150. Section 80A amended (result of the counting of votes and re-count: one counting station)**

- (1) Section 80A(1), Chinese text—

**Repeal**

“選區”

**Substitute**

“界別或選區”.

- (2) Section 80A(2)—

**Repeal**

“under section 76”.

- (3) Section 80A(7), Chinese text—

**Repeal**

“必須向有關選區”

**Substitute**

“須向有關界別或選區”.

**151. Section 80B amended (result of the counting of votes and re-count: 2 or more counting stations)**

- (1) Section 80B(1), Chinese text—

**Repeal**

“選區”

**Substitute**

“界別或選區”.

- (2) Section 80B(2)—

**Repeal**

“under section 76”.

- (3) Section 80B(7), (8), (9), (10) and (12), Chinese text—

**Repeal**

“選區” (wherever appearing)

**Substitute**

“界別或選區”.

**152. Section 80C amended (determination of result in the event of equality of votes)**

- (1) Section 80C—

**Repeal subsection (1)**

**Substitute**

“(1) If in relation to a constituency, a member or members are still to be returned for the constituency and the most successful candidates remaining have an equal number of votes, the Returning Officer for the constituency must determine the result of the election by drawing lots as provided in section 41A(5) or 41B(4) (as applicable) of the District Councils Ordinance (Cap. 547).”.

- (2) Section 80C(2)—

**Repeal**

“section 41(3)”

**Substitute**

“section 41A(5) or 41B(4) (as applicable)”.

- (3) Section 80C(2), Chinese text—

**Repeal**

“選區”

**Substitute**

“界別或選區”.

**153. Section 81 amended (Returning Officer to declare election result)**

- (1) Section 81(1)—

**Repeal**

“section 41(4)”

**Substitute**

“section 41A(6) or 41B(5) (as applicable)”.

- (2) Section 81(2)—

**Repeal**

everything after “declared to be elected”

**Substitute**

“—

- (a) it is proved to the satisfaction of the Returning Officer that the candidate has died; or
- (b) it is proved to the satisfaction of the Eligibility Review Committee that the candidate is disqualified from being elected,

the Returning Officer must not declare the candidate to be elected and must declare the election to have failed, as provided in section 40(3)(a) of the District Councils Ordinance (Cap. 547) or to have failed to the extent as provided in section 40(3)(b) of that Ordinance.”.

**154. Section 90 amended (Returning Officer may perform functions through Assistant Returning Officers)**

- (1) Section 90(1), Chinese text—

**Repeal**

“選區” (wherever appearing)

**Substitute**

“界別或選區”。

(2) Section 90(2)—

**Repeal paragraph (a).****155. Section 95 repealed (procedure after election proceedings are terminated)**

Section 95—

**Repeal the section.****156. Section 96 amended (procedure in case of death or disqualification of candidate after close of poll)**

Section 96—

**Repeal subsection (1)****Substitute**

“(1) Subsection (1A) applies, if after the close of polling for a constituency but before the declaration of the result of the election—

- (a) it is proved to the satisfaction of the Returning Officer that a candidate has died; or
- (b) it is proved to the satisfaction of the Eligibility Review Committee that a candidate is disqualified from being elected.

(1A) In the circumstances mentioned in subsection (1)(a) or (b), the Returning Officer must direct that the counting of the votes for the constituency is to begin or continue, as the case may be, as if the death or disqualification had not occurred.”.

**157. Section 98 amended (publication and display of notices, etc.)**

Section 98(2)(a) and (b)—

**Repeal**

“Returning Officer”

**Substitute**

“Eligibility Review Committee”.

**158. Section 100 amended (Commission to specify forms)**

Section 100(6)—

**Repeal**

“elected”.

**159. Section 104 amended (offence of false declaration)**

Section 104(4)—

**Repeal**

“24”

**Substitute**

“26A”.

**160. Section 110 amended (interpretation (Part 8))**(1) Section 110, definition of *FR electronic copy or extract*—**Repeal**

“登記”

**Substitute**

“選民”.

(2) Section 110, Chinese text, definition of 取覽—

**Repeal**

“登記” (wherever appearing)



**Substitute**

“選民”。

**161. Schedule 2 substituted**

Schedule 2—

**Repeal the Schedule**

**Substitute**

**“Schedule 2**

[s. 52]

**Forms of Ballot Papers for an Ordinary  
Election/By-election**

**Form 1**

**Ballot Paper for District Committees Constituency**

《選舉管理委員會(選舉程序)(區議會)規例》  
ELECTORAL AFFAIRS COMMISSION  
ELECTIONAL PROCEDURE (DISTRICT COUNCILS) REGULATION  
區議會一般選舉/補選  
\*(區議會名稱)  
\*(地區委員會界別名稱)  
DISTRICT COUNCIL "ORDINARY ELECTION/BY-ELECTION"  
\*(NAME OF DISTRICT COUNCIL)  
\*(NAME OF DISTRICT COMMITTEES CONSTITUENCY)  
\*(選舉日期)  
\*(date of election)

**選 票**  
**BALLOT PAPER**

#(代號)  
#(Code)

你必須選出@(數目)名(不能多過或少過@(數目)名)候選人  
YOU MUST MARK YOUR @(Number) CHOICES, NO MORE AND NO LESS

請用黑色筆填滿你所選擇的候選人姓名左邊的橢圓圈。  
Please fill in black the ovals opposite the names of the candidates of your choice.

1. ○	* (候選人姓名公告上顯示的候選人姓名) * Name of candidate as shown in Notice of Nominating	26. ○
2. ○		27. ○
3. ○		28. ○
⋮		⋮
23. ○		48. ○
24. ○		49. ○
25. ○		50. ○

存根  
COUNTERFOIL

代號  
(Code)

# A code will be assigned to each District Committees constituency. Only the appropriate code will be printed.

\* Only the appropriate information will be printed.

@ The relevant number will be printed.

**Form 2**

**Ballot Paper for District Council Geographical Constituency**

存根  
COUNTERFOIL

33479  
Serial Number

選舉管理委員會(選舉程序)(區議會)規例  
ELECTIONAL AFFAIRS COMMISSION  
(ELECTIONAL PROCEDURE) (DISTRICT COUNCILS) REGULATION  
區議會一般選舉/補選  
(請填寫名稱)  
(區議會地方選區名稱)  
DISTRICT COUNCIL (GENERAL ELECTION-BY-ELECTION  
(NAME OF DISTRICT CONSTITUENCY)  
(區議會地方選區名稱)  
(區議會)  
(NAME OF ELECTION)

選票  
BALLOT  
PAPER  
A(代號)  
#(Code)

只可選擇一名候選人 VOTE FOR ONE CANDIDATE ONLY  
請用黑色墨水在每個候選人的代號號碼左邊畫一個大圓圈。  
Please use the slip provided at the polling station to stamp a ✓ in the circle  
opposite the number of candidate of your choice.

<p><b>1</b></p> <p>1. 區議會地方選區名稱 Name of District Constituency 2. 區議會 Name of District Council 3. 候選人姓名 Name of Candidate 4. 區議會地方選區代號 Code of District Constituency</p> <p>A (Candidate Number) (代號) B (Geographical Candidate)</p>	<p><b>4</b></p>
<p><b>2</b></p>	<p><b>5</b></p>
<p><b>3</b></p>	<p><b>6</b></p>

- # A code will be assigned to each District Council geographical constituency. Only the appropriate code will be printed.
- \* Only the appropriate information will be printed.

Form 3

**Ballot Paper for District Committees Constituency (By-election  
in relation to which Commission has Made Direction under  
Section 57A(2))**

《選舉管理委員會（選舉程序）（區議會）規例》  
ELECTORAL AFFAIRS COMMISSION  
(ELECTORAL PROCEDURE)  
(DISTRICT COUNCILS) REGULATION

區議會補選

\* (區議會名稱)

\* (地區委員會界別名稱)

DISTRICT COUNCIL BY-ELECTION

\* (NAME OF DISTRICT COUNCIL)

\* (NAME OF DISTRICT COMMITTEES CONSTITUENCY)

\* (選舉日期)

\* (date of election)

你必須選出 @ (數目) 名 (不能多過或少過 @ (數目) 名) 候選人

YOU MUST MARK YOUR @ (Number) CHOICES, NO MORE AND NO LESS

請用投票站提供的印章，在所選擇的候選人姓名旁的圓圈內蓋上“✓”號。  
Please use the chop provided at the polling station to stamp a “✓” in the circle opposite the name of candidate of your choice.

選票  
BALLOT  
PAPER

#(代號)  
#(Code)

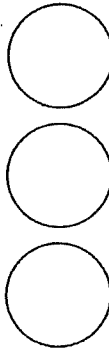
1

\*(候選人提名公告上顯示的候選人姓名)

\*(Name of candidate as shown in Notice of Nominations)

2

3



存根  
COUNTERFOIL

(編號)  
(Serial Number)

# A code will be assigned to each District Committees constituency. Only the appropriate code will be printed.

\* Only the appropriate information will be printed.

@ The relevant number will be printed.”.

162. “界別或選區” substituted for “選區”

(1) Schedule 3—

Repeal

“選區” (wherever appearing)

Substitute

“界別或選區”.

(2) The following provisions, Chinese text—

(a) section 26(17)(a);

(b) section 27(1);

(c) section 30(2) and (4);

(d) section 32(1) and (3)(b);

(e) section 41(2);

(f) section 43(1), (2), (3) and (5);

(g) section 45(2) and (5B)(a);

(h) section 47(4)(b);

(i) section 48(2)(b) and (6)(a);

(j) section 63(3);

(k) section 65(2), (2A)(a) and (b), (3), (5) and (6);

(l) section 66(1);

(m) section 75A(a), (b), (c) and (h);

(n) section 83(2)(c);

(o) section 84(1) and (2);

(p) section 102(1);

(q) section 105(3);

(r) Schedule 1, section 2(1) and (2) and 4(2)(d)—

**Repeal**

“選區” (wherever appearing)

**Substitute**

“界別或選區”.

(3) Schedule 1, Chinese text, section 2, heading—

**Repeal**

“選區”

**Substitute**

“界別或選區”.

**163. “選民冊” substituted for “選民登記冊”**

(1) The following provisions, Chinese text—

(a) section 53(1) and (2);

(b) section 63(2)(e)(iv);

(c) section 63A(1)(e)(iv);

(d) section 84(2)(ea);

(e) section 86;

(f) section 94(1) and (5);

(g) section 111(1);

(h) Schedule 1, section 5(2)—

**Repeal**

“選民登記冊” (wherever appearing)

**Substitute**

“選民冊”.

(2) Part 8, Chinese text, heading—

**Repeal**

“選民登記冊”

**Substitute**

“選民冊”.

**164. “選民冊電子文本” substituted for “登記冊電子文本”**

(1) The following provisions, Chinese text—

(a) section 111(2);

(b) section 112(1), (2) and (3)(a) and (b)—

**Repeal**

“登記冊電子文本” (wherever appearing)

**Substitute**

“選民冊電子文本”.

(2) The following provisions, Chinese text—

(a) section 111, heading;

(b) section 112, heading;

(c) section 113, heading—

**Repeal**

“登記冊電子文本” (wherever appearing)

**Substitute**

“選民冊電子文本”.

**Division 7—Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541 sub. leg. I)**

**165. Section 1 amended (interpretation)**

Section 1(1), definition of *geographical constituencies final register*, after “District Council”—

**Add**

“Geographical”.

**Division 8—Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) Regulation (Cap. 541 sub. leg. M)**

**166. Section 2 amended (interpretation)**

- (1) Section 2(1), definition of *DC election*—

**Repeal**

“elected”.

- (2) Section 2(1), definition of *member*—

**Repeal**

“elected”.

- (3) Section 2(1), definition of *relevant nomination period*, paragraph (b), after “for a DC”—

**Add**

“geographical”.

- (4) Section 2(1)—

(a) definition of *DC constituency*;

(b) definition of *DC elected member*—

**Repeal the definitions.**

- (5) Section 2(1)—

**Add in alphabetical order**

“*DC District Committees constituency* (區議會地區委員會界別) means a District Committees constituency as defined by section 2 of the District Councils Ordinance (Cap. 547);

*DC geographical constituency* (區議會地方選區) means a District Council geographical constituency as defined by section 2 of the District Councils Ordinance (Cap. 547);

*DC member* (區議會議員) means a person within the meaning of paragraph (b) of the definition of *member* in section 2 of the District Councils Ordinance (Cap. 547);”.

**167. Section 2A amended (application)**

- (1) Section 2A(a)—

**Repeal**

“and”.

- (2) Section 2A(b)—

**Repeal the full stop**

**Substitute a semicolon.**

- (3) After section 2A(b)—

**Add**

“(c) in relation to an ordinary election in so far as the election of DC members for the DC District Committees constituencies is concerned; and

(d) in relation to a by-election held for electing a DC member for a DC District Committees constituency.”.

**168. Section 3 amended (request by candidate for LC geographical constituency, LC functional constituency or DC constituency)**

- (1) Section 3, heading, after “DC”—

**Add**

“geographical”.

- (2) Section 3(1)(b), before “constituency”—

**Add**

“geographical”.

**Division 9—Electoral Affairs Commission (Financial Assistance for Legislative Council Elections and District Council Elections) (Application and Payment Procedure) Regulation (Cap. 541 sub. leg. N)**

**169. Section 2 amended (interpretation)**

Section 2(1), definition of *DC candidate*—

**Repeal**

“District Council constituency”

**Substitute**

“constituency as defined by section 2 of the District Councils Ordinance (Cap. 547)”.

**Division 10—Legislative Council Ordinance (Cap. 542)**

**170. Section 39 amended (when person is disqualified from being nominated as a candidate and from being elected as a Member)**

Section 39(1)(e)(iv), after “by”—

**Add**

“section 7 of Schedule 4A to the District Councils Ordinance (Cap. 547) or”.

**171. Section 40 amended (what requirements are to be complied with by persons nominated as candidates)**

Section 40(1)(b)(iii)(D)(III), after “by”—

**Add**

“section 7 of Schedule 4A to the District Councils Ordinance (Cap. 547) or”.

**Division 11—Registration of Electors (Appeals) Regulation (Cap. 542 sub. leg. B)**

**172. Section 1 amended (interpretation)**

Section 1, definition of *GC Registration Regulation*, after “District Council”—

**Add**

“Geographical”.

**173. Section 1A amended (effect of inclement weather warning on date and period)**

Section 1A(4), Table 1, after “District Council”—

**Add**

“Geographical”.

**174. Section 6 amended (review of rulings by Revising Officer)**

Section 6(2B)(a), after “District Council”—

**Add**

“Geographical”.

**Division 12—Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554)**

**175. Section 2 amended (interpretation)**

(1) Section 2(1), definition of *constituency*, paragraph (c)—

**Repeal**

“an area declared to be a constituency under section 6(1)”

**Substitute**

“a District Committees constituency or a District Council geographical constituency, as defined by section 2”.

- (2) Section 2(1), Chinese text, definition of **選舉主任**, paragraph (d)—

**Repeal**

“選區” (wherever appearing)

**Substitute**

“選區或選舉界別”.

**176. Section 4 amended (what elections do this Ordinance apply to)**

Section 4(1)(e)—

**Repeal**

“the elected”.

**177. Section 37 amended (candidate to lodge election return with appropriate authority)**

- (1) Section 37(1F)—

**Repeal**

“30”

**Substitute**

“60”.

- (2) Section 37(1F)(a) and (b) and (1G), Chinese text—

**Repeal**

“選區” (wherever appearing)

**Substitute**

“選區或選舉界別”.

- (3) Section 37(1G)—

**Repeal paragraph (b).**

**178. Section 41 amended (appropriate authority to keep election returns)**

- (1) Section 41(6)(a)—

**Repeal**

“, (1F)”.

- (2) Section 41(6)(b)—

**Repeal**

“or (1B)”

**Substitute**

“, (1B) or (1F)”.

**179. Schedule amended (limit prescribed for election concerned for purposes of section 37A)**

The Schedule, item 6—

**Repeal**

“3,000”

**Substitute**

“5,000”.

**Division 13—Maximum Amount of Election Expenses  
(District Council Election) Regulation (Cap. 554 sub. leg. C)**

**180. Section 1A added**

Before section 2—

**Add**

**“1A. Interpretation**

In this Regulation—

*District Committees constituency* (地區委員會界別) has the meaning given by section 2 of the District Councils Ordinance (Cap. 547);

*District Council geographical constituency* (區議會地方選區) has the meaning given by section 2 of the District Councils Ordinance (Cap. 547);

*election* (選舉) has the meaning given by section 2 of the District Councils Ordinance (Cap. 547).”.

**181. Section 2 repealed (application)**

Section 2—

**Repeal the section.**

**182. Section 3 amended (maximum amount of election expenses)**

(1) Section 3, heading, after “expenses”—

**Add**

“for District Committees constituency”.

(2) Section 3—

**Repeal**

everything after “incurred”

**Substitute**

“at an election for a District Committees constituency by or on behalf of a candidate for an election for the seventh term of office or any subsequent term of office of a District Council is \$100,000.”.

**183. Section 3A added**

After section 3—

**Add**

**“3A. Maximum amount of election expenses for District Council geographical constituency**

The maximum amount of election expenses that can be incurred at an election for a District Council geographical constituency specified in column 2 of the Schedule by or on behalf of a candidate for an election for the seventh term of office or any subsequent term of office of a District Council is the amount specified in column 3 of that Schedule opposite the constituency.”.

**184. Schedule added**

At the end of the Regulation—

**Add**

**“Schedule**

[s. 3A]

**Maximum Amount of Election Expenses for District Council Geographical Constituencies**

Column 1	Column 2	Column 3
Item	District Council Geographical Constituency	Maximum Amount of Election Expenses
		\$
1.	Central	512,400
2.	Western	585,600
3.	Wan Chai	951,600
4.	Tai Pak	805,200



Column 1 Item	Column 2 District Council Geographical Constituency	Column 3 Maximum Amount of Election Expenses \$
5.	Hong Wan	878,400
6.	Chai Wan	878,400
7.	Southern District Southeast	658,800
8.	Southern District Northwest	585,600
9.	Yau Tsim Mong South	732,000
10.	Yau Tsim Mong North	732,000
11.	Sham Shui Po West	878,400
12.	Sham Shui Po East	951,600
13.	Kowloon City North	951,600
14.	Kowloon City South	878,400
15.	Wong Tai Sin East	878,400
16.	Wong Tai Sin West	951,600
17.	Kwun Tong Southeast	732,000
18.	Kwun Tong Central	732,000
19.	Kwun Tong North	658,800
20.	Kwun Tong West	805,200
21.	Tsuen Wan Northwest	658,800
22.	Tsuen Wan Southeast	732,000
23.	Tuen Mun East	732,000
24.	Tuen Mun West	805,200

Column 1 Item	Column 2 District Council Geographical Constituency	Column 3 Maximum Amount of Election Expenses \$
25.	Tuen Mun North	732,000
26.	Yuen Long Town Centre	732,000
27.	Yuen Long Rural East	658,800
28.	Tin Shui Wai South and Ping Ha	732,000
29.	Tin Shui Wai North	732,000
30.	Wu Tip Shan	658,800
31.	Robin's Nest	658,800
32.	Tai Po South	658,800
33.	Tai Po North	732,000
34.	Sai Kung and Hang Hau	658,800
35.	Tseung Kwan O South	732,000
36.	Tseung Kwan O North	732,000
37.	Sha Tin West	732,000
38.	Sha Tin East	805,200
39.	Sha Tin South	732,000
40.	Sha Tin North	732,000
41.	Tsing Yi	805,200
42.	Kwai Chung East	732,000
43.	Kwai Chung West	732,000
44.	Islands	732,000

**Division 14—Chief Executive Election Ordinance (Cap. 569)****185. Section 14 amended (disqualification from being nominated)**

Section 14(1)(h)(iv), after “by”—

**Add**

“section 7 of Schedule 4A to the District Councils Ordinance (Cap. 547) or”.

**186. Schedule, section 5M amended (when a person is disqualified from being registered as an ex-officio member)**

The Schedule, section 5M(1)(c)(iii), after “by”—

**Add**

“section 7 of Schedule 4A to the District Councils Ordinance (Cap. 547) or”.

**187. Schedule, section 9 amended (when a person is disqualified from being a nominee)**

The Schedule, section 9(1)(c)(iii), after “by”—

**Add**

“section 7 of Schedule 4A to the District Councils Ordinance (Cap. 547) or”.

**188. Schedule, section 18 amended (when a person is disqualified from being a subsector candidate)**

The Schedule, section 18(1)(e)(iii), after “by”—

**Add**

“section 7 of Schedule 4A to the District Councils Ordinance (Cap. 547) or”.

**Division 15—Other Miscellaneous Amendments****Subdivision 1—Post Office Regulations (Cap. 98 sub. leg. A)****189. Regulation 6 amended**

(1) Regulation 6(1)(d)(i)—

**Repeal**

“registered in the final register in respect of the”

**Substitute**

“in the DC”.

(2) Regulation 6(2)(b), definition of *constituency*—**Repeal**

“or a constituency declared under the District Councils Ordinance (Cap. 547)”.

(3) Regulation 6(2)(b), definition of *final register*—**Repeal**

“or a register of electors for an election under the District Councils Ordinance (Cap. 547), as the case may require”.

(4) Regulation 6(2)(b)—

**Add in alphabetical order**“*DC constituency* (區議會界別或選區) means a constituency as defined by section 2 of the District Councils Ordinance (Cap. 547);”.**Subdivision 2—Hong Kong Court of Final Appeal Ordinance (Cap. 484)****190. Section 22 amended (civil appeals)**

Section 22(1)(c)(vi)—

**Repeal**

“the elected”

**Substitute**

“a”.

**Subdivision 3—Electronic Transactions (Exclusion) Order (Cap. 553 sub. leg. B)****191. Schedule 1 amended (provisions excluded from application of section 5 of Ordinance)**

Schedule 1, item 63—

**Repeal**

“23(1), 25(1), 34(1)(b), 35(2) and 63(1) and Schedule 5, section 2”

**Substitute**

“15(1), 17A(1), 23(1), 25(1), 34(1) and (1A)(c) and 35(2)”.

**192. Schedule 2 amended (provisions excluded from application of section 6 of Ordinance)**

(1) Schedule 2, item 13, after “District Council”—

**Add**

“Geographical”.

(2) Schedule 2, item 20—

**Repeal**

“23(2), 25(2), 35(2) and 63(2)”

**Substitute**

“15(2), 17A(4), 23(2), 25(2) and 35(2)”.

**Explanatory Memorandum**

The main object of this Bill is to amend the District Councils Ordinance (Cap. 547) (*Cap. 547*) to—

- (a) revise the functions and composition of District Councils;
- (b) establish the District Council Eligibility Review Committee; and
- (c) provide for the mechanism for sanctioning misconduct of members of District Councils.

2. The Bill is divided into 4 Parts.

**Part 1—Preliminary**

3. Part 1 sets out the short title and provides for commencement.

**Part 2—Amendments to Cap. 547**

4. Part 2 amends Cap. 547 to—

- (a) revise the functions of District Councils starting from the seventh term of District Councils;
- (b) revise the composition of District Councils starting from the seventh term of District Councils to provide that the District Council of each District is to consist of—
  - (i) the District Officer of the District;
  - (ii) persons appointed as members of the District Council;
  - (iii) persons elected as members for the District Committees constituency of the District Council;
  - (iv) persons elected as members for the District Council geographical constituencies of the District Council; and

- (v) (if applicable) persons registered as ex officio members of the District Council;
  - (c) establish the District Council Eligibility Review Committee and provide for the procedures for deciding the validity of—
    - (i) the proposal to appoint a person as a member of a District Council;
    - (ii) the registration of a person as an ex officio member of a District Council; and
    - (iii) the nomination of a person as a candidate for any constituency at a District Council election, starting from the seventh term of District Councils;
  - (d) provide for the system of voting for District Committees constituencies, and revise the system of voting for District Council geographical constituencies, starting from the seventh term of District Councils;
  - (e) provide for the mechanism for sanctioning misconduct of members of District Councils; and
  - (f) provide for the boundaries of the District Council geographical constituencies for the seventh term of District Councils.
5. For paragraph 4(a) and (b)(i)—
- (a) the District Officer of the District is to be the Chairman of the District Council of that District;
  - (b) certain functions of a District Council are to be transferred to the Chairman of the District Council; and
  - (c) there is no longer any Vice Chairman for a District Council.
6. For paragraph 4(b)(ii)—

- (a) the Chief Executive may appoint persons as members of the District Councils; and
  - (b) the maximum number of appointed members for all District Councils is 179.
7. For paragraph 4(b)(iii)—
- (a) a District Committees constituency is established for the District Council of each District;
  - (b) a District Committees constituency is to compose of all members of all the District Committees established in the District concerned, namely—
    - (i) the Area Committee or Committees;
    - (ii) the District Fight Crime Committee; and
    - (iii) the District Fire Safety Committee;
  - (c) the total number of members to be returned for all District Committees constituencies is 176; and
  - (d) the Electoral Registration Officer is to compile and publish a register of electors for District Committees constituencies.
8. For paragraph 4(b)(iv)—
- (a) each District Council geographical constituency is to return 2 members; and
  - (b) the total number of members to be returned for all District Council geographical constituencies is 88.
9. For paragraph 4(d), all constituencies (including the District Committees constituencies) are to adopt the simple or relative majority system of election (otherwise known as the “first past the post” voting system). In particular—
- (a) an elector for a District Committees constituency is entitled to cast the same number of votes as the number

of members to be returned for the constituency at an election, and the votes are valid only if the elector has cast all the votes under the elector's entitlement for that election and no more; and

- (b) an elector of the District Council geographical constituency is entitled to vote for 1 candidate.

10. For paragraph 4(e)—

- (a) the Secretary for Home and Youth Affairs (*Secretary*) is empowered to issue guidelines indicating—
  - (i) the standard of performance required of a member; and
  - (ii) the misconduct that may constitute grounds for imposing sanction;
- (b) an investigation on an alleged misconduct of a member of a District Council may be initiated by—
  - (i) the Chairman and 3 or more members of the District Council; or
  - (ii) a motion passed by more than half of the members present in a meeting of the District Council;
- (c) if an investigation is initiated, the Secretary must appoint a supervisory committee to conduct the investigation, and the committee must submit a written report stating the established facts and its opinion on the appropriate sanction to be imposed;
- (d) the Secretary may, after considering the report, issue a letter of persuasion to, or impose any of the following sanctions on, the member—
  - (i) warning;
  - (ii) financial penalty;

(iii) suspension of the member's functions and duties as a member; and

- (e) if the member is aggrieved by the decision of the Secretary, the member may appeal to the Chief Secretary for Administration.

### Part 3—Amendments to Subsidiary Legislation under Cap. 547

11. Part 3 is divided into 3 Divisions.

*Division 1—District Councils (Subscribers and Election Deposit for Nomination) Regulation (Cap. 547 sub. leg. A) (Cap. 547A)*

12. Division 1 of Part 3 amends Cap. 547A to—

- (a) in view of the revised composition of District Councils (see paragraph 4(b)), revise the provisions that relate to the deposit required to be lodged by a person nominated as a candidate at a District Council election, including to cover the District Committees constituencies; and
- (b) revise the provisions that relate to the number and qualifications of subscribers required for being nominated as a candidate at a District Council election, including to cover the District Committees constituencies.

13. For paragraph 12(b)—

- (a) the nomination of a person as a candidate for any constituency must be subscribed by at least 3 but not more than 6 members of each District Committee in the District concerned; and
- (b) in the case of a candidate for a District Council geographical constituency, the nomination must also be subscribed by at least 50 but not more than 100 electors of the constituency.

*Division 2—District Councils (Election Petition) Rules (Cap. 547 sub. leg. C) (Cap. 547C)*

14. Division 2 of Part 3 amends Cap. 547C to make minor textual amendments to the form for an election petition in view of the revised composition of District Councils to cover an election for a District Committees constituency (see paragraph 4(b)(iii)) and the revised procedures for determining the validity of the nomination of a person as a candidate at a District Council election (see paragraph 4(c)(iii)).

*Division 3—Declaration of Constituencies (District Councils) Order 2018 (Cap. 547 sub. leg. H) (Cap. 547H)*

15. Division 3 of Part 3 repeals Cap. 547H in view of the revised boundaries of the District Council geographical constituencies for the seventh term of District Councils (see paragraph 4(f)).

**Part 4—Related Amendments**

16. Part 4 is divided into 15 Divisions.

*Division 1—Electoral Affairs Commission Ordinance (Cap. 541) (Cap. 541)*

17. Division 1 of Part 4 amends Cap. 541 to, in view of the revised composition of District Councils (see paragraph 4(b))—
- (a) revise the provisions that relate to the making of reports on District Council elections by the Electoral Affairs Commission (*EAC*);
  - (b) provide that the EAC is not required to make reports on the delineation of District Council geographical constituencies for the ordinary election for the seventh term of District Councils; and
  - (c) revise the criteria for making recommendations as to the delineation of District Council geographical constituencies.

*Division 2—Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A) (Cap. 541A)*

18. Division 2 of Part 4 amends Cap. 541A to—
- (a) amend the title of Cap. 541A to clarify that it relates to registration of electors for District Council geographical constituencies;
  - (b) empower the Electoral Registration Officer (*ERO*) to indicate on a register of electors for geographical constituencies required to be compiled under the Legislative Council Ordinance (Cap. 542) (*GC register*) whether a person is an elector for a District Committees constituency and the District Committees constituency for which a person is an elector;
  - (c) require the ERO to either inform a person of the section and subsection in which the person is registered in a GC register or make the information available to the person in any way the ERO considers appropriate; and
  - (d) make miscellaneous amendments, including to update cross references to certain provisions of Cap. 547.

*Division 3—Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541 sub. leg. B) (Cap. 541B)*

19. Division 3 of Part 4 amends Cap. 541B to make miscellaneous amendments, including to update cross references to certain provisions of Cap. 547.

*Division 4—Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D) (Cap. 541D)*

20. Division 4 of Part 4 consequentially amends Cap. 541D in view of the amendment to the title of Cap. 541A.

*Division 5—Electoral Affairs Commission (Nominations Advisory Committees (District Councils)) Regulation (Cap. 541 sub. leg. E) (Cap. 541E)*

21. Division 5 of Part 4 amends Cap. 541E to, in view of the revised composition of District Councils (see paragraph 4(b)), revise certain definitions so that the advice given by a Nominations Advisory Committee (District Councils) may cover a person nominated as a candidate for a District Committees constituency.

*Division 6—Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541 sub. leg. F) (Cap. 541F)*

22. Division 6 of Part 4 amends Cap. 541F to—
- (a) in view of the revised composition of District Councils (see paragraph 4(b)), revise the provisions that relate to the procedures for District Councils elections (including nomination of candidates, voting and counting of votes); and
  - (b) in view of the revised procedures for determining the validity of the nomination of a person as a candidate at a District Council election (see paragraph 4(c)(iii)), revise the provisions that incidentally refer to the role of the Returning Officer in such procedures.

*Division 7—Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541 sub. leg. I) (Cap. 541I)*

23. Division 7 of Part 4 consequentially amends Cap. 541I in view of the amendment to the title of Cap. 541A.

*Division 8—Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) Regulation (Cap. 541 sub. leg. M) (Cap. 541M)*

24. Division 8 of Part 4 amends Cap. 541M to, in view of the revised composition of District Councils (see paragraph 4(b))—
- (a) revise the provisions that relate to requests by candidates for District Council geographical constituencies to print particulars relating to them on ballot papers; and
  - (b) provide that Cap. 541M does not apply in relation to District Committees constituencies.

*Division 9—Electoral Affairs Commission (Financial Assistance for Legislative Council Elections and District Council Elections) (Application and Payment Procedure) Regulation (Cap. 541 sub. leg. N) (Cap. 541N)*

25. Division 9 of Part 4 amends Cap. 541N to, in view of the revised composition of District Councils (see paragraph 4(b)), revise the definition of *DC candidate* so that the procedure for making or withdrawing claims for financial assistance payable under Part VA of Cap. 547 applies to a candidate for a District Committees constituency.

*Division 10—Legislative Council Ordinance (Cap. 542) (Cap. 542)*

26. Division 10 of Part 4 consequentially amends Cap. 542 in view of the new offence under the new Schedule 4A to Cap. 547.

*Division 11—Registration of Electors (Appeals) Regulation (Cap. 542 sub. leg. B) (Cap. 542B)*

27. Division 11 of Part 4 consequentially amends Cap. 542B in view of the amendment to the title of Cap. 541A.

*Division 12—Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554)  
(Cap. 554)*

28. Division 12 of Part 4 amends Cap. 554 to—
- (a) make minor textual amendments in view of the revised composition of District Councils (see paragraph 4(b));
  - (b) revise the time limit for lodging an election return for a District Council election; and
  - (c) raise the upper limit of the aggregate value of errors in relation to rectification of an election return for a District Council election.

*Division 13—Maximum Amount of Election Expenses (District Council Election) Regulation (Cap. 554 sub. leg. C) (Cap. 554C)*

29. Division 13 of Part 4 amends Cap. 554C to provide for the maximum amounts of election expenses for the District Committees constituencies and the District Council geographical constituencies.

*Division 14—Chief Executive Election Ordinance (Cap. 569) (Cap. 569)*

30. Division 14 of Part 4 consequentially amends Cap. 569 in view of the new offence under the new Schedule 4A to Cap. 547.

*Division 15—Other Miscellaneous Amendments*

31. Division 15 of Part 4 consequentially amends the Post Office Regulations (Cap. 98 sub. leg. A), the Hong Kong Court of Final Appeal Ordinance (Cap. 484) and the Electronic Transactions (Exclusion) Order (Cap. 553 sub. leg. B) in view of the amendments to Cap. 547.



An Ordinance to provide for the declaration of Districts, the establishment, composition and functions of District Councils, the procedure for election of persons to be members of District Councils; and to provide for related matters.

[19 March 1999] *L.N. 77 of 1999*

*(Enacting provision omitted—E.R. 2 of 2014)*

## 2. Interpretation

In this Ordinance, unless the context otherwise requires—

**by-election** (補選) means an election to elect a person as an elected member otherwise than at an ordinary election;

**candidate** (候選人) means a candidate nominated for election as an elected member;

**Chairman** (主席) means, in relation to a District Council, the person holding the office of Chairman of that Council under Part VI;

**committee** (委員會) means, in relation to a District Council, a committee appointed by it under section 71;

**constituency** (選區) means an area declared to be a constituency under section 6(1)(a);

**corrupt conduct** (舞弊行為) means corrupt conduct engaged in in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554); *(Replaced 10 of 2000 s. 47)*

**costs** (費用、訟費) includes charges and expenses;

**Court** means the Court of First Instance;

**Designated Officer** (指定人員) means the Director of Home Affairs;

**District** (地方行政區) means an area declared to be a District in or under this Ordinance;

**District Council** (區議會) means a body established as a District Council by or under this Ordinance;

**District Officer** (民政事務專員) means, in relation to a District Council, the person who performs the functions of the office of District Officer in the Home Affairs Department for the District for which that District Council is established;

***elected member*** (民選議員) means a person who is elected as a member of a District Council under Part V;

***election*** (選舉) means an ordinary election or a by-election;

***election petition*** (選舉呈請、選舉呈請書) means an election petition lodged under Part V;

***elector*** (選民) means any person whose name is included in the existing final register;

***Electoral Affairs Commission*** (選舉管理委員會) means the Electoral Affairs Commission established by section 3 of the Electoral Affairs Commission Ordinance (Cap. 541);

***electoral officer*** (選舉事務主任) includes a Returning Officer, an Assistant Returning Officer, the Electoral Registration Officer, or any other person who is appointed under this Ordinance or the Electoral Affairs Commission Ordinance (Cap. 541) to exercise functions or perform duties at or in connection with an election;

***Electoral Registration Officer*** (選舉登記主任) has the meaning given by the Legislative Council Ordinance (Cap. 542);

***existing final register*** (現有的正式選民登記冊) means a final register of geographical constituencies compiled and published by the Electoral Registration Officer under section 32 of the Legislative Council Ordinance (Cap. 542) which is currently in force;

***ex officio member*** (當然議員) means a person who holds office as such under section 9(1)(c);

***function*** (職能) includes a power and an authority;

***identity document*** (身分證明文件) means—

- (a) an identity card issued to a person under the Registration of Persons Ordinance (Cap. 177); or
- (b) a document issued by the Commissioner (within the meaning of section 1A(1) of the Registration of Persons Ordinance (Cap. 177)) to a person certifying that the person is exempt, under regulation 25 of the Registration of Persons Regulations (Cap. 177 sub. leg. A), from being required to register under that Ordinance; or (*Replaced 1 of 2019 s. 75*)
- (c) any other document issued to a person that is acceptable to the Electoral Registration Officer as proof of the person's identity;

***illegal conduct*** (非法行為) means illegal conduct engaged in in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554); (*Replaced 10 of 2000 s. 47*)

**judicial officer** (司法人員) means the holder of a judicial office, as defined in section 2 of the Public Service Commission Ordinance (Cap. 93);

**member** (議員) means an elected member or an ex officio member;  
(Amended 3 of 2013 s. 3)

**ordinary election** (一般選舉) means—

- (a) in relation to a District Council, the first election to elect persons to be the elected members of the District Council; or
- (b) elections to elect persons to fill the vacancies caused by the expiration of the term of office of the elected members of District Councils;

**prescribed public officer** (訂明公職人員) means any of the following—

- (a) the Chairman of the Public Service Commission; or
- (b) the Commissioner and Deputy Commissioner of the Independent Commission Against Corruption and the holder of any other office under the Independent Commission Against Corruption Ordinance (Cap. 204); or
- (c) The Ombudsman and the holder of any appointment under section 6 of The Ombudsman Ordinance (Cap. 397); or
- (d) a member of the Electoral Affairs Commission; or
- (e) the chief executive of the Monetary Authority and any member of the senior management of that Authority, including divisional heads, executive directors, managers and counsel employed by that Authority; or
- (f) the Privacy Commissioner for Personal Data and any person employed or engaged by him or her under the Personal Data (Privacy) Ordinance (Cap. 486); or
- (g) the Chairperson of the Equal Opportunities Commission and any person employed or whose services are engaged by the Commission under the Sex Discrimination Ordinance (Cap. 480); or
- (h) any person holding an office, whether permanent or temporary, in a Government department or bureau and employed in the department or bureau;

**Returning Officer** (選舉主任) means a person holding office as a Returning Officer under section 75 and includes any person appointed to act in place of such an Officer when the Officer is absent or when an office of Returning Officer is vacant;

**Rural Committee** (鄉事委員會) has the meaning given by section 3(3) of the Heung Yee Kuk Ordinance (Cap. 1097);

**the regulations** (《規例》) means regulations made and in force under this Ordinance;

**Vice Chairman** (副主席) means, in relation to a District Council, the person holding the office of Vice Chairman of that Council under Part VI.

*(Amended 3 of 2013 s. 3; E.R. 2 of 2014)*

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## Part II

### **Declaration of Districts, Establishment of District Councils, Declaration of Number of Elected Members and Declaration of Constituencies**

*(Amended 3 of 2013 s. 4)*

*(Format changes—E.R. 2 of 2019)*

#### **5. Number of members to be elected to a District Council**

*(Amended 3 of 2013 s. 5)*

(1) The number specified in column 3 of Part 1 of Schedule 3 in relation to a District Council specified in column 2 of that Part is the number of members to be elected to that Council.

(2) *(Repealed 3 of 2013 s. 5)*

*(Amended E.R. 1 of 2012)*

#### **6. Declaration of constituencies**

(1) The Chief Executive in Council may, by order published in the Gazette—

(a) declare any area within a District to be a constituency for the purposes of an election to elect the members of the District Council established for that District; and

(b) give names to those constituencies.

(2) When making an order under subsection (1), the Chief Executive in Council must have regard to the recommendations made by the Electoral Affairs Commission in the last report of the Commission submitted in accordance with section 18 of the Electoral Affairs Commission Ordinance (Cap. 541) for the purposes of the election to which the order relates.

- (3) If an order under this section refers to a map that defines the area of a constituency—
  - (a) the Electoral Registration Officer must ensure that at least one copy of the map is kept at that Officer’s office and is made available for inspection by members of the public during ordinary business hours of that office; and
  - (b) the Designated Officer must ensure that at least one copy of the map is kept at that Officer’s office and is made available for inspection by members of the public during ordinary business hours of that office.
- (4) No charge is payable by a member of the public who wishes to inspect a copy of the map.
- (5) A map certified by the Electoral Registration Officer as a true copy of a map that defines the area of a constituency is conclusive evidence of the area of the constituency.

**7. Number of elected members to be returned for each constituency**

The number of elected members to be returned for each constituency is one.

**8. Chief Executive in Council may amend Schedule 1, 2 or 3**

- (1) The Chief Executive in Council may subject to the approval of the Legislative Council, by order published in the Gazette, amend Schedule 1, 2 or 3.
- (2) Without limiting the generality of subsection (1), the power given to the Chief Executive in Council under that subsection includes a power—
  - (a) to determine the number of Districts; and
  - (b) to declare new Districts in place of the Districts existing at the time an order under subsection (1) is made; and
  - (c) to establish a District Council for any District declared under section 3 or this section and specify a date for the establishment; and
  - (d) to specify the number of members to be elected to a District Council; and (*Amended 3 of 2013 s. 6*)
  - (e) to specify the election for which an order made under this section applies.
- (3) An order under this section may contain such incidental, consequential, supplemental, transitional or saving provisions necessary or expedient in consequence of the order.

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## Part III

### Composition of a District Council

*(Format changes—E.R. 2 of 2019)*

#### 17. Ex officio members to accept office

- (1) A person who is a Chairman of a Rural Committee does not become an ex officio member unless the person swears acceptance of office in Form 2 set out in Schedule 4 and lodges the form of acceptance with the Designated Officer.
- (2) A person who is a Chairman of a Rural Committee cannot accept office as an ex officio member in more than one District Council concurrently.

#### 18. When the office of ex officio member becomes vacant

Where a person who is an ex officio member dies, ceases to hold office as Chairman of a Rural Committee or is disqualified from holding office as an ex officio member under section 19, the office of the ex officio member becomes vacant until that person or that person's successor as the Chairman of the Rural Committee becomes an ex officio member in accordance with section 17.

#### 19. Disqualification of ex officio members

- (1) A person who is a Chairman of a Rural Committee is disqualified from holding office as an ex officio member, if the person—
  - (a) is—
    - (i) a judicial officer; or
    - (ii) a prescribed public officer; or
  - (b) has, in Hong Kong, or 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; or
  - (c) has been convicted of treason; or

- (d) without limiting paragraph (b), where the term of office is to begin within 5 years after the date of the person's conviction, has been convicted, or is convicted after the beginning of the term of office—
    - (i) in Hong Kong or any other place, of an offence for which the person has been sentenced to imprisonment, whether suspended or not, for a term exceeding 3 months without the option of a fine; or
    - (ii) of having engaged in corrupt or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554); or
    - (iii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap. 201); or
    - (iv) of any offence prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541); or (*Replaced 10 of 2000 s. 47*)
  - (e) is a representative or a salaried functionary of the government of a place outside Hong Kong; or
  - (f) is a member of any national, regional or municipal legislature, assembly or council of any place outside Hong Kong, other than a people's congress or people's consultative body of the People's Republic of China, whether established at the national level or local level; or
  - (g) is an undischarged bankrupt or, within the previous 5 years, has either obtained a discharge in bankruptcy or has entered into a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap. 6) with the person's creditors, in either case without paying the creditors in full. (*Amended 33 of 2002 s. 6*)
- (1A) An ex officio member is also disqualified from holding office if—
- (a) the term of office is to begin within 5 years after—
    - (i) the date on which the person vacates an office, or is disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath; or
    - (ii) the date on which the person is declared or decided in accordance with any law—
      - (A) to be in breach of a specified oath; or

- (B) 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 of the People's Republic of China;
- (b) the person is in breach of an oath taken under section 19A of the Oaths and Declarations Ordinance (Cap. 11); or
- (c) the person fails, or is declared or decided in accordance with any law 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 of the People's Republic of China. (*Added 13 of 2021 s. 22*)
- (1B) Subsection (1A)(c) applies to a declaration or decision made after the person holds office as such ex officio member, whether or not it is made before, on or after the date on which that subsection comes into \*operation. (*Added 13 of 2021 s. 22*)
- (2) An ex officio member is also disqualified from holding office if the person is found under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs. (*Amended 33 of 2002 s. 6*)
- (3) Subsection (2) does not prevent a person from holding office as an ex officio member if subsequently it is found under the Mental Health Ordinance (Cap. 136) that the person has become capable of managing and administering his or her property and affairs. (*Amended 33 of 2002 s. 6*)
- (4) Subject to subsection (6), an ex officio member is also disqualified from holding office until the members elected at the next ordinary election commence their term of office if the member does not attend meetings of the District Council for 4 consecutive months (***disqualifying period***) without obtaining the consent of the Council before the end of that period.
- (5) The disqualifying period under subsection (4) begins on the day next following the date of the meeting of the Council at which the member is first absent without consent.
- (6) If during the disqualifying period no meetings are held or only one meeting is held, that period is extended to end immediately after the 3rd consecutive meeting from which the member is absent.
- (7) In this section—



*specified oath* (指明誓言) 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. (*Added 13 of 2021 s. 22*)

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Editorial Note:

\* Operation date: 21 May 2021.

### **Division 3—Elected Members**

#### **20. Who is eligible to be nominated as a candidate**

- (1) A person is eligible to be nominated as a candidate at an election only if the person—
  - (a) has reached 21 years of age; and
  - (b) is an elector; and
  - (c) is not disqualified from voting at an election; and
  - (d) is not disqualified from being nominated as a candidate or elected as an elected member by virtue of section 21 or any other law; and
  - (e) has ordinarily resided in Hong Kong for the 3 years immediately preceding the nomination.
- (2) A person who holds office as a member of a District Council is not eligible to be nominated in a by-election as a candidate.
- (3) A person who holds office as the Chairman of a Rural Committee is not eligible to be nominated as a candidate at an election.
- (4) A person is not eligible to be nominated as a candidate for a constituency if the person is currently nominated as a candidate for another constituency.

#### **21. When person is disqualified from being nominated as a candidate and from being elected as an elected member**

- (1) A person is disqualified from being nominated as a candidate at an election, and from being elected as an elected member, if the person—
  - (a) is—
    - (i) a judicial officer; or
    - (ii) a prescribed public officer; or
  - (b) has, in Hong Kong, or 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; or
  - (c) has been convicted of treason; or
  - (d) on the date of nomination, or of the election, is serving a sentence of imprisonment; or
  - (e) without limiting paragraph (b), where the 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) in Hong Kong or any other place, of an offence for which the person has been sentenced to imprisonment, whether suspended or not, for a term exceeding 3 months without the option of a fine; or
    - (ii) of having engaged in corrupt or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554); or
    - (iii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap. 201); or
    - (iv) of any offence prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541); or (*Replaced 10 of 2000 s. 47*)
  - (f) is ineligible to be a candidate or to be elected as an elected member because of the operation of this Ordinance or any other law; or
  - (g) is a representative or a salaried functionary of the government of a place outside Hong Kong; or
  - (h) is a member of any national, regional or municipal legislature, assembly or council of any place outside Hong Kong, other than a people's congress or people's consultative body of the People's Republic of China, whether established at the national level or local level; or
  - (i) is an undischarged bankrupt or, within the previous 5 years, has either obtained a discharge in bankruptcy or has entered into a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap. 6) with the person's creditors, in either case without paying the creditors in full.
- (1A) A person is also disqualified from being nominated as a candidate at an election, and from being elected as an elected member, if the election is held or is to be held within 5 years after—

- (a) the date on which the person vacates an office, or is disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath; or
  - (b) the date on which the person is declared or decided in accordance with any law—
    - (i) to be in breach of a specified oath; or
    - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China. (*Added 13 of 2021 s. 23*)
- (2) A person is also disqualified from being nominated as a candidate at an election if the person is found under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs, but a person disqualified under this subsection is eligible for nomination as a candidate if, under that Ordinance, it is subsequently found that the person has become capable of managing and administering his or her property and affairs.
- (3) A person is also disqualified from being elected as an elected member if the person is found under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs, but a person disqualified under this subsection ceases to be disqualified if, under that Ordinance, it is subsequently found that the person has become capable of managing and administering his or her property and affairs.

(4) In this section—

*specified oath* (指明誓言) 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. (*Added 13 of 2021 s. 23*)

*(Amended 33 of 2002 s. 7)*

## 22. **How long elected member is to hold office**

- (1) An elected member holds office for a period of 4 years beginning on 1 January next following the ordinary election in which the member was elected and vacates office at the end of that period.

- (2) A person elected to fill a vacancy caused by an elected member's (*first elected member*) office becoming vacant before the expiry of the full term, holds office from the date on which the result of the by-election at which the person was elected is declared and vacates office on the day the first elected member would have vacated office had that member served the full term.

### **23. Elected members to accept office**

- (1) A person who is elected to be a member is to be regarded as having accepted office unless the person gives written notice of non-acceptance to the Designated Officer not later than 7 days after the date on which notification of the person's election is published in the Gazette.
- (2) A notice of non-acceptance is not effective unless it is signed by the person concerned.
- (3) A notice of non-acceptance takes effect on the date on which the notice is received by the Designated Officer and the person giving the notice is taken to have resigned from office as an elected member from that date.
- (4) If a person gives notice in accordance with this section, the Designated Officer must, within 21 days after receiving the notice, publish in the Gazette a notice to the effect that the person has not accepted office as a member.

### **24. Disqualification of elected members**

- (1) An elected member is disqualified from holding office if the member—
  - (a) becomes—
    - (i) a judicial officer; or
    - (ii) a prescribed public officer; or
  - (b) has, in Hong Kong, or 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; or
  - (c) has been convicted of treason; or
  - (d) without limiting paragraph (b), after being elected, is convicted—

- (i) in Hong Kong or any other place, of an offence for which the person has been sentenced to imprisonment, whether suspended or not, for a term exceeding 3 months without the option of a fine; or
  - (ii) of having engaged in corrupt or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554); or
  - (iii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap. 201); or
  - (iv) of any offence prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541); or (*Replaced 10 of 2000 s. 47*)
- (e) is a representative or a salaried functionary of the government of a place outside Hong Kong; or
- (f) is a member of any national, regional or municipal legislature, assembly or council of any place outside Hong Kong, other than a people's congress or people's consultative body of the People's Republic of China, whether established at the national level or local level; or
- (g) is an undischarged bankrupt or, within the previous 5 years, has either obtained a discharge in bankruptcy or has entered into a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap. 6) with the person's creditors, in either case without paying the creditors in full. (*Amended 33 of 2002 s. 8*)
- (2) Subsection (1)(d) does not prevent a person from being eligible to be a candidate at an election to be held 5 years after the disqualification.
- (2A) An elected member is also disqualified from holding office if the person, after being elected—
- (a) is in breach of an oath taken under section 19A of the Oaths and Declarations Ordinance (Cap. 11); or
  - (b) fails, or is declared or decided in accordance with any law 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 of the People's Republic of China. (*Added 13 of 2021 s. 24*)
- (2B) Subsection (2A)(b) applies to a declaration or decision made before, on or after the date on which that subsection comes into \*operation. (*Added 13 of 2021 s. 24*)

- (3) An elected member is also disqualified from holding office if the person is found under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs. (*Amended 33 of 2002 s. 8*)
- (4) Subsection (3) does not prevent a person from being eligible to be a candidate at an election if subsequently it is found under the Mental Health Ordinance (Cap. 136) that the person has become capable of managing and administering his or her property and affairs. (*Amended 33 of 2002 s. 8*)
- (5) Subject to subsection (7), an elected member is also disqualified from holding office for the remainder of that member's term of office if the member does not attend meetings of the District Council for 4 consecutive months (*disqualifying period*) without obtaining the consent of the Council before the end of that period.
- (6) The disqualifying period under subsection (5) begins on the day next following the date of the meeting of the Council at which the member is first absent without consent.
- (7) If during the disqualifying period no meetings are held or only one meeting is held, that period is extended to end immediately after the 3rd consecutive meeting from which the member is absent.
- (8) An elected member is also disqualified from holding office if the person was not eligible to be nominated as a candidate under section 20.

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Editorial Note:

\* Operation date: 21 May 2021.

## **25. How an elected member can resign**

- (1) An elected member may at any time resign from office as an elected member by giving written notice of resignation to the Designated Officer.
- (2) A notice of resignation is not effective unless it is signed by the member concerned.
- (3) A notice of resignation takes effect—
  - (a) on the date on which the notice is received by the Designated Officer; or
  - (b) if a later date is specified in the notice, on that later date.

## **26. When elected member's office becomes vacant**

An elected member's office becomes vacant if—

- (a) the member dies; or
- (b) the member resigns in accordance with section 25 or is taken to have resigned under section 10 or 23(3); or
- (c) the member is disqualified under section 24 from holding office as an elected member; or
- (d) subject to sections 58A and 60(1A), the Court determines under section 55 that the member was not duly elected and that no other person was duly elected instead; or (*Amended 18 of 2011 s. 13*)
- (e) (if an appeal against a determination referred to in paragraph (d) is lodged to the Court of Final Appeal)—
  - (i) the Court of Final Appeal determines under section 58B that the member was not duly elected and that no other person was duly elected instead; or
  - (ii) the appeal proceedings are terminated in other circumstances. (*Added 18 of 2011 s. 13*)

**27. Chief Executive to specify dates for holding ordinary elections**

- (1) The first ordinary election must be held in 1999.
- (2) An ordinary election must be held in each subsequent fourth year after the first ordinary election is held under subsection (1).
- (3) The Chief Executive must determine a date for holding an ordinary election under this section and give notice of that date in the Gazette.
- (4) The date specified in the notice must be not earlier than 60 days and not later than 15 days before the new term of office of the elected members is to begin.

**29. Who is entitled to vote at an election**

- (1) A person is entitled to vote at an election only if the person is an elector.
- (2) In the case of the first ordinary election, an elector is entitled to vote only in the constituency allocated to the elector by the Electoral Registration Officer under section 31.
- (3) In any subsequent ordinary election a person is entitled to vote only in the constituency (being a constituency declared under this Ordinance) for which the person is registered as an elector in the existing final register.
- (4) An elector is entitled to vote only once at an election.

- (5) In the first ordinary election an elector may not be prevented from voting in that election only because the elector's name should not have been included in the existing final register or the register referred to in section 31.
- (6) In any subsequent election, an elector may not be prevented from voting at an election only because the elector's name should not have been included in the existing final register.
- (7) Subsection (5) or (6) does not—
  - (a) preclude the Court from making a determination under section 55; (*Amended 18 of 2011 s. 14*)
  - (aa) preclude the Court of Final Appeal from making a determination under section 58B; or (*Added 18 of 2011 s. 14*)
  - (b) affect the person's liability to be charged with, and convicted of, an offence relating to voting at the election concerned.

**30. When an elector is disqualified from voting at an election**

An elector is disqualified from voting at an election if the elector—

- (a) has ceased to be eligible to be registered as an elector under the Legislative Council Ordinance (Cap. 542); or
- (b)-(d) (*Repealed 7 of 2009 s. 9*)
- (e) is found under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs; or (*Amended 33 of 2002 s. 9*)
- (f) is a member of the armed forces of the Central People's Government or any other country or territory.

**31. Electoral Registration Officer to publish register for the first ordinary election**

- (1) In the case of the first ordinary election, the Electoral Registration Officer must—
  - (a) allocate to an elector a constituency in which he is entitled to vote at that election, according to the elector's residential address as recorded in the existing final register; and
  - (b) not later than 2 months before the date specified under section 27 for holding the first ordinary election, publish a register showing the constituency allocated to each elector under paragraph (a).



- (2) The Electoral Registration Officer may amend the register referred to in subsection (1) so as to rectify any clerical or printing error or any incorrect name, address or other personal particulars of a person who is recorded in the register.

**32. Vacancy in membership of elected members of a District Council to be declared**

- (1) If a vacancy arises in the office of an elected member, the Designated Officer must, by notice published in the Gazette, declare the existence of the vacancy within 21 days after becoming aware of the vacancy.
- (2) Without limiting subsection (1), the Designated Officer must declare the existence of a vacancy after becoming aware that, after the close of polling for an election, a candidate returned at the election has died before that candidate is declared to be elected as an elected member at the election.

**33. By-election to be held to fill vacancy in membership of District Councils**

- (1) The Electoral Affairs Commission must, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541), arrange for a by-election to be held in the following circumstances and not otherwise—
  - (a) on the making of a declaration as to the existence of a vacancy in the membership of a District Council under section 32; and
  - (b) on the making of a declaration under section 40(1) that the proceedings for the election for a constituency have been terminated; and
  - (c) on the making of a declaration under section 39(2) that an election for a constituency has failed because no candidate has been validly nominated for the election; and
  - (d) on the making of a declaration under section 40(3) that an election for a constituency has failed because of the death or disqualification of the successful candidate at the election.
- (2) However, a by-election to fill a vacancy occurring in the membership of a District Council is not to be held within the 4 months preceding the end of the current term of office of the elected members.

**34. What requirements are to be complied with by persons nominated as candidates**

- (1) A person is not validly nominated as a candidate for an election unless—
  - (a) a deposit has, in the manner prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541), been lodged by or on behalf of the person with the Returning Officer concerned; and
  - (b) the nomination form includes or is accompanied by a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the Hong Kong Special Administrative Region.
- (2) The deposit is to be of such an amount as is prescribed by the regulations for the purposes of this section.

**36. Who are validly nominated candidates**

- (1) The Returning Officer must, as soon as practicable after receiving a nomination form that complies with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541), decide in accordance with those regulations whether or not a person is validly nominated as a candidate.
- (2) If, after the Returning Officer has made a decision under subsection (1) that a candidate is validly nominated for election for a constituency but before the date specified for holding the election, proof is given to the satisfaction of the Returning Officer that the candidate has died, that Officer must, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541) — (*Amended 1 of 2007 s. 3*)
  - (a) publicly declare that the candidate has died; and
  - (b) further declare which candidate or candidates are validly nominated for election for that constituency.
- (3) Subsection (2) does not apply if the Returning Officer has publicly declared under section 39(1) that the candidate was duly elected as an elected member.

- (4) If, after the Returning Officer has made a decision under subsection (1) that a candidate is validly nominated for election for a constituency but before the date specified for holding the election, proof is given to the satisfaction of the Returning Officer that the candidate is disqualified from being nominated as a candidate, the Returning Officer must, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541), vary the decision to the effect that the candidate is not validly nominated. If the Returning Officer so varies the decision, that Officer must, in accordance with those regulations— (*Amended 1 of 2007 s. 3*)
  - (a) publicly declare that the decision has been varied; and
  - (b) further declare which candidate or candidates are validly nominated for election for that constituency.
- (5) Subsection (4) does not apply if the Returning Officer has publicly declared under section 39(1) that the candidate was duly elected as an elected member.

**37. Candidates entitled to send letters to electors free of postage**

- (1) One letter, addressed to each elector in the constituency for which the candidate is validly nominated, may be sent free of postage by or on behalf of the candidate.
- (2) Each letter must relate to the election concerned and must comply with all requirements and limitations (if any) prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541).
- (3) The cost to the Postmaster General of enabling candidates to exercise their entitlements under this section is a charge on, and is payable from, the general revenue.

**39. What is to happen if insufficient candidates are nominated**

- (1) If, after the close of nomination of candidates for election for a constituency, only one candidate has been validly nominated, the Returning Officer must, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541), publicly declare the candidate to be duly elected as an elected member.
- (2) If, after the close of nomination of candidates for election for a constituency, no candidate was validly nominated, the Returning Officer must, by notice published in the Gazette, declare the election to have failed.

**40. When election proceedings are terminated or when an election fails**

- (1) If, on the day specified for the holding of an election but before the close of polling for the election, proof is given to the satisfaction of the Returning Officer that a validly nominated candidate for election for a constituency has died or is disqualified from being elected, that Officer must, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541), publicly declare that the proceedings for the election for the constituency are terminated.
- (2) If, after the close of polling for an election but before declaring the result of the election, proof is given to the satisfaction of the Returning Officer that a candidate for election for a constituency has died or is disqualified from being elected, the proceedings for the election for the constituency are not to be terminated at that stage. If the counting of votes in respect of the election has not begun or is being conducted, the counting of votes is to begin or to continue as if the death or disqualification had not occurred.
- (3) If, after the counting of votes is finished, the candidate referred to in subsection (2) is found to be successful at the election, the Returning Officer must, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541), publicly declare the election to have failed.

*(Amended 1 of 2007 s. 4)*

**41. System of voting and counting of votes**

- (1) At every election which is contested—
  - (a) a poll shall be taken in each constituency or constituencies in which the election is held; and
  - (b) the voting at that poll shall be by secret ballot; and
  - (c) the election shall be conducted in accordance with the regulations and regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541).

- (2) The votes shall be given and counted in accordance with the simple or relative majority system of election (otherwise known as the “first past the post” voting system) whereby the elector shall vote for not more than one of the candidates and the candidate to whom the greatest number of votes have been given shall be declared by the Returning Officer as the only candidate to be elected.
- (3) If, after the counting of votes is finished, 2 or more of the most successful candidates have an equal number of votes, the Returning Officer must determine the result of the election by drawing lots. The person on whom the lot falls must be determined by the Returning Officer to be the elected member for the constituency concerned.
- (4) As soon as practicable after determining the result of the election, the Returning Officer must publicly declare as elected the candidate who was successful at the election.
- (5) Despite subsection (4), if, before declaring the result of an election for a constituency, proof is given to the satisfaction of the Returning Officer that the candidate who was successful at the election has died or is disqualified from being elected, that Officer— (*Amended 1 of 2007 s. 5*)
  - (a) must not declare that candidate as elected; and
  - (b) must publicly declare, under section 40(3), that the election has failed.

**43. Misnomer or inaccuracy not to affect operation of election document**

- (1) A misnomer or inaccurate description of a person, a person’s identity document or place specified in a document to which this section applies does not limit the full operation of the document with respect to that person, identity document or place if the description of the person, identity document or place is such as to be commonly understood.
- (2) This section applies to a register, nomination paper, ballot paper, notice or other document prepared for the purposes of an election.

**46. Returning Officer to publish result of election**

- (1) The Returning Officer for an election to return an elected member for a constituency must publish in the Gazette a notice declaring that the candidate returned at the election is the elected member duly elected for the constituency.

- (2) The Returning Officer concerned must ensure that the publication and notice required by this section comply with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541).

**49. Election may be questioned only by election petition made on specified grounds**

- (1) An election to return an elected member may be questioned only on the following grounds—
- (a) the ground that the person declared by the Returning Officer in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541) to have been elected as an elected member at the election was not duly elected because—
    - (i) the person was ineligible to be, or was disqualified from being, a candidate at the election; or
    - (ii) corrupt or illegal conduct was engaged in by or in respect of that person at or in connection with the election; or (*Amended 10 of 2000 s. 47*)
    - (iii) corrupt or illegal conduct was generally prevalent at or in connection with the election; or (*Amended 10 of 2000 s. 47*)
    - (iv) material irregularity occurred in relation to the election, or to the polling or counting of votes at the election; or
  - (b) a ground specified in any other enactment that enables an election to be questioned.
- (2) An election to return an elected member may be questioned only by an election petition lodged under section 50.

- (3) In this section—

***corrupt or illegal conduct*** (舞弊或非法行為) means corrupt or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554);

***election*** (選舉) includes nomination proceedings and the decisions of the Returning Officer or any Assistant Returning Officer. (*Replaced 10 of 2000 s. 47*)

**50. Who may lodge election petition**

An election petition may be lodged—

- (a) by 10 or more electors entitled to vote in the relevant constituency; or

- (b) by a person claiming to have been a candidate in the relevant constituency.

**51. Who may be made respondent to election petition**

Any person whose election is questioned by an election petition and the Returning Officer in respect of the election may be made a respondent to the petition.

**55. Court to determine election petition**

- (1) At the end of the trial of an election petition that relates to an election that was not contested, the Court must determine whether any decision of the Returning Officer as to the validity of a nomination was correct and, if not correct, determine whether the person declared by that Officer to have been elected in that election was or was not duly elected.
- (2) At the end of the trial of an election petition that relates to an election that was contested, the Court must determine whether the person whose election is questioned was or was not duly elected and, if not duly elected, determine whether some other person was duly elected instead.
- (3) At the end of the trial of an election petition, the Court must announce its determination by means of a written judgment. *(Amended 18 of 2011 s. 18)*
- (4) *(Repealed 18 of 2011 s. 18)*
- (5) The Court may, on its own initiative, provide the Secretary for Constitutional and Mainland Affairs, the Electoral Affairs Commission or the Director of Home Affairs with a report on any matter arising in the course of the trial of an election petition if in its opinion the matter should be reported. *(Amended L.N. 130 of 2007)*
- (6) The Court must comply with any request made by the Secretary for Constitutional and Mainland Affairs, the Electoral Affairs Commission or the Director of Home Affairs to provide a report on any specified matter arising from the trial of an election petition. *(Amended L.N. 130 of 2007)*
- (7) If, at the end of the trial of an election petition, it appears to the Court that a specified person may have engaged in corrupt or illegal conduct at or in connection with the election, the Court is required to provide the Director of Public Prosecutions with a report giving details of the conduct. *(Added 10 of 2000 s. 47)*

**58B. Court of Final Appeal's determination**

At the end of the hearing of an appeal against the determination of the Court of an election petition, the Court of Final Appeal must—

- (a) determine—
  - (i) if the election petition relates to an election that was not contested—
    - (A) whether the decision of the Returning Officer as to the validity of the relevant nomination was correct; and
    - (B) if the decision was not correct, whether the person declared to have been elected in that election was or was not duly elected;
  - (ii) if the election petition relates to an election that was contested—
    - (A) whether the person whose election is questioned was or was not duly elected; and
    - (B) if the person was not duly elected, whether some other person was duly elected in place of the person; and
- (b) announce its determination by means of a written judgment.

*(Added 18 of 2011 s. 19)*

**59. Acts of person not invalid if determined not duly elected**

If the Court or the Court of Final Appeal determines that a person who was originally declared to have been duly elected as an elected member was not duly elected as an elected member, the determination does not invalidate acts purporting to have been done by the person as an elected member before the date on which the written judgment of the Court or the Court of Final Appeal, as the case may be, is handed down.

*(Replaced 18 of 2011 s. 20)*

**60. What is to happen if an elected member is determined not to have been duly elected**

- (1) If, on the hearing of an election petition, the Court determines that a person who was declared under section 46 as duly elected as an elected member was not duly elected as an elected member— *(Amended 18 of 2011 s. 21)*
  - (a) subject to subsection (1A) and section 58A, that person ceases to be an elected member; and



- (b) subject to subsection (2), that person's office as an elected member becomes vacant from the date on which the written judgment of the Court is handed down.

(1A) If—

- (a) the Court determines that a person who was declared under section 46 as duly elected as an elected member was not duly elected as an elected member; and
- (b) the person lodges an appeal under section 22(1)(c) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) against the determination,

the person continues, subject to subsections (3) and (5), to be an elected member. *(Added 18 of 2011 s. 21)*

- (2) If, on the hearing of an election petition, the Court determines that a person was duly elected as an elected member in place of a person that the Court has determined not to have been duly elected at the election, subject to subsection (1A) and section 58A, the first-mentioned person becomes an elected member from the date on which the written judgment of the Court is handed down.
- (3) If, on the hearing of an appeal against the determination of the Court of an election petition, the Court of Final Appeal determines that a person who was declared under section 46 as duly elected as an elected member was not duly elected as an elected member—
  - (a) that person ceases to be an elected member; and
  - (b) subject to subsection (4), that person's office as an elected member becomes vacant from the date on which the written judgment of the Court of Final Appeal is handed down. *(Added 18 of 2011 s. 21)*
- (4) If, on the hearing of an appeal against the determination of the Court of an election petition, the Court of Final Appeal determines that a person was duly elected as an elected member in place of a person that the Court of Final Appeal has determined not to have been duly elected as an elected member, the first-mentioned person becomes an elected member from the date on which the written judgment of the Court of Final Appeal is handed down. *(Added 18 of 2011 s. 21)*

- (5) If the Court determines that a person who was declared under section 46 as duly elected as an elected member was not duly elected as an elected member and the person lodges an appeal under section 22(1)(c) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) against the determination, the person—
- (a) ceases, if an application to withdraw an application for leave to appeal or an application to withdraw an appeal is made under rule 11 or 17 (as the case may be) of the Hong Kong Court of Final Appeal Rules (Cap. 484 sub. leg. A) in relation to the appeal and an order is made by the Court of Final Appeal granting the application, to be an elected member on the date on which the order is made by the Court of Final Appeal; or
  - (b) ceases, if the appeal proceedings are terminated in other circumstances, to be an elected member on the date on which the appeal proceedings are terminated,
- and the determination of the Court against which the appeal is lodged stands from that date. (*Added 18 of 2011 s. 21*)
- (*Amended 18 of 2011 s. 21*)

#### **60A. Interpretation: Part VA**

- (1) In this Part—

**auditor** (核數師) means a certified public accountant (practising) as defined by section 2(1) of the Accounting and Financial Reporting Council Ordinance (Cap. 588); (*Amended L.N. 66 of 2022*)

**Chief Electoral Officer** (總選舉事務主任) means the Chief Electoral Officer appointed under section 9 of the Electoral Affairs Commission Ordinance (Cap. 541);

**claim** (申索) means a claim for financial assistance payable under this Part;

**declared election expenses** (申報選舉開支) means, in relation to a candidate, the amount set out as election expenses incurred by the candidate in the election return lodged for the relevant election;

**disqualified candidate** (喪失資格的候選人) means a candidate in respect of whom proof is given to the satisfaction of the Returning Officer under section 40(2) that the candidate is disqualified from being elected;

**elected as an elected member** (當選為民選議員), in relation to a candidate, means—

- (a) a candidate who is declared to be duly elected in a notice published under section 46, unless he or she is determined under section 55(1) or (2) or 58B to be not duly elected; (*Amended 18 of 2011 s. 22*)
- (b) a deceased candidate who is found to be successful at the election under section 40(3), unless proof is given to the satisfaction of the Returning Officer under section 40(2) that he or she is disqualified from being elected; or
- (c) a candidate who becomes an elected member under section 60(2);

***election return*** (選舉申報書) has the meaning assigned to it by section 2(1) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554);

***eligible candidate*** (合資格候選人) means a candidate who is eligible for financial assistance under section 60C(a) or (b);

***political party*** (政黨) means—

- (a) a political body or organization operating in Hong Kong, that purports to be a political party; or
- (b) a body or organization the principal function or main object of which is to promote or prepare a candidate for election as a Member of the Legislative Council or as a member of any District Council;

***specified rate*** (指明資助額) means the amount specified in Schedule 7.

- (2) Subject to any determination the Court may make on the validity of a vote in the course of determining an election petition, for the purposes of this Part—
  - (a) the total number of valid votes cast in any constituency is the total number of ballot papers containing valid votes received in that constituency; and
  - (b) the total number of valid votes cast for a candidate for such a constituency is the total number of ballot papers containing valid votes cast for that candidate.
- (3) For the purposes of section 60D(2)(a), the number of registered electors for a constituency is the number of electors registered for that constituency in the final register of geographical constituencies compiled and published by the Electoral Registration Officer under section 32 of the Legislative Council Ordinance (Cap. 542) which is in force at the time the election is held.

## **60C. Eligibility for financial assistance**

A candidate for a constituency is eligible for financial assistance only if he is—

- (a) a candidate who is elected as an elected member; or
- (b) a candidate who is not elected as an elected member but who—
  - (i) is not a disqualified candidate; and
  - (ii) obtains at least 5% of the total number of valid votes cast in the constituency concerned.

**60D. Amount payable as financial assistance**

- (1) If the election for a constituency is contested, the amount payable as financial assistance to a candidate is the lowest of the following amounts— (*Amended 18 of 2011 s. 39*)
  - (a) the amount obtained by multiplying the total number of valid votes cast for the candidate by the specified rate;
  - (b) 50% of the maximum amount of election expenses that can be incurred by or on behalf of the candidate under section 3 of the Maximum Amount of Election Expenses (District Council Election) Regulation (Cap. 554 sub. leg. C); (*Replaced 18 of 2011 s. 39*)
  - (c) the declared election expenses of the candidate. (*Added 18 of 2011 s. 39*)
- (2) If the election for a constituency is uncontested, the amount payable as financial assistance to a candidate is the lowest of the following amounts— (*Amended 18 of 2011 s. 39*)
  - (a) the amount obtained by multiplying 50% of the number of registered electors for the constituency by the specified rate;
  - (b) 50% of the maximum amount of election expenses that can be incurred by or on behalf of the candidate under section 3 of the Maximum Amount of Election Expenses (District Council Election) Regulation (Cap. 554 sub. leg. C); (*Replaced 18 of 2011 s. 39*)
  - (c) the declared election expenses of the candidate. (*Added 18 of 2011 s. 39*)

**60E. Entitlement to financial assistance not affected by failure of election, but financial assistance not payable if election proceedings are terminated**

- (1) A declaration by the Returning Officer under section 40(3) that an election has failed does not affect any entitlement to financial assistance under this Part.

- (2) If the proceedings for an election are terminated under section 40(1), financial assistance is not payable in respect of that election.

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## **Part VI**

### **Functions, Chairman and Vice Chairman and Procedure of a District Council**

*(Format changes—E.R. 2 of 2019)*

#### **Division 1—Functions of a District Council**

##### **61. Functions of a District Council**

The functions of a District Council are—

- (a) to advise the Government—
  - (i) on matters affecting the well-being of the people in the District; and
  - (ii) on the provision and use of public facilities and services within the District; and
  - (iii) on the adequacy and priorities of Government programmes for the District; and
  - (iv) on the use of public funds allocated to the District for local public works and community activities; and
- (b) where funds are made available for the purpose, to undertake—
  - (i) environmental improvements within the District;
  - (ii) the promotion of recreational and cultural activities within the District; and
  - (iii) community activities within the District.

#### **Division 2—Chairman and Vice Chairman of a District Council**

##### **62. Election of first Chairman and Vice Chairman**

- (1) A District Council is to elect a Chairman and a Vice Chairman from amongst its members at the first meeting of the Council held after each ordinary election.

- (2) The first meeting referred to in subsection (1) must be held within the period of 30 days after the term of office of the members elected at the ordinary election begins.
- (3) Subject to subsection (2), the District Officer must decide the time, date and place of the first meeting and notify the members.
- (4) The District Officer must preside at the first meeting of a District Council until the Chairman and Vice Chairman are elected.
- (5) Subject to section 64(1), the Chairman and Vice Chairman are to hold office as long as they are members of the Council.
- (6) A person cannot hold office as the Chairman and Vice Chairman at the same time.
- (7) In this section, *first meeting* (首次會議) means the meeting to be held under subsections (1) and (2).

**63. Resignation of Chairman or Vice Chairman**

- (1) The Chairman or Vice Chairman may at any time resign from his or her office as such by giving written notice of resignation to the District Officer.
- (2) A notice of resignation is not effective unless it is signed by the Chairman or Vice Chairman concerned, as the case may be.
- (3) A notice of resignation takes effect—
  - (a) on the date on which the notice is received by the District Officer; or
  - (b) if a later date is specified in the notice, on that later date.

**64. When office of Chairman or Vice Chairman becomes vacant**

- (1) If the Chairman or Vice Chairman dies or resigns or the member holding office as the Chairman or Vice Chairman ceases to be a member, the office of the Chairman or Vice Chairman, as the case may be, becomes vacant.
- (2) If the office of Chairman or Vice Chairman becomes vacant, the members must elect a Chairman or Vice Chairman, as the case may be, from amongst themselves at the first meeting of the District Council after the office becomes vacant.
- (3) If the office of Chairman and Vice Chairman both become vacant, the District Officer must preside at the meeting held for the purpose of electing the Chairman and Vice Chairman, until the Chairman and Vice Chairman are elected.

- (4) If the office of Chairman becomes vacant, and the Vice Chairman is nominated for the office of Chairman, the District Officer must preside at the meeting held for the purpose of electing the Chairman.

**65. Election of Chairman or Vice Chairman to be in accordance with Schedule 5**

The election of Chairman and Vice Chairman must be held in accordance with the procedure set out in Schedule 5.

**66. Duties of Chairman and Vice Chairman**

- (1) The Chairman is to preside at meetings of the District Council.
- (2) The Vice Chairman is to perform the duties of the Chairman (including presiding at meetings) if the Chairman is unable to act, is absent or if the office of the Chairman becomes vacant.
- (3) If both the Chairman and Vice Chairman are absent from a meeting, the members present are to elect a member from amongst themselves to preside at the meeting.

**67. Chairman or other person presiding to have a casting vote**

- (1) Subject to subsection (2), at a meeting of a District Council, the Chairman, or other member presiding under section 66(2) or (3) is to have an original vote and a casting vote if the votes are equal.
- (2) A member presiding at a meeting for the purpose of electing a Chairman or Vice Chairman does not have a casting vote.

### **Division 3—Procedure of a District Council**

**68. District Council may make standing orders**

- (1) A District Council may make standing orders for regulating its procedure and that of its committees.
- (2) Without limiting the generality of subsection (1), the standing orders may make provision for—
  - (a) times and places of meetings of the District Council or of a committee; or
  - (b) the summoning, notices, keeping of minutes of proceedings of meetings; or
  - (c) the voting on matters put before a meeting; or
  - (d) the determination of any matter by circulation of papers; or
  - (e) the preservation of order at meetings.

- (3) A District Council must, in its standing orders, provide for the quorum of the committees appointed by it.

**69. District Council may appoint secretary**

- (1) For the purpose of carrying out its functions, a District Council may appoint a public officer to act as the secretary of that District Council.
- (2) A District Council may determine the duties of the person appointed as secretary under subsection (1).

**71. District Council may appoint committees**

- (1) For the purpose of carrying out its functions, a District Council may appoint committees in accordance with this section.
- (2) A District Council may appoint to a committee any person who is not a member if the person satisfies the qualifications set out in section 20(1).
- (3) A committee of a District Council is to elect a member of the committee who is also a member of that Council, as the chairman of the committee.
- (4) A member appointed under subsection (2) may vote at a meeting of the committee and is to be counted for the purpose of constituting a quorum.
- (5) A District Council may delegate any of its functions to a committee.

**72. Proceedings of a District Council or a committee not affected by vacancy or defect in membership etc.**

*(Amended 13 of 2021 s. 25)*

- (1) The power of a District Council to transact business is not affected by—
  - (a) a vacancy in the membership of the District Council; or
  - (b) the suspension of a person's functions and duties as a member under section 79(2A). *(Replaced 13 of 2021 s. 25)*
- (2) The validity of proceedings of a District Council are not affected by—
  - (a) a vacancy in the membership of the District Council;
  - (ab) the suspension of a person's functions and duties as a member under section 79(2A); *(Added 13 of 2021 s. 25)*
  - (b) a defect in the election of a member; *(Amended 3 of 2013 s. 10)*



- (c) a defect as to the eligibility of a person to be a member.
- (3) The validity of proceedings of a committee are not affected by a defect in the appointment of or eligibility of a person to be a member of the committee.
- (4) For the purposes of this section—
  - (a) a vacancy in the membership of a District Council includes a vacancy in its membership when it first meets after an ordinary election; and
  - (b) a defect in the eligibility of a person to be an ex officio member includes failure to swear acceptance of office.

*(Amended 3 of 2013 s. 10)*

**74. Electoral Registration Officer may specify forms**

The Electoral Registration Officer may specify the form of any application, notice, return, record or other document required for the purposes of Part V.

**75. Appointment of Returning Officers and assistants**

- (1) The Electoral Affairs Commission must appoint for each constituency a Returning Officer and such number of Assistant Returning Officers as appears to the Commission to be necessary to enable an election to be held in the constituency.
- (2) A Returning Officer has such functions and duties as are conferred or imposed on that Officer by or under this Ordinance.
- (3) An Assistant Returning Officer may, with the authority of the Returning Officer concerned, exercise and perform the functions and duties of Returning Officer.
- (4) The Electoral Affairs Commission must publish in the Gazette a notice of the appointment of a Returning Officer and that Officer's address.
- (5) The executive authorities of the Government must ensure that each Returning Officer is provided with such staff as that Officer requires in order to exercise and perform that Officer's functions and duties under this Ordinance.
- (6) Expenses properly incurred by a Returning Officer in the exercise or performance of that Officer's functions or duties under this Ordinance or the Electoral Affairs Commission Ordinance (Cap. 541) are a charge on, and are payable from, the general revenue.

**76. Offence to obstruct or hinder electoral officer**

A person who, without reasonable excuse, obstructs or hinders, or interferes with, an electoral officer in the exercise of a function conferred, or the performance of a duty imposed, by or under this Ordinance commits an offence and is liable on conviction to a fine at level 2.

**79. Proceedings against persons on grounds of disqualification**

- (1) The Secretary for Justice may bring proceedings in the Court against any person who is acting or claims to be entitled to act, as a member on the ground that the person is disqualified from acting as such.
- (2) *(Repealed 13 of 2021 s. 26)*
- (2A) Immediately after proceedings are brought by the Secretary for Justice under this section against a person on the ground that the person is disqualified from acting as a member—
  - (a) for breach of an oath taken under section 19A of the Oaths and Declarations Ordinance (Cap. 11); or
  - (b) for failure to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region of the People's Republic of China,the person's functions and duties as a member are suspended until the decision of the Court in the proceedings becomes final. *(Added 13 of 2021 s. 26)*
- (2B) For the purposes of subsection (2A), a decision of the Court becomes final—
  - (a) if no motion for the purpose of an application for leave to appeal to the Court of Final Appeal under section 22(1) (e) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is filed by the end of the period specified under subsection (4B)—when that period expires; or
  - (b) if, before the end of that period, motion for the purpose of such an application is filed—
    - (i) when the application is abandoned or otherwise ceases to have effect;
    - (ii) when the application is refused; or
    - (iii) if the application is granted—
      - (A) when the appeal is abandoned or otherwise ceases to have effect; or
      - (B) when the appeal is determined. *(Added 13 of 2021 s. 26)*

- (2C) If a person's functions and duties as a member are suspended under subsection (2A), the person—
- (a) must not act as a member;
  - (b) must not do anything for the purpose of carrying into effect the provisions of this Ordinance or any other enactment conferring functions on a District Council;
  - (c) must not enjoy any corresponding entitlement; and
  - (d) is not to be regarded as a member for the purposes of section 86. *(Added 13 of 2021 s. 26)*
- (2D) If a person's functions and duties as a member are suspended under subsection (2A) and the person is absent from a meeting of a District Council during the suspension, the person is not to be regarded as being absent from that meeting for the purposes of sections 19(4) and 24(5). *(Added 13 of 2021 s. 26)*
- (2E) The Court may, on the application of a person whose functions and duties as a member are suspended under subsection (2A), lift the suspension. *(Added 13 of 2021 s. 26)*
- (2F) If a person acts, or claims to be entitled to act, as a member while his or her functions and duties as a member are suspended under subsection (2A), the Secretary for Justice may apply to the Court for an interim injunction restraining the person from so acting or claiming. *(Added 13 of 2021 s. 26)*
- (3) If, in proceedings brought under this section, it is proved that the defendant acted as a member while disqualified from acting in that office, the Court may—
- (a) make a declaration to that effect; and
  - (b) grant an injunction restraining the defendant from so acting; and
  - (c) order the defendant to pay to the Government such sum as the Court thinks appropriate, not exceeding \$5,000 for each occasion on which the person so acted while disqualified.
- (4) If, in proceedings brought under this section, it is proved that the defendant claimed to be entitled to act as a member while disqualified from acting in that office, the Court may—
- (a) make a declaration to that effect; and
  - (b) grant an injunction restraining the defendant from so acting.

- (4A) If, in proceedings brought under this section, it is proved that the defendant was disqualified from acting as a member beginning on a date, the defendant ceased to be entitled to any corresponding entitlement beginning on that date. *(Added 13 of 2021 s. 26)*
- (4B) Despite section 24 of the Hong Kong Court of Final Appeal Ordinance (Cap. 484), notice of a motion for the purpose of an application for leave to appeal to the Court of Final Appeal under section 22(1)(e) of that Ordinance must be filed within 14 working days after the date on which the written judgment of the Court to be appealed from is handed down, and the applicant must give the opposite party 3 days' notice of his or her intended application at any time during the period of 14 working days. *(Added 13 of 2021 s. 26)*
- (5) Proceedings against a person on the ground that the person has acted, while disqualified from acting, or claimed to have been entitled to act, as a member may be brought only in accordance with this section and by the Secretary for Justice.
- (6) For the purposes of this section, a person is disqualified from acting as a member if the person—
- (a) is not qualified to be, or is disqualified from being, a member; or
  - (b) has ceased to hold office as a member.
- (7) In subsection (4B)—
- working day** (工作日) means any day other than—
- (a) a general holiday;
  - (b) a black rainstorm warning day as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1); or
  - (c) a gale warning day as defined by that section. *(Added 13 of 2021 s. 26)*

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## Part IX

### Chief Executive in Council to Make Regulations and Amend Schedule 4, 5 or 7

*(Amended L.N. 28 of 2013)*  
*(Format changes—E.R. 2 of 2014)*

#### 81. Chief Executive in Council may make regulations

- (1) The Chief Executive in Council may make regulations for the better carrying out of the purposes of this Ordinance.
- (2) In particular, a regulation under this section may provide for all or any of the following—
  - (a) the number or qualifications of subscribers required to complete a nomination paper for a candidate; and
  - (b) the amount that a candidate is required to lodge as a deposit at an election; and
  - (c) the forfeiture of the deposit if the candidate fails to obtain a prescribed proportion of the votes cast at the election and for the return of the deposit if the candidate obtains that proportion of votes at the election.
- (3) A provision of a regulation may make it an offence, punishable by a fine not exceeding level 2, for a person to contravene a provision of the regulation.
- (4) A regulation may—
  - (a) make different provisions for different circumstances and provide for a particular case or class of cases; and
  - (b) be made so as to apply only in specified circumstances; and
  - (c) prescribe fees for the purposes of the regulation.

**82. Chief Executive in Council may amend Schedule 4, 5 or 7**

*(Amended 1 of 2007 s. 7)*

The Chief Executive in Council may, by order published in the Gazette, amend Schedule 4, 5 or 7.

*(Amended 1 of 2007 s. 7)*

**83. Designated Officer to give notice of membership**

The Designated Officer must, within 21 days after receiving notices of acceptance lodged under section 17(1), publish in the Gazette the names of persons who have become ex officio members and their terms of office.

*(Amended 3 of 2013 s. 11)*

**84. Designated Officer to give notice of vacancy**

If a vacancy arises in the membership of an ex officio member, the Designated Officer must give notice of the vacancy in the Gazette within 21 days after becoming aware of the vacancy.

*(Amended 3 of 2013 s. 12)*

**87. Transitional: application of section 28 to first ordinary election**

In relation to the first ordinary election to be held under this Ordinance, section 28 is to have effect as if “Provisional District Board” and “Provisional District Boards” were substituted for “District Council” and “District Councils” respectively.

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**Schedule 3**

[ss. 5, 8 & 9]  
(Amended 3 of 2013 s. 13)  
(Format changes—E.R. 1 of  
2012)

**Part 1**

**Number of Elected Members**

(Amended 3 of 2013 s. 13)

Item	District Council	Number of elected members
1.	Central and Western District Council	15
2.	Eastern District Council	35
3.	Kowloon City District Council	25
4.	Kwun Tong District Council	40
5.	Sham Shui Po District Council	25
6.	Southern District Council	17
7.	Wan Chai District Council	13
8.	Wong Tai Sin District Council	25
9.	Yau Tsim Mong District Council	20
10.	Islands District Council	10
11.	Kwai Tsing District Council	31
12.	North District Council	18
13.	Sai Kung District Council	29
14.	Sha Tin District Council	41
15.	Tai Po District Council	19
16.	Tsuen Wan District Council	19
17.	Tuen Mun District Council	31
18.	Yuen Long District Council	39

(Amended 33 of 2002 s. 10; L.N. 139 of 2006; L.N. 161 of 2010; 3 of 2013 s. 13; L.N. 181 of 2013; L.N. 12 of 2014; L.N. 8 of 2018)

## Part 2

### Rural Committees in Districts

Item	District	District Council	Number of Rural Committees	Names of Rural Committees
1.	Islands District	Islands District Council	8	Cheung Chau Rural Committee Lamma Island (North) Rural Committee Lamma Island (South) Rural Committee Mui Wo Rural Committee Peng Chau Rural Committee South Lantau Rural Committee Tai O Rural Committee Tung Chung Rural Committee
2.	Kwai Tsing District	Kwai Tsing District Council	1	Tsing Yi Rural Committee

Item	District	District Council	Number of Rural Committees	Names of Rural Committees
3.	North District	North District Council	4	Fanling District Rural Committee Sha Tau Kok District Rural Committee Sheung Shui District Rural Committee Ta Kwu Ling District Rural Committee
4.	Sai Kung District	Sai Kung District Council	2	Hang Hau Rural Committee Sai Kung Rural Committee
5.	Sha Tin District	Sha Tin District Council	1	Sha Tin Rural Committee
6.	Tai Po District	Tai Po District Council	2	Sai Kung North Rural Committee Tai Po Rural Committee
7.	Tsuen Wan District	Tsuen Wan District Council	2	Ma Wan Rural Committee Tsuen Wan Rural Committee
8.	Tuen Mun District	Tuen Mun District Council	1	Tuen Mun Rural Committee
9.	Yuen Long District	Yuen Long District Council	6	Ha Tsuen Rural Committee Kam Tin Rural Committee Pat Heung Rural Committee Ping Shan Heung Rural Committee San Tin Rural Committee Shap Pat Heung Rural Committee

*(Amended E.R. 2 of 2012; 8 of 2022 s. 20)*

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## Schedule 4



## Forms for Acceptance of Office

(Format changes—E.R. 2 of 2019)

### Form 1

(Repealed 3 of 2013 s. 14)

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### Form 2

#### DISTRICT COUNCILS ORDINANCE (CAP. 547)

#### ACCEPTANCE OF OFFICE UNDER SECTION 17(1)

I, \* ..... ,  
of \* .....

\*\*affirm/swear that—

(a)

I take the office as an ex officio member of the \* .....  
District Council upon myself and will duly and faithfully  
fulfill the duties of the office according to the best of my  
ability;

(b) I will uphold the Basic Law;

(c)

my allegiance is to the Hong Kong Special Administrative  
Region of the People's Republic of China; and

(d)

to the best of my knowledge and belief I am not disqualified  
from holding office as an ex officio member by virtue of  
section 19 of the District Councils Ordinance.

\*\*Affirmed/sworn this \*..... day of \*.....

(Signature) .....

This acceptance was \*\*affirmed/sworn and signed before me, a  
\*\*Magistrate/Commissioner for Oaths.

(Signature) .....

\* Complete as appropriate.

\*\* Delete whichever is inapplicable.

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## Schedule 5

[ss. 65 & 82]

### **Voting Procedure under Section 65 of this Ordinance**

*(Format changes—E.R. 2 of 2019)*

1. The election of Chairman and Vice Chairman is to be conducted by one or more secret ballots held amongst those present and entitled to vote at the election and according to this Schedule.
2. Nominations must be in writing. A member must be nominated by at least one other member and the nomination must be subscribed by at least 2 other members (not including the member nominating the candidate).
3. Nominations may be given at any time up to the time when the person presiding at the meeting calls for the closing of nominations. The nominated person must indicate the person's consent to the nomination and acceptance, if elected, of the office to which the person is nominated.
4. If the office of Chairman and Vice Chairman are both vacant, the same person can be nominated and consent to nomination for both offices. If the same person is so nominated, the election of the Chairman is to take place first and then the election of the Vice Chairman. If a person nominated for both offices, is elected the Chairman, that person is taken to have withdrawn from the election of Vice Chairman when the result of the first election is declared.
5. Subject to section 6, if only one candidate is nominated for the office of Chairman, the candidate is treated as having been elected Chairman. If only one candidate is nominated for the office of Vice Chairman, the candidate is treated as having been elected Vice Chairman.
6. If the same person is nominated for the office of Chairman and Vice Chairman and no other person is nominated for either of the offices, that person is to be treated as having been elected Chairman.

7. A candidate who receives an absolute majority of votes is elected.
8. If there are 2 or more candidates for the office of Chairman (either initially or after elimination ballots) and each receives an equal number of votes, a further ballot is to be held.
9. If there are 2 or more candidates for the office of Vice Chairman (either initially or after elimination ballots) and each receives an equal number of votes, a further ballot is to be held.
10. If, either in relation to the election of Chairman or to the election of Vice Chairman, a further ballot is held under section 8 or 9 and the candidates for the Chairman or Vice Chairman, as the case may be, receive an equal number of votes, the candidates draw lots to determine which candidate is elected for the office of Chairman or Vice Chairman, as the case may be.
11. If there are 2 or more candidates for the office of Chairman and no candidate receives an absolute majority of votes—
  - (a) the candidate who receives the least number of votes retires following which a further ballot is held for the remaining candidates;
  - (b) if 2 or more candidates receive an equal number of votes and that number is the least number of votes for a candidate, a separate ballot is held for those candidates, and the candidate who receives the least number of votes retires following which a further ballot is held for the remaining candidates.
12. If there are 2 or more candidates for the office of Vice Chairman and no candidate receives an absolute majority of votes—
  - (a) the candidate who receives the least number of votes retires following which a further ballot is held for the remaining candidates;
  - (b) if 2 or more candidates receive an equal number of votes and that number is the least number of votes for a candidate, a separate ballot is held for those candidates, and the candidate who receives the least number of votes retires following which a further ballot is held for the remaining candidates.

13. If a separate ballot is held under section 11(b) or 12(b), and in either case the same candidates receive an equal number of votes, the candidates for the relevant office draw lots to determine who retires following which a further ballot is held for the remaining candidates.
14. In this Schedule, *an absolute majority of votes* (絕對多數票) means that the candidate receives more than half of the valid votes cast excluding abstentions.

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## Schedule 7

[ss. 60A & 82]

### **Financial Assistance: Specified Rate**

*(Schedule 7 added 1 of 2007 s. 8)*  
*(Format changes—E.R. 2 of 2014)*

The rate of financial assistance for the purposes of Part VA is—

- (a) for an election of a member for the term of office of a District Council ending on 31 December 2019—\$14; or
- (b) for an election of a member for any subsequent term of office of a District Council—\$15.

*(Amended 18 of 2011 s. 40; L.N. 49 of 2015; L.N. 64 of 2019)*

**1. Interpretation**

- (1) In this Regulation, unless the context otherwise requires—  
*deposit* (按金) means the deposit lodged under section 2(1).
- (2) In this Regulation, any reference to the appropriate regulations shall be construed as a reference to any regulations made under section 7 of the Electoral Affairs Commission Ordinance (Cap. 541) relating to procedure at an election.
- (3) For the purposes of sections 3(2), 4(3) and (5) and 5(1), a reference to the Returning Officer, in relation to a constituency, includes—
- (a) an Assistant Returning Officer for the constituency; and
  - (b) the Chief Electoral Officer appointed under section 9 of the Electoral Affairs Commission Ordinance (Cap. 541).  
(1 of 2019 s. 69)

**3. Return of deposit on invalid nomination etc.**

- (1) Where, as regards any constituency—
- (a) a deposit is lodged by or on behalf of a candidate in respect of his nomination as a candidate, and—
    - (i) the Returning Officer makes a decision under section 36(1) of the Ordinance that the candidate is not validly nominated in respect of that constituency;
    - (ii) the candidate withdraws his nomination for election in respect of that constituency under section 35 of the Ordinance; or
    - (iii) the Returning Officer has made a decision under section 36(1) of the Ordinance that the candidate is validly nominated in respect of that constituency, and subsequently—
      - (A) comes to the knowledge that the candidate has died and makes the declarations referred to in section 36(2) of the Ordinance; or

(B) varies the decision to the effect that the candidate is not validly nominated and makes the declarations referred to in section 36(4) of the Ordinance,

the deposit so lodged; or

(b) the proceedings for the election are terminated under section 40(1) of the Ordinance, the deposit lodged in respect of each candidate for that constituency,

shall be returned in accordance with this section.

(2) The Returning Officer for the constituency concerned shall, in the case referred to in—

(a) subsection (1)(a)(i) and (ii), as soon as practicable after the publication under the appropriate regulations of a notice containing particulars of the candidates validly nominated in respect of that constituency, notify the Director of Accounting Services in writing that the deposit lodged by or on behalf of that candidate is returnable to that candidate or to the person who lodges the deposit on behalf of such candidate, as the case may be;

(b) subsection (1)(a)(iii), as soon as practicable after the declarations referred to in section 36(2) or (4), as the case may be, of the Ordinance are made in accordance with the appropriate regulations, notify the Director of Accounting Services in writing that the deposit lodged by or on behalf of that candidate is returnable to that candidate or to the person who lodges the deposit on behalf of such candidate, as the case may be;

(c) subsection (1)(b), as soon as practicable after the publication under the appropriate regulations of a notice declaring that the proceedings for the election are terminated, notify the Director of Accounting Services in writing that the deposit lodged by or on behalf of each candidate for the constituency concerned is returnable to such candidate or to the person who lodges the deposit on behalf of such candidate, as the case may be.

(3) The Director of Accounting Services shall, as soon as practicable after the receipt of a notification under subsection (2), return the amount of the deposit to the candidate or to the person who lodges the deposit on behalf of such candidate, as the case may be, specified in the notification.

**4. Disposal of deposit after publication of election result or declaration of failure of election**

- (1) Subject to subsection (2), as regards—
- (a) an election in which a candidate is declared under section 39(1) of the Ordinance to be duly elected as an elected member in respect of a constituency;
  - (b) an election in which a candidate is declared under section 41(4) of the Ordinance as elected in respect of a constituency; or
  - (c) an election which is declared under section 40(3) of the Ordinance to have failed,
- after such declaration, the deposit lodged by or on behalf of each candidate for the constituency concerned, unless it shall be returned in accordance with section 3, shall be returned in accordance with this section. (*L.N. 120 of 2003*)
- (2) Where the total number of ballot papers containing valid votes in favour of an unsuccessful candidate in respect of a constituency received by such candidate is less than 5% of the total number of ballot papers containing valid votes received in that constituency, as determined by a counting of the votes and any re-count, the deposit lodged in respect of his nomination shall be forfeited to the general revenue in accordance with this section.
- (3) Subject to subsection (5), the Returning Officer for the constituency concerned shall, in the case of—
- (a) an election referred to in subsection (1)(a), as soon as practicable after the publication under the appropriate regulations of a notice declaring that the candidate is duly elected in respect of that constituency;
  - (b) an election referred to in subsection (1)(b), as soon as practicable after the publication under the appropriate regulations of a notice of the result of the election in respect of that constituency;
  - (c) an election referred to in subsection (1)(c), as soon as practicable after the publication under the appropriate regulations of a notice declaring that the election have failed,

notify the Director of Accounting Services in writing that the deposit lodged by or on behalf of each candidate for the constituency concerned is returnable to such candidate or to the person who lodges the deposit on behalf of such candidate, as the case may be. (*L.N. 120 of 2003*)

- (4) The Director of Accounting Services shall, as soon as practicable after the receipt of a notification under subsection (3), return the amount of the deposit to the candidate or to the person who lodges the deposit on behalf of such candidate, as the case may be, specified in the notification.
- (5) The Returning Officer shall, as soon as practicable after the publication of the notice referred to in subsection (3)(b) or (c), notify the Director of Accounting Services in writing, as regards any unsuccessful candidate referred to in subsection (2), that the deposit lodged in respect of his nomination for that constituency at the relevant election is to be forfeited to the general revenue.

## **5. Disposal of deposit in case of death of candidate**

- (1) Where—
  - (a) a deposit is lodged by a candidate, or by a person on his behalf, in respect of his nomination as a candidate;
  - (b) the deposit shall be returned to that candidate or that person, as the case may be, in accordance with section 3 or 4; and
  - (c) that candidate or that person, as the case may be, dies after the deposit is lodged,the deposit shall, notwithstanding those sections, be paid to the estate of that candidate or that person, as the case may be, and the Returning Officer for the constituency concerned shall notify the Director of Accounting Services in writing accordingly.
- (2) The Director of Accounting Services shall, as soon as practicable after the receipt of a notification under subsection (1), pay the deposit to the legal personal representative of the candidate or person referred to in subsection (1), as the case may be.

## **6. Notifications in specified form**

Any notification for the purposes of this Regulation shall be in a form specified in the appropriate regulations.

## **7. Number and qualifications of subscribers to a nomination paper**

- (1) The nomination paper of any person seeking nomination as a candidate in respect of any constituency shall, subject to subsection (1A), be subscribed by 10 other persons each being an elector registered in respect of the relevant constituency. (*L.N. 120 of 2003*)



- (1A) For the purposes of subsection (1), the number of persons that may subscribe a nomination paper shall not in any case be more than 20. (*L.N. 120 of 2003*)
- (2) Subject to subsection (4), an elector may subscribe only one nomination paper as regards a particular election.
- (3) If an elector subscribes more than one nomination paper in contravention of subsection (2), his signature shall, subject to subsection (4), be inoperative on any nomination paper other than the one first delivered.
- (3A) A person whose signature as a subscriber to a nomination paper is in surplus having regard to the required number of subscribers for the purposes of subsection (1) shall be regarded as not having subscribed the nomination paper. (*L.N. 120 of 2003; L.N. 159 of 2003*)
- (4) Where, as regards any constituency—
- (a) the Returning Officer makes a decision under section 36(1) of the Ordinance that a candidate is not validly nominated in respect of that constituency;
  - (b) a candidate withdraws his nomination for election in respect of that constituency under section 35 of the Ordinance; or
  - (c) the Returning Officer has made a decision under section 36(1) of the Ordinance that a candidate is validly nominated in respect of that constituency, and subsequently—
    - (i) comes to the knowledge that the candidate has died and makes the declarations referred to in section 36(2) of the Ordinance; or
    - (ii) varies the decision to the effect that the candidate is not validly nominated and makes the declarations referred to in section 36(4) of the Ordinance,
- the elector who has subscribed the nomination paper of that candidate in accordance with this section may subscribe another nomination paper, and—
- (A) his signature shall not be inoperative on that other nomination paper only because he has previously subscribed the nomination paper of that candidate;
  - (B) if he subscribes more than one nomination paper in contravention of this subsection, his signature shall be inoperative on any nomination paper so subscribed other than the first one delivered.

*(L.N. 120 of 2003; L.N. 159 of 2003)*

## Schedule

[r. 4]

### Election Petition

IN THE HIGH COURT OF HONG KONG

ORIGINAL JURISDICTION

In the Matter of the District Councils Ordinance (Cap. 547)  
and

In the Matter of a District Council election for the (*name of constituency*) Constituency held on (*date of election*).

- \*1. The Election Petition of (*name of Petitioner*) states—
- (a) that the Petitioner was a candidate at the above election;
- (or) \*1. The Election Petition of (*names of 10 or more Petitioners*) states—
- (a) that the Petitioners are electors who were entitled to vote at the above election;
- \* (b) in an election which was not contested, that (*name of candidate*) was a candidate at the election, and on (*date on which that candidate was declared elected*) the Returning Officer for the above-mentioned Constituency declared, for the purposes of section 39(1) of the Ordinance, that candidate to be elected for the above-mentioned Constituency in a notice published in the Gazette on (*date of publication in Gazette of that notice*) in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541); and

- (or) \* (b) in a contested election, that the poll was held on the above day, that *(name of each candidate)* were candidates at the election, and on *(date on which the successful candidate was declared elected)* the Returning Officer for the above-mentioned Constituency declared *(name of successful candidate)* to be elected for the above-mentioned Constituency in a notice of result of election prepared in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541), and that that notice was published in the Gazette on *(date of publication in Gazette of notice of result of election)* in accordance with regulations in force under that Ordinance; and
- (c) that *(ground under section 49(1) of the Ordinance on which the election is questioned and on which relief is to be sought and the facts on which the Petitioner relies or the Petitioners rely)*.

- \*2. The Petitioner therefore requests the Court to determine—
  - (a) whether the candidate *(to be named)* declared by the Returning Officer for the above-mentioned Constituency to be elected in the notice was duly elected;
  - (b) if the Court determines that that person was not duly elected, whether the Petitioner or another candidate *(to be named)* was duly elected in his place; and
  - (c) any further or other relief as may be just.

- (or) \*2. The Petitioners therefore request the Court to determine—
  - (a) whether the candidate *(to be named)* declared by the Returning Officer for the above-mentioned Constituency to be elected in the notice was duly elected;
  - (b) if the Court determines that that person was not duly elected, whether another candidate *(to be named)* was duly elected in his place; and
  - (c) any further or other relief as may be just.

Dated this ..... day of ..... 19 .....

Signed

\*Petitioner/Petitioners  
 (or) \*Solicitors

\*This Election Petition is lodged by the \*Petitioner/Petitioners.

(or) \*This Election Petition is lodged by (*name of solicitors*), Solicitors acting for and on behalf of the \*Petitioner/Petitioners.

The address for service is (*address to be stated*).

It is proposed to serve a copy of this Election Petition on (*name of Respondent or names of Respondents*) and on the Secretary for Justice.

\* Delete whichever is inapplicable.

## Declaration of Constituencies (District Councils) Order 2018

(Cap. 547, section 6)

*(Enacting provision omitted—E.R. 2 of 2020)*

[1 March 2019]

1. *(Omitted as spent—E.R. 2 of 2020)*

### 2. Interpretation

In this Order—

***approved map*** (獲批准地圖) means a map approved by the Chief Executive in Council on 4 December 2018 that, in relation to a District, is the map or any of the maps specified for the District in column 3 of the Schedule;

***constituency boundary*** (選區分界), in relation to an area declared to be a constituency in this Order, means—

(a) the boundary—

(i) represented in the relevant approved map by unbroken edging coloured red delineating, or partially delineating, the area; and

(ii) described as “Constituency Boundary” in the legend of the map; or

(b) if any boundary partially delineating the area as described in paragraph (a)(i) joins any part of a district boundary partially delineating the area—

(i) that part of the district boundary; and

(ii) the boundary partially delineating the area as so described;

***district boundary*** (地方行政區分界), in relation to a District, means the boundary of the area declared to be that District under section 3(1) of the Ordinance that is—

(a) represented in the relevant approved map by broken edging coloured red; and

(b) described as “District Boundary” in the legend of the map.

**3. Declaration of District Councils constituencies**

- (1) Each area delineated and marked on an approved map as described in column 3 of the Schedule is declared to be a constituency for an election to elect the members for the sixth term of office of the District Council established for the District specified for that area in column 2 of the Schedule.
- (2) The name of the constituency is specified opposite that area in column 4 of the Schedule.

**4. Declaration of Constituencies (District Councils) Order 2014 repealed**

The Declaration of Constituencies (District Councils) Order 2014 (Cap. 547 sub. leg. G) is repealed.

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**Schedule**

[ss. 2 & 3]

**Constituencies of Districts**

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
1.	Central and Western District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCCA/R/2019/A and marked with the code A01.  (2) That area delineated by the relevant constituency boundary on that approved map and marked with the code A02.	Chung Wan  Mid Levels East

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(3) That area delineated by the relevant constituency boundary on that approved map and marked with the code A03.	Castle Road
		(4) That area delineated by the relevant constituency boundary on that approved map and marked with the code A04.	Peak
		(5) That area delineated by the relevant constituency boundary on that approved map and marked with the code A05.	University
		(6) That area delineated by the relevant constituency boundary on that approved map and marked with the code A06.	Kwun Lung
		(7) That area delineated by the relevant constituency boundary on that approved map and marked with the code A07.	Kennedy Town & Mount Davis
		(8) That area delineated by the relevant constituency boundary on that approved map and marked with the code A08.	Sai Wan

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(9) That area delineated by the relevant constituency boundary on that approved map and marked with the code A09.	Belcher
		(10) That area delineated by the relevant constituency boundary on that approved map and marked with the code A10.	Shek Tong Tsui
		(11) That area delineated by the relevant constituency boundary on that approved map and marked with the code A11.	Sai Ying Pun
		(12) That area delineated by the relevant constituency boundary on that approved map and marked with the code A12.	Sheung Wan
		(13) That area delineated by the relevant constituency boundary on that approved map and marked with the code A13.	Tung Wah
		(14) That area delineated by the relevant constituency boundary on that approved map and marked with the code A14.	Centre Street



Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(15) That area delineated by the relevant constituency boundary on that approved map and marked with the code A15.	Water Street
2.	Wan Chai District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCCA/R/2019/B and marked with the code B01.	Hennessy
		(2) That area delineated by the relevant constituency boundary on that approved map and marked with the code B02.	Oi Kwan
		(3) That area delineated by the relevant constituency boundary on that approved map and marked with the code B03.	Canal Road
		(4) That area delineated by the relevant constituency boundary on that approved map and marked with the code B04.	Causeway Bay

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(5) That area delineated by the relevant constituency boundary on that approved map and marked with the code B05.	Victoria Park
		(6) That area delineated by the relevant constituency boundary on that approved map and marked with the code B06.	Tin Hau
		(7) That area delineated by the relevant constituency boundary on that approved map and marked with the code B07.	Tai Hang
		(8) That area delineated by the relevant constituency boundary on that approved map and marked with the code B08.	Jardine's Lookout
		(9) That area delineated by the relevant constituency boundary on that approved map and marked with the code B09.	Broadwood
		(10) That area delineated by the relevant constituency boundary on that approved map and marked with the code B10.	Happy Valley

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(11) That area delineated by the relevant constituency boundary on that approved map and marked with the code B11.	Stubbs Road
		(12) That area delineated by the relevant constituency boundary on that approved map and marked with the code B12.	Southorn
		(13) That area delineated by the relevant constituency boundary on that approved map and marked with the code B13.	Tai Fat Hau
3.	Eastern District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCCA/R/2019/C and marked with the code C01.	Tai Koo Shing West
		(2) That area delineated by the relevant constituency boundary on that approved map and marked with the code C02.	Tai Koo Shing East

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(3) That area delineated by the relevant constituency boundary on that approved map and marked with the code C03.	Lei King Wan
		(4) That area delineated by the relevant constituency boundary on that approved map and marked with the code C04.	Sai Wan Ho
		(5) That area delineated by the relevant constituency boundary on that approved map and marked with the code C05.	Aldrich Bay
		(6) That area delineated by the relevant constituency boundary on that approved map and marked with the code C06.	Shaukeiwan
		(7) That area delineated by the relevant constituency boundary on that approved map and marked with the code C07.	A Kung Ngam
		(8) That area delineated by the relevant constituency boundary on that approved map and marked with the code C08.	Heng Fa Chuen

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(9) That area delineated by the relevant constituency boundary on that approved map and marked with the code C09.	Tsui Wan
		(10) That area delineated by the relevant constituency boundary on that approved map and marked with the code C10.	Yan Lam
		(11) That area delineated by the relevant constituency boundary on that approved map and marked with the code C11.	Siu Sai Wan
		(12) That area delineated by the relevant constituency boundary on that approved map and marked with the code C12.	King Yee
		(13) That area delineated by the relevant constituency boundary on that approved map and marked with the code C13.	Wan Tsui
		(14) That area delineated by the relevant constituency boundary on that approved map and marked with the code C14.	Fei Tsui

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(15) That area delineated by the relevant constituency boundary on that approved map and marked with the code C15.	Mount Parker
		(16) That area delineated by the relevant constituency boundary on that approved map and marked with the code C16.	Braemar Hill
		(17) That area delineated by the relevant constituency boundary on that approved map and marked with the code C17.	Fortress Hill
		(18) That area delineated by the relevant constituency boundary on that approved map and marked with the code C18.	City Garden
		(19) That area delineated by the relevant constituency boundary on that approved map and marked with the code C19.	Provident
		(20) That area delineated by the relevant constituency boundary on that approved map and marked with the code C20.	Fort Street

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(21) That area delineated by the relevant constituency boundary on that approved map and marked with the code C21.	Kam Ping
		(22) That area delineated by the relevant constituency boundary on that approved map and marked with the code C22.	Tanner
		(23) That area delineated by the relevant constituency boundary on that approved map and marked with the code C23.	Healthy Village
		(24) That area delineated by the relevant constituency boundary on that approved map and marked with the code C24.	Quarry Bay
		(25) That area delineated by the relevant constituency boundary on that approved map and marked with the code C25.	Nam Fung
		(26) That area delineated by the relevant constituency boundary on that approved map and marked with the code C26.	Kornhill

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(27) That area delineated by the relevant constituency boundary on that approved map and marked with the code C27.	Kornhill Garden
		(28) That area delineated by the relevant constituency boundary on that approved map and marked with the code C28.	Hing Tung
		(29) That area delineated by the relevant constituency boundary on that approved map and marked with the code C29.	Lower Yiu Tung
		(30) That area delineated by the relevant constituency boundary on that approved map and marked with the code C30.	Upper Yiu Tung
		(31) That area delineated by the relevant constituency boundary on that approved map and marked with the code C31.	Hing Man
		(32) That area delineated by the relevant constituency boundary on that approved map and marked with the code C32.	Lok Hong



Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(33) That area delineated by the relevant constituency boundary on that approved map and marked with the code C33.	Tsui Tak
		(34) That area delineated by the relevant constituency boundary on that approved map and marked with the code C34.	Yue Wan
		(35) That area delineated by the relevant constituency boundary on that approved map and marked with the code C35.	Kai Hiu
4.	Southern District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCCA/R/2019/D1 and marked with the code D01.	Aberdeen
		(2) That area delineated by the relevant constituency boundary on that approved map and marked with the code D02.	Ap Lei Chau Estate

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(3) That area delineated by the relevant constituency boundary on that approved map and marked with the code D03.	Ap Lei Chau North
		(4) That area delineated by the relevant constituency boundary on that approved map and marked with the code D04.	Lei Tung I
		(5) That area delineated by the relevant constituency boundary on that approved map and marked with the code D05.	Lei Tung II
		(6) That area delineated by the relevant constituency boundary on that approved map and marked with the code D06.	South Horizons East
		(7) That area delineated by the relevant constituency boundary on that approved map and marked with the code D07.	South Horizons West
		(8) That area delineated by the relevant constituency boundary on that approved map and marked with the code D08.	Wah Kwai

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(9) That area delineated by the relevant constituency boundary on that approved map and marked with the code D09.	Wah Fu South
		(10) That area delineated by the relevant constituency boundary on that approved map and marked with the code D10.	Wah Fu North
		(11) That area delineated by the relevant constituency boundary on that approved map and marked with the code D11.	Pokfulam
		(12) That area delineated by the relevant constituency boundary on that approved map and marked with the code D12.	Chi Fu
		(13) That area delineated by the relevant constituency boundary on that approved map and marked with the code D13.	Tin Wan
		(14) That area delineated by the relevant constituency boundary on that approved map and marked with the code D14.	Shek Yue

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(15) That area delineated by the relevant constituency boundary on that approved map and marked with the code D15.	Wong Chuk Hang
		(16) That area delineated by the relevant constituency boundary on the approved maps identified as Plan Nos. DCCA/R/2019/D1 and DCCA/R/2019/D2 and marked with the code D16 on both maps.	Bays Area
		(17) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCCA/R/2019/D2 and marked with the code D17.	Stanley & Shek O
5.	Yau Tsim Mong District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCCA/R/2019/E and marked with the code E01.	Tsim Sha Tsui West
		(2) That area delineated by the relevant constituency boundary on that approved map and marked with the code E02.	Kowloon Station

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(3) That area delineated by the relevant constituency boundary on that approved map and marked with the code E03.	Jordan West
		(4) That area delineated by the relevant constituency boundary on that approved map and marked with the code E04.	Yau Ma Tei South
		(5) That area delineated by the relevant constituency boundary on that approved map and marked with the code E05.	Charming
		(6) That area delineated by the relevant constituency boundary on that approved map and marked with the code E06.	Mong Kok West
		(7) That area delineated by the relevant constituency boundary on that approved map and marked with the code E07.	Fu Pak
		(8) That area delineated by the relevant constituency boundary on that approved map and marked with the code E08.	Olympic

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(9) That area delineated by the relevant constituency boundary on that approved map and marked with the code E09.	Cherry
		(10) That area delineated by the relevant constituency boundary on that approved map and marked with the code E10.	Tai Kok Tsui South
		(11) That area delineated by the relevant constituency boundary on that approved map and marked with the code E11.	Tai Kok Tsui North
		(12) That area delineated by the relevant constituency boundary on that approved map and marked with the code E12.	Tai Nan
		(13) That area delineated by the relevant constituency boundary on that approved map and marked with the code E13.	Mong Kok North
		(14) That area delineated by the relevant constituency boundary on that approved map and marked with the code E14.	Mong Kok East

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(15) That area delineated by the relevant constituency boundary on that approved map and marked with the code E15.	Mong Kok South
		(16) That area delineated by the relevant constituency boundary on that approved map and marked with the code E16.	Yau Ma Tei North
		(17) That area delineated by the relevant constituency boundary on that approved map and marked with the code E17.	East Tsim Sha Tsui & King's Park
		(18) That area delineated by the relevant constituency boundary on that approved map and marked with the code E18.	Jordan North
		(19) That area delineated by the relevant constituency boundary on that approved map and marked with the code E19.	Jordan South
		(20) That area delineated by the relevant constituency boundary on that approved map and marked with the code E20.	Tsim Sha Tsui Central

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
6.	Sham Shui Po District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCCA/R/2019/F and marked with the code F01.	Po Lai
		(2) That area delineated by the relevant constituency boundary on that approved map and marked with the code F02.	Cheung Sha Wan
		(3) That area delineated by the relevant constituency boundary on that approved map and marked with the code F03.	Nam Cheong North
		(4) That area delineated by the relevant constituency boundary on that approved map and marked with the code F04.	Shek Kip Mei
		(5) That area delineated by the relevant constituency boundary on that approved map and marked with the code F05.	Nam Cheong East
		(6) That area delineated by the relevant constituency boundary on that approved map and marked with the code F06.	Nam Cheong South



Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(7) That area delineated by the relevant constituency boundary on that approved map and marked with the code F07.	Nam Cheong Central
		(8) That area delineated by the relevant constituency boundary on that approved map and marked with the code F08.	Nam Cheong West
		(9) That area delineated by the relevant constituency boundary on that approved map and marked with the code F09.	Fu Cheong
		(10) That area delineated by the relevant constituency boundary on that approved map and marked with the code F10.	Lai Kok
		(11) That area delineated by the relevant constituency boundary on that approved map and marked with the code F11.	Fortune
		(12) That area delineated by the relevant constituency boundary on that approved map and marked with the code F12.	Pik Wui

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(13) That area delineated by the relevant constituency boundary on that approved map and marked with the code F13.	Lai Chi Kok Central
		(14) That area delineated by the relevant constituency boundary on that approved map and marked with the code F14.	Lai Chi Kok South
		(15) That area delineated by the relevant constituency boundary on that approved map and marked with the code F15.	Mei Foo South
		(16) That area delineated by the relevant constituency boundary on that approved map and marked with the code F16.	Mei Foo Central
		(17) That area delineated by the relevant constituency boundary on that approved map and marked with the code F17.	Mei Foo North
		(18) That area delineated by the relevant constituency boundary on that approved map and marked with the code F18.	Lai Chi Kok North

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(19) That area delineated by the relevant constituency boundary on that approved map and marked with the code F19.	Un Chau
		(20) That area delineated by the relevant constituency boundary on that approved map and marked with the code F20.	So Uk
		(21) That area delineated by the relevant constituency boundary on that approved map and marked with the code F21.	Lei Cheng Uk
		(22) That area delineated by the relevant constituency boundary on that approved map and marked with the code F22.	Lung Ping & Sheung Pak Tin
		(23) That area delineated by the relevant constituency boundary on that approved map and marked with the code F23.	Ha Pak Tin
		(24) That area delineated by the relevant constituency boundary on that approved map and marked with the code F24.	Yau Yat Tsuen

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(25) That area delineated by the relevant constituency boundary on that approved map and marked with the code F25.	Nam Shan, Tai Hang Tung & Tai Hang Sai
7.	Kowloon City District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCCA/R/2019/G and marked with the code G01.	Ma Tau Wai
		(2) That area delineated by the relevant constituency boundary on that approved map and marked with the code G02.	Sung Wong Toi
		(3) That area delineated by the relevant constituency boundary on that approved map and marked with the code G03.	Ma Hang Chung
		(4) That area delineated by the relevant constituency boundary on that approved map and marked with the code G04.	Ma Tau Kok

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(5) That area delineated by the relevant constituency boundary on that approved map and marked with the code G05.	Lok Man
		(6) That area delineated by the relevant constituency boundary on that approved map and marked with the code G06.	Sheung Lok
		(7) That area delineated by the relevant constituency boundary on that approved map and marked with the code G07.	Ho Man Tin
		(8) That area delineated by the relevant constituency boundary on that approved map and marked with the code G08.	Kadoorie
		(9) That area delineated by the relevant constituency boundary on that approved map and marked with the code G09.	Prince
		(10) That area delineated by the relevant constituency boundary on that approved map and marked with the code G10.	Kowloon Tong

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(11) That area delineated by the relevant constituency boundary on that approved map and marked with the code G11.	Lung Shing
		(12) That area delineated by the relevant constituency boundary on that approved map and marked with the code G12.	Kai Tak North
		(13) That area delineated by the relevant constituency boundary on that approved map and marked with the code G13.	Kai Tak East
		(14) That area delineated by the relevant constituency boundary on the approved maps identified as Plan Nos. DCCA/R/2019/G and DCCA/R/2019/INDEX and marked with the code G14 on both maps.	Kai Tak Central & South
		(15) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCCA/R/2019/G and marked with the code G15.	Hoi Sham

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(16) That area delineated by the relevant constituency boundary on that approved map and marked with the code G16.	To Kwa Wan North
		(17) That area delineated by the relevant constituency boundary on that approved map and marked with the code G17.	To Kwa Wan South
		(18) That area delineated by the relevant constituency boundary on that approved map and marked with the code G18.	Hok Yuen Laguna Verde
		(19) That area delineated by the relevant constituency boundary on the approved maps identified as Plan Nos. DCCA/R/2019/G and DCCA/R/2019/INDEX and marked with the code G19 on both maps.	Whampoa East
		(20) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCCA/R/2019/G and marked with the code G20.	Whampoa West

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(21) That area delineated by the relevant constituency boundary on that approved map and marked with the code G21.	Hung Hom Bay
		(22) That area delineated by the relevant constituency boundary on that approved map and marked with the code G22.	Hung Hom
		(23) That area delineated by the relevant constituency boundary on that approved map and marked with the code G23.	Ka Wai
		(24) That area delineated by the relevant constituency boundary on that approved map and marked with the code G24.	Oi Man
		(25) That area delineated by the relevant constituency boundary on that approved map and marked with the code G25.	Oi Chun



Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
8.	Wong Tai Sin District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCCA/R/2019/H and marked with the code H01.	Lung Tsui
		(2) That area delineated by the relevant constituency boundary on that approved map and marked with the code H02.	Lung Ha
		(3) That area delineated by the relevant constituency boundary on that approved map and marked with the code H03.	Lung Sheung
		(4) That area delineated by the relevant constituency boundary on that approved map and marked with the code H04.	Fung Wong
		(5) That area delineated by the relevant constituency boundary on that approved map and marked with the code H05.	Fung Tak
		(6) That area delineated by the relevant constituency boundary on that approved map and marked with the code H06.	Lung Sing

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(7) That area delineated by the relevant constituency boundary on that approved map and marked with the code H07.	San Po Kong
		(8) That area delineated by the relevant constituency boundary on that approved map and marked with the code H08.	Tung Tau
		(9) That area delineated by the relevant constituency boundary on that approved map and marked with the code H09.	Tung Mei
		(10) That area delineated by the relevant constituency boundary on that approved map and marked with the code H10.	Lok Fu
		(11) That area delineated by the relevant constituency boundary on that approved map and marked with the code H11.	Wang Tau Hom
		(12) That area delineated by the relevant constituency boundary on that approved map and marked with the code H12.	Tin Keung

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(13) That area delineated by the relevant constituency boundary on that approved map and marked with the code H13.	Tsui Chuk & Pang Ching
		(14) That area delineated by the relevant constituency boundary on that approved map and marked with the code H14.	Chuk Yuen South
		(15) That area delineated by the relevant constituency boundary on that approved map and marked with the code H15.	Chuk Yuen North
		(16) That area delineated by the relevant constituency boundary on that approved map and marked with the code H16.	Tsz Wan West
		(17) That area delineated by the relevant constituency boundary on that approved map and marked with the code H17.	Ching Oi
		(18) That area delineated by the relevant constituency boundary on that approved map and marked with the code H18.	Ching On

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(19) That area delineated by the relevant constituency boundary on that approved map and marked with the code H19.	Tsz Wan East
		(20) That area delineated by the relevant constituency boundary on that approved map and marked with the code H20.	King Fu
		(21) That area delineated by the relevant constituency boundary on that approved map and marked with the code H21.	Choi Wan East
		(22) That area delineated by the relevant constituency boundary on that approved map and marked with the code H22.	Choi Wan South
		(23) That area delineated by the relevant constituency boundary on that approved map and marked with the code H23.	Choi Wan West
		(24) That area delineated by the relevant constituency boundary on that approved map and marked with the code H24.	Chi Choi

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(25) That area delineated by the relevant constituency boundary on that approved map and marked with the code H25.	Choi Hung
9.	Kwun Tong District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCCA/R/2019/J and marked with the code J01.	Kwun Tong Central
		(2) That area delineated by the relevant constituency boundary on that approved map and marked with the code J02.	Kowloon Bay
		(3) That area delineated by the relevant constituency boundary on that approved map and marked with the code J03.	Kai Yip
		(4) That area delineated by the relevant constituency boundary on that approved map and marked with the code J04.	Lai Ching

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(5) That area delineated by the relevant constituency boundary on that approved map and marked with the code J05.	Ping Shek
		(6) That area delineated by the relevant constituency boundary on that approved map and marked with the code J06.	Choi Tak
		(7) That area delineated by the relevant constituency boundary on that approved map and marked with the code J07.	Jordan Valley
		(8) That area delineated by the relevant constituency boundary on that approved map and marked with the code J08.	Shun Tin
		(9) That area delineated by the relevant constituency boundary on that approved map and marked with the code J09.	Sheung Shun
		(10) That area delineated by the relevant constituency boundary on that approved map and marked with the code J10.	On Lee

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(11) That area delineated by the relevant constituency boundary on that approved map and marked with the code J11.	Kwun Tong On Tai
		(12) That area delineated by the relevant constituency boundary on that approved map and marked with the code J12.	Sau Mau Ping North
		(13) That area delineated by the relevant constituency boundary on that approved map and marked with the code J13.	Sau Mau Ping Central
		(14) That area delineated by the relevant constituency boundary on that approved map and marked with the code J14.	On Tat
		(15) That area delineated by the relevant constituency boundary on that approved map and marked with the code J15.	Sau Mau Ping South
		(16) That area delineated by the relevant constituency boundary on that approved map and marked with the code J16.	Po Tat

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(17) That area delineated by the relevant constituency boundary on that approved map and marked with the code J17.	Kwong Tak
		(18) That area delineated by the relevant constituency boundary on that approved map and marked with the code J18.	Hing Tin
		(19) That area delineated by the relevant constituency boundary on that approved map and marked with the code J19.	Lam Tin
		(20) That area delineated by the relevant constituency boundary on that approved map and marked with the code J20.	Ping Tin
		(21) That area delineated by the relevant constituency boundary on that approved map and marked with the code J21.	Pak Nga
		(22) That area delineated by the relevant constituency boundary on that approved map and marked with the code J22.	Chun Cheung



Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(23) That area delineated by the relevant constituency boundary on that approved map and marked with the code J23.	Yau Tong East
		(24) That area delineated by the relevant constituency boundary on that approved map and marked with the code J24.	Yau Chui
		(25) That area delineated by the relevant constituency boundary on that approved map and marked with the code J25.	Yau Lai
		(26) That area delineated by the relevant constituency boundary on the approved maps identified as Plan Nos. DCCA/R/2019/J and DCCA/R/2019/INDEX and marked with the code J26 on both maps.	Yau Tong West
		(27) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCCA/R/2019/J and marked with the code J27.	Laguna City

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(28) That area delineated by the relevant constituency boundary on that approved map and marked with the code J28.	King Tin
		(29) That area delineated by the relevant constituency boundary on that approved map and marked with the code J29.	Tsui Ping
		(30) That area delineated by the relevant constituency boundary on that approved map and marked with the code J30.	Hiu Lai
		(31) That area delineated by the relevant constituency boundary on that approved map and marked with the code J31.	Po Lok
		(32) That area delineated by the relevant constituency boundary on that approved map and marked with the code J32.	Yuet Wah
		(33) That area delineated by the relevant constituency boundary on that approved map and marked with the code J33.	Hip Hong

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(34) That area delineated by the relevant constituency boundary on that approved map and marked with the code J34.	Lok Wah South
		(35) That area delineated by the relevant constituency boundary on that approved map and marked with the code J35.	Lok Wah North
		(36) That area delineated by the relevant constituency boundary on that approved map and marked with the code J36.	Hong Lok
		(37) That area delineated by the relevant constituency boundary on that approved map and marked with the code J37.	Ting On
		(38) That area delineated by the relevant constituency boundary on that approved map and marked with the code J38.	Upper Ngau Tau Kok Estate
		(39) That area delineated by the relevant constituency boundary on that approved map and marked with the code J39.	Lower Ngau Tau Kok Estate

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(40) That area delineated by the relevant constituency boundary on that approved map and marked with the code J40.	To Tai
10.	Tsuen Wan District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCCA/R/2019/K and marked with the code K01.	Tak Wah
		(2) That area delineated by the relevant constituency boundary on that approved map and marked with the code K02.	Yeung Uk Road
		(3) That area delineated by the relevant constituency boundary on that approved map and marked with the code K03.	Tsuen Wan South
		(4) That area delineated by the relevant constituency boundary on that approved map and marked with the code K04.	Hoi Bun

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(5) That area delineated by the relevant constituency boundary on that approved map and marked with the code K05.	Tsuen Wan West
		(6) That area delineated by the relevant constituency boundary on that approved map and marked with the code K06.	Clague Garden
		(7) That area delineated by the relevant constituency boundary on that approved map and marked with the code K07.	Tsuen Wan Centre
		(8) That area delineated by the relevant constituency boundary on that approved map and marked with the code K08.	Discovery Park
		(9) That area delineated by the relevant constituency boundary on that approved map and marked with the code K09.	Fuk Loi
		(10) That area delineated by the relevant constituency boundary on that approved map and marked with the code K10.	Luk Yeung

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(11) That area delineated by the relevant constituency boundary on that approved map and marked with the code K11.	Ma Wan
		(12) That area delineated by the relevant constituency boundary on that approved map and marked with the code K12.	Tsuen Wan Rural
		(13) That area delineated by the relevant constituency boundary on that approved map and marked with the code K13.	Ting Sham
		(14) That area delineated by the relevant constituency boundary on that approved map and marked with the code K14.	Lai To
		(15) That area delineated by the relevant constituency boundary on that approved map and marked with the code K15.	Allway
		(16) That area delineated by the relevant constituency boundary on that approved map and marked with the code K16.	Cheung Shek

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(17) That area delineated by the relevant constituency boundary on that approved map and marked with the code K17.	Shek Wai Kok
		(18) That area delineated by the relevant constituency boundary on that approved map and marked with the code K18.	Lei Muk Shue West
		(19) That area delineated by the relevant constituency boundary on that approved map and marked with the code K19.	Lei Muk Shue East
11.	Tuen Mun District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCCA/R/2019/L and marked with the code L01.	Tuen Mun Town Centre
		(2) That area delineated by the relevant constituency boundary on that approved map and marked with the code L02.	Siu Chi

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(3) That area delineated by the relevant constituency boundary on that approved map and marked with the code L03.	On Ting
		(4) That area delineated by the relevant constituency boundary on that approved map and marked with the code L04.	Siu Tsui
		(5) That area delineated by the relevant constituency boundary on that approved map and marked with the code L05.	Yau Oi South
		(6) That area delineated by the relevant constituency boundary on that approved map and marked with the code L06.	Yau Oi North
		(7) That area delineated by the relevant constituency boundary on that approved map and marked with the code L07.	Tsui Hing
		(8) That area delineated by the relevant constituency boundary on that approved map and marked with the code L08.	Shan King



Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(9) That area delineated by the relevant constituency boundary on that approved map and marked with the code L09.	King Hing
		(10) That area delineated by the relevant constituency boundary on that approved map and marked with the code L10.	Hing Tsak
		(11) That area delineated by the relevant constituency boundary on that approved map and marked with the code L11.	San Hui
		(12) That area delineated by the relevant constituency boundary on that approved map and marked with the code L12.	So Kwun Wat
		(13) That area delineated by the relevant constituency boundary on that approved map and marked with the code L13.	Sam Shing
		(14) That area delineated by the relevant constituency boundary on that approved map and marked with the code L14.	Hanford

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(15) That area delineated by the relevant constituency boundary on that approved map and marked with the code L15.	Yuet Wu
		(16) That area delineated by the relevant constituency boundary on that approved map and marked with the code L16.	Siu Hei
		(17) That area delineated by the relevant constituency boundary on that approved map and marked with the code L17.	Wu King
		(18) That area delineated by the relevant constituency boundary on that approved map and marked with the code L18.	Butterfly
		(19) That area delineated by the relevant constituency boundary on that approved map and marked with the code L19.	Fu Sun
		(20) That area delineated by the relevant constituency boundary on that approved map and marked with the code L20.	Lok Tsui

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(21) That area delineated by the relevant constituency boundary on that approved map and marked with the code L21.	Lung Mun
		(22) That area delineated by the relevant constituency boundary on that approved map and marked with the code L22.	San King
		(23) That area delineated by the relevant constituency boundary on that approved map and marked with the code L23.	Leung King
		(24) That area delineated by the relevant constituency boundary on that approved map and marked with the code L24.	Tin King
		(25) That area delineated by the relevant constituency boundary on that approved map and marked with the code L25.	Po Tin
		(26) That area delineated by the relevant constituency boundary on that approved map and marked with the code L26.	Kin Sang

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(27) That area delineated by the relevant constituency boundary on that approved map and marked with the code L27.	Siu Hong
		(28) That area delineated by the relevant constituency boundary on that approved map and marked with the code L28.	Yan Tin
		(29) That area delineated by the relevant constituency boundary on that approved map and marked with the code L29.	Tuen Mun Rural
		(30) That area delineated by the relevant constituency boundary on that approved map and marked with the code L30.	Fu Tai
		(31) That area delineated by the relevant constituency boundary on that approved map and marked with the code L31.	Prime View

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
12.	Yuen Long District	<p>(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCCA/R/2019/M and marked with the code M01.</p> <p>(2) That area delineated by the relevant constituency boundary on that approved map and marked with the code M02.</p> <p>(3) That area delineated by the relevant constituency boundary on that approved map and marked with the code M03.</p> <p>(4) That area delineated by the relevant constituency boundary on that approved map and marked with the code M04.</p> <p>(5) That area delineated by the relevant constituency boundary on that approved map and marked with the code M05.</p> <p>(6) That area delineated by the relevant constituency boundary on that approved map and marked with the code M06.</p>	<p>Fung Nin</p> <p>Yuen Long Centre</p> <p>Fung Cheung</p> <p>Yuen Lung</p> <p>Shap Pat Heung Central</p> <p>Shui Pin</p>

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(7) That area delineated by the relevant constituency boundary on that approved map and marked with the code M07.	Nam Ping
		(8) That area delineated by the relevant constituency boundary on that approved map and marked with the code M08.	Pek Long
		(9) That area delineated by the relevant constituency boundary on that approved map and marked with the code M09.	Yuen Long Tung Tau
		(10) That area delineated by the relevant constituency boundary on that approved map and marked with the code M10.	Shap Pat Heung North
		(11) That area delineated by the relevant constituency boundary on that approved map and marked with the code M11.	Shap Pat Heung East
		(12) That area delineated by the relevant constituency boundary on that approved map and marked with the code M12.	Shap Pat Heung West

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(13) That area delineated by the relevant constituency boundary on that approved map and marked with the code M13.	Ping Shan South
		(14) That area delineated by the relevant constituency boundary on that approved map and marked with the code M14.	Hung Fuk
		(15) That area delineated by the relevant constituency boundary on the approved maps identified as Plan Nos. DCCA/R/2019/M and DCCA/R/2019/INDEX and marked with the code M15 on both maps.	Ha Tsuen
		(16) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCCA/R/2019/M and marked with the code M16.	Ping Shan Central
		(17) That area delineated by the relevant constituency boundary on that approved map and marked with the code M17.	Shing Yan

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(18) That area delineated by the relevant constituency boundary on that approved map and marked with the code M18.	Tin Shing
		(19) That area delineated by the relevant constituency boundary on that approved map and marked with the code M19.	Tin Yiu
		(20) That area delineated by the relevant constituency boundary on that approved map and marked with the code M20.	Yiu Yau
		(21) That area delineated by the relevant constituency boundary on that approved map and marked with the code M21.	Tsz Yau
		(22) That area delineated by the relevant constituency boundary on that approved map and marked with the code M22.	Kingswood South
		(23) That area delineated by the relevant constituency boundary on that approved map and marked with the code M23.	Shui Oi



Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(24) That area delineated by the relevant constituency boundary on that approved map and marked with the code M24.	Shui Wah
		(25) That area delineated by the relevant constituency boundary on that approved map and marked with the code M25.	Chung Wah
		(26) That area delineated by the relevant constituency boundary on that approved map and marked with the code M26.	Chung Pak
		(27) That area delineated by the relevant constituency boundary on that approved map and marked with the code M27.	Kingswood North
		(28) That area delineated by the relevant constituency boundary on that approved map and marked with the code M28.	Yuet Yan
		(29) That area delineated by the relevant constituency boundary on that approved map and marked with the code M29.	Ching King

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(30) That area delineated by the relevant constituency boundary on that approved map and marked with the code M30.	Fu Yan
		(31) That area delineated by the relevant constituency boundary on that approved map and marked with the code M31.	Yat Chak
		(32) That area delineated by the relevant constituency boundary on that approved map and marked with the code M32.	Tin Heng
		(33) That area delineated by the relevant constituency boundary on that approved map and marked with the code M33.	Wang Yat
		(34) That area delineated by the relevant constituency boundary on the approved maps identified as Plan Nos. DCCA/R/2019/M and DCCA/R/2019/INDEX and marked with the code M34 on both maps.	Ping Shan North

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(35) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCCA/R/2019/M and marked with the code M35.	Fairview Park
		(36) That area delineated by the relevant constituency boundary on that approved map and marked with the code M36.	San Tin
		(37) That area delineated by the relevant constituency boundary on that approved map and marked with the code M37.	Kam Tin
		(38) That area delineated by the relevant constituency boundary on that approved map and marked with the code M38.	Pat Heung North
		(39) That area delineated by the relevant constituency boundary on that approved map and marked with the code M39.	Pat Heung South

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
13.	North District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCCA/R/2019/N1 and marked with the code N01.	Luen Wo Hui
		(2) That area delineated by the relevant constituency boundary on that approved map and marked with the code N02.	Fanling Town
		(3) That area delineated by the relevant constituency boundary on that approved map and marked with the code N03.	Cheung Wah
		(4) That area delineated by the relevant constituency boundary on that approved map and marked with the code N04.	Wah Do
		(5) That area delineated by the relevant constituency boundary on that approved map and marked with the code N05.	Wah Ming
		(6) That area delineated by the relevant constituency boundary on that approved map and marked with the code N06.	Yan Shing

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(7) That area delineated by the relevant constituency boundary on that approved map and marked with the code N07.	Fanling South
		(8) That area delineated by the relevant constituency boundary on that approved map and marked with the code N08.	Shing Fuk
		(9) That area delineated by the relevant constituency boundary on that approved map and marked with the code N09.	Ching Ho
		(10) That area delineated by the relevant constituency boundary on that approved map and marked with the code N10.	Yu Tai
		(11) That area delineated by the relevant constituency boundary on that approved map and marked with the code N11.	Sheung Shui Rural
		(12) That area delineated by the relevant constituency boundary on that approved map and marked with the code N12.	Choi Yuen

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(13) That area delineated by the relevant constituency boundary on that approved map and marked with the code N13.	Shek Wu Hui
		(14) That area delineated by the relevant constituency boundary on that approved map and marked with the code N14.	Tin Ping West
		(15) That area delineated by the relevant constituency boundary on that approved map and marked with the code N15.	Fung Tsui
		(16) That area delineated by the relevant constituency boundary on the approved maps identified as Plan Nos. DCCA/R/2019/N1 and DCCA/R/2019/N2 and marked with the code N16 on both maps.	Sha Ta
		(17) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCCA/R/2019/N1 and marked with the code N17.	Tin Ping East

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(18) That area delineated by the relevant constituency boundary on that approved map and marked with the code N18.	Queen's Hill
14.	Tai Po District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCCA/R/2019/P1 and marked with the code P01.	Tai Po Hui
		(2) That area delineated by the relevant constituency boundary on that approved map and marked with the code P02.	Chung Ting
		(3) That area delineated by the relevant constituency boundary on that approved map and marked with the code P03.	Tai Po Central
		(4) That area delineated by the relevant constituency boundary on that approved map and marked with the code P04.	Tai Yuen

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(5) That area delineated by the relevant constituency boundary on that approved map and marked with the code P05.	Fu Heng
		(6) That area delineated by the relevant constituency boundary on that approved map and marked with the code P06.	Yee Fu
		(7) That area delineated by the relevant constituency boundary on that approved map and marked with the code P07.	Fu Ming Sun
		(8) That area delineated by the relevant constituency boundary on that approved map and marked with the code P08.	Kwong Fuk & Plover Cove
		(9) That area delineated by the relevant constituency boundary on that approved map and marked with the code P09.	Wang Fuk
		(10) That area delineated by the relevant constituency boundary on that approved map and marked with the code P10.	Tai Po Kau



Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(11) That area delineated by the relevant constituency boundary on that approved map and marked with the code P11.	Wan Tau Tong
		(12) That area delineated by the relevant constituency boundary on that approved map and marked with the code P12.	San Fu
		(13) That area delineated by the relevant constituency boundary on that approved map and marked with the code P13.	Lam Tsuen Valley
		(14) That area delineated by the relevant constituency boundary on that approved map and marked with the code P14.	Po Nga
		(15) That area delineated by the relevant constituency boundary on that approved map and marked with the code P15.	Tai Wo
		(16) That area delineated by the relevant constituency boundary on that approved map and marked with the code P16.	Old Market & Serenity

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(17) That area delineated by the relevant constituency boundary on that approved map and marked with the code P17.	Hong Lok Yuen
		(18) That area delineated by the relevant constituency boundary on the approved maps identified as Plan Nos. DCCA/R/2019/P1, DCCA/R/2019/P2 and DCCA/R/2019/INDEX and marked with the code P18 on those maps.	Shuen Wan
		(19) That area delineated by the relevant constituency boundary on the approved maps identified as Plan Nos. DCCA/R/2019/P2 and DCCA/R/2019/INDEX and marked with the code P19 on both maps.	Sai Kung North
15.	Sai Kung District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCCA/R/2019/Q1 and marked with the code Q01.	Sai Kung Central

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(2) That area delineated by the relevant constituency boundary on that approved map and marked with the code Q02.	Pak Sha Wan
		(3) That area delineated by the relevant constituency boundary on the approved maps identified as Plan Nos. DCCA/R/2019/Q1, DCCA/R/2019/Q2 and DCCA/R/2019/INDEX and marked with the code Q03 on those maps.	Sai Kung Islands
		(4) That area delineated by the relevant constituency boundary on the approved maps identified as Plan Nos. DCCA/R/2019/Q2 and DCCA/R/2019/INDEX and marked with the code Q04 on both maps.	Hang Hau East
		(5) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCCA/R/2019/Q2 and marked with the code Q05.	Hang Hau West

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(6) That area delineated by the relevant constituency boundary on that approved map and marked with the code Q06.	Choi Kin
		(7) That area delineated by the relevant constituency boundary on that approved map and marked with the code Q07.	Kin Ming
		(8) That area delineated by the relevant constituency boundary on that approved map and marked with the code Q08.	Do Shin
		(9) That area delineated by the relevant constituency boundary on that approved map and marked with the code Q09.	Wai King
		(10) That area delineated by the relevant constituency boundary on that approved map and marked with the code Q10.	Hoi Chun
		(11) That area delineated by the relevant constituency boundary on that approved map and marked with the code Q11.	Po Yee

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(12) That area delineated by the relevant constituency boundary on that approved map and marked with the code Q12.	Fu Kwan
		(13) That area delineated by the relevant constituency boundary on that approved map and marked with the code Q13.	O Tong
		(14) That area delineated by the relevant constituency boundary on that approved map and marked with the code Q14.	Sheung Tak
		(15) That area delineated by the relevant constituency boundary on that approved map and marked with the code Q15.	Kwong Ming
		(16) That area delineated by the relevant constituency boundary on that approved map and marked with the code Q16.	Hong King
		(17) That area delineated by the relevant constituency boundary on that approved map and marked with the code Q17.	Tsui Lam

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(18) That area delineated by the relevant constituency boundary on that approved map and marked with the code Q18.	Po Lam
		(19) That area delineated by the relevant constituency boundary on that approved map and marked with the code Q19.	Yan Ying
		(20) That area delineated by the relevant constituency boundary on that approved map and marked with the code Q20.	Wai Yan
		(21) That area delineated by the relevant constituency boundary on that approved map and marked with the code Q21.	Wan Hang
		(22) That area delineated by the relevant constituency boundary on that approved map and marked with the code Q22.	King Lam
		(23) That area delineated by the relevant constituency boundary on that approved map and marked with the code Q23.	Hau Tak

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(24) That area delineated by the relevant constituency boundary on that approved map and marked with the code Q24.	Fu Nam
		(25) That area delineated by the relevant constituency boundary on that approved map and marked with the code Q25.	Tak Ming
		(26) That area delineated by the relevant constituency boundary on that approved map and marked with the code Q26.	Nam On
		(27) That area delineated by the relevant constituency boundary on that approved map and marked with the code Q27.	Kwan Po
		(28) That area delineated by the relevant constituency boundary on that approved map and marked with the code Q28.	Wan Po North
		(29) That area delineated by the relevant constituency boundary on that approved map and marked with the code Q29.	Wan Po South

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
16.	Sha Tin District	<p>(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCCA/R/2019/R and marked with the code R01.</p> <p>(2) That area delineated by the relevant constituency boundary on that approved map and marked with the code R02.</p> <p>(3) That area delineated by the relevant constituency boundary on that approved map and marked with the code R03.</p> <p>(4) That area delineated by the relevant constituency boundary on that approved map and marked with the code R04.</p> <p>(5) That area delineated by the relevant constituency boundary on that approved map and marked with the code R05.</p> <p>(6) That area delineated by the relevant constituency boundary on that approved map and marked with the code R06.</p>	<p>Sha Tin Town Centre</p> <p>Lek Yuen</p> <p>Wo Che Estate</p> <p>City One</p> <p>Yue Shing</p> <p>Wong Uk</p>



Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(7) That area delineated by the relevant constituency boundary on that approved map and marked with the code R07.	Sha Kok
		(8) That area delineated by the relevant constituency boundary on that approved map and marked with the code R08.	Pok Hong
		(9) That area delineated by the relevant constituency boundary on that approved map and marked with the code R09.	Shui Chuen O
		(10) That area delineated by the relevant constituency boundary on that approved map and marked with the code R10.	Jat Chuen
		(11) That area delineated by the relevant constituency boundary on that approved map and marked with the code R11.	Chun Fung
		(12) That area delineated by the relevant constituency boundary on that approved map and marked with the code R12.	Sun Tin Wai

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(13) That area delineated by the relevant constituency boundary on that approved map and marked with the code R13.	Chui Tin
		(14) That area delineated by the relevant constituency boundary on that approved map and marked with the code R14.	Hin Ka
		(15) That area delineated by the relevant constituency boundary on that approved map and marked with the code R15.	Lower Shing Mun
		(16) That area delineated by the relevant constituency boundary on that approved map and marked with the code R16.	Wan Shing
		(17) That area delineated by the relevant constituency boundary on that approved map and marked with the code R17.	Keng Hau
		(18) That area delineated by the relevant constituency boundary on that approved map and marked with the code R18.	Tin Sum

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(19) That area delineated by the relevant constituency boundary on that approved map and marked with the code R19.	Chui Ka
		(20) That area delineated by the relevant constituency boundary on that approved map and marked with the code R20.	Tai Wai
		(21) That area delineated by the relevant constituency boundary on that approved map and marked with the code R21.	Chung Tin
		(22) That area delineated by the relevant constituency boundary on that approved map and marked with the code R22.	Sui Wo
		(23) That area delineated by the relevant constituency boundary on that approved map and marked with the code R23.	Fo Tan
		(24) That area delineated by the relevant constituency boundary on that approved map and marked with the code R24.	Chun Ma

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(25) That area delineated by the relevant constituency boundary on that approved map and marked with the code R25.	Hoi Nam
		(26) That area delineated by the relevant constituency boundary on that approved map and marked with the code R26.	Chung On
		(27) That area delineated by the relevant constituency boundary on that approved map and marked with the code R27.	Kam To
		(28) That area delineated by the relevant constituency boundary on that approved map and marked with the code R28.	Ma On Shan Town Centre
		(29) That area delineated by the relevant constituency boundary on that approved map and marked with the code R29.	Wu Kai Sha
		(30) That area delineated by the relevant constituency boundary on that approved map and marked with the code R30.	Lee On

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(31) That area delineated by the relevant constituency boundary on that approved map and marked with the code R31.	Fu Lung
		(32) That area delineated by the relevant constituency boundary on that approved map and marked with the code R32.	Kam Ying
		(33) That area delineated by the relevant constituency boundary on that approved map and marked with the code R33.	Yiu On
		(34) That area delineated by the relevant constituency boundary on that approved map and marked with the code R34.	Heng On
		(35) That area delineated by the relevant constituency boundary on that approved map and marked with the code R35.	Tai Shui Hang
		(36) That area delineated by the relevant constituency boundary on that approved map and marked with the code R36.	On Tai

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(37) That area delineated by the relevant constituency boundary on that approved map and marked with the code R37.	Yu Yan
		(38) That area delineated by the relevant constituency boundary on that approved map and marked with the code R38.	Di Yee
		(39) That area delineated by the relevant constituency boundary on that approved map and marked with the code R39.	Bik Woo
		(40) That area delineated by the relevant constituency boundary on that approved map and marked with the code R40.	Kwong Hong
		(41) That area delineated by the relevant constituency boundary on that approved map and marked with the code R41.	Kwong Yuen

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
17.	Kwai Tsing District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCCA/R/2019/S and marked with the code S01.	Kwai Hing
		(2) That area delineated by the relevant constituency boundary on that approved map and marked with the code S02.	Kwai Luen
		(3) That area delineated by the relevant constituency boundary on that approved map and marked with the code S03.	Kwai Shing East Estate
		(4) That area delineated by the relevant constituency boundary on that approved map and marked with the code S04.	Upper Tai Wo Hau
		(5) That area delineated by the relevant constituency boundary on that approved map and marked with the code S05.	Lower Tai Wo Hau
		(6) That area delineated by the relevant constituency boundary on that approved map and marked with the code S06.	Kwai Chung Estate South

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(7) That area delineated by the relevant constituency boundary on that approved map and marked with the code S07.	Kwai Chung Estate North
		(8) That area delineated by the relevant constituency boundary on that approved map and marked with the code S08.	Shek Yam
		(9) That area delineated by the relevant constituency boundary on that approved map and marked with the code S09.	Tai Pak Tin West
		(10) That area delineated by the relevant constituency boundary on that approved map and marked with the code S10.	Tai Pak Tin East
		(11) That area delineated by the relevant constituency boundary on that approved map and marked with the code S11.	On Yam
		(12) That area delineated by the relevant constituency boundary on that approved map and marked with the code S12.	Shek Lei North



Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(13) That area delineated by the relevant constituency boundary on that approved map and marked with the code S13.	Shek Lei South
		(14) That area delineated by the relevant constituency boundary on that approved map and marked with the code S14.	Kwai Fong
		(15) That area delineated by the relevant constituency boundary on that approved map and marked with the code S15.	Hing Fong
		(16) That area delineated by the relevant constituency boundary on that approved map and marked with the code S16.	Wah Lai
		(17) That area delineated by the relevant constituency boundary on that approved map and marked with the code S17.	Lai Wah
		(18) That area delineated by the relevant constituency boundary on that approved map and marked with the code S18.	Cho Yiu

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(19) That area delineated by the relevant constituency boundary on that approved map and marked with the code S19.	Lai King
		(20) That area delineated by the relevant constituency boundary on that approved map and marked with the code S20.	Kwai Shing West Estate
		(21) That area delineated by the relevant constituency boundary on that approved map and marked with the code S21.	On Ho
		(22) That area delineated by the relevant constituency boundary on that approved map and marked with the code S22.	Wai Ying
		(23) That area delineated by the relevant constituency boundary on that approved map and marked with the code S23.	Tsing Yi Estate
		(24) That area delineated by the relevant constituency boundary on that approved map and marked with the code S24.	Greenfield

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(25) That area delineated by the relevant constituency boundary on that approved map and marked with the code S25.	Cheung Ching
		(26) That area delineated by the relevant constituency boundary on that approved map and marked with the code S26.	Cheung Hong
		(27) That area delineated by the relevant constituency boundary on that approved map and marked with the code S27.	Shing Hong
		(28) That area delineated by the relevant constituency boundary on the approved maps identified as Plan Nos. DCCA/R/2019/S and DCCA/R/2019/INDEX and marked with the code S28 on both maps.	Tsing Yi South
		(29) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCCA/R/2019/S and marked with the code S29.	Cheung Hang

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(30) That area delineated by the relevant constituency boundary on that approved map and marked with the code S30.	Ching Fat
		(31) That area delineated by the relevant constituency boundary on that approved map and marked with the code S31.	Cheung On
18.	Islands District	(1) That area delineated by the relevant constituency boundary on the approved maps identified as Plan Nos. DCCA/R/2019/T and DCCA/R/2019/INDEX and marked with the code T01 on both maps.	Lantau
		(2) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCCA/R/2019/T and marked with the code T02.	Mun Yat
		(3) That area delineated by the relevant constituency boundary on that approved map and marked with the code T03.	Yat Tung Estate North

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(4) That area delineated by the relevant constituency boundary on that approved map and marked with the code T04.	Tung Chung South
		(5) That area delineated by the relevant constituency boundary on that approved map and marked with the code T05.	Tung Chung Central
		(6) That area delineated by the relevant constituency boundary on that approved map and marked with the code T06.	Tung Chung North
		(7) That area delineated by the relevant constituency boundary on that approved map and marked with the code T07.	Discovery Bay
		(8) That area delineated by the relevant constituency boundary on that approved map and marked with the code T08.	Peng Chau & Hei Ling Chau

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of Constituency
		(9) That area delineated by the relevant constituency boundary on the approved maps identified as Plan Nos. DCCA/R/2019/T and DCCA/R/2019/INDEX and marked with the code T09 on both maps.	Lamma & Po Toi
		(10) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCCA/R/2019/T and marked with the code T10.	Cheung Chau

An Ordinance to provide for the establishment of the Electoral Affairs Commission as a body corporate, for the purpose of making recommendations regarding the delineation of geographical constituencies and District Council constituencies and demarcation of their boundaries and to be responsible for the conduct and supervision of elections, regulating the procedure for providing financial assistance to candidates under the Legislative Council Ordinance and under the District Councils Ordinance, and matters incidental thereto.

*(Amended 8 of 1999 s. 89; 25 of 2003 s. 51; 1 of 2007 s. 9)*

[29 August 1997]

*(Format changes—E.R. 2 of 2012)*

*(Enacting provision omitted—E.R. 2 of 2012)*

## 2. Interpretation

(1) In this Ordinance, unless the context otherwise requires—

**by-election** (補選) means—

- (a) a by-election within the meaning of section 3(1) of the Legislative Council Ordinance (Cap. 542);
- (b) a by-election within the meaning of section 2 of the District Councils Ordinance (Cap. 547); *(Amended 2 of 2003 s. 68)*
- (c) a subsector by-election within the meaning of section 1 of the Schedule to the Chief Executive Election Ordinance (Cap. 569); or *(Replaced 21 of 2001 s. 54. Amended 2 of 2003 s. 68)*
- (d) a rural by-election within the meaning of section 2(1) of the Rural Representative Election Ordinance (Cap. 576); *(Replaced 5 of 2014 s. 63)*

**Chairman** (主席) means the person appointed under section 3(2) or the person acting for him under paragraph 1(5) of Schedule 2;

**Chief Electoral Officer** (總選舉事務主任) means the person appointed as such under section 9;

**Commission** (選管會) means the Electoral Affairs Commission established by section 3;

**District Council** (區議會) has the meaning assigned to it by the District Councils Ordinance (Cap. 547); (*Added 8 of 1999 s. 89*)

**District Council constituency** (區議會選區) means a constituency within the meaning of section 2 of the District Councils Ordinance (Cap. 547); (*Added 8 of 1999 s. 89*)

**election** (選舉), subject to section 17, means an election held for the purpose of—

- (aa) electing the Chief Executive; (*Added 21 of 2001 s. 54*)
  - (a) electing the members of—
    - (i) the Legislative Council; or (*Amended 78 of 1999 s. 7*)
    - (ii) (*Repealed 78 of 1999 s. 7*)
    - (iii) the District Councils; (*Replaced 8 of 1999 s. 89*)
  - (b) electing the members of the Election Committee; or (*Amended 21 of 2001 s. 54; 2 of 2003 s. 68*)
  - (c) electing a Rural Representative for a Rural Area; (*Replaced 5 of 2014 s. 63*)

**Election Committee** (選舉委員會) has the meaning assigned to it by the Chief Executive Election Ordinance (Cap. 569); (*Replaced 21 of 2001 s. 54*)

**elector** (選民) means a person whose name appears on a register of persons entitled, under any electoral law, to vote at an election;

**electoral law** (選舉法) means any law in force providing for the election of—

- (aa) the Chief Executive; (*Added 21 of 2001 s. 54*)
  - (a) the members of the Legislative Council; (*Replaced 12 of 2014 s. 106*)
- (ab) the members of District Councils; (*Added 12 of 2014 s. 106*)
  - (b) the members of the Election Committee; or (*Amended 21 of 2001 s. 54; 2 of 2003 s. 68*)
- (c) Rural Representatives; (*Added 2 of 2003 s. 68. Amended 5 of 2014 s. 63*)

**function** (職能) includes a power and a duty;

**general election** (換屆選舉) has the meaning assigned to it by the Legislative Council Ordinance (Cap. 542); (*Replaced 8 of 1999 s. 89*)

**geographical constituency** (地方選區), subject to section 17, means a geographical area having separate representation



(whether by one or more members) in the Legislative Council; (*Amended 12 of 2014 s. 106*)

**Legislative Council** (立法會) means the Legislative Council of the Hong Kong Special Administrative Region;

**member of the Commission** (選管會成員) includes the Chairman;

**ordinary election** (一般選舉) has the meaning assigned to it by the District Councils Ordinance (Cap. 547); (*Added 8 of 1999 s. 89*)

**political body** (政治性團體) means—

- (a) a political party or an organization that purports to be a political party; or
- (b) an organization whose principal function or main object is to promote or prepare a candidate for an election;

**Rural Area** (鄉郊地區) has the same meaning as in section 2(1) of the Rural Representative Election Ordinance (Cap. 576); (*Added 5 of 2014 s. 63*)

**Rural Representative** (鄉郊代表) has the same meaning as in section 2(1) of the Rural Representative Election Ordinance (Cap. 576). (*Added 5 of 2014 s. 63*)

(*Amended 48 of 1999 s. 50; 78 of 1999 s. 7; 5 of 2014 s. 63; 12 of 2014 s. 106; 14 of 2021 s. 5*)

- (2) For the avoidance of doubt it is declared that an election includes a by-election. (*Amended 21 of 2001 s. 54*)
- (3) Any reference in this Ordinance to the performance of a function includes a reference to the performance of a duty or exercise of a power, as the case may require.

## 8. Report on elections

- (1) Subject to subsections (5), (6), (6AA) and (6A), within 3 months, or such longer period as the Chief Executive may allow in any particular case, of the conclusion of an election, the Commission shall make a report to the Chief Executive on matters relating to that election in respect of which the Commission has any function under this or any other Ordinance. (*Amended 21 of 2001 s. 60; 2 of 2003 s. 68; 14 of 2021 s. 8*)
- (2) Without limiting the generality of subsection (1), a report under that subsection shall include a report on any complaint made to the Commission in connection with that election.
- (3) The Chief Executive may require the Commission to—
  - (a) make a report to him in respect of any matter specified by him relating to an election; or

(b) conduct a review into any such matter and make a report to him,

within a reasonable period specified by him (generally or in a particular case) and such a report shall be in addition to a report referred to in subsection (1).

(4) The Commission shall comply with any requirement made under subsection (3).

(5) Where the election supervised by the Commission is an election of the Chief Executive, a report under subsection (1) must include a report on—

(a) the formation of the Election Committee; or

(b) the subsector by-election, if any, that precedes the election of the Chief Executive,

as appropriate, unless such a report has already been included in another report previously made under subsection (1). (*Replaced 25 of 2003 s. 53*)

(6) The period within which the report referred to in subsection (5) is to be made shall begin only on the conclusion of the election of the Chief Executive. (*Replaced 25 of 2003 s. 53*)

(6AA) For a subsector election that precedes an election of the Chief Executive, the period within which the report in relation to the subsector election is to be made under subsection (1) begins only on the conclusion of the election of the Chief Executive. (*Added 14 of 2021 s. 8*)

(6A) If an election is a rural ordinary election in a series of rural ordinary elections, the period within which the report in relation to that election is to be made under subsection (1) shall begin only on the conclusion of that series of rural ordinary elections. (*Added 2 of 2003 s. 68. Amended 5 of 2014 s. 65*)

(7) In this section—

**rural ordinary election** (鄉郊一般選舉) has the same meaning as in section 2(1) of the Rural Representative Election Ordinance (Cap. 576); (*Added 5 of 2014 s. 65*)

**series of rural ordinary elections** (系列鄉郊一般選舉) means all the rural ordinary elections to elect the Rural Representatives whose terms of office will commence on the same date under the Rural Representative Election Ordinance (Cap. 576); (*Added 5 of 2014 s. 65*)

**subsector by-election** (界別分組補選) has the meaning assigned to it by the Chief Executive Election Ordinance (Cap.

569); (*Amended 5 of 2014 s. 65; 14 of 2021 s. 8*)

**subsector election** (界別分組選舉) has the meaning given by section 1(1) of the Schedule to the Chief Executive Election Ordinance (Cap. 569). (*Added 14 of 2021 s. 8*)

(*Amended 5 of 2014 s. 65*)

## 17. Definitions

(1) In this Part—

**election** (選舉) means a general election or an ordinary election; (*Replaced 8 of 1999 s. 89*)

**geographical constituency** (地方選區) in relation to an election means a geographical area having separate representation (whether by one or more members) in the Legislative Council;

**population quota** (標準人口基數), in relation to—

(a) a general election, means the total population of Hong Kong divided by the total number of members to be returned for all the geographical constituencies in that election;

(b) an ordinary election, means the total population of Hong Kong divided by the total number of elected members to be returned in that election. (*Replaced 8 of 1999 s. 89*)

(2) Any reference to the population of Hong Kong in this Part shall be construed as a reference to the population of Hong Kong as estimated by the Commission under section 20(6).

## 18. Report on boundaries

(1) The Commission shall submit to the Chief Executive, in accordance with this section, in relation to—

(a) a general election, a report containing recommendations for the delineation of geographical constituencies and the name proposed by the Commission for each constituency; and

(b) an ordinary election, a report containing recommendations as to the delineation of District Council constituencies and the name proposed by the Commission for each constituency. (*Replaced 8 of 1999 s. 89*)

(1A) A report under subsection (1) must contain—

(a) the reasons for the recommendations; and

- (b) without limiting the generality of paragraph (a), where the Commission departs from the strict application of section 20(1)(b) or (d) pursuant to section 20(5), an explanation relating to such departure; and
  - (c) where the Commission receives representations under section 19(4), the representations, or a summary of them, as the Commission considers appropriate in each case. *(Added 8 of 1999 s. 89)*
- (2) The recommendations under subsection (1) shall be made with reference to a map or maps—
- (a) showing the demarcation of the boundaries of each proposed geographical constituency or District Council constituency, as the case may be; *(Amended 8 of 1999 s. 89)*
  - (b) supplemented, where the Commission considers it appropriate, by a description, whether by reference to the map or maps, or otherwise of any boundary shown on such map or maps,
- which shall be submitted with the report.
- (3) A report referred to in subsection (1) shall be submitted—
- (a) in respect of—
    - (i) the general election for the second term of office of the Legislative Council, not later than 31 October 1999; and
    - (ii) subsequent general elections, at intervals of not more than 36 months from the preceding general election; and *(Replaced 48 of 1999 s. 52)*
  - (b) in respect of—
    - (i) the first ordinary election to be held under the District Councils Ordinance (Cap. 547), not later than 31 May 1999; and
    - (ii) subsequent ordinary elections, at intervals of not more than 36 months from the preceding ordinary election. *(Replaced 8 of 1999 s. 89)*
- (4) The Chief Executive may extend the period referred to in subsection (3)(a)(i) or (b)(i), or in any particular case, the period referred to in subsection (3)(a)(ii) or (b)(ii). *(Amended 8 of 1999 s. 89; 48 of 1999 s. 52)*
- (5) Despite subsection (1)(a), the Commission is not required to submit a report under that subsection in relation to the general election for the seventh term of office of the Legislative Council. *(Added 14 of 2021 s. 9)*

## 19. Provisional recommendations

- (1) The Commission shall, when it has provisionally determined the recommendations it proposes to make for the purposes of section 18 in respect of a general election or an ordinary election, and before it submits a report under that section in respect of the election concerned, cause a map or maps—
  - (a) showing the delineation of the proposed geographical constituencies or the District Council constituencies, as may be appropriate, and the demarcation of their boundaries; and
  - (b) with a name assigned to each proposed geographical constituency or District Council constituency, as the case may be,to be exhibited, for a period of not less than 30 days, for inspection by the public at reasonable hours and free of charge, at any place considered appropriate by the Commission for such purpose. (*Amended 8 of 1999 s. 89*)
- (2) The Commission shall give notice in the Gazette of the place and hours at which the map or maps may be so inspected and specify in the notice an address to send any representations in writing for the purposes of this section.
- (3) The Commission may, where it considers it appropriate, make available for inspection under subsection (1), a description of any boundary shown on a map or maps exhibited under that subsection.
- (4) Any person may make representations to the Commission regarding the proposed recommendations within the period of 30 days beginning on the date a notice under subsection (2) is published in the Gazette.
- (5) Representations for the purposes of this section may be made in writing (including by facsimile transmission) or at any meeting held under subsection (6).
- (6) The Commission may hold meetings for the purpose of receiving representations under this section and any such meeting shall be open to the public except where the Commission considers it desirable that the meeting should not be open to the public.
- (7) The Commission—
  - (a) shall notify the public in such manner as it thinks fit, of the date, time and place of a meeting to be held under subsection (6); and

- (b) may adopt such procedures as it thinks fit in respect of such a meeting.
- (8) The Commission shall have regard to any representations made under this section when making recommendations under section 18.
- (9) In their application to the provisional recommendations made for the first ordinary election to be held under the District Councils Ordinance (Cap. 547), subsections (1) and (4) shall be read as if— (*Amended 8 of 1999 s. 89*)
  - (a) a reference to 14 days were substituted for the reference to 30 days in subsection (1); and
  - (b) a reference to not less than 14 days were substituted for the reference to 30 days in subsection (4).

**20. Criteria for making recommendations**

- (1) In making recommendations for the purposes of this Part, the Commission shall—
  - (a) ensure that the extent of each proposed geographical constituency is such that the population in that constituency is as near as is practicable to the number which results (*the resulting number*) when the population quota is multiplied by the number of members to be returned to the Legislative Council by that geographical constituency pursuant to any electoral law;
  - (b) where it is not practicable to comply with paragraph (a) in respect of a proposed geographical constituency, ensure that the extent of the constituency is such that the population in that constituency does not exceed or fall short of the resulting number applicable to that constituency, by more than 15% thereof;
  - (c) ensure that the extent of each proposed District Council constituency is such that the population in that constituency is as near the population quota as practicable; (*Added 8 of 1999 s. 89*)
  - (d) where it is not practicable to comply with paragraph (c) in respect of a proposed District Council constituency, ensure that the extent of the proposed constituency is such that the population in that constituency does not exceed or fall short of the population quota, by more than 25% thereof. (*Added 8 of 1999 s. 89*)

- (2) In making such recommendations the Commission shall ensure that each proposed geographical constituency is constituted by 2 or more contiguous whole District Council constituencies.
- (3) In making such recommendations the Commission shall have regard to—
  - (a) community identities and the preservation of local ties; and
  - (b) physical features such as size, shape, accessibility and development of the relevant area or any part thereof.
- (4) In making such recommendations in relation to a general election the Commission shall have regard to—
  - (a) existing boundaries of Districts; and
  - (b) existing boundaries of geographical constituencies. *(Replaced 78 of 1999 s. 7)*
- (4A) Subject to subsection (4B), in making such recommendations in relation to an ordinary election, the Commission must follow the existing boundaries of Districts and the existing number of members to be elected to a District Council as specified in or under the District Councils Ordinance (Cap. 547). *(Added 8 of 1999 s. 89)*
- (4B) If the Chief Executive in Council makes any order under section 8 of the District Councils Ordinance (Cap. 547)—
  - (a) not later than 12 months before the deadline for submitting a report for the ordinary election to which the recommendations relate; and
  - (b) which is applicable in relation to that ordinary election; and
  - (c) for the purpose of declaring Districts or specifying the number of members to be elected to a District Council, the Commission must, in making such recommendations in relation to that ordinary election, follow the boundaries of the Districts as declared in the relevant order and the number of members to be elected as specified in the relevant order. *(Added 8 of 1999 s. 89)*
- (5) The Commission may depart from the strict application of subsection (1) only where it appears that a consideration referred to in subsection (3) renders such a departure necessary or desirable.
- (6) The Commission shall, for the purposes of subsection (1)—

- (a) endeavour to estimate the total population of Hong Kong or any proposed constituency, as the case may be, in the year in which the election to which the recommendations relate, is to be held; and
- (b) if it is not practicable to comply with paragraph (a), estimate the population of Hong Kong, the geographical constituency or the District Council constituency, as the case may be, having regard to the available information which is the best possible in the circumstances for the purpose of making recommendations.

(7) In this section—

***District*** (地方行政區) has the meaning assigned to it by the District Councils Ordinance (Cap. 547). (*Replaced 8 of 1999 s. 89*)

*(Amended 8 of 1999 s. 89; 78 of 1999 s. 7)*



## Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation

(Cap. 541, section 7)

*(Enacting provision omitted—E.R. 2 of 2012)*

[5 November 1997]

*(Format changes—E.R. 2 of 2012)*

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### Editorial Note:

The title of this Regulation was amended from “Electoral Affairs Commission (Registration of Electors) (Geographical Constituencies) (Legislative Council) Regulation” to “Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation” — see L.N. 284 of 1999.

## 2. Interpretation

(1) In this Regulation, unless the context otherwise requires—

***claim*** (申索) means a claim made under section 15;

***current year*** (現年份), in relation to the compilation of a provisional register, means the year for which the provisional register is being compiled;

***District*** (地方行政區) has the meaning assigned to it by section 2 of the District Councils Ordinance (Cap. 547); (*L.N. 284 of 1999*)

***District Council constituency*** (區議會選區), in relation to the compilation of a register for any year, means an area which is declared to be a constituency in the last order made under section 6(1)(a) of the District Councils Ordinance (Cap. 547) immediately before the date by which the register must be compiled under section 32(1) of the Legislative Council Ordinance (Cap. 542) for that year; (*L.N. 284 of 1999; L.N. 254 of 2002; 14 of 2021 s. 10*)

***Electoral Registration Officer*** (選舉登記主任) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap. 542) or section 1(1) of the Schedule to the

Chief Executive Election Ordinance (Cap. 569); (*L.N. 254 of 2002*)

**eligible person** (合資格人士) means an eligible person for the provisional register to be compiled for 2021 within the meaning of section 2AA; (*14 of 2021 s. 10*)

**final register** (正式選民登記冊) means a final register of electors for geographical constituencies required to be compiled under section 32(1)(b)(i) of the Legislative Council Ordinance (Cap. 542); (*L.N. 254 of 2002; 14 of 2021 s. 10*)

**identity document** (身分證明文件) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap. 542);

**Legislative Council constituency** (立法會選區) means—

- (a) in relation to the compilation of a register for 2021 or any subsequent year before the specified year mentioned in paragraph (b)—an area that is specified to be a geographical constituency in Schedule 6 to the Legislative Council Ordinance (Cap. 542); or
- (b) in relation to the compilation of a register for the year in which the first order made under section 18(2)(a) of the Legislative Council Ordinance (Cap. 542) after 2021 comes into operation (*specified year*) or any subsequent year—an area that is declared to be a geographical constituency in the last order made under that section immediately before the date by which the register must be compiled under section 32(1) of that Ordinance for that year; (*14 of 2021 s. 10*)

**notice of claim** (申索通知書) means a notice of claim within the meaning of section 15(6);

**notice of objection** (反對通知書) means a notice of objection within the meaning of section 14(1);

**objection** (反對) means an objection made under section 14;

**omissions list** (取消登記名單) means an omissions list within the meaning of section 9(1); (*12 of 2014 s. 108*)

**preceding year** (對上一年), in relation to the compilation of a provisional register, means the year immediately preceding the year for which the provisional register is being compiled;

**principal residential address** (主要住址), in relation to a person, means the address of the only or principal residence (within the meaning of section 28(1B) or (3) of the Legislative Council Ordinance (Cap. 542)) of that person; (*L.N. 156 of 2009*)

**provisional register** (臨時選民登記冊) means a provisional register of electors for geographical constituencies required to be compiled under section 32(1)(a)(i) of the Legislative Council Ordinance (Cap. 542); (*L.N. 254 of 2002; 14 of 2021 s. 10*)

**register** (選民登記冊) means—

- (a) a register required to be compiled under section 32(1)(a)(i) of the Legislative Council Ordinance (Cap. 542) (that is, a provisional register); or
- (b) a register required to be compiled under section 32(1)(b)(i) of that Ordinance (that is, a final register); (*L.N. 254 of 2002; 14 of 2021 s. 10*)

**registration** (登記) means the entry of the name and principal residential address of a person in a register and **registered** (登記) is to be construed accordingly; (*L.N. 284 of 1999*)

**Revising Officer** (審裁官) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap. 542);

**section** (部), in relation to a register, means a part of the register set apart for a particular Legislative Council constituency under section 3(1); (*L.N. 284 of 1999*)

**specified form** (指明表格), in relation to a particular purpose under this Regulation, means the form specified pursuant to section 7(1)(i) of the Ordinance or under section 76 of the Legislative Council Ordinance (Cap. 542), for that purpose; (*14 of 2021 s. 10*)

**subsection** (分部), in relation to a register, means a part, within a section of the register, set apart for a particular District Council constituency under section 3(1A). (*L.N. 284 of 1999*)

(*14 of 2021 s. 10*)

(2) In this Regulation, a reference to “existing final register” is to be construed, in relation to the compilation of the provisional register for a particular year, as a reference to the final register —

- (a) published in the preceding year; and
- (b) which is in effect by virtue of section 33 of the Legislative Council Ordinance (Cap. 542) at the time the provisional register is being compiled. (*L.N. 284 of 1999*)

(*L.N. 284 of 1999; L.N. 172 of 2017*)

### 3. Form of register

(1) A register is to be divided into sections so that there is a separate section for each Legislative Council constituency. (*L.N. 284 of 1999*)

- (1A) For the purposes of section 29 of the District Councils Ordinance (Cap. 547), each section of a register is to be further divided so that there is a separate subsection for each District Council constituency within the Legislative Council constituency to which that section relates. (*L.N. 284 of 1999*)
- (1B) In a section of a register, the subsections for the District Council constituencies within the same District must be grouped together, and the name of the District must be shown in those subsections. (*L.N. 284 of 1999*)
- (2) An entry in a register relating to a person must show the name and principal residential address of the person. (*L.N. 284 of 1999*)
- (3) The order in which names of persons are to be arranged in each subsection of the register is as follows—
- (a) the names of the persons in Chinese, arranged according to the number of strokes of the Chinese characters of their respective surnames, are to be recorded first;
  - (b) the names of the persons in English, arranged according to the alphabetical order of their respective surnames, must follow the entries at paragraph (a). (*L.N. 284 of 1999*)
- (4) In a register, the name of a person is to be recorded—
- (a) in Chinese, if the person’s principal residential address is in Chinese on the application made under section 4(1) or 10A(1); or (*L.N. 254 of 2002*)
  - (b) in English, if the person’s principal residential address is in English on the application made under section 4(1) or 10A(1). (*L.N. 254 of 2002; L.N. 172 of 2017*)
- (5) The Electoral Registration Officer may, on or after the publication of a register, indicate on the register or a copy of it, by way of a note or other means that Officer considers appropriate—
- (a) whether or not a person whose name is recorded in the register is— (*L.N. 284 of 1999*)
    - (i) registered as an elector for a functional constituency;
    - (ii) registered as a voter for a subsector; or (*14 of 2021 s. 13*)
    - (iii) a member of the Election Committee;
  - (b) the functional constituency for which a person is registered as an elector; (*14 of 2021 s. 13*)

- (c) the subsector for which a person is registered as a voter; and (*14 of 2021 s. 13*)
  - (d) the subsector represented by a person as a member of the Election Committee. (*14 of 2021 s. 13*)
- (6) The Electoral Registration Officer may correct, delete or revise any note or other indication referred to in subsection (5).
- (7) Subject to this section, the Electoral Registration Officer may determine the form of a register.
- (8) In subsection (5)—
- Election Committee*** (選舉委員會) has the meaning assigned to it by section 2(1) of the Chief Executive Election Ordinance (Cap. 569); (*L.N. 254 of 2002*)
- elector*** (選民) means a person who is registered in a register of electors for functional constituencies compiled under section 32 of the Legislative Council Ordinance (Cap. 542);
- functional constituency*** (功能界別) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap. 542);
- subsector*** (界別分組) has the meaning given by section 11(1) of the Schedule to the Chief Executive Election Ordinance (Cap. 569); (*14 of 2021 s. 13*)
- voter*** (投票人) means a person who is registered in subsector provisional register or a subsector final register within the meaning of section 11(1) of the Schedule to the Chief Executive Election Ordinance (Cap. 569). (*L.N. 254 of 2002*)
- (*14 of 2021 s. 13*)

**8. Electoral Registration Officer to determine whether persons registered in the existing final register are registered in the appropriate section and subsection**

- (1) The Electoral Registration Officer must, having regard to—
- (a) the existing final register;
  - (b) any information obtained under section 6 or 7;
  - (c) where applicable, an order made under section 18(2) of the Legislative Council Ordinance (Cap. 542) or Schedule 6 to that Ordinance; or (*14 of 2021 s. 17*)
  - (d) section 3(1) of the District Councils Ordinance (Cap. 547) or, where applicable, an order made under section 6(1) or 8(1) of that Ordinance, (*L.N. 284 of 1999*)

determine, in relation to a person whose name or other personal particulars are recorded in the existing final register, the appropriate section, and the appropriate subsection under it, of the next provisional register in which to register that person. When the section and the subsection are so determined, the Electoral Registration Officer must register the person in that section under that subsection, if that person is not already so registered.

- (2) The Electoral Registration Officer must inform a person, in writing, of the section, and the subsection under it, in which that person is registered under subsection (1).
- (3) If, having regard to information obtained under section 6 or 7, the Electoral Registration Officer determines that a person referred to in subsection (1) is not eligible to be registered in the next provisional register, that Officer must inform that person in writing by post. (*L.N. 10 of 2016*)

*(L.N. 284 of 1999)*

**10. Electoral Registration Officer to publish a notice that omissions list is available for inspection by specified persons**

*(14 of 2021 s. 19)*

- (1) As soon as practicable after the omissions list is prepared, the Electoral Registration Officer must publish a notice which complies with section 32(5) of the Legislative Council Ordinance (Cap. 542)— (*L.N. 534 of 1997; L.N. 254 of 2002*)
  - (a) in the Gazette; and
  - (b) in at least one Chinese language daily newspaper and one English language daily newspaper in circulation in Hong Kong.
- (2) For the purposes of section 32(6) of the Legislative Council Ordinance (Cap. 542)—
  - (a) a copy of an omissions list is to be made available for inspection at the Electoral Registration Officer's office during its ordinary business hours in accordance with this section by specified persons only; and
  - (b) the period for which the copy of the list is to be made available for such inspection is the period beginning on the publication date and ending on 25 August in the same year. (*14 of 2021 s. 19*)

- (3) The Electoral Registration Officer may make available for inspection in accordance with this section by specified persons, a copy of the omissions list or a specific part of it at a place additional to a place specified in a notice published under this section, if that Officer considers it appropriate to do so. The Electoral Registration Officer may determine the period during which and the times at which it may be so inspected. *(14 of 2021 s. 19)*
- (3A) The Electoral Registration Officer must, in a copy of an omissions list, or a copy of any part of an omissions list, that is made available for inspection by specified persons under this section, show the name of each person entered on the list in a way that—
- (a) if the person's name is entered in Chinese—only the first Chinese character of the name is identifiable; or
  - (b) if the person's name is entered in English—only the first word of the name is identifiable. *(14 of 2021 s. 19)*
- (3B) Subsection (3A) does not affect the way in which any other particulars of a person entered on an omissions list may be shown. *(14 of 2021 s. 19)*
- (3C) The Electoral Registration Officer must also, in a way the Officer considers appropriate, make available for inspection by a person entered on an omissions list an extract from the list showing only the entry relating to that person in full. *(14 of 2021 s. 19)*
- (4) The Electoral Registration Officer may require a person who wishes to inspect under this section a copy of, or an extract from, the omissions list, or a copy of any part of an omissions list, to—
- (a) produce to the Officer the identity document of the person; and
  - (b) complete a form furnished by the Officer. *(14 of 2021 s. 19)*
- (5) In this section—
- coming election** (下一個選舉), in relation to an omissions list, means any of the following elections that is held within 1 year after the publication date—
- (a) a Legislative Council general election;
  - (b) a Legislative Council by-election for a geographical constituency;
  - (c) a District Council ordinary election;
  - (d) a District Council by-election;

***District Council by-election*** (區議會補選) means a by-election as defined by section 2 of the District Councils Ordinance (Cap. 547);

***District Council ordinary election*** (區議會一般選舉) means an ordinary election as defined by section 2 of the District Councils Ordinance (Cap. 547);

***Legislative Council by-election*** (立法會補選) means a by-election as defined by section 3(1) of the Legislative Council Ordinance (Cap. 542);

***Legislative Council general election*** (立法會換屆選舉) means a general election as defined by section 3(1) of the Legislative Council Ordinance (Cap. 542);

***previous election*** (先前的選舉), in relation to an omissions list, means—

- (a) the last Legislative Council general election that was held before the publication date;
- (b) any Legislative Council by-election for a geographical constituency that was held after the election mentioned in paragraph (a) and before the publication date;
- (c) the last District Council ordinary election that was held before the publication date; or
- (d) any District Council by-election that was held after the election mentioned in paragraph (c) and before the publication date;

***publication date*** (刊登日期), in relation to an omissions list, means the date on which a notice relating to the list is published under subsection (1);

***specified person*** (指明的人), in relation to an omissions list, means—

- (a) a person who is a subscriber to the Government News and Media Information System maintained by the Director of Information Services; or
- (b) a body or organization that is incorporated, or is registered or exempt from registration, under any law of Hong Kong and—
  - (i) was provided an extract under section 21(1) for a purpose related to a previous election;
  - (ii) was represented by a validly nominated candidate at a previous election; or



- (iii) has publicly declared an intention to arrange for any person (including a person yet to be specified) to stand as a candidate at a coming election. *(14 of 2021 s. 19)*

**20. Electoral Registration Officer to publish notice of final register and to make final register available for inspection by specified persons**

*(14 of 2021 s. 29)*

- (1) After a final register is compiled, the Electoral Registration Officer must publish in accordance with subsections (1A) and (2) a notice for the final register. *(14 of 2021 s. 29)*
- (1A) A notice under subsection (1) must be published—
  - (a) in the Gazette and at least one Chinese language daily newspaper and one English language daily newspaper in circulation in Hong Kong; and
  - (b) not later than 25 September in the year for which the final register is compiled. *(14 of 2021 s. 29)*
- (2) A notice under subsection (1) must specify—
  - (a) that a copy of the final register is available for inspection by specified persons during ordinary business hours; and
  - (b) the place or places at which a copy of the final register may be so inspected.
- (3) The Electoral Registration Officer must make available for inspection in accordance with this section by specified persons, a copy of the final register at the place or places specified in the notice during ordinary business hours.
- (4) The Electoral Registration Officer may make available for inspection in accordance with this section by specified persons, a copy of a specific section or subsection of the final register at a place additional to a place specified in a notice published under this section, if that Officer considers it appropriate to do so. The Electoral Registration Officer may determine the period during which and the times at which it may be so inspected. *(L.N. 284 of 1999)*
- (4A) For the purposes of subsections (3) and (4), the Electoral Registration Officer may further make available for inspection in accordance with this section by specified persons an additional copy of the final register or an additional copy of a specific section or subsection of the final register, in which entries are arranged in a manner that the Electoral Registration Officer considers appropriate for such inspection. *(11 of 2012 s. 42)*

- (4B) The Electoral Registration Officer must, in a copy of a final register, or a copy of any section or subsection of a final register, that is made available for inspection by specified persons under this section, show the name of each person registered in a way that—
- (a) if the person's name is recorded in Chinese—only the first Chinese character of the name is identifiable; or
  - (b) if the person's name is recorded in English—only the first word of the name is identifiable. *(14 of 2021 s. 29)*
- (4C) Subsection (4B) does not affect the way in which any other particulars of a person registered in a final register may be shown. *(14 of 2021 s. 29)*
- (4D) A person falling within paragraph (c) of the definition of ***specified person*** in subsection (7) may, in that capacity, inspect under this section only—
- (a) for a person being a validly nominated candidate for a Legislative Council constituency—a copy of the section of the final register that relates to that Legislative Council constituency; or
  - (b) for a person being a validly nominated candidate for a District Council constituency— a copy of the subsection of the final register that relates to that District Council constituency. *(14 of 2021 s. 29)*
- (4E) The Electoral Registration Officer must also, in a way the Officer considers appropriate, make available for inspection by a person registered in a final register an extract from the register showing only the entry relating to that person in full. *(14 of 2021 s. 29)*
- (5) The Electoral Registration Officer may require a person who wishes to inspect under this section a copy of, or an extract from, a final register, or a copy of any section or subsection of a final register, to—
- (a) produce to the Officer the identity document of the person; and
  - (b) complete a form furnished by the Officer. *(14 of 2021 s. 29)*
- (6) Publication of a notice under subsection (1) is to be treated as the publication of the final register for the purposes of section 32(1)(b)(i) of the Legislative Council Ordinance (Cap. 542). *(L.N. 254 of 2002)*
- (7) In this section—

**coming election** (下一個選舉), in relation to a final register, means any of the following elections that is held within 1 year after the publication date—

- (a) a Legislative Council general election;
- (b) a Legislative Council by-election for a geographical constituency;
- (c) a District Council ordinary election;
- (d) a District Council by-election;

**District Council by-election** (區議會補選) means a by-election as defined by section 2 of the District Councils Ordinance (Cap. 547);

**District Council ordinary election** (區議會一般選舉) means an ordinary election as defined by section 2 of the District Councils Ordinance (Cap. 547);

**Legislative Council by-election** (立法會補選) means a by-election as defined by section 3(1) of the Legislative Council Ordinance (Cap. 542);

**Legislative Council general election** (立法會換屆選舉) means a general election as defined by section 3(1) of the Legislative Council Ordinance (Cap. 542);

**previous election** (先前的選舉), in relation to a final register, means—

- (a) the last Legislative Council general election that was held before the publication date;
- (b) any Legislative Council by-election for a geographical constituency that was held after the election mentioned in paragraph (a) and before the publication date;
- (c) the last District Council ordinary election that was held before the publication date; or
- (d) any District Council by-election that was held after the election mentioned in paragraph (c) and before the publication date;

**publication date** (刊登日期), in relation to a final register, means the date on which a notice relating to the register is published under subsection (1);

**specified person** (指明的人), in relation to a final register, means—

- (a) a person who is a subscriber to the Government News and Media Information System maintained by the Director of Information Services;

- (b) a body or organization that is incorporated, or is registered or exempt from registration, under any law of Hong Kong and—
    - (i) was provided an extract under section 21(1) for a purpose related to a previous election;
    - (ii) was represented by a validly nominated candidate at a previous election; or
    - (iii) has publicly declared an intention to arrange for any person (including a person yet to be specified) to stand as a candidate at a coming election; or
  - (c) a person who is—
    - (i) a validly nominated candidate for a Legislative Council constituency at a coming election; or
    - (ii) a validly nominated candidate for a District Council constituency at a coming election. *(14 of 2021 s. 29)*
- (14 of 2021 s. 29)*

## 22. Offences and penalties

- (1) Any person who in any—
  - (a) application made under section 4;
  - (b) response to a requirement for particulars or proof made under section 5;
  - (c) response to a requirement made under section 6;
  - (d) reply to an inquiry made under section 7;
  - (e) application made under section 10A; *(L.N. 172 of 2017)*
  - (f) notice of objection; or
  - (g) notice of claim,

makes any statement which the person knows to be false in a material particular or recklessly makes any statement which is incorrect in a material particular or knowingly omits any material particular from such an application, response, reply or notice commits an offence and is liable on conviction on indictment to a fine at level 3 and to imprisonment for 2 years. *(12 of 2014 s. 177; L.N. 172 of 2017; 1 of 2019 s. 4)*
- (2) Any person who directly or indirectly by himself or any other person on his behalf conspires with, incites, compels, induces, coerces, intimidates or persuades another person—
  - (a) to make a false statement in an application, response, reply or notice referred to in subsection (1); or

- (b) to provide information which the first mentioned person knows to be wrong in a material particular, in an application, response, reply or notice referred to in subsection (1), (*L.N. 172 of 2017*)

commits an offence and is liable on conviction on indictment to a fine at level 3 and to imprisonment for 2 years. (*12 of 2014 s. 177; 1 of 2019 s. 4*)

- (3) Any person who—
  - (a) reproduces or permits another person to reproduce in any form any particular contained in an entry in a register or an extract from a register;
  - (b) uses or permits another person to use any information relating to a person obtained for the purpose of compiling a register;
  - (c) uses or permits another person to use any information relating to a person contained in a register or an extract from a register; or
  - (d) imparts to any other person any information referred to in paragraph (a), (b) or (c),

for a purpose other than a purpose related to an election, commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.

- (4) Any person who fails to furnish information in response to a requirement under section 6 within the period the information is required to be furnished, commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.
- (5) Notwithstanding anything to the contrary in subsection (3), any person who contravenes section 21(3) commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.
- (6) It is a defence in any prosecution under subsection (4) for the person charged to prove that he or she did not know or could not have reasonably ascertained or provided the information required of him or her.
- (7) An offence under subsection (1) or (2) is to be an offence prescribed for the purposes of—
  - (a) sections 31, 39, 40 and 53 of the Legislative Council Ordinance (Cap. 542);
  - (b) sections 19, 21, 24 and 30 of the District Councils Ordinance (Cap. 547); and (*L.N. 284 of 1999; L.N. 254 of 2002; 3 of 2013 s. 15*)

- (c) sections 14, 20 and 26 of the Chief Executive Election Ordinance (Cap. 569) and sections 9 and 18 of the Schedule to that Ordinance. (*L.N. 254 of 2002; 14 of 2021 s. 31*)
- (8) An offence under subsection (3) or (5) is to be an offence prescribed for the purposes of—
- (a) sections 39 and 40 of the Legislative Council Ordinance (Cap. 542);
  - (b) sections 19, 21 and 24 of the District Councils Ordinance (Cap. 547); and (*L.N. 284 of 1999; L.N. 254 of 2002; 3 of 2013 s. 15*)
  - (c) sections 14 and 20 of the Chief Executive Election Ordinance (Cap. 569) and sections 9 and 18 of the Schedule to that Ordinance. (*L.N. 254 of 2002*)
- (9) In this section, ***election*** (選舉) has the meaning assigned to it by section 21(5). (*L.N. 254 of 2002*)

## 2. Interpretation

(1) In this Regulation, unless the context otherwise requires—  
**appeal** (上訴) means an appeal made under section 31A; (*L.N. 200 of 2001*)

**authorized representative** (獲授權代表), in relation to—

- (a) a corporate elector, means the person authorized by the corporate elector to cast its vote at an election; and
- (b) a corporate voter, means the person authorized by the corporate voter to cast its vote at an Election Committee subsector election;

**body** (團體) means an incorporated or unincorporated body, and includes a firm or a group of persons (which may include incorporated or unincorporated bodies) who are associated with each other through a shared relevant interest; (*L.N. 200 of 2001*)

**claim** (申索) means a claim made under section 31;

**corporate elector** (團體選民) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap. 542);

**corporate voter** (團體投票人) has the meaning assigned to it by section 11(1) of the Schedule to the Chief Executive Election Ordinance (Cap. 569); (*L.N. 200 of 2001*)

**current year** (現年份), in relation to the compilation of a functional constituencies provisional register or a subsector provisional register, means the year for which the relevant provisional register is being compiled; (*L.N. 307 of 1999; L.N. 200 of 2001*)

**Election Committee final register** (選舉委員會正式委員登記冊) means the final register of members of the Election Committee required to be compiled under section 40(2), (3) or (3A) of the Schedule to the Chief Executive Election Ordinance (Cap. 569) or published under section 40(4) of that Schedule; (*L.N. 200 of 2001; L.N. 112 of 2006*)

***Election Committee interim register*** (選舉委員會暫行委員登記冊) means the interim register of members of the Election Committee required to be compiled under section 40(1) of the Schedule to the Chief Executive Election Ordinance (Cap. 569); (*L.N. 112 of 2006*)

***Election Committee omissions list*** (選舉委員會取消登記名單) means the omissions list referred to in section 24(3A); (*L.N. 200 of 2001; 12 of 2014 s. 114*)

***Election Committee provisional register*** (選舉委員會臨時委員登記冊) means the provisional register of members of the Election Committee required to be compiled under section 4 of the Schedule to the Chief Executive Election Ordinance (Cap. 569); (*L.N. 200 of 2001*)

***Election Committee register*** (選舉委員會委員登記冊) means an Election Committee provisional register, an Election Committee interim register or an Election Committee final register; (*L.N. 200 of 2001; L.N. 112 of 2006*)

***Election Committee subsector election*** (選舉委員會界別分組選舉) means a subsector election within the meaning of section 1 of the Schedule to the Chief Executive Election Ordinance (Cap. 569); (*L.N. 200 of 2001*)

***elector*** (選民) means a person who is registered in a functional constituencies final register or a person who has applied for registration as an elector and whose personal particulars or relevant particulars are recorded in a functional constituencies provisional register;

***Electoral Registration Officer*** (選舉登記主任), in relation to—

- (a) a functional constituencies register or a functional constituencies omissions list, has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap. 542);
- (b) a subsector register, a subsector omissions list, an Election Committee register or an Election Committee omissions list, has the meaning assigned to it by section 1(1) of the Schedule to the Chief Executive Election Ordinance (Cap. 569); (*L.N. 200 of 2001*)

***eligible person*** (合資格人士) means—

- (a) in relation to a functional constituencies provisional register—an eligible person for the functional constituencies provisional register to be compiled for 2021 within the meaning of section 2AA(1) or (2); or



- (b) in relation to a subsector provisional register—an eligible person for the subsector provisional register to be compiled for 2021 within the meaning of section 2AA(3); (*14 of 2021 s. 32*)

**existing Election Committee final register** (現有的選舉委員會正式委員登記冊) means the existing final register of members of the Election Committee within the meaning of section 4(7) of the Schedule to the Chief Executive Election Ordinance (Cap. 569); (*L.N. 200 of 2001*)

**existing functional constituencies final register** (現有的功能界別正式選民登記冊), in relation to the compilation of a functional constituencies provisional register, means the functional constituencies final register—

- (a) published in the preceding year; and
- (b) which is in effect by virtue of section 33 of the Legislative Council Ordinance (Cap. 542) at the time the provisional register is being compiled; (*L.N. 307 of 1999; L.N. 200 of 2001*)

**existing subsector final register** (現有的界別分組正式投票人登記冊), in relation to—

- (a) (*Repealed L.N. 255 of 2002*)
- (b) the compilation of a subsector provisional register, means the subsector final register— (*L.N. 255 of 2002*)
- (i) published in the preceding year; and
- (ii) which is in effect by virtue of section 15 of the Schedule to the Chief Executive Election Ordinance (Cap. 569) at the time the provisional register is being compiled; (*L.N. 200 of 2001*)

**ex-officio member** (當然委員) has the meaning assigned to it by section 1(1) of the Schedule to the Chief Executive Election Ordinance (Cap. 569); (*L.N. 200 of 2001*)

**functional constituencies final register** (功能界別正式選民登記冊) means a final register of electors for functional constituencies required to be compiled under section 32(1)(b) (ii) of the Legislative Council Ordinance (Cap. 542); (*L.N. 255 of 2002; 14 of 2021 s. 32*)

**functional constituencies omissions list** (功能界別取消登記名單) means the omissions list referred to in section 24(1)(a); (*L.N. 307 of 1999; 12 of 2014 s. 114*)

**functional constituencies provisional register** (功能界別臨時選民登記冊) means a provisional register of electors for functional constituencies required to be compiled under section 32(1)(a)

(ii) of the Legislative Council Ordinance (Cap. 542); (*L.N. 255 of 2002; 14 of 2021 s. 32*)

**functional constituencies register** (功能界別選民登記冊) means a functional constituencies provisional register or a functional constituencies final register;

**functional constituency** (功能界別) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap. 542);

**GC Register Regulation** (《地方選區登記冊規例》) means the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A); (*L.N. 71 of 2011*)

**geographical constituencies final register** (地方選區正式選民登記冊) means a final register of electors for geographical constituencies required to be compiled under section 32(1)(b) (i) of the Legislative Council Ordinance (Cap. 542); (*L.N. 71 of 2011; 14 of 2021 s. 32*)

**geographical constituencies provisional register** (地方選區臨時選民登記冊) means a provisional register of electors for geographical constituencies required to be compiled under section 32(1)(a)(i) of the Legislative Council Ordinance (Cap. 542); (*L.N. 71 of 2011; 14 of 2021 s. 32*)

**geographical constituencies register** (地方選區選民登記冊) means a geographical constituencies provisional register or a geographical constituencies final register; (*L.N. 71 of 2011*)

**geographical constituency** (地方選區) means an area declared to be a geographical constituency under section 18(2)(a) of the Legislative Council Ordinance (Cap. 542) or specified to be a geographical constituency in Schedule 6 to that Ordinance; (*14 of 2021 s. 32*)

**Hong Kong and Kowloon District Committees subsector** (港九地區委員會界別分組) means the representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of Hong Kong and Kowloon subsector; (*14 of 2021 s. 32*)

**identity document** (身分證明文件) means—

- (a) an identity card issued to a person under the Registration of Persons Ordinance (Cap. 177);

- (b) a document issued by the Commissioner (within the meaning of section 1A(1) of the Registration of Persons Ordinance (Cap. 177)) to a person certifying that the person is exempt, under regulation 25 of the Registration of Persons Regulations (Cap. 177 sub. leg. A), from being required to register under that Ordinance; or (*1 of 2019 s. 78*)
- (c) any other document issued to a person that is acceptable to the Electoral Registration Officer as proof of the person's identity; (*L.N. 200 of 2001*)

***member of District Committee*** (地區委員會的委員) means a person who is a member of any of the Area Committees, District Fight Crime Committees and District Fire Safety Committees specified in section 39ZH or 39ZI of the Schedule to the Chief Executive Election Ordinance (Cap. 569); (*14 of 2021 s. 32*)

***New Territories District Committees subsector*** (新界地區委員會界別分組) means the representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of the New Territories subsector; (*14 of 2021 s. 32*)

***next Election Committee provisional register*** (下一份選舉委員會臨時委員登記冊) means the next provisional register of members of the Election Committee required to be compiled, not later than a date that falls within the term of office of that Committee, under section 4 of the Schedule to the Chief Executive Election Ordinance (Cap. 569); (*L.N. 200 of 2001*)

***notice of appeal*** (上訴通知書) means a notice of appeal within the meaning of section 31A(1); (*L.N. 200 of 2001*)

***notice of claim*** (申索通知書) means a notice of claim within the meaning of section 31(7);

***notice of objection*** (反對通知書) means a notice of objection within the meaning of section 30(1);

***notification*** (通告) means a notification sent under Part IV;

***NPC, CPPCC and relevant national organisations functional constituency*** (全國人大、全國政協及有關全國性團體功能界別) means the Hong Kong Special Administrative Region deputies to the National People's Congress, Hong Kong Special Administrative Region members of the National Committee of the Chinese People's Political Consultative Conference and representatives of relevant national organisations functional constituency; (*14 of 2021 s. 32*)

***NPC deputy, CPPCC member or representative of relevant national organisation*** (全國人大代表、全國政協委員或有關全國性團體代表) means a person specified in section 20ZD of the Legislative Council Ordinance (Cap. 542); (*14 of 2021 s. 32*)

***objection*** (反對) means an objection made under section 30(1);

***omissions list*** (取消登記名單), in relation to— (*12 of 2014 s. 114*)

- (a) the compilation of a functional constituencies provisional register, means a functional constituencies omissions list;
- (b) the compilation of a subsector provisional register, means a subsector omissions list; (*L.N. 307 of 1999; L.N. 200 of 2001*)
- (c) the compilation of an Election Committee provisional register, means an Election Committee omissions list; (*L.N. 200 of 2001*)

***personal particulars*** (個人詳情), in relation to a natural person, means the name and principal residential address of the person; (*L.N. 307 of 1999*)

***preceding year*** (對上一年), in relation to the compilation of a functional constituencies provisional register or a subsector provisional register, means the year immediately preceding the year for which the relevant provisional register is being compiled; (*L.N. 307 of 1999; L.N. 200 of 2001*)

***principal residential address*** (主要住址), in relation to a person, means the address of the only or principal residence (within the meaning of section 28(1B) or (3) of the Legislative Council Ordinance (Cap. 542)) of that person; (*L.N. 200 of 2001; L.N. 157 of 2009*)

***relevant particulars*** (有關詳情) means the particulars of a body required to be recorded under section 3(3)(a);

***representative of relevant national organisation*** (有關全國性團體代表) means a person specified in section 20ZD(c), (d), (e), (f) or (g) of the Legislative Council Ordinance (Cap. 542); (*14 of 2021 s. 32*)

***responsible person*** (負責人), in relation to a particular purpose of this Regulation, means—

- (a) the person authorized for the time being by a body according to its constitution, governing rules or internal procedures, for that purpose; or
- (b) if more than one person is so authorized, any such person;

***Revising Officer*** (審裁官), in relation to—

- (a) a functional constituencies register or a functional constituencies omissions list, has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap. 542);
- (b) a subsector register, a subsector omissions list, an Election Committee register or an Election Committee omissions list, has the meaning assigned to it by section 1(1) of the Schedule to the Chief Executive Election Ordinance (Cap. 569); (*L.N. 200 of 2001*)

**sector** (界別) means a sector represented on the Election Committee under Part 2 of the Schedule to the Chief Executive Election Ordinance (Cap. 569); (*L.N. 200 of 2001*)

**specified form** (指明表格), in relation to a particular purpose under this Regulation, means the form specified pursuant to section 7(1)(i) of the Ordinance or under section 76 of the Legislative Council Ordinance (Cap. 542) or under section 45 of the Schedule to the Chief Executive Election Ordinance (Cap. 569), for that purpose; (*L.N. 200 of 2001*)

**specified particulars** (指明詳情) means the particulars of a member of the Election Committee specified in section 5(4); (*L.N. 200 of 2001*)

**subsector** (界別分組) means a subsector specified in a Table;

**subsector final register** (界別分組正式投票人登記冊) means a final register of voters for subsectors required to be compiled under section 14(1)(b) of the Schedule to the Chief Executive Election Ordinance (Cap. 569); (*L.N. 307 of 1999; L.N. 200 of 2001; L.N. 255 of 2002; 14 of 2021 s. 32*)

**subsector omissions list** (界別分組取消登記名單) means the omissions list referred to in section 24(1)(b); (*L.N. 307 of 1999; 12 of 2014 s. 114*)

**subsector provisional register** (界別分組臨時投票人登記冊) means a provisional register of voters for subsectors required to be compiled under section 14(1)(a) of the Schedule to the Chief Executive Election Ordinance (Cap. 569); (*L.N. 307 of 1999; L.N. 200 of 2001; L.N. 255 of 2002; 14 of 2021 s. 32*)

**subsector register** (界別分組投票人登記冊) means a subsector provisional register or a subsector final register; (*L.N. 307 of 1999; L.N. 200 of 2001*)

**Table** (列表) means a Table included in section 2 of the Schedule to the Chief Executive Election Ordinance (Cap. 569); (*L.N. 200 of 2001*)

**vacancy declaration** (空缺宣布) means a declaration under section 5 of the Chief Executive Election Ordinance (Cap. 569); (*L.N.*

173 of 2017)

**voter** (投票人) means a person who is registered in a subsector final register or a person who has applied for registration as a voter and whose personal particulars or relevant particulars are recorded in a subsector provisional register. (*L.N. 307 of 1999; L.N. 200 of 2001*)

(14 of 2021 s. 32)

- (2) In this Regulation, a reference to “existing final register” is to be construed— (*L.N. 200 of 2001*)
  - (a) (*Repealed L.N. 307 of 1999*)
  - (b) in relation to the compilation of a functional constituencies provisional register, as a reference to the existing functional constituencies final register; (*L.N. 307 of 1999*)
  - (c) in relation to the compilation of a subsector provisional register, as a reference to the existing subsector final register; (*L.N. 307 of 1999; L.N. 200 of 2001*)
  - (d) in relation to the compilation of an Election Committee provisional register, as a reference to the existing Election Committee final register. (*L.N. 200 of 2001*)
- (3) In this Regulation, a reference to the compilation of an Election Committee final register is to be construed, in relation to the Election Committee final register required to be published under section 40(4) of the Schedule to the Chief Executive Election Ordinance (Cap. 569), as a reference to the publication of the relevant Election Committee provisional register as that Election Committee final register. (*L.N. 200 of 2001*)

(*L.N. 307 of 1999; L.N. 200 of 2001*)

## 42. Offences and penalties

- (1) Any person who in any—
  - (a) response to a requirement under section 9 or 10;
  - (b) application made under section 19 or 26A; (*L.N. 173 of 2017*)
  - (c) specified form on which notice of the appointment, replacement or substitution of an authorized representative is given under section 20;
  - (d) response to a requirement for particulars or proof made under section 21;
  - (e) reply to an inquiry made under section 22;

- (f) request made under section 26 or 33;
- (g) notice of objection; (*L.N. 200 of 2001*)
- (h) notice of claim; or (*L.N. 200 of 2001*)
- (i) notice of appeal, (*L.N. 200 of 2001*)

makes any statement which the person knows to be false in a material particular or recklessly makes any statement which is incorrect in a material particular or knowingly omits any material particular from such an application, response, reply, request or notice commits an offence and is liable on conviction on indictment to a fine at level 3 and to imprisonment for 2 years. (*12 of 2014 s. 178; 1 of 2019 s. 5*)

- (2) Any person who directly or indirectly by himself or any other person on his behalf conspires with, incites, compels, induces, coerces, intimidates, or persuades another person—
  - (a) to make a false statement in an application, response, reply, request or notice referred to in subsection (1); or
  - (b) to provide information which the first-mentioned person knows to be wrong in a material particular, in an application, response, reply, request or notice referred to in paragraph (a),

commits an offence and is liable on conviction on indictment to a fine at level 3 and to imprisonment for 2 years. (*12 of 2014 s. 178; 1 of 2019 s. 5*)

- (3) Any person who—
  - (a) reproduces or permits another person to reproduce in any form any particular contained in an entry in a register or an extract from a functional constituencies register, a subsector register or an Election Committee register; (*L.N. 200 of 2001*)
  - (b) uses or permits another person to use any information relating to a person obtained for the purpose of compiling such a register;
  - (c) uses or permits another person to use any information relating to a person contained in a register or an extract from such a register; or
  - (d) imparts to any other person any information referred to in paragraph (a), (b) or (c),

for a purpose other than a purpose related to an election, commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.

- (4) Any person who fails to furnish information in response to a requirement under section 9 or 10 within the period the information is required to be furnished, commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.
- (5) Notwithstanding anything to the contrary in subsection (3), any person who contravenes section 41(3) commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.
- (6) It is a defence in any prosecution under subsection (4) for the person charged to prove that he or she did not know or could not have reasonably ascertained or provided the information required of him or her.
- (7) If a corporate body is convicted of an offence under this section, and the offence is proved to have been committed with the consent or connivance of, or was attributable to the neglect or omission on the part of a director, manager, secretary or any other person concerned in the management of the corporate body, the director, manager, secretary or that other person also commits the offence. (*1 of 2019 s. 5*)
- (8) If a partner of a partnership is convicted of an offence under this section and it is proved that the offence was committed with the consent or connivance of, or was attributable to the neglect or omission on the part of any other partner or person concerned in the management of the partnership, the other partner or that other person also commits the offence. (*1 of 2019 s. 5*)
- (9) An offence under subsection (1) or (2) is to be an offence prescribed for the purposes of—
  - (a) sections 31, 39, 40 and 53 of the Legislative Council Ordinance (Cap. 542); (*L.N. 200 of 2001*)
  - (b) sections 19, 21, 24 and 30 of the District Councils Ordinance (Cap. 547); and (*L.N. 307 of 1999; L.N. 200 of 2001; 3 of 2013 s. 16*)
  - (c) sections 14, 20 and 26 of the Chief Executive Election Ordinance (Cap. 569) and sections 9 and 18 of the Schedule to that Ordinance. (*L.N. 200 of 2001; L.N. 255 of 2002; 14 of 2021 s. 76*)
- (10) An offence under subsection (3) or (5) is to be an offence prescribed for the purposes of—
  - (a) sections 39 and 40 of the Legislative Council Ordinance (Cap. 542); (*L.N. 200 of 2001*)



- (b) sections 19, 21 and 24 of the District Councils Ordinance (Cap. 547); and (*L.N. 307 of 1999; L.N. 200 of 2001; 3 of 2013 s. 16*)
  - (c) sections 14 and 20 of the Chief Executive Election Ordinance (Cap. 569) and sections 9 and 18 of the Schedule to that Ordinance. (*L.N. 200 of 2001; L.N. 255 of 2002*)
- (11) In this section, ***election*** (選舉) has the meaning assigned to it by section 41(5). (*L.N. 255 of 2002*)

## 2. Interpretation

(1) In this Regulation, unless the context otherwise requires—

**authorized representative** (獲授權代表) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap. 542);

**ballot paper account** (選票結算表) means a statement prepared under section 64;

**ballot paper sorting station** (選票分流站) means a place designated as a ballot paper sorting station under section 28; (*L.N. 130 of 2009*)

**by-election** (補選) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap. 542);

**by-election notice** (補選公告) means a notice published under section 8;

**candidate** (候選人) means, subject to subsection (2)— (*14 of 2021 s. 81*)

- (a) in relation to a particular geographical constituency—a candidate who is validly nominated to be returned as a Member for that geographical constituency at a general election or by-election;
- (b) in relation to a particular functional constituency—a candidate who is validly nominated to be returned as a Member for that functional constituency at a general election or by-election; and
- (c) in relation to the Election Committee constituency—a candidate who is validly nominated to be returned as a Member for the Election Committee constituency at a general election or by-election; (*14 of 2021 s. 81*)

**Candidate Eligibility Review Committee** (候選人資格審查委員會) means the Candidate Eligibility Review Committee established under section 9A of the Chief Executive Election Ordinance (Cap. 569); (*14 of 2021 s. 81*)

**central counting station** (中央點票站) means a counting station designated under section 28(9)(a)(ii) in relation to a general election for counting the votes for functional constituencies

and the Election Committee constituency; (*L.N. 65 of 2000; L.N. 84 of 2004; 14 of 2021 s. 81*)

**Chief Returning Officer** (總選舉主任) means the Returning Officer designated as such under section 99(a);

**constituency** (選區或界別) means a geographical constituency, a functional constituency or the Election Committee constituency; (*14 of 2021 s. 81*)

**counting agent** (監察點票代理人) means a person appointed as a counting agent under section 66;

**counting of the votes** (點票) includes, where appropriate, the separation, sorting and counting of ballot papers;

**counting officer** (點票人員) means, in relation to a counting station, a person appointed under section 67 as a counting officer for that counting station;

**counting station** (點票站) means a place designated as a counting station under section 28;

**counting zone** (點票區) means an area within a counting station assigned by the Chief Returning Officer, the Returning Officer or the Presiding Officer, as may be appropriate, for the counting of the votes; (*L.N. 84 of 2004; L.N. 130 of 2009*)

**dedicated polling station** (專用投票站) means a place designated as a dedicated polling station under section 28; (*L.N. 130 of 2009*)

**ECC ballot paper** (選委會界別選票) means a ballot paper to vote for a candidate standing for election for the Election Committee constituency; (*14 of 2021 s. 81*)

**ECC polling station** (選委會界別投票站) means a polling station assigned by the Chief Electoral Officer under section 30(1)(b) to conduct the polling for the Election Committee constituency; (*14 of 2021 s. 81*)

**election** (選舉) means a general election or a by-election;

**election advertisement** (選舉廣告), in relation to an election, means

—

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

published for the purpose of promoting or prejudicing the election of a candidate or candidates at the election; (*11 of 2012 s. 6*)

**election agent** (選舉代理人) means a person appointed as an election agent under section 23;

**Election Committee constituency** (選舉委員會界別) has the meaning given by section 3(1) of the Legislative Council Ordinance (Cap. 542); (*14 of 2021 s. 81*)

**Election Committee final register** (選舉委員會正式委員登記冊) means the final register of members of the Election Committee compiled under the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541 sub. leg. B) and which is in effect; (*14 of 2021 s. 81*)

**election expense agent** (選舉開支代理人) has the meaning assigned to it by section 2 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554); (*L.N. 65 of 2000*)

**election expenses** (選舉開支) has the meaning assigned to it by section 2 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554), but the reference to “an election” in that meaning is to be construed as the election referred to in section 4(1)(b) or (c) of that Ordinance; (*10 of 2000 s. 47; L.N. 65 of 2000; 11 of 2012 s. 6*)

**election notice** (選舉公告) means— (*14 of 2021 s. 81*)

- (a) in relation to a geographical constituency—a notice published under section 4;
- (b) in relation to a functional constituency—a notice published under section 5; and
- (c) in relation to the Election Committee constituency—a notice published under section 6A; (*14 of 2021 s. 81*)

**elector** (選民) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap. 542);

**emblem** (標誌) has the meaning assigned to it by section 2(1) of the Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) Regulation (Cap. 541 sub. leg. M); (*L.N. 84 of 2004; L.N. 47 of 2007*)

**FC ballot paper** (功能界別選票) means a ballot paper to vote for a candidate standing for election for a functional constituency; (*11 of 2012 s. 66; 14 of 2021 s. 81*)

**final register** (正式登記冊) means—

- (a) the geographical constituencies final register;

- (b) the functional constituencies final register; or
- (c) the Election Committee final register; (*14 of 2021 s. 81*)

**functional constituencies final register** (功能界別正式選民登記冊) means the final register of electors for functional constituencies compiled under the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541 sub. leg. B) and which is in effect; (*L.N. 200 of 2001*)

**functional constituency** (功能界別) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap. 542);

**GC ballot paper** (地方選區選票) means a ballot paper to vote for a candidate standing for election for a geographical constituency;

**GC counting station** (地方選區點票站) means a counting station designated under section 28(9)(a)(i) in relation to a general election for counting the votes for one geographical constituency; (*L.N. 65 of 2000*)

**GC elector** (地方選區選民) means a person who is entitled to vote for a geographical constituency; (*L.N. 147 of 1998*)

**GC polling station** (地方選區投票站) means a polling station assigned by the Chief Electoral Officer under section 30(1)(a) to conduct the polling for a particular geographical constituency; (*L.N. 84 of 2004; 14 of 2021 s. 81*)

**general election** (換屆選舉) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap. 542);

**geographical constituencies final register** (地方選區正式選民登記冊) means the final register of electors for geographical constituencies compiled under the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A) and which is in effect; (*L.N. 284 of 1999*)

**geographical constituency** or **GC** (地方選區) means an area declared to be a geographical constituency under section 18(2) (a) of, or Schedule 6 to, the Legislative Council Ordinance (Cap. 542); (*L.N. 84 of 2004; 14 of 2021 s. 81*)

**head-dress** (頭飾) means anything which is worn on a person's head; (*L.N. 84 of 2004*)

**identity card** (身分證) has the meaning assigned to it by section 1A of the Registration of Persons Ordinance (Cap. 177); (*L.N. 147 of 1998*)

**identity document** (身分證明文件) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap. 542);

**in custody** (受羈押), in relation to a person, means the person is—

- (a) serving a sentence of imprisonment;
- (b) detained by the Correctional Services Department on remand; or
- (c) otherwise detained by any law enforcement agency under any lawful authority; (*L.N. 130 of 2009*)

**law enforcement agency** (執法機關) means—

- (a) the Customs and Excise Department;
- (b) the Hong Kong Police Force;
- (c) the Immigration Department;
- (d) the Independent Commission Against Corruption; or
- (e) any other department of the Government any officer of which is empowered by any Ordinance to exercise a power of arrest; (*L.N. 130 of 2009*)

**main counting station** (大點票站) means a place designated as a main counting station under section 28; (*L.N. 84 of 2004*)

**maximum security prison** (高度設防監獄) means a prison which is specified as a maximum security prison under rule 47A(1)(b) of the Prison Rules (Cap. 234 sub. leg. A); (*L.N. 130 of 2009*)

**Member** (議員) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap. 542);

**no canvassing zone** (禁止拉票區) means an area determined under section 40 to be an area in which canvassing of votes is prohibited;

**no staying zone** (禁止逗留區) means an area determined under section 40 to be an area in which staying or loitering is prohibited;

**nomination form** (提名表格) means a form referred to in section 10(1), 11(1) or 12A(1) (as applicable); (*L.N. 73 of 2011; 14 of 2021 s. 81*)

**nomination period** (提名期) means— (*14 of 2021 s. 81*)

- (a) in relation to nominations for a geographical constituency—the period specified under section 4(2)(b);

- (b) in relation to nominations for a functional constituency—the period specified under section 5(2)(b);
- (c) in relation to nominations for the Election Committee constituency—the period specified under section 6A(2)(b); and
- (d) for a by-election for a constituency—the relevant period specified under section 8(7)(a); (*14 of 2021 s. 81*)

***Nominations Advisory Committee*** (提名顧問委員會) means a committee appointed under the Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) Regulation (Cap. 541 sub. leg. C); (*L.N. 115 of 1999*)

***notice appointing the election day*** (指定選舉日公告) means, in relation to a general election, a notice by which a date is specified by the Chief Executive under the Legislative Council Ordinance (Cap. 542) to hold an election to return—

- (a) the Members to be returned for geographical constituencies;
- (b) the Members to be returned for functional constituencies; or
- (c) the Members to be returned for the Election Committee constituency; (*14 of 2021 s. 81*)

***notice of nominations*** (提名公告) means a notice published under section 21; (*L.N. 84 of 2004; 11 of 2012 s. 43; 14 of 2021 s. 81*)

***ordinary business hours*** (通常辦公時間) means the hours—

- (a) between 9 a.m. and 5 p.m. on any Monday, Tuesday, Wednesday, Thursday or Friday (other than a general holiday); and
- (b) between 9 a.m. and 12 noon on a Saturday (other than a general holiday) during the period between—
  - (i) the date of publication of a notice under section 4(1), 5(1), 6A(1) or 8(1) in respect of an election; and
  - (ii) the date of publication of the result of the election under the Legislative Council Ordinance (Cap. 542) or the date of the declaration of the failure of the election under that Ordinance, whichever is the later; (*12 of 2014 s. 93; 14 of 2021 s. 81*)

***polling agent*** (監察投票代理人) means a person appointed as a polling agent under section 42;

**polling day** (投票日) means the date on which the poll is to be held in an election;

**polling hours** (投票時間) means the hours for polling appointed under section 27;

**polling officer** (投票站人員) means, in relation to a polling station, a person appointed under section 34(2) as a polling officer for that polling station;

**polling station** (投票站) means a place designated as a polling station under section 28;

**prescribed body** (訂明團體) has the meaning assigned to it by section 2(1) of the Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) Regulation (Cap. 541 sub. leg. M); (*L.N. 84 of 2004*; *L.N. 47 of 2007*)

**prescribed person** (訂明人士) has the meaning assigned to it by section 2(1) of the Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) Regulation (Cap. 541 sub. leg. M); (*L.N. 84 of 2004*; *L.N. 47 of 2007*)

**Presiding Officer** (投票站主任) means— (*L.N. 130 of 2009*)

- (a) in relation to a polling station, the person appointed under section 34(1) as the Presiding Officer for that polling station;
- (b) in relation to a ballot paper sorting station, the person appointed under section 66A(1) as the Presiding Officer for that ballot paper sorting station; (*L.N. 130 of 2009*)

**registered** (登記), in the context of a registered emblem or a registered name, has the meaning assigned to it by section 2(1) of the Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) Regulation (Cap. 541 sub. leg. M); (*L.N. 84 of 2004*; *L.N. 47 of 2007*)

**registered residential address** (登記住址) means, in relation to a person, the address recorded in the particulars of that person in the geographical constituencies final register;

**Returning Officer** (選舉主任) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap. 542);

**small polling station** (小投票站) means a place designated as a small polling station under section 28; (*L.N. 84 of 2004*)

**special polling station** (特別投票站) means a polling station designated as such under section 29;

**specified address** (指明地點) means, in relation to a geographical constituency, a functional constituency or the Election Committee constituency, the address specified in the relevant election notice or by-election notice as the address at which



the nomination forms are to be submitted; (*L.N. 84 of 2004; 14 of 2021 s. 81*)

**specified form** (指明表格、指明格式) means, in relation to a particular purpose of this Regulation, the form specified under section 100 for that purpose;

**spoilt ballot paper** (損壞的選票) means a spoilt ballot paper within the meaning of section 62;

**tendered ballot paper** (重複的選票) means a tendered ballot paper within the meaning of section 60;

**unused ballot paper** (未用的選票) means an unused ballot paper within the meaning of section 61(2);

**validly nominated candidate** (獲有效提名的候選人) means—

- (a) subject to paragraph (b), a person whom the Candidate Eligibility Review Committee has decided under section 16 to be validly nominated; (*14 of 2021 s. 81*)
- (b) in case a declaration under section 42B(2)(b) or (5)(b) of the Legislative Council Ordinance (Cap. 542) is made, a person who is stated to be validly nominated in the declaration; (*L.N. 65 of 2000*)

**verification of number of ballot papers** (選票數目核實書) means a statement prepared under section 73B(1)(d), 73C(1)(d), 73D(1)(b) or (2)(a)(iii) or 73E(1)(d). (*14 of 2021 s. 81*)

(*L.N. 147 of 1998; L.N. 65 of 2000; L.N. 210 of 2001; L.N. 84 of 2004; L.N. 143 of 2019; 14 of 2021 s. 81*)

(2) In this Regulation—

- (a) in Part 2, **candidate** (候選人) includes a person who is being or has been nominated as a candidate to stand for election as a Member; and
  - (b) in section 25 and Part 7, **candidate** (候選人)— (*11 of 2012 s. 6*)
    - (i) means a person who stands nominated as a candidate at an election; and
    - (ii) also means a person who, at any time before close of nominations for an election, has publicly declared an intention to stand as a candidate at the election. (*L.N. 65 of 2000; 14 of 2021 s. 81*)
- (3) In this Regulation, unless it is provided otherwise, a reference to “Returning Officer” is to be construed— (*14 of 2021 s. 81*)
- (a) in relation to a geographical constituency—as the Returning Officer appointed for that geographical constituency;

- (b) in relation to a functional constituency—as the Returning Officer appointed for that functional constituency; and
    - (c) in relation to the Election Committee constituency—as the Returning Officer appointed for the Election Committee constituency. *(14 of 2021 s. 81)*
  - (4) *(Repealed 14 of 2021 s. 81)*
  - (5) In this Regulation, any provision which entitles or permits a candidate, an election agent, a polling agent or a counting agent to do anything in a polling station, counting station, counting zone or in relation to the counting of the votes is to be construed as entitling or permitting the candidate or the agent to do it in a polling station, counting station, counting zone or in relation to the counting of the votes for the constituency for which the candidate is standing for election or for which the agent is appointed, as the case may require.
  - (6) In this Regulation, unless it is provided otherwise—
    - (a) a reference to “counting station” is to be construed as including a main counting station and a ballot paper sorting station; and
    - (b) a reference to “polling station” is to be construed as including a small polling station, a special polling station and a dedicated polling station. *(L.N. 84 of 2004; L.N. 130 of 2009)*
  - (7) *(Repealed L.N. 210 of 2001)*
- (E.R. 2 of 2012)*

## 1. Interpretation

- (1) In this Regulation, unless the context otherwise requires—
- by-election** (補選) has the meaning assigned to it by section 2 of the District Councils Ordinance (Cap. 547);
- candidate** (候選人) has the meaning assigned to it by section 2 of the District Councils Ordinance (Cap. 547);
- Committee** (顧問委員會) means a Nominations Advisory Committee (District Councils) which for the time being stands appointed under section 2 and, where appropriate, includes a person appointed as the Committee under section 4(1);
- constituency** (選區) has the meaning assigned to it by section 2 of the District Councils Ordinance (Cap. 547);
- elected member** (民選議員) has the meaning assigned to it by section 2 of the District Councils Ordinance (Cap. 547);
- election** (選舉) means an ordinary election or a by-election;
- nomination form** (提名表格) means a form specified by the Commission under section 7(1)(i) of the Ordinance to be submitted for the purpose of nominating a person as a candidate for election as an elected member;
- nomination period** (提名期), in relation to a particular election, means the period specified under any regulation providing the procedure therefor as the period for submitting to the Returning Officer nomination forms relating to that election;
- ordinary election** (一般選舉) has the meaning assigned to it by section 2 of the District Councils Ordinance (Cap. 547);
- Returning Officer** (選舉主任) means, subject to section 6(5), the Returning Officer within the meaning of the District Councils Ordinance (Cap. 547).
- (2) In this Regulation, a reference to being eligible to be or disqualified from being nominated is to be construed, in relation to an election held under the District Councils Ordinance (Cap. 547), with reference to that Ordinance, but nothing in this Regulation is to be construed as empowering or requiring a Committee to advise on any matter relating to any requirements under section 34 of that Ordinance.

## 6. Procedure relating to applications by Returning Officers

- (1) A Returning Officer may, as regards an election in relation to which a Committee is appointed, apply in accordance with subsection (3) to that Committee for advice as to whether a candidate who has submitted a nomination form to that Officer under any relevant regulation made under the Ordinance is eligible to be, or disqualified from being, nominated as a candidate at that election.
- (2) An application under subsection (1) must be in writing and made so as to be received by the Chief Electoral Officer on or before a date specified by the Commission by notice published in the Gazette for the purposes of this subsection.
- (3) A Committee to which an application is made under subsection (1) must consider the application and advise the Returning Officer concerned as soon as reasonably practicable but before the expiry of the relevant period, as to whether, in the opinion of that Committee, the candidate concerned is eligible to be, or disqualified from being, nominated as a candidate at the election concerned.
- (4) In making a decision under the relevant regulations made under the Ordinance as to whether a particular candidate is validly nominated, the Returning Officer must have regard to any advice given under section 5 or 8 or subsection (3) as regards that candidate.
- (5) In this section, references to Returning Officer are to be construed as references to the Returning Officer appointed for the constituency, in respect of which the candidate concerned has submitted a nomination form.
- (6) Any advice given under this section must be in writing.
- (7) In this section, *relevant period* (有關限期) means the period specified under section 3(4) as the period during which a Committee must perform its function under section 3(1)(b).

## 2. Interpretation

(1) In this Regulation, unless the context otherwise requires—

**ballot paper** (選票) means a ballot paper to vote for a candidate standing for election for a constituency;

**ballot paper account** (選票結算表) means a statement prepared under section 64;

**ballot paper sorting station** (選票分流站) means a place designated as a ballot paper sorting station under section 31; (*L.N. 131 of 2009*)

**by-election** (補選) has the meaning assigned to it by section 2 of the District Councils Ordinance (Cap. 547);

**by-election notice** (補選公告) means a notice published under section 10;

**candidate** (候選人) means, subject to subsection (2), in relation to a particular constituency, a candidate who is validly nominated to be returned as an elected member for that constituency at an election;

**constituency** (選區) has the meaning assigned to it by section 2 of the District Councils Ordinance (Cap. 547);

**counting agent** (監察點票代理人) means a person appointed as a counting agent under section 66;

**counting of the votes** (點票) includes, where appropriate, the separation, sorting and counting of ballot papers;

**counting officer** (點票人員) means, in relation to a counting station, a person appointed under section 67 as a counting officer for that counting station;

**counting station** (點票站) means a place designated as a counting station under section 31;

**counting zone** (點票區) means an area within a counting station assigned by the Presiding Officer for the counting of the votes; (*L.N. 125 of 2003; L.N. 131 of 2009*)

**dedicated polling station** (專用投票站) means a place designated as a dedicated polling station under section 31; (*L.N. 131 of 2009*)

**District** (地方行政區) has the meaning assigned to it by section 2 of the District Councils Ordinance (Cap. 547);

**dominant counting station** (主要點票站) means a place designated as a dominant counting station under section 31; (*L.N. 125 of 2003*)

**elected member** (民選議員) has the meaning assigned to it by section 2 of the District Councils Ordinance (Cap. 547);

**election** (選舉) means an ordinary election or a by-election;

**election advertisement** (選舉廣告), in relation to an election, means

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

published for the purpose of promoting or prejudicing the election of a candidate or candidates at the election; (*11 of 2012 s. 9*)

**election agent** (選舉代理人) means a person appointed as an election agent under section 26;

**election day** (選舉日) means the date on which an election is to be held;

**election expense agent** (選舉開支代理人) means a person authorized to incur election expenses under section 28;

**election expenses** (選舉開支), in relation to an election, has the meaning assigned to it by section 2 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554); (*10 of 2000 s. 47*)

**election notice** (選舉公告) means a notice published under section 8;

**elector** (選民) means any person whose name is included in the final register;

**Electoral Registration Officer** (選舉登記主任) has the meaning assigned to it by section 2 of the District Councils Ordinance (Cap. 547);

**final register** (正式選民登記冊) means the geographical constituencies final register or, in relation to the first ordinary election, the register compiled under section 4 for that election;

**geographical constituencies final register** (地方選區正式選民登記冊) means the final register of electors for geographical constituencies compiled under the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A) and which is in effect; (*L.N. 284 of 1999*)

**head-dress** (頭飾) means anything which is worn on a person's head; (*L.N. 125 of 2003*)

**identity card** (身分證) has the meaning assigned to it by section 1A of the Registration of Persons Ordinance (Cap. 177);

**identity document** (身分證明文件) has the meaning assigned to it by section 2 of the District Councils Ordinance (Cap. 547);

**in custody** (受羈押), in relation to a person, means the person is—

- (a) serving a sentence of imprisonment;
- (b) detained by the Correctional Services Department on remand; or
- (c) otherwise detained by any law enforcement agency under any lawful authority; (*L.N. 131 of 2009*)

**law enforcement agency** (執法機關) means—

- (a) the Customs and Excise Department;
- (b) the Hong Kong Police Force;
- (c) the Immigration Department;
- (d) the Independent Commission Against Corruption; or
- (e) any other department of the Government any officer of which is empowered by any Ordinance to exercise a power of arrest; (*L.N. 131 of 2009*)

**main counting station** (大點票站) means a place designated as a main counting station under section 31; (*L.N. 125 of 2003 and L.N. 191 of 2003*)

**maximum security prison** (高度設防監獄) means a prison which is specified as a maximum security prison under rule 47A(1)(b) of the Prison Rules (Cap. 234 sub. leg. A); (*L.N. 131 of 2009*)

**no canvassing zone** (禁止拉票區) means an area determined under section 43 to be an area in which canvassing of votes is prohibited;

**no staying zone** (禁止逗留區) means an area determined under section 43 to be an area in which staying or loitering is prohibited;

***nomination form*** (提名表格) means the specified form submitted for the purpose of nominating a candidate to stand for election for a constituency;

***nomination period*** (提名期) means, in relation to—

- (a) an ordinary election, the period specified under section 8(2)(b);
- (b) a by-election for a constituency, the period specified under section 10(5)(a);

***Nominations Advisory Committee*** (提名顧問委員會) means a committee appointed under the Electoral Affairs Commission (Nominations Advisory Committees (District Councils)) Regulation (Cap. 541 sub. leg. E);

***notice appointing the election day*** (指定選舉日公告) means, in relation to an ordinary election, a notice by which a date is specified by the Chief Executive under the District Councils Ordinance (Cap. 547) to hold an election to return elected members of the District Councils;

***notice of nominations*** (提名公告) means a notice published under section 22;

***ordinary business hours*** (通常辦公時間) means the hours—

- (a) between 9 a.m. and 5 p.m. on any Monday, Tuesday, Wednesday, Thursday or Friday (other than a general holiday); and
- (b) between 9 a.m. and 12 noon on a Saturday (other than a general holiday) during the period between—
  - (i) the date of publication of a notice under section 8(1) or 10(1) in respect of an election; and
  - (ii) the date of publication of the result of the election under the District Councils Ordinance (Cap. 547) or the date of the declaration of the failure or termination of the election under that Ordinance, as may be appropriate; (12 of 2014 s. 94)

***polling agent*** (監察投票代理人) means a person appointed as a polling agent under section 45;

***polling day*** (投票日) means the date on which the poll is to be held in an election;

***polling hours*** (投票時間) means the hours for polling appointed under section 30;

***polling officer*** (投票站人員) means, in relation to a polling station, the person appointed under section 37(2) as a polling officer for that polling station;



***polling station*** (投票站) means a place designated as a polling station under section 31;

***prescribed body*** (訂明團體) has the meaning assigned to it by section 2(1) of the Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) Regulation (Cap. 541 sub. leg. M); (*L.N. 79 of 2007*)

***Presiding Officer*** (投票站主任) means— (*L.N. 131 of 2009*)

- (a) in relation to a polling station, the person appointed under section 37(1) as the Presiding Officer for that polling station;
- (b) in relation to a ballot paper sorting station, the person appointed under section 66A(1) as the Presiding Officer for that ballot paper sorting station; (*L.N. 131 of 2009*)

***registered*** (登記), in the context of a registered name or a registered emblem, has the meaning assigned to it by section 2(1) of the Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) Regulation (Cap. 541 sub. leg. M); (*L.N. 79 of 2007*)

***registered residential address*** (登記住址) means, in relation to a person—

- (a) subject to paragraph (b), the address recorded in the particulars of that person in the final register;
- (b) in sections 5 and 6, the address recorded in the particulars of that person in the geographical constituencies final register;

***Returning Officer*** (選舉主任) has the meaning assigned to it by section 2 of the District Councils Ordinance (Cap. 547);

***small polling station*** (小投票站) means a place designated as a small polling station under section 31; (*L.N. 125 of 2003 and L.N. 191 of 2003*)

***special polling station*** (特別投票站) means a polling station designated as such under section 32;

***specified address*** (指明地點) means, in relation to a constituency, the address specified in the relevant election notice or by-election notice as the address at which the nomination forms are to be submitted for that constituency;

***specified form*** (指明表格、指明格式) means, in relation to a particular purpose of this Regulation, the form specified under section 100 for that purpose;

***spoilt ballot paper*** (損壞的選票) means a spoilt ballot paper within the meaning of section 62;

**tendered ballot paper** (重複的選票) means a tendered ballot paper within the meaning of section 60;

**unused ballot paper** (未用的選票) means an unused ballot paper within the meaning of section 61;

**validly nominated candidate** (獲有效提名的候選人) means—

- (a) subject to paragraph (b), a person whom the Returning Officer has decided under section 16 to be validly nominated; or
- (b) in case a declaration under section 24 or 25 is made, a person whom the Returning Officer has declared under section 24 or 25 to be validly nominated;

**verification of number of ballot papers** (選票數目核實書) means a statement prepared under section 75 or 75A(d). (*14 of 2021 s. 161*)

(*L.N. 125 of 2003; L.N. 79 of 2007; L.N. 144 of 2019; 14 of 2021 s. 161*)

(2) In this Regulation—

- (a) in Part 2, **candidate** (候選人) includes a person who is being or has been nominated as a candidate to stand for election as an elected member; and
- (b) in the definition of **election advertisement** and Part 7, **candidate** (候選人) includes a person who is a candidate within the meaning of paragraph (a) and a person who intends to stand for election as an elected member at an election, whether or not that person has submitted a nomination form under Part 2. (*11 of 2012 s. 9*)

(3) In this Regulation, unless it is provided otherwise—

- (a) (*Repealed L.N. 125 of 2003 and L.N. 191 of 2003*)
- (b) references to the Returning Officer are to be construed, in relation to a constituency, as references to the Returning Officer appointed for that constituency; (*L.N. 125 of 2003 and L.N. 191 of 2003*)
- (c) references to the counting station are to be construed as including the main counting station, dominant counting station and ballot paper sorting station; and (*L.N. 125 of 2003 and L.N. 191 of 2003; L.N. 131 of 2009*)
- (d) references to the polling station are to be construed as including the small polling station, special polling station and dedicated polling station. (*L.N. 125 of 2003 and L.N. 191 of 2003; L.N. 131 of 2009*)

- (4) In this Regulation, any provision which entitles or permits a candidate, an election agent, a polling agent or a counting agent to do anything in a polling station, counting station, counting zone or in relation to the counting of the votes is to be construed as entitling or permitting the candidate or the agent to do it in a polling station, counting station, counting zone or in relation to the counting of the votes for the constituency for which the candidate is standing for election or for which the agent is appointed, as the case may require.

(E.R. 2 of 2012)

## 2A. Effect of inclement weather warning on date and period

- (1) In this section—

***gale warning*** (烈風警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62);

***inclement weather warning day*** (惡劣天氣警告日) means a working day on which a gale warning or a rainstorm warning is in force at any time during ordinary business hours;

***rainstorm warning*** (暴雨警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62);

***working day*** (工作日) means—

- (a) any Monday, Tuesday, Wednesday, Thursday or Friday other than a general holiday;
  - (b) a Saturday (other than a general holiday) during the period between—
    - (i) the date of publication of a notice under section 8(1) or 10(1) in respect of an election; and
    - (ii) the date of publication of the result of the election under the District Councils Ordinance (Cap. 547) or the date of the declaration of the failure or termination of the election under that Ordinance, as may be appropriate.
- (2) If—
- (a) a date is prescribed in this Regulation (whether by reference to a specific day of a specific month or to a day otherwise ascertainable under this Regulation) or is fixed under this Regulation;
  - (b) an act is required or permitted by a provision of this Regulation to be done not later than, or on or before, the date or on the date; and

(c) the date falls on an inclement weather warning day, the next working day, which is not an inclement weather warning day, following the date is taken to be prescribed or fixed in relation to the act instead for the provision.

(3) If—

- (a) a period is prescribed in or fixed under this Regulation;
- (b) an act is required or permitted by a provision of this Regulation to be done in, during or within the period; and
- (c) the last day of the period falls on an inclement weather warning day,

the period is extended, in relation to the act, to end on the next working day, which is not an inclement weather warning day, following the day mentioned in paragraph (c), and the provision has effect accordingly.

(4) Subsections (2) and (3) are subject to Schedule 1.

*(12 of 2014 s. 9)*

## **Division 1—Publication of Register for the First Ordinary Election**

### **4. Electoral Registration Officer to compile register for the first ordinary election**

The Electoral Registration Officer must, not later than 2 months before the date of the first ordinary election, compile a register for that election on the basis of the geographical constituencies final register which is currently in effect.

### **5. Form of register**

- (1) The register compiled under section 4 is to be divided into sections by reference to Districts so that there is a separate section in the register for each District.
- (2) Each section of the register must be further divided into parts corresponding to the constituencies for the District so that there is a separate part for each constituency.
- (3) An entry in the register relating to an elector must show the name and the registered residential address of that elector.
- (4) The arrangement of the entries for each constituency must be as follows—

- (a) the names of the electors in Chinese, arranged according to the number of strokes of the Chinese characters of their respective surnames, are to be recorded first;
- (b) the names of the electors in English, arranged according to the alphabetical order of their respective surnames, must follow the entries at paragraph (a).

**6. Electoral Registration Officer to determine the part in which an elector's name is to be recorded**

- (1) The Electoral Registration Officer must, having regard to the constituency allocated to an elector under section 31 of the District Councils Ordinance (Cap. 547), determine the appropriate part of the register compiled under section 4 in which to record the elector's name and registered residential address. When the part is so determined, the Electoral Registration Officer must record the elector's name and registered residential address in that part according to section 5(3) and (4).
- (2) The Electoral Registration Officer must inform an elector in writing of the section and part in which that elector's name and registered residential address are recorded.

**7. Electoral Registration Officer to publish notice of the register and to make the register available for public inspection**

- (1) The Electoral Registration Officer must, as soon as practicable after the register for the first ordinary election is compiled under section 4, publish in the Gazette and at least one Chinese language daily newspaper and one English language daily newspaper, in circulation in Hong Kong, a notice which complies with subsection (2).
- (2) A notice under subsection (1) must specify—
  - (a) that a copy of the register is available for public inspection during ordinary business hours; and
  - (b) the place or places at which a copy of the register may be inspected by the public.
- (3) The Electoral Registration Officer must make available for public inspection, a copy of the register at the place or places specified in the notice during ordinary business hours.

- (4) The Electoral Registration Officer may make available for public inspection, a copy of a specific part of the register at a place additional to the place or places specified in the notice published under this section. The Electoral Registration Officer may determine the period during which and the times at which it may be so inspected.
- (5) The Electoral Registration Officer may require a person who wishes to inspect a copy of the register or any part of it to produce to that Officer his or her identity document and to complete a form furnished by that Officer.
- (6) Publication of a notice under subsection (1) is to be treated as the publication of the register for the purposes of section 31(1) (b) of the District Councils Ordinance (Cap. 547).

**8. Chief Electoral Officer to publish a notice specifying a period and place for submitting nomination forms**

- (1) As soon as practicable after the publication of the notice appointing the election day, the Chief Electoral Officer must publish in the Gazette a notice which complies with subsection (2).
- (2) A notice under subsection (1) must state, in relation to each constituency—
  - (a) the name of the constituency, the name of the relevant District, and that one elected member is to be returned for that constituency;
  - (b) the period within which nomination forms for the constituency are to be submitted to the Returning Officer;
  - (c) the address at which nomination forms are to be submitted;
  - (d) that nomination forms must be submitted during ordinary business hours;
  - (e) the date on which the election is to be held; and
  - (f) that a poll will be held on the date referred to in paragraph (e) if there is more than one validly nominated candidate for that constituency.

**9. Chief Electoral Officer to determine nomination period**

- (1) Subject to subsections (2) and (3), the nomination period is to be determined by the Chief Electoral Officer.

- (2) The nomination period must not begin earlier than the date on which the relevant election notice is published in the Gazette. The nomination period must not be less than 14 days or more than 21 days.
- (3) The nomination period must end not less than 28 days and not more than 42 days before the date on which the relevant election is to be held.
- (4) Despite subsections (2) and (3), the nomination period may be longer than 21 days and may end during the period of 28 days before the date on which the relevant election is to be held if the nomination period is extended under section 2A(3). *(12 of 2014 s. 10)*

**10. Chief Electoral Officer to publish by-election notice if a by-election is to be held under section 33 of the District Councils Ordinance**

- (1) Subject to section 33(2) of the District Councils Ordinance (Cap. 547), as soon as practicable after a declaration referred to in section 33(1) of that Ordinance is made, in order to hold a by-election for the purposes of that section 33(1), the Chief Electoral Officer must publish in the Gazette a notice in accordance with this section.
- (2) The by-election notice must state, in relation to each constituency for which the by-election is to be held, the name of the constituency, the name of the relevant District, and that one elected member is to be returned for the constituency at the by-election.
- (3) The by-election notice must state the date on which the by-election is to be held.
- (4) The by-election notice must also state that a poll will be held on the date referred to in subsection (3) if there is more than one validly nominated candidate for the constituency.
- (5) The by-election notice must also state—
  - (a) the period within which nomination forms for the by-election are to be submitted to the Returning Officer;
  - (b) the address at which nomination forms are to be submitted; and
  - (c) that nomination forms must be submitted during ordinary business hours.

**12. How to nominate a candidate for a constituency**

- (1) A person is to be nominated as a candidate by submitting to the Returning Officer a nomination form which complies with this section.
- (2) The nomination form must be submitted in accordance with this section.
- (3) The nomination form must be in the specified form and subscribed in accordance with the District Councils (Subscribers and Election Deposit for Nomination) Regulation (Cap. 547 sub. leg. A).
- (4) The candidate must make the declaration required by section 34(1)(b) of the District Councils Ordinance (Cap. 547) in the appropriate place on the nomination form.
- (5) The nomination form must contain a declaration by the candidate to the effect that he or she—
  - (a) is eligible to be nominated as a candidate;
  - (b) is not disqualified from being so nominated; and
  - (c) consents to being so nominated.
- (6) The nomination form—
  - (a) must contain the name of the candidate as shown on the candidate's identity document (being the identity document based on which the particulars of the candidate are recorded in the final register) and, if the Returning Officer is satisfied that the candidate is usually known by a name different from that shown on the candidate's identity document, may include that different name of the candidate; and
  - (b) must also contain the identity document number and address of the candidate. (*L.N. 144 of 2019*)
- (7) The nomination form must be signed by the candidate in each place the candidate's signature is required on that form.
- (8) The nomination form must be signed by each subscriber. It must contain the name and identity document number of each subscriber. (*L.N. 125 of 2003*)
- (9) The nomination form must contain other particulars (if any) required to be furnished on that form.
- (10) The Returning Officer may require a candidate to furnish any other information that Officer considers appropriate in order to be satisfied—
  - (a) that he or she is eligible to be nominated as a candidate for a constituency; or
  - (b) as to the validity of the nomination.



- (11) Only one person can be nominated by one nomination form.
- (12) The nomination form must be submitted to the Returning Officer within the nomination period at the specified address.
- (13) The nomination form must be submitted by the candidate in person or in any other manner authorized by the Chief Electoral Officer.

**16. Returning Officer to decide whether candidates are validly nominated**

- (1) The Returning Officer must, as soon as practicable after receiving a nomination form, decide whether a candidate is validly nominated.
- (2) If sections 20, 21 and 34 of the District Councils Ordinance (Cap. 547) and section 12 are complied with, the candidate stands validly nominated unless—
  - (a) the Returning Officer decides that the nomination form is invalid; or
  - (b) the candidate withdraws his or her candidature.
- (3) Without prejudice to sections 20, 21 and 34 of the District Councils Ordinance (Cap. 547), the Returning Officer may decide that a nomination form is invalid if and only if—
  - (a) the nomination form has not been signed by the prescribed number of subscribers qualified to subscribe to the nomination form under the District Councils (Subscribers and Election Deposit for Nomination) Regulation (Cap. 547 sub. leg. A);
  - (b) the nomination form has not been completed or signed as required under this Regulation;
  - (c) the Returning Officer is satisfied that the candidate is not eligible to be or is disqualified from being nominated as a candidate under the District Councils Ordinance (Cap. 547);
  - (d) the candidate has been nominated for another constituency in the same election, and the Returning Officer is satisfied that the other candidature has not been withdrawn;
  - (e) the candidate has not lodged the appropriate deposit; or
  - (f) the Returning Officer is satisfied that the candidate is dead.

- (4) In this section *prescribed number* (訂明數目) means the number of subscribers required to subscribe to the nomination form under the District Councils (Subscribers and Election Deposit for Nomination) Regulation (Cap. 547 sub. leg. A).

**17. Returning Officer to have regard to advice of Nominations Advisory Committee**

In deciding under section 16 whether a person is eligible to be or is disqualified from being nominated as a candidate, the Returning Officer must have regard to—

- (a) the advice given by a Nominations Advisory Committee on an application, if any, made by the Returning Officer regarding that person under the Electoral Affairs Commission (Nominations Advisory Committees (District Councils)) Regulation (Cap. 541 sub. leg. E); or
- (b) the advice given by a Nominations Advisory Committee on an application, if any, made by that person to the Nominations Advisory Committee under that Regulation or, if advice has not been given, the result of the application.

**18. Returning Officer may give opportunity to rectify a nomination form**

(1) If the Returning Officer detects on a nomination form—

- (a) an error or what appears to that Officer to be an error, or an omission, which may amount to a ground for deciding that the nomination form is invalid; or
- (b) anything which may affect the validity of the nomination form,

and the Returning Officer considers that it can be rectified within the nomination period, that Officer may, before making a decision under section 16, give the candidate a reasonable opportunity to rectify it.

(2) A nomination form cannot be rectified under this section after the expiry of the nomination period.

**19. Returning Officer to endorse invalid nomination forms**

(1) If the Returning Officer decides that a nomination form or the nomination of a candidate is invalid, that Officer must endorse on the nomination form the decision and the reasons for it.

(2) The Returning Officer must sign an endorsement under subsection (1).

- (3) The Returning Officer must send a notice of a decision that a person is validly nominated or is not validly nominated to the person concerned and each validly nominated candidate for the constituency concerned.
- (4) A notice under subsection (3) must be sent to the address of the candidate as given on the nomination form. (*L.N. 144 of 2019*)

**21. No nomination for more than one constituency**

- (1) A person cannot be nominated as a candidate in an election for more than one constituency.
- (2) A person who wishes to be nominated as a candidate in the same election for a constituency other than the constituency for which he or she has for the time being submitted a nomination form (*first constituency*) must, before he or she submits a nomination form for that other constituency, withdraw his or her candidature for the first constituency, in accordance with section 20, and declare in the nomination form for that other constituency that his or her candidature for the first constituency has been withdrawn.

**22. Returning Officer to publish a notice of particulars of validly nominated candidates**

- (1) The Returning Officer must, within 14 days of the expiry of the nomination period, publish a notice in the Gazette which complies with this section.
- (2) A notice referred to in subsection (1) must be published for all constituencies.
- (3) For the purposes of subsection (2), a separate notice may be published for each constituency or one notice may be published for all the constituencies in one District, or one notice may be published for all the constituencies.
- (4) A notice published for a constituency must state—
  - (a) the name and address of each validly nominated candidate for that constituency; and (*L.N. 144 of 2019*)
  - (b) the number allocated to each candidate under section 52(4).
- (5) A notice under this section must be in the specified form.
- (6) If one notice is to be published for more than one constituency under this section, the notice is to be published by the Returning Officer specified for the purpose by the Chief Electoral Officer.

**23. Returning Officer to publish a notice for the purposes of section 39(1) of the District Councils Ordinance**

- (1) If only one candidate has been validly nominated for a particular constituency, the Returning Officer must, in the notice published for that constituency under section 22 or in a separate notice, declare, for the purposes of section 39(1) of the District Councils Ordinance (Cap. 547), the candidate as being duly elected as an elected member for that constituency.
- (2) A separate notice under subsection (1) must—
  - (a) be published in the Gazette within 14 days of the expiry of the nomination period;
  - (b) state the name and address of the candidate declared to be duly elected as an elected member; and (*L.N. 144 of 2019*)
  - (c) be in the specified form.

**24. Returning Officer to notify and declare if a validly nominated candidate is proved to have died**

*(L.N. 79 of 2007)*

- (1) If the death of a candidate is proved to the satisfaction of the Returning Officer before the election day but after that Officer has decided that the candidate is validly nominated, that Officer must notify the Chief Electoral Officer as soon as possible. (*L.N. 79 of 2007*)
- (2) The Returning Officer must, as soon as practicable, declare that the candidate has died. That Officer must further declare which candidates are validly nominated for election for the relevant constituency.
- (3) A declaration under subsection (2) must be made—
  - (a) by notice published in the Gazette;
  - (b) by notice published in any daily newspaper in circulation in Hong Kong;
  - (c) by a public announcement made by radio or television; or
  - (d) by such other means as the Returning Officer considers appropriate in the circumstances.
- (4) A notice under subsection (3)(a) or (b) must state—
  - (a) the name and address of the deceased candidate;
  - (b) the name of the constituency and the name of the relevant District; and

- (c) the name and address of each candidate that remains validly nominated for that constituency. (*L.N. 144 of 2019*)
- (5) A public announcement under subsection (3)(c) must state—
    - (a) the name of the deceased candidate;
    - (b) the name of the constituency and the name of the relevant District; and
    - (c) the name of each candidate that remains validly nominated for that constituency.
  - (6) The Returning Officer must endorse on the nomination form of the deceased candidate that the candidate has died. The Returning Officer must sign the endorsement.
  - (7) The Returning Officer must, if practicable, send a notice of the declaration under subsection (2) to each of the candidates that remains validly nominated for the constituency concerned to replace the notice under section 19(3).
  - (8) On polling day, the Returning Officer may, where that Officer considers appropriate, display a notice which complies with subsection (4) in a prominent place— (*L.N. 74 of 2011*)
    - (a) outside each polling station (other than a dedicated polling station) used for polling for the constituency concerned; and
    - (b) inside each dedicated polling station used for polling for the constituency concerned. (*L.N. 74 of 2011*)
  - (9) If, after the death of a candidate, only one candidate remains validly nominated for the constituency concerned, the Returning Officer must, by such means as that Officer considers appropriate in the circumstances, declare that no poll is to be held for that constituency. The Returning Officer must in the notice under subsection (3)(a), if any, or in a separate notice declare, for the purposes of section 39(1) of the District Councils Ordinance (Cap. 547), the remaining candidate as being duly elected as an elected member for that constituency.
  - (10) A separate notice under subsection (9) must—
    - (a) be published in the Gazette as soon as practicable;
    - (b) state the name and address of the candidate declared to be duly elected as an elected member; and (*L.N. 144 of 2019*)
    - (c) be in the specified form.

**25. Returning Officer to vary decision if a validly nominated candidate is proved to be disqualified**

*(L.N. 79 of 2007)*

- (1) If the disqualification of a candidate is proved to the satisfaction of the Returning Officer before the election day but after that Officer has decided that the candidate is validly nominated, that Officer must notify the Chief Electoral Officer as soon as possible. *(L.N. 79 of 2007)*
- (2) The Returning Officer must, as soon as practicable, declare that the Officer's decision under section 16 is varied to the effect that the candidate is not validly nominated. That Officer must further declare which candidates are validly nominated for election for the relevant constituency.
- (3) A declaration under subsection (2) must be made—
  - (a) by notice published in the Gazette;
  - (b) by notice published in any daily newspaper in circulation in Hong Kong;
  - (c) by a public announcement made by radio or television; or
  - (d) by such other means as the Returning Officer considers appropriate in the circumstances.
- (4) A notice under subsection (3)(a) or (b) must state—
  - (a) the name and address of the disqualified candidate;
  - (b) the name of the constituency and the name of the relevant District;
  - (c) that the decision of the Returning Officer under section 16 has been varied to the effect that the candidate is not validly nominated; and
  - (d) the name and address of each candidate that remains validly nominated for that constituency. *(L.N. 144 of 2019)*
- (5) A public announcement under subsection (3)(c) must state—
  - (a) the name of the disqualified candidate;
  - (b) the name of the constituency and the name of the relevant District; and
  - (c) the name of each candidate that remains validly nominated for that constituency.

- (6) The Returning Officer must endorse on the nomination form of the disqualified candidate that the Officer's decision under section 16 in relation to that candidate is varied and the reasons for it. The Returning Officer must sign the endorsement.
- (7) The Returning Officer must, if practicable, send a notice of the declaration under subsection (2) to the disqualified candidate and each of the candidates that remains validly nominated for the constituency concerned to replace the notice under section 19(3).
- (8) On polling day, the Returning Officer may, where that Officer considers appropriate, display a notice which complies with subsection (4) in a prominent place— (*L.N. 74 of 2011*)
  - (a) outside each polling station (other than a dedicated polling station) used for polling for the constituency concerned; and
  - (b) inside each dedicated polling station used for polling for the constituency concerned. (*L.N. 74 of 2011*)
- (9) If, after the disqualification of a candidate, only one candidate remains validly nominated for the constituency concerned, the Returning Officer must, by such means as that Officer considers appropriate in the circumstances, declare that no poll is to be held for that constituency. The Returning Officer must in the notice under subsection (3)(a), if any, or in a separate notice declare, for the purposes of section 39(1) of the District Councils Ordinance (Cap. 547), the remaining candidate as being duly elected as an elected member for that constituency.
- (10) A separate notice under subsection (9) must—
  - (a) be published in the Gazette as soon as practicable;
  - (b) state the name and address of the candidate declared to be duly elected as an elected member; and (*L.N. 144 of 2019*)
  - (c) be in the specified form.

**31. Designation of polling stations, counting stations and ballot paper sorting stations**

*(L.N. 131 of 2009)*

- (1) The Chief Electoral Officer must designate, by notice published in the Gazette at least 10 days before polling day — (*L.N. 131 of 2009; 12 of 2014 s. 100*)
  - (a) one or more places as a polling station or polling stations for conducting a poll in respect of an election;

- (b) one or more places as a counting station or counting stations for counting of the votes; and
  - (c) one or more places as a ballot paper sorting station or ballot paper sorting stations for sorting ballot papers received from dedicated polling stations in an ordinary election or, where the Chief Electoral Officer considers appropriate, a by-election. (*L.N. 131 of 2009; L.N. 197 of 2009*)
- (1A) The Chief Electoral Officer may designate under subsection (1) the same place as a polling station and a counting station. (*L.N. 125 of 2003*)
  - (1B) If in relation to a constituency, 2 or more counting stations, which are also polling stations, have been designated, the Chief Electoral Officer must designate the polling station at which the largest number of electors are to vote as the dominant counting station for that constituency. (*L.N. 125 of 2003*)
  - (1C) The Chief Electoral Officer must designate each polling station (other than a special polling station) at which less than 200 electors are to vote as a small polling station. (*L.N. 125 of 2003 and L.N. 191 of 2003*)
  - (1CA) Without affecting subsection (1C), the Chief Electoral Officer must designate one or more places as a dedicated polling station or dedicated polling stations at which electors in custody are allocated to vote. (*L.N. 131 of 2009*)
  - (1D) If in relation to a constituency, 2 or more polling stations have been designated and at least one of them is a small polling station, a special polling station or a dedicated polling station, the Chief Electoral Officer must designate a polling station (other than a small polling station, a special polling station or a dedicated polling station) as a main counting station for the purpose of counting the votes cast at the polling station and the small polling station, the small polling stations, the special polling station, the special polling stations, the dedicated polling station or the dedicated polling stations, as may be appropriate. (*L.N. 125 of 2003 and L.N. 191 of 2003; L.N. 131 of 2009*)
  - (1E) The Chief Electoral Officer may designate a polling station as a main counting station in respect of the small polling station only if the aggregate of the electors to vote at the polling station to be so designated and the electors to vote at the small polling station is not less than 200. (*L.N. 125 of 2003 and L.N. 191 of 2003*)



- (2) The Chief Electoral Officer may designate under subsection (1)—
  - (a) premises occupied by a Government department for official purposes (***Government building***);
  - (b) a structure, place or premises hired under subsection (3) or which is to be so hired;
  - (c) any school in respect of which a grant is made out of the general revenue;
  - (d) a building occupied by an organization, association or body in respect of which a grant is made out of the general revenue; or
  - (e) any other structure, premises, whether permanent or temporary, mobile or otherwise, or place, which the Chief Electoral Officer considers suitable for a purpose specified in subsection (1).
- (3) The Chief Electoral Officer may hire any structure, place or premises or a part of a structure, place or premises to designate as a polling station or a counting station.
- (4) The Chief Electoral Officer may designate a place described in subsection (2) in addition to or in substitution of a place designated under this section as a polling station or a counting station. The Chief Electoral Officer must publish notice of such designation. The notice may be published in a manner that Officer thinks fit.
- (5) The Chief Electoral Officer must ensure that there are sufficient polling stations and counting stations to enable polling and counting of the votes to take place smoothly and efficiently.
- (6) The Chief Electoral Officer must make available, at that Officer's office, for public inspection, a list of the polling stations and counting stations. (*L.N. 125 of 2003 and L.N. 191 of 2003; L.N. 131 of 2009*)
- (7) The Chief Electoral Officer must, in the case of a polling station or a counting station which is not a Government building—
  - (a) make good any damage caused; and
  - (b) defray any expenses incurred by any person having control over the structure, place or premises,due to their having been used as a polling station or a counting station.

(8) The Chief Electoral Officer may take such steps as that Officer considers appropriate, including taking out insurance, to insure against any risk of loss or damage that may arise due to or in connection with the use of any structure, place or premises as a polling station or a counting station.

(9) *(Repealed L.N. 125 of 2003)*

**33. Chief Electoral Officer to assign polling stations for constituencies and to allocate polling stations to electors**

(1) The Chief Electoral Officer may assign, for each constituency, one or more polling stations for conducting the poll for that constituency.

(2) The Chief Electoral Officer must allocate to each elector a polling station to cast the vote he or she is entitled to cast at an election.

(3) Under subsection (2), for the purposes of an election, the Chief Electoral Officer— *(L.N. 131 of 2009)*

(a) subject to paragraph (b), must allocate to an elector a polling station that is, as far as practicable, close to his or her registered residential address; and

(b) may allocate to an elector who will be serving a sentence of imprisonment on the polling day a dedicated polling station. *(L.N. 131 of 2009)*

(4) The Chief Electoral Officer may, if the circumstances require, allocate to an elector an alternative polling station, in addition to or in substitution of the polling station allocated under subsection (2), to cast the vote he or she is entitled to cast at the election.

(5) To enable the Chief Electoral Officer to perform his or her functions under this section in relation to electors, the Commissioner of Correctional Services must, upon a request by the Chief Electoral Officer, provide the following information concerning every person who is serving a sentence of imprisonment or detained by the Correctional Services Department on remand—

(a) the name of the person;

(b) the number of the person's identity document;

(c) the prisoner registration number allocated by the Commissioner of Correctional Services to the person for identification purposes;

(d) the name and address of the premises in which the person is detained. *(L.N. 74 of 2011)*

- (6) To enable the Chief Electoral Officer to perform his or her functions under this section in relation to electors, the head of any law enforcement agency must, upon a request by the Chief Electoral Officer, provide the following information concerning every person who is detained by the law enforcement agency under any lawful authority—
  - (a) the name of the person;
  - (b) the number of the person's identity document;
  - (c) the name and address of the premises in which the person is detained. (*L.N. 74 of 2011*)

**34. Chief Electoral Officer to send poll cards to electors**

- (1) For every contested election, at least 10 days before polling day, the Chief Electoral Officer must send a poll card to each elector.
- (2) A poll card need not be sent to an elector if—
  - (a) the Chief Electoral Officer is satisfied, having regard to information received from the Registrar of Births and Deaths, that the elector is dead; or
  - (b) the Chief Electoral Officer is satisfied that the elector's address as recorded in the final register—
    - (i) does not exist;
    - (ii) refers to a building that has been demolished; or
    - (iii) refers to a building that is not built at the time poll cards are to be sent.
- (2A) A poll card sent to an elector who will be serving a sentence of imprisonment in a prison on the polling day must be addressed to the elector and sent, as far as practicable, to the prison. (*L.N. 131 of 2009*)
- (3) The Chief Electoral Officer must state in the poll card the polling station at which the elector must cast his or her vote.
- (4) Where an alternative polling station is allocated to an elector under section 33(4), the Chief Electoral Officer must, as soon as practicable, notify, in a manner that Officer considers appropriate—
  - (a) the elector;
  - (b) the Returning Officer;
  - (c) the Presiding Officer of the polling station previously allocated to the elector; and
  - (d) the Presiding Officer of the alternative polling station.

**35. Chief Electoral Officer may allocate special polling stations**

- (1) An elector, who claims to be a person with a disability and that access to the polling station which is allocated to him or her under section 33(2) is difficult for him or her due to the disability, may apply to the Chief Electoral Officer to vote at the special polling station designated for the constituency for which he or she is entitled to vote.
- (2) An application under subsection (1) must be made at least 5 days before polling day.
- (3) On receiving an application under subsection (1), the Chief Electoral Officer must, if satisfied that the application is well founded, allocate to the elector an appropriate special polling station to cast the vote he or she is entitled to cast at the election to which the application relates.
- (4) The Chief Electoral Officer must inform the applicant in a manner that Officer considers appropriate, the result of the application, as soon as practicable.
- (5) When the Chief Electoral Officer allocates a special polling station to an elector, that Officer must, as soon as practicable, notify, in a manner that Officer considers appropriate—
  - (a) the Returning Officer;
  - (b) the Presiding Officer of the special polling station; and
  - (c) the Presiding Officer of the polling station previously allocated to the elector,of the name, identity document number and registered residential address of that elector.
- (6) The Chief Electoral Officer must notify the persons referred to in subsection (5) of the constituency for which the elector is entitled to vote.
- (7) The Chief Electoral Officer may, if the circumstances require, allocate to an elector an alternative special polling station, in addition to or in substitution of the special polling station allocated under subsection (3), to cast the vote he or she is entitled to cast at the election.
- (8) Where an alternative special polling station is allocated to an elector under subsection (7), the Chief Electoral Officer must, as soon as practicable, notify, in a manner that Officer considers appropriate—
  - (a) the elector;
  - (b) the persons referred to in subsection (5); and

- (c) the Presiding Officer of the alternative special polling station.

**36. Persons to vote at the correct polling station**

- (1) Subject to subsection (2), a person may only vote at the polling station allocated to him or her under section 33.
- (2) A person who is allocated a special polling station under section 35 may only vote at the special polling station so allocated.

**38. Chief Electoral Officer to supply candidates with copy or extract of final register**

- (1) The Chief Electoral Officer must supply to each candidate—
  - (a) in the case of the first ordinary election, a copy of the part of the final register; or
  - (b) in the case of any subsequent ordinary election, an extract of the part of the final register,which relates to the constituency for which that candidate is nominated.
- (2) A copy or extract for the purposes of this section must be supplied to a candidate as soon as practicable after the relevant nomination form is submitted to the Returning Officer.
- (3) A copy under subsection (1)(a)—
  - (a) must, in an entry relating to an elector, show the sex of the elector, denoted by the letter “M” for male and “F” for female; and
  - (b) may contain additional particulars or information the Chief Electoral Officer thinks fit to include.
- (4) An extract under subsection (1)(b) may contain additional particulars or information the Chief Electoral Officer thinks fit to include.
- (5) The form in which a copy or extract is supplied may be in a printed form, a form which is capable of being read by a computer or any other form determined by the Chief Electoral Officer.
- (6) A copy or extract for the purposes of this section may be supplied to the election agent of a candidate instead of the candidate to whom it is required to be supplied.

**39. Chief Electoral Officer to supply Returning Officer with copy or extract of final register**

- (1) The Chief Electoral Officer must supply to the Returning Officer—
  - (a) in the case of the first ordinary election, a copy of the part of the final register; or
  - (b) in the case of any subsequent ordinary election, a copy or extract of the part of the final register,which relates to the constituency for which the Returning Officer is appointed.
- (2) A copy or extract for the purposes of this section must be supplied after the relevant notice of nominations is published.
- (3) A copy under subsection (1)(a)—
  - (a) must, in an entry relating to an elector, show—
    - (i) the identity document number of the elector; and
    - (ii) the sex of the elector, denoted by the letter “M” for male and “F” for female; and
  - (b) may contain additional particulars or information the Chief Electoral Officer thinks fit to include,and the entries in the copy may be re-arranged in the format or order as the Chief Electoral Officer considers appropriate.
- (4) A copy or extract under subsection (1)(b) may contain additional particulars or information the Chief Electoral Officer thinks fit to include.
- (5) The form in which a copy or extract is supplied may be in a printed form, a form which is capable of being read by a computer or any other form determined by the Chief Electoral Officer.

**40. Chief Electoral Officer to carry out other duties relating to polling stations**

- (1) The Chief Electoral Officer must provide at each polling station sufficient compartments as that Officer considers necessary to enable electors to vote, screened from observation.
- (2) The Chief Electoral Officer must supply to each Presiding Officer the number of ballot papers the Chief Electoral Officer considers necessary for the constituency for which the polling station is to be used for polling. The Chief Electoral Officer must ensure that the name of any deceased or disqualified candidate regarding whom a declaration under section 24 or 25 is made, and other information relating to that candidate, if printed on the ballot papers, are crossed out. (*1 of 2019 s. 35*)

- (3) The Chief Electoral Officer must also supply to the Presiding Officer—
  - (a) in the case of the first ordinary election, a copy of the appropriate part of the final register; or
  - (b) in the case of any subsequent ordinary election, a copy or extract of the appropriate part of the final register.
- (4) A copy under subsection (3)(a)—
  - (a) must, in an entry relating to an elector, show—
    - (i) the identity document number of the elector; and
    - (ii) the sex of the elector, denoted by the letter “M” for male and “F” for female; and
  - (b) may contain additional particulars or information the Chief Electoral Officer thinks fit to include,
 

and the entries in the copy may be re-arranged in the format or order as the Chief Electoral Officer considers appropriate.
- (5) A copy or extract under subsection (3)(b) may contain additional particulars or information the Chief Electoral Officer thinks fit to include.
- (6) The form in which a copy or extract is supplied may be in a printed form, a form which is capable of being read by a computer or any other form determined by the Chief Electoral Officer.
- (7) The Chief Electoral Officer must provide at each polling station chops bearing the mark “✓”, with or without other design, and other materials that are necessary to enable electors to mark the ballot papers.
- (8) The Chief Electoral Officer may do other acts and things as that Officer considers necessary for holding the poll effectively.

**52. Form of ballot paper and order of appearance of names of candidates on ballot papers**

- (1) A ballot paper is to be in the form prescribed in Schedule 2.
- (1A) The Chief Electoral Officer may modify the layout of the form of a ballot paper prescribed in Schedule 2 to incorporate particulars relating to candidates to be printed on a ballot paper in accordance with the Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) Regulation (Cap. 541 sub. leg. M). (*L.N. 79 of 2007*)
- (2) The Commission may decide—

- (a) to have a ballot paper printed in white or in colour or colour pattern;
  - (b) the colour in which a ballot paper is to be printed or the colour pattern to be printed on a ballot paper;
  - (c) whether or not to have a design on the back of a ballot paper; or
  - (d) the design to be printed on the back of a ballot paper.
- (3) The Commission may assign a code for each constituency. The code is to be printed on the front of a ballot paper.
- (4) The order in which the names of candidates appear on a ballot paper is to be determined by the Returning Officer by the drawing of lots. A number is to be allocated to each candidate according to the result of the draw.
- (5) A candidate may be present at the drawing of lots under this section or be represented by a person authorized in writing by him or her.
- (6) The Returning Officer must give notice to each candidate of the arrangements for the drawing of lots under this section.
- (7) A ballot paper is to contain the following information—
- (a) the name of the candidate;
  - (aa) insofar as may be applicable to the candidate, the particulars specified in the Schedule to the Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) Regulation (Cap. 541 sub. leg. M); and (*L.N. 79 of 2007; L.N. 144 of 2019*)
  - (b) (*Repealed L.N. 144 of 2019*)
  - (c) the number allocated to the candidate under this section.
- (8) In the case of death or disqualification of a candidate who has been allocated a number under this section, the name of the candidate and the information under subsection (7) relating to that candidate—
- (a) are to be omitted from the ballot paper; or
  - (b) if printed on the ballot paper, are to be crossed out under section 40(2). (*1 of 2019 s. 37*)
- (9) The number allocated to a candidate under this section is not to be altered even if the information relating to another candidate for the constituency concerned who has died or is disqualified is omitted from the ballot paper or crossed out under subsection (8).
- (10) A ballot paper is to have the date and description of the election printed on the front of it.



- (11) A number may be printed on the counterfoil of a ballot paper, but that number is not to be printed or shown in any manner on the ballot paper.
- (12) A notice required to be given to a candidate under subsection (6) may be given to the election agent instead of the candidate.

**54. Questions to be asked from persons applying for a ballot paper**

- (1) The Presiding Officer may, at the time a person applies for a ballot paper, but not afterwards, ask, in case of doubt, the appropriate questions set out in subsection (2).
- (2) The questions referred to in subsection (1) are—
  - (a) “Are you the person registered in the final register now in effect for this constituency, as follows (the Presiding Officer to read the whole entry as it is recorded in the copy or extract of the final register supplied to that Officer)?” or “你是否已登記在對本選區有效的正式選民登記冊上的人，並且有關記項一如以下所述 (the Presiding Officer to read the whole entry as it is recorded in the copy or extract of the final register supplied to that Officer)?”;
  - (b) “Have you already voted for this or any other constituency in this election?” or “在這次選舉中，你是否已經就本選區或任何其他選區投票?”.
- (3) The Presiding Officer must ask the appropriate questions set out in subsection (2) if so required by a candidate, an election agent or a polling agent.
- (4) The Presiding Officer must not give a ballot paper to any person who fails to answer the questions asked of that person under this section to the satisfaction of that Officer.

**56. Presiding Officer to issue only one ballot paper to an elector**

- (1) The Presiding Officer is to issue only one ballot paper to an elector who applies for a ballot paper.
- (2) Before issuing a ballot paper under this section, the name of the elector as stated in the copy or extract of the relevant final register supplied under section 40(3) must be called out.
- (3) Immediately before issuing the ballot paper, the Presiding Officer must— (*14 of 2021 s. 165*)
  - (a) if a printed copy or extract of the relevant final register is used to record the issue—mark the copy or extract by placing a line across the name and identity document number of the elector; or

- (b) if an FR electronic copy or extract (as defined by section 110) of the relevant final register is used to record the issue—make, by using an electronic device, a record in the entry relating to the elector in the FR electronic copy or extract,

to denote that the ballot paper the elector is entitled to have issued to him or her at the relevant polling station has been so issued. (*14 of 2021 s. 165*)

- (4) No record is to be made of the particular ballot paper issued to an elector.

**56A. Elector who has not cast vote may return to cast vote with permission**

- (1) Subject to subsection (5), if—
  - (a) an elector has been issued with a ballot paper; and
  - (b) he or she has left the polling station without casting his or her vote,  
he or she shall not cast the vote when he or she returns to the polling station before the close of the poll unless—
    - (c) before leaving the polling station, he or she has—
      - (i) made a request to the Presiding Officer for permission to cast the vote before the close of the poll;
      - (ii) informed the Presiding Officer of his or her reason for leaving the polling station without casting the vote; and
      - (iii) returned the ballot paper, unmarked, to the Presiding Officer; (*L.N. 131 of 2009*)
    - (d) the Presiding Officer has granted the requested permission; and (*L.N. 131 of 2009*)
    - (e) if the polling station is a dedicated polling station situated in a prison, the elector returns to the polling station within the time slot assigned to him or her under subsection (2A) or section 30(2A). (*L.N. 131 of 2009*)
- (2) If an elector has complied with subsection (1)(c), the Presiding Officer must grant the permission unless he or she is of the opinion that the request is a manifest abuse of the facilities provided by this section.

- (2A) If the Presiding Officer of a dedicated polling station situated in a prison grants the permission to an elector under subsection (1), the Commissioner of Correctional Services must, as far as practicable—
- (a) assign to the elector a new time slot during the polling hours appointed for the polling station; and
  - (b) notify the elector of the new time slot. (*L.N. 131 of 2009*)
- (3) If the Presiding Officer grants the permission to an elector under subsection (2), he or she must—
- (a) keep in his or her custody the ballot paper returned by the elector under subsection (1)(c)(iii); and
  - (b) on the elector's return to the polling station before the close of the poll to cast the vote, re-issue the ballot paper to the elector in the presence of a police officer or, if the polling station is a dedicated polling station, an officer of the Correctional Services Department or any law enforcement agency. (*L.N. 131 of 2009*)
- (4) If the Presiding Officer does not grant the permission to an elector under subsection (2), he or she must immediately re-issue to the elector the ballot paper returned under subsection (1)(c)(iii).
- (5) An elector who—
- (a) has been issued with a ballot paper;
  - (b) has become incapacitated from voting by physical illness; and (*L.N. 191 of 2003*)
  - (c) has left the polling station after—
    - (i) returning the ballot paper, unmarked, to the Presiding Officer; or
    - (ii) leaving the ballot paper, unmarked, behind in the polling station without putting the ballot paper into the ballot box (if the Presiding Officer is aware that the elector has so left the ballot paper behind before leaving the polling station),
 may return to the polling station before the close of the poll and cast his or her vote.
- (5A) If an elector in custody leaves a dedicated polling station situated in a prison under subsection (5), the Commissioner of Correctional Services must, as far as practicable—
- (a) assign to the elector a new time slot during the polling hours appointed for the polling station; and
  - (b) notify the elector of the new time slot. (*L.N. 131 of 2009*)

- (5B) The right of an elector in custody who is allocated to vote at a dedicated polling station situated in a prison to cast the vote under subsection (5) is subject to the elector's returning to the polling station within the time slot assigned to him or her under subsection (5A) or section 30(2A). *(L.N. 131 of 2009)*
- (6) If any ballot paper is returned under subsection (5)(c)(i) or left behind in the polling station under subsection (5)(c)(ii) by an elector, the Presiding Officer must—
- (a) keep in his or her custody the ballot paper; and
  - (b) on the elector's return to the polling station before the close of the poll to cast the vote, re-issue the ballot paper to the elector in the presence of a police officer or, if the polling station is a dedicated polling station, an officer of the Correctional Services Department or any law enforcement agency. *(L.N. 131 of 2009)*
- (7) For the purposes of this Regulation, re-issuing a ballot paper under subsection (3), (4) or (6) shall be regarded as issuing a ballot paper under section 56(1).

*(L.N. 125 of 2003)*

## **57. Procedure for voting**

- (1) When an elector is issued with a ballot paper, he or she must immediately go into a voting compartment and mark the ballot paper. *(L.N. 131 of 2009)*
- (2) After marking the ballot paper, the elector must—
- (a) before leaving the voting compartment, fold the ballot paper so that the marked side is inside; and
  - (b) put the folded ballot paper into the ballot box. *(L.N. 131 of 2009)*
- (2A) Despite subsection (2), in an ordinary election or, where the Chief Electoral Officer considers appropriate, a by-election, an elector in custody must, after marking the ballot paper — *(L.N. 197 of 2009)*
- (a) before leaving the voting compartment—
    - (i) fold the ballot paper so that the marked side is inside; and
    - (ii) put the folded ballot paper into the envelope issued together with the ballot paper; and
  - (b) put the ballot paper contained in the envelope into the ballot box. *(L.N. 131 of 2009)*

- (3) An elector must cast his or her vote without undue delay. An elector must leave the polling station as soon as he or she has put the ballot paper into the ballot box.
- (4) A person must not put anything other than a marked ballot paper or an envelope referred to in subsection (2A) into the ballot box. (*L.N. 131 of 2009*)
- (5) Except where it is provided otherwise in this Regulation, a person must not remove a ballot paper from a polling station.
- (6) In this section *voting compartment* (投票間) means a compartment provided under section 40(1) for the purpose of marking ballot papers.

**58. How ballot papers are to be marked**

- (1) An elector is to mark his or her ballot paper with the chop.
- (2) The chop is to be affixed to give a single “✓” in the circle opposite the name of the candidate of the elector’s choice on the ballot paper.
- (3) In this section *chop* (印章) means a chop provided under section 40(7) for the purpose of marking the ballot paper.

**59. Marking of ballot papers for or by incapacitated person**

- (1) The Presiding Officer may mark a ballot paper for an elector who is or claims that he or she is unable to read or is incapacitated from voting due to blindness or other physical cause. The Presiding Officer may do so only on the application of such an elector.
- (2) The Presiding Officer must mark the ballot paper for a person referred to in subsection (1) in the presence of a polling officer and in the appropriate manner specified in section 58 according to the choice of the elector. The Presiding Officer must put the ballot paper into the ballot box, in the manner described in section 57 in the presence of a polling officer, after marking it.
- (3) An elector who is blind or claims that he or she is blind may make use of a template to mark the ballot paper if a template is provided for that purpose at the polling station.

**64. Presiding Officer to prepare a ballot paper account for each packet of sealed ballot papers**

- (1) The Presiding Officer (other than the Presiding Officer of a dedicated polling station) must prepare a statement which complies with subsection (2) for each packet prepared under section 63 or 63A, as the case may be, for a constituency. (*L.N. 125 of 2003 and L.N. 191 of 2003; L.N. 74 of 2011*)
- (2) The statement under subsection (1) must be in the specified form and show the number of ballot papers for the constituency supplied to the Presiding Officer under section 40(2) and account for those ballot papers under the following heads—
  - (a) the number of ballot papers estimated by the Presiding Officer to be in the ballot box or boxes;
  - (b) the number of un-issued ballot papers;
  - (c) the number of unused ballot papers; and
  - (d) the number of spoilt ballot papers.
- (3) The Presiding Officer of a dedicated polling station must—
  - (a) (if one or more ballot papers have been issued by the Presiding Officer on the polling day) prepare a statement which complies with subsection (4) for each District in respect of which ballot papers have been issued; or
  - (b) (if no ballot paper has been issued by the Presiding Officer on the polling day) prepare a statement in the specified form confirming that no ballot paper has been issued by the Presiding Officer on the polling day. (*L.N. 74 of 2011*)
- (4) The statement prepared under subsection (3)(a) must be in the specified form and show the number of ballot papers for the District supplied to the Presiding Officer under section 40(2) and account for those ballot papers under the following heads—
  - (a) the number of ballot papers estimated by the Presiding Officer to be in the ballot box or boxes;
  - (b) the number of un-issued ballot papers;
  - (c) the number of unused ballot papers;
  - (d) the number of spoilt ballot papers. (*L.N. 74 of 2011*)

## **76. Counting of votes**

- (1) At the counting zone for each counting station, the ballot papers for that counting station must be dealt with by the Presiding Officer as provided in this section. (*L.N. 125 of 2003*)

- (2) The Presiding Officer of a main counting station must, when counting the votes at the main counting station, mix the ballot papers in at least one of the ballot boxes at the polling station designated as the main counting station together with— (*L.N. 131 of 2009; 11 of 2012 s. 57*)
  - (a) the ballot papers that have been delivered to the main counting station from one or more small polling stations or special polling stations; and
  - (b) the ballot papers that have been delivered to the main counting station from one or more ballot paper sorting stations, or one or more dedicated polling stations, as may be appropriate. (*L.N. 125 of 2003 and L.N. 191 of 2003; L.N. 131 of 2009; L.N. 197 of 2009; 11 of 2012 s. 57*)
- (3) Ballot papers are to be sorted with reference to the candidate for which the vote has been recorded.
- (4) The votes recorded on the ballot papers are to be counted according to the system of counting described in section 41 of the District Councils Ordinance (Cap. 547).
- (5) In the course of counting in accordance with subsection (4)—
  - (a) any ballot paper—
    - (i) which appears to have any writing or mark by which the elector can possibly be identified;
    - (ii) which appears to be not marked in accordance with section 58(2);
    - (iii) which appears to be substantially mutilated; or
    - (iv) which appears to be void for uncertainty, is questionable and shall be separated and forwarded to the Presiding Officer to decide whether the vote should be counted in accordance with section 79; and
  - (b) any ballot paper described in section 78(1)(b), (c), (d), (f), (g), (ha) and (i) shall be separated and shall not be counted pursuant to section 78. (*L.N. 125 of 2003; 1 of 2019 s. 50*)

**78. Votes recorded on invalid ballot papers not to be counted**

*(L.N. 79 of 2007)*

- (1) When counting the votes, a ballot paper of any of the following descriptions is not to be regarded as valid and the vote recorded on the ballot paper is not to be counted— (*L.N. 79 of 2007*)

- (a) on which there is writing or a mark by which the elector can possibly be identified; *(L.N. 79 of 2007)*
  - (b) which has the words “重複” and “TENDERED” endorsed on the front of it;
  - (c) which has the words “損壞” and “SPOILT” endorsed on the front of it;
  - (d) which has the words “未用” and “UNUSED” endorsed on the front of it; *(L.N. 79 of 2007)*
  - (e) which is substantially mutilated;
  - (f) which is unmarked;
  - (g) a ballot paper which is not marked in accordance with section 58(1); *(L.N. 125 of 2003)*
  - (h) which the Presiding Officer determines as being void for uncertainty; *(L.N. 79 of 2007)*
  - (ha) on which a vote for a candidate is recorded and the name of, and other information relating to, the candidate are crossed out under section 40(2); *(1 of 2019 s. 51)*
  - (i) which contains votes for more than 1 candidate. *(L.N. 125 of 2003)*
- (2) A candidate, an election agent or a counting agent—
- (a) may inspect a ballot paper referred to in subsection (1) (b), (c), (d), (f), (g), (ha) or (i); but
  - (b) is not entitled to make representations to the Presiding Officer concerning the ballot paper. *(L.N. 79 of 2007)*
- (3) Subject to subsection (1)(ha), it is stated that the Presiding Officer is not to make a decision not to count a ballot paper solely because the name of, and other information relating to, a candidate on the ballot paper are crossed out under section 40(2). *(1 of 2019 s. 38)*
- (L.N. 125 of 2003; 1 of 2019 s. 51)*

**79. Presiding Officer to make decisions on questionable ballot papers**

- (1) If a ballot paper is forwarded to the Presiding Officer under section 76(5)(a), a candidate, an election agent or a counting agent, if present at the counting zone, may— *(L.N. 79 of 2007)*
- (a) inspect the ballot paper; and
  - (b) make representations to the Presiding Officer concerning the ballot paper. *(L.N. 125 of 2003)*



- (2) After considering the representations (if any) made under subsection (1), the Presiding Officer shall determine whether the ballot paper—
  - (a) is valid and the vote shall be counted; or
  - (b) shall not be counted pursuant to section 78 for—
    - (i) having on it any writing or mark by which, in that Officer’s opinion, the elector can possibly be identified;
    - (ii) subject to subsection (3), being a ballot paper not marked in accordance with section 58(2);
    - (iii) being a ballot paper which is substantially mutilated; or
    - (iv) being void for uncertainty. (*L.N. 125 of 2003*)
- (3) In the case of a ballot paper which is not marked in accordance with section 58(2), if the Presiding Officer is satisfied that the intention of the elector is clear notwithstanding the deviation from the requirement in section 58(2), the Presiding Officer may count that ballot paper. (*L.N. 125 of 2003*)
- (4) If the Presiding Officer decides a questionable ballot paper is not to be counted, that Officer must endorse the words “不獲接納” and “rejected” on the front of it. If a candidate, an election agent or a counting agent objects to the Presiding Officer’s decision, that Officer must also add the words “反對此選票不獲接納” and “rejection objected to”.
- (5) If a candidate, an election agent or a counting agent objects to the decision of the Presiding Officer to count a questionable ballot paper, that Officer must endorse the words “反對此選票獲接納” and “acceptance objected to” on that ballot paper.
- (6) The Presiding Officer is to prepare a statement of the ballot papers referred to in section 78(1) which are not to be counted. The statement is to be under the following heads— (*L.N. 125 of 2003*)
  - (a) writing or mark by which the elector can possibly be identified;
  - (b) endorsed with the words “重複” and “TENDERED”;
  - (c) endorsed with the words “損壞” and “SPOILT”;
  - (d) endorsed with the words “未用” and “UNUSED”;
  - (e) substantially mutilated;
  - (f) unmarked;
  - (g) not marked in accordance with section 58;

- (h) void for uncertainty; (*1 of 2019 s. 52*)
- (ha) a ballot paper on which a vote for a candidate is recorded and the name of, and other information relating to, the candidate are crossed out under section 40(2); (*1 of 2019 s. 52*)
- (i) a ballot paper which contains votes for more than 1 candidate. (*L.N. 125 of 2003*)  
(*L.N. 125 of 2003; L.N. 79 of 2007*)

**80A. Result of the counting of votes and re-count: one counting station**

- (1) This section applies where there is only one counting station for a constituency.
- (2) After the votes are counted under section 76, the Presiding Officer must make known the result of the counting of votes to the candidates who are present at the counting zone.
- (3) If the candidates are not present, the Presiding Officer is to make known the result to their election agents or counting agents, if those agents are present at the counting zone.
- (4) A candidate who is present at the counting zone when the votes are counted or re-counted, or an election agent who is so present, may request the Presiding Officer to count again the counted votes or re-counted votes.
- (5) If a request is made under subsection (4), that Presiding Officer must comply with the request unless the Officer is of the opinion that the request is unreasonable.
- (6) After a counting of votes or re-count is completed, nothing further is to be done until each candidate who is present at the completion of the counting of votes or re-count, or the election agent of each candidate if present at the completion of the counting of votes or re-count, is given a reasonable opportunity to make a request for a re-count.
- (7) Where there is no request for a re-count or such request is rejected by the Presiding Officer or the re-count is completed and there is no request for a further re-count or the request for a further re-count has been rejected by the Presiding Officer, the Presiding Officer must report to the Returning Officer for the constituency the result of the counting of votes and re-count (if any).

(*L.N. 125 of 2003*)

**80B. Result of the counting of votes and re-count: 2 or more counting stations**

- (1) This section applies where there are 2 or more counting stations for a constituency.
- (2) After the votes are counted under section 76, the Presiding Officer of the relevant counting station must make known the result of the counting of votes at that counting station to the candidates who are present at the counting zone.
- (3) If the candidates are not present, the Presiding Officer is to make known the result to their election agents or counting agents, if those agents are present at the counting zone.
- (4) A candidate who is present at the counting zone when the votes are counted or re-counted, or an election agent or a counting agent who is so present, may request the Presiding Officer to count again the counted votes or re-counted votes.
- (5) If a request is made under subsection (4), that Presiding Officer must comply with the request unless the Officer is of the opinion that the request is unreasonable.
- (6) After a counting of votes or re-count is completed, nothing further is to be done until each candidate who is present at the completion of the counting of votes or re-count, or the election agent or counting agent of each candidate if present at the completion of the counting of votes or re-count, is given a reasonable opportunity to make a request for a re-count.
- (7) Where there is no request for a re-count or such request is rejected by the Presiding Officer or the re-count is completed and there is no request for a further re-count or the request for a further re-count has been rejected by the Presiding Officer, the Presiding Officer of each counting station which is not the dominant counting station must report to the Presiding Officer of the dominant counting station and the Returning Officer for the constituency the result of the counting of votes and re-count (if any). (*L.N. 191 of 2003*)
- (8) After the Presiding Officer of the dominant counting station has been notified of the results of the counting of votes of all the counting stations for the constituency, that Officer must make known the results to the candidates or their election agents or counting agents who are present at the dominant counting station. If a candidate or his or her election agent who is present at the dominant counting station requests the Presiding Officer of that counting station to re-count all the votes of all the counting stations for the constituency, that Officer must comply with the request unless the Officer is of the opinion that the request is unreasonable.

- (9) If the Presiding Officer of the dominant counting station decides to comply with the request referred to in subsection (8), that Officer must conduct a re-count at the dominant counting station and inform the Presiding Officers of the other counting stations for the constituency to conduct a re-count at their respective counting station at the same time.
- (10) The Presiding Officer of each of the other counting stations for the constituency must make known the result of the re-count at that Officer's counting station to the candidates or their election agents or counting agents who are present at the relevant counting stations and must report that result to the Presiding Officer of the dominant counting station.
- (11) The Presiding Officer of the dominant counting station must inform the candidates or their election agents or counting agents who are present at the dominant counting station of all the re-count results.
- (12) The Presiding Officer of the dominant counting station must report to the Returning Officer for the constituency the result of the counting of votes and re-count (if any) of all the counting stations for such constituency. *(L.N. 191 of 2003)*

*(L.N. 125 of 2003)*

**80C. Determination of result in the event of equality of votes**

- (1) If in relation to a constituency, 2 or more of the most successful candidates have an equal number of votes, the Returning Officer for the constituency must determine the result of the election by drawing lots as provided in section 41(3) of the District Councils Ordinance (Cap. 547).
- (2) In order to invite the candidates referred to in subsection (1) to be present at the office of the Returning Officer for the constituency or any other place as determined by the Returning Officer for conducting the drawing of lots under section 41(3) of the District Councils Ordinance (Cap. 547), the Returning Officer must use the means of contact provided by those candidates on their nomination forms. *(L.N. 191 of 2003)*
- (3) If the Returning Officer fails to contact a candidate under subsection (2), that Officer may draw lots on behalf of the candidate.

*(L.N. 125 of 2003)*

**81. Returning Officer to declare election result**

- (1) When the counting of the votes and re-counts, if any, are completed and the result of the election determined, subject to subsection (2), the Returning Officer must declare the candidate who is successful at the election to be elected, as provided in section 41(4) of the District Councils Ordinance (Cap. 547). (*L.N. 125 of 2003 and L.N. 191 of 2003*)
- (2) If, before a successful candidate at an election is declared to be elected, it is proved to the satisfaction of the Returning Officer that the candidate has died or is disqualified, that Officer must not declare the candidate to be elected and must declare the election to have failed, as provided in section 40(3) of the District Councils Ordinance (Cap. 547). (*L.N. 79 of 2007*)

**90. Returning Officer may perform functions through Assistant Returning Officers**

*(L.N. 79 of 2007)*

- (1) A Returning Officer may perform any act which that Officer is required or authorized to perform under this Regulation through an Assistant Returning Officer appointed for the constituency for which the Returning Officer is appointed.
- (1A) (*Repealed L.N. 79 of 2007*)
- (2) A Returning Officer may not delegate under subsection (1)—
  - (a) the power to determine the validity or otherwise of a nomination or a nomination form; or (*L.N. 125 of 2003*)
  - (b) (*Repealed L.N. 125 of 2003*)
  - (c) the declaration of the result of the election.

**95. Procedure after election proceedings are terminated**

- (1) A declaration terminating the proceedings for an election under section 40(1) of the District Councils Ordinance (Cap. 547) is to be made by the Returning Officer by a notice. The notice must be displayed in a prominent place outside each polling station for the constituency concerned. As soon as practicable after the declaration is made, the notice must be published in the Gazette.
- (1A) If a declaration is made under subsection (1), the Commissioner of Correctional Services or the head of a law enforcement agency must, as soon as practicable, inform all electors in custody detained by him or her who have not yet voted in the poll of the declaration. (*L.N. 131 of 2009*)

- (2) If, on the date of the election for a constituency and before the close of the poll for the constituency, a declaration under subsection (1) is made by the Returning Officer in respect of the election, the Officer must direct that the poll for the constituency be abandoned. (*L.N. 79 of 2007; L.N. 74 of 2011*)
- (3) When the poll is abandoned under this section, the Presiding Officer at every polling station for the constituency for which the deceased or disqualified candidate was standing for election must take the steps that Officer is required to take under this Regulation for the purpose of—
  - (a) sealing in packets all the ballot papers in the ballot box or boxes without separating, sorting or counting them or counting the votes; and
  - (b) separating and sealing the following in packets—
    - (i) ballot papers which have not been issued;
    - (ii) the unused ballot papers;
    - (iii) the spoilt ballot papers; and
    - (iv) if the copy or extract of the relevant final register has been marked under section 56(3)(a)—the marked copy or extract. (*14 of 2021 s. 173*)
- (4) For the purposes of subsection (3), the requirement in section 64 relating to the preparation of a ballot paper account does not apply.
- (5) As soon as practicable after sealing the ballot papers referred to in subsection (3), the Presiding Officer must deliver to the Returning Officer for the constituency all the sealed packets and the ballot box or boxes. (*L.N. 125 of 2003*)
- (6) The provisions in Part 5 relating to the inspection, retention and destruction of ballot papers and other documents relating to a poll apply to the election documents of a poll abandoned under this section, subject to necessary modifications.
- (7) When a poll is abandoned under this section, the Returning Officer must, as far as practicable and in a manner that Officer thinks fit, notify the Chief Electoral Officer and the candidates for the constituency or their respective election agents.
- (8) A by-election is to be arranged, subject to section 33(2) of the District Councils Ordinance (Cap. 547), under section 33(1) of that Ordinance.

*(E.R. 2 of 2012)*

**96. Procedure in case of death or disqualification of candidate after close of poll**

- (1) If the death of a candidate or the disqualification of a candidate from being elected is proved to the satisfaction of the Returning Officer after the close of polling for the constituency concerned but before the declaration of the result of the election, the Returning Officer must direct that the counting of the votes for the constituency is to begin or continue, as the case may be, as if the death or disqualification had not occurred. (*L.N. 79 of 2007*)
- (2) If, after the votes are counted, the deceased or disqualified candidate is found to be successful at the election, section 81(2) applies.
- (3) If the candidate who has died or is disqualified is not successful at the election, the Returning Officer must declare the successful candidate to be elected as provided in section 81(1).

**98. Publication and display of notices, etc.**

- (1) The Returning Officer or Presiding Officer may publish or display a notice, determination, or other writing under this Regulation in a manner that Officer thinks fit except where specific provision is made for the publication or display in this Regulation. (*L.N. 125 of 2003*)
- (2) The following notices or applications may be delivered by hand, by post, by electronic mail or by facsimile transmission — (*12 of 2014 s. 60*)
  - (a) notice of the decision of the Returning Officer as to whether a person is validly nominated as a candidate;
  - (b) notice of a declaration that a candidate has died or that the decision of the Returning Officer has been varied to the effect that a candidate is not validly nominated;
  - (c) (*Repealed 12 of 2014 s. 60*)
  - (d) application to vote at a special polling station;
  - (e) notice to Returning Officers and to candidates of the determination of a no canvassing zone and a no staying zone;
  - (f) notice to Returning Officers and to candidates of the variation before the polling day of a no canvassing zone or a no staying zone;
  - (g) notice to candidates of the arrangements for the drawing of lots to determine the order of appearance of candidates on the ballot paper; and (*12 of 2014 s. 46*)
  - (h)-(i) (*Repealed 12 of 2014 s. 46*)

- (j) notice to candidates of the place for the counting of the votes. (*L.N. 125 of 2003 and L.N. 191 of 2003*)
- (3) Notice of variation of a no canvassing zone or a no staying zone on the polling day or notice of the resumption of the counting of the votes after an adjourned poll or count may be given orally if notice by hand, by post, by electronic mail or by facsimile transmission is not practicable or is not suitable in the circumstances. (*12 of 2014 s. 60*)

#### **100. Commission to specify forms**

- (1) The Commission may specify forms for the purposes of this Regulation.
- (2) The Commission may specify forms for notifications by the Returning Officer under the District Councils (Subscribers and Election Deposit for Nomination) Regulation (Cap. 547 sub. leg. A).
- (3) The Chief Electoral Officer is to make available during ordinary business hours at that Officer's office and at the office of each Returning Officer, the forms specified under subsection (1).
- (4) The Chief Electoral Officer may make the forms specified under subsection (1) available at any other place that Officer considers appropriate.
- (5) Forms specified under subsection (1) are to be made available free of charge.
- (6) Subsections (3), (4) and (5) do not apply to the specified forms for the election notice, by-election notice, notice of nominations, notice published under section 23, 24 or 25 declaring the candidates who are returned un-contested as elected members, notification by the Chief Electoral Officer of the particulars of election agents, notice of guidance to electors referred to in section 42, ballot paper, ballot paper account or notice of the election result.

#### **104. Offence of false declaration**

- (1) A person who, in an election related document, makes a statement which that person knows to be false in a material particular or recklessly makes a statement which is incorrect in a material particular or knowingly omits a material particular from an election related document commits an offence.



- (2) A person who directly or indirectly by himself or herself or by another person on his or her behalf conspires with, incites, compels, induces, coerces, intimidates or persuades another person to make a false statement in an election related document or to provide information which that person knows to be wrong in a material particular in an election related document commits an offence.
- (3) A person who commits an offence under this section is liable to a fine at level 2 and to imprisonment for 6 months.
- (4) An offence under this section is to be an offence prescribed for the purposes of sections 21 and 24 of the District Councils Ordinance (Cap. 547).
- (5) In this section *election related document* (與選舉有關的文件) means a form, declaration (other than a declaration under section 102), application, authorization, notice, statement or a nomination form required or used for the purposes of this Regulation.

#### 110. Interpretation (Part 8)

In this Part—

*FR electronic copy or extract* (正式登記冊電子文本或摘錄) means an electronic copy or extract of the final register, or of part of the final register, created and maintained under section 111;

*obtain access* (取覽), in relation to an FR electronic copy or extract, includes causing an electronic device to perform a function so as to obtain access to the data or information contained in the FR electronic copy or extract.

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## Schedule 2

[s. 52]

### Form of Ballot Paper for an Ordinary Election/ By-election

存根 COUNTERFOIL		(編號) (Serial Number)
《選舉管理委員會(選舉程序)(區議會)規例》 ELECTORAL AFFAIRS COMMISSION (ELECTORAL PROCEDURE) (DISTRICT COUNCILS) REGULATION 區議會*一般選舉 / 補選 *(區議會名稱) *(區區名稱) DISTRICT COUNCILS *ORDINARY ELECTION / BY-ELECTION *(NAME OF DISTRICT COUNCIL) *(NAME OF CONSTITUENCY) *(選舉日期) *(Date of election)		選票 <b>BALLOT PAPER</b> # (代號) # (Code)
<b>只可投票選一名候選人 VOTE FOR ONE CANDIDATE ONLY</b>		
請用投票站提供的印章在所選候選人姓名左邊的圓圈內蓋上“✓”號。 Use the chop provided at the polling station to stamp “✓” in the circle opposite the name of candidate of your choice.		
<b>1</b> *訂明團體的登記名稱及登記標誌及訂明人士的登記標誌 *Registered names and registered emblems of prescribed bodies and registered emblem of prescribed person *獨立候選人 *Independent Candidate *無黨派候選人 *Non-affiliated Candidate	<input type="checkbox"/> *候選人提名公告上顯示的候選人姓名 *(Name of candidate as shown in Notice of Nominations)	候選人照片 Photograph of Candidate
<b>2</b>	<input type="checkbox"/>	
<b>3</b>	<input type="checkbox"/>	
<b>4</b>	<input type="checkbox"/>	

# A code will be assigned to each constituency. Only the appropriate code will be printed.

\* Only the appropriate information will be printed.

*(Schedule 2 replaced L.N. 79 of 2007. E.R. 2 of 2019; L.N. 144 of 2019)*

**Schedule 3**

[s. 82]

**Form for the Notice of Election Result under Section 46  
of the District Councils Ordinance (Cap. 547)**

《選舉管理委員會(選舉程序)(區議會)規例》

ELECTORAL AFFAIRS COMMISSION  
(ELECTORAL PROCEDURE)  
(DISTRICT COUNCILS) REGULATION選舉結果公告  
NOTICE OF RESULT OF ELECTION區議會 \*一般選舉/補選  
\*(區議會名稱)  
\*(選區名稱)\*DISTRICT COUNCILS \*ORDINARY ELECTION/  
BY-ELECTION\*(Name of District Council)  
\*(Name of Constituency)

1. 於 \*(日期) 舉行的上述選舉的結果公布如下——

The following is a statement of the result of the above election  
held on \*(date)——

候選人編號 <i>Candidate Number</i>	候選人姓名 <i>Name of Candidate</i>	候選人所得票數 <i>Number of Votes Given to the Candidate</i>

2. 現公布：以下候選人 \*依據以抽籤方式決定的選舉結果，在  
上述選區當選——

It is notified that the following candidate is declared to be elected  
for the above-mentioned constituency \*pursuant to a result  
determined by drawing lots——

\*(當選的候選人姓名)

\*(Name of Candidate Elected)

日期: .....

上述選區的選舉主任

Returning Officer

Date: .....

for the above-mentioned constituency

\* Only the appropriate information will be printed.

*(Schedule 3 replaced L.N. 74 of 2011)*

**26. A candidate may appoint election agent**

- (1) A candidate may appoint one person as his or her election agent.
- (2) Only a person who is a holder of an identity card and has attained the age of 18 years may be appointed as an election agent.
- (3) A candidate must give notice of appointment of his or her election agent to the Returning Officer.
- (4) The appointment of an election agent is not effective until notice of the appointment is received by the Returning Officer.
- (5) A notice of appointment must be in writing and state the name, identity card number and residential address of the election agent. *(12 of 2014 s. 58)*
- (6) The notice must be signed by the candidate.
- (7) A candidate cannot have more than one election agent at any one time.
- (8) If the appointment of an election agent is revoked, the candidate must give notice of the revocation to the Returning Officer as soon as possible.
- (9) A notice of revocation must be in writing and be signed by the candidate.
- (10) The revocation of the appointment of an election agent is not effective until notice of revocation is received by the Returning Officer.
- (11) If at any time an election agent dies or the appointment of an election agent is revoked, the candidate may appoint a replacement.
- (12) The appointment of a replacement must be in accordance with the requirements of this section.
- (13) A notice of appointment or a notice of revocation under this section must be— *(12 of 2014 s. 58)*
  - (a) in the specified form; and

- (b) delivered to the Returning Officer by hand, by electronic mail, by facsimile transmission or (except a notice of an appointment or a revocation of appointment made on polling day) by post. *(12 of 2014 s. 58)*
- (14) Subject to subsection (15), an election agent may do all things which a candidate may do under this Regulation in connection with an election. Any such act of the election agent is effective as if it had been done by the candidate in person. *(12 of 2014 s. 77)*
- (15) An election agent may not—
  - (a) do anything a candidate is required to do under section 12;
  - (b) withdraw a candidate's candidature; *(L.N. 131 of 2009)*
  - (c) authorize any person for the purposes of section 28; *(L.N. 131 of 2009)*
  - (d) subject to paragraph (e), be present in a dedicated polling station situated in a prison unless, on an application in the specified form delivered by hand, by post, by electronic mail or by facsimile transmission to the Chief Electoral Officer at least one week before polling day, the Commissioner of Correctional Services consents to his or her presence; or *(L.N. 131 of 2009; 12 of 2014 s. 58)*
  - (e) be present in a dedicated polling station situated in a maximum security prison. *(L.N. 131 of 2009)*
- (16) The Commissioner of Correctional Services must not give consent to an election agent under subsection (15)(d) in respect of a polling station if a polling agent has been appointed under section 45 by the same candidate for that polling station. *(L.N. 131 of 2009)*
- (17) Despite subsection (15)(d), the Commissioner of Correctional Services may, on an application made under that subsection during the week before polling day, give consent under that subsection if the Commissioner is satisfied that— *(12 of 2014 s. 58)*
  - (a) an elector in custody who is entitled to vote for the relevant constituency at a dedicated polling station situated in a prison is admitted or transferred to the prison during that week; and
  - (b) the application is made without undue delay after the admission or transfer. *(L.N. 131 of 2009; 12 of 2014 s. 58)*

- (18) If the Commissioner of Correctional Services refuses to give consent under subsection (15)(d), the Commissioner must notify the candidate or the election agent as soon as practicable. *(L.N. 131 of 2009)*

**27. Returning Officer to send to other candidates a notice of particulars of election agent**

- (1) The Returning Officer must send to every candidate a notice containing the particulars of the election agents of the other candidates for the constituency concerned.
- (2) If a replacement is appointed for an election agent, the Returning Officer must send a notice of the particulars of the replacement to the candidates that Officer is required to send a notice under subsection (1).
- (3) The Returning Officer must send a notice under subsection (1) within 10 days of the expiry of the relevant nomination period.
- (4) If the appointment of the election agent is made after the notice period referred to in subsection (3), or if a replacement is appointed under section 26(11), the Returning Officer must send a notice of the particulars as soon as practicable after that Officer receives notice of the appointment or replacement, as the case may be. *(12 of 2014 s. 11)*
- (5) The Returning Officer must also display, in a prominent place outside that Officer's office, a notice of the particulars of the election agents.
- (6) A notice under this section must be in the specified form.
- (7) A notice required to be sent to a candidate under subsection (1) may be sent to the election agent instead of the candidate.

**30. Appointment and notification of polling hours**

*(L.N. 131 of 2009)*

- (1) Subject to subsections (2A) and (2B), the hours during which electors can cast their votes on polling day are to be appointed by the Chief Electoral Officer in accordance with this section. *(L.N. 131 of 2009)*
- (2) The Chief Electoral Officer may appoint different polling hours for different constituencies or for different polling stations.
- (2A) The Commissioner of Correctional Services may assign a time slot during the polling hours appointed for a dedicated polling station situated in a prison to an elector in custody to whom the polling station is allocated under section 33. *(L.N. 131 of 2009)*

- (2B) Subject to section 56A, an elector to whom a time slot is assigned under subsection (2A) may only cast his or her vote during the time slot. *(L.N. 131 of 2009)*
- (3) The Chief Electoral Officer must appoint the polling hours so as to give the electors a reasonable opportunity to vote.
- (3A) The Commissioner of Correctional Services must assign the time slot so as to give the electors a reasonable opportunity to vote. *(L.N. 131 of 2009)*
- (4) The Chief Electoral Officer must, at least 10 days before polling day, publish in the Gazette a notice specifying the polling hours for each constituency and, if appropriate, for each polling station.
- (5) The Commissioner of Correctional Services must, as early as practicable before the commencement of the poll, notify all electors to whom time slots are assigned under subsection (2A) of the time slot assigned to each of them. *(L.N. 131 of 2009)*

**32. Chief Electoral Officer to designate some polling stations as special polling stations**

- (1) If the polling station or polling stations designated by the Chief Electoral Officer for a constituency would be difficult of access for persons with a disability, the Chief Electoral Officer must designate one or more polling stations as special polling station or stations to be used for voting by them. *(12 of 2014 s. 101)*
- (2) Only a polling station which is, in the opinion of the Chief Electoral Officer, suitable for use by persons referred to in subsection (1) may be designated as a special polling station.
- (2A) The Chief Electoral Officer may, for the purposes of subsection (1), designate as a special polling station any place which has been designated as a polling station under section 31. *(L.N. 79 of 2007)*
- (3) In a notice published under section 31(1), the Chief Electoral Officer must indicate—
  - (a) the special polling stations (if any); and
  - (b) the constituency or constituencies for which a particular special polling station is designated. *(12 of 2014 s. 101)*
- (4) *(Repealed 12 of 2014 s. 101)*

**41. Chief Electoral Officer to supply list of polling officers to assist Presiding Officer**



- (1) The Chief Electoral Officer must supply to the Presiding Officer a list of the names of the polling officers appointed for the polling station for which that Presiding Officer is appointed.
- (2) The Chief Electoral Officer must supply to the Returning Officer for a constituency a list of the polling officers appointed for the polling stations at which polling for that constituency is to take place.
- (3) The Presiding Officer must display the list referred to in subsection (1) in a prominent place— (*L.N. 74 of 2011*)
  - (a) (if the polling station for which the Officer is appointed is not a dedicated polling station) outside the polling station; or
  - (b) (if the polling station for which the Officer is appointed is a dedicated polling station) inside the polling station. (*L.N. 74 of 2011*)

**43. Returning Officer to determine no canvassing zones and no staying zones**

- (1) The Returning Officer for a constituency must determine an area outside each polling station used for polling for that constituency as a no canvassing zone and an area within that area as a no staying zone. A no canvassing zone and a no staying zone are to be determined with reference to a map or plan.
- (2) If the polling station is to be used for only one constituency, the Returning Officer for the constituency must give notice to the candidates for that constituency.
- (3) If a polling station is to be used for polling for more than one constituency, the determination of the no canvassing zone and the no staying zone is to be made by the Returning Officer specified for the purpose by the Chief Electoral Officer. The Returning Officer who makes the determination must give notice to—
  - (a) the candidates for the constituency for which that Officer is appointed; and
  - (b) the Returning Officers for the other constituencies.
- (4) Notice under subsection (2) or (3) must be given at least 7 days before polling day.
- (5) A Returning Officer who is given notice under subsection (3) must give notice to the candidates for the constituency for which that Officer is appointed, as soon as practicable after that Officer receives the notice.

- (6) A Returning Officer who makes a determination of a no canvassing zone or a no staying zone may vary either or both those areas in accordance with this section. Subject to subsection (10), notice of a variation must be given as soon as practicable after the variation in the same manner as notice of a no canvassing zone or a no staying zone is given under subsection (2) or (3).
- (7) On polling day, the Returning Officer who has determined the no canvassing zone or the no staying zone (or subsequently varied it, if applicable) must display at or near the polling station a notice of the no canvassing zone and the no staying zone. That Officer must also indicate the boundaries of those zones in a manner that Officer thinks fit.
- (8) If after display under subsection (7), either or both of those areas are varied, the Returning Officer must display at or near the polling station a notice of the no canvassing zone or the no staying zone or both those zones, if appropriate, as varied.
- (8A) A Returning Officer may perform any act which that Officer is required or authorized to perform under subsections (6), (7) and (8) through a Presiding Officer. (*L.N. 79 of 2007*)
- (9) A determination of a no canvassing zone or a no staying zone or the variation of such an area becomes effective only on the display of a notice under subsection (7) or (8), as may be applicable.
- (10) A notice of a variation under subsection (8) need not be given to the candidates if it is not reasonably practicable to do so before the close of the poll. Notice may be given to the election agent or polling agent of a candidate if present at the polling station.
- (11) A notice required to be given to a candidate under this section may be given to the election agent or polling agent of the candidate instead of the candidate.
- (12) For the purposes of this section **notice** (通知、公告) means a notice of the determination of the no canvassing zone and the no staying zone with a map or plan or separate maps or plans showing those zones in relation to the relevant polling station.
- (13) On polling day, a person must not—
  - (a) subject to subsection (14), engage in canvassing votes in a no canvassing zone;
  - (b) subject to subsection (13A), use a sound amplifying system or device for any purpose in the no canvassing zone; (*L.N. 74 of 2011*)

- (c) use a sound amplifying system or device, for canvassing votes, so that the sound emitted by it can be heard in the no canvassing zone; (*L.N. 125 of 2003*)
  - (ca) conduct any activity for canvassing votes so that the sound of the activity can be heard in the no canvassing zone; (*L.N. 125 of 2003; L.N. 79 of 2007*)
  - (cb) subject to subsection (15), without reasonable excuse, display or wear in the no canvassing zone any badge, emblem, clothing or head-dress which—
    - (i) may promote or prejudice the election of a candidate or candidates at the election; or
    - (ii) makes direct reference to—
      - (A) a body any member of which is standing as a candidate in the election; or
      - (B) a prescribed body the registered name or registered emblem of which has been printed on any ballot paper for the election; or (*L.N. 79 of 2007*)
  - (d) stay or loiter in the no staying zone without the express permission of the Presiding Officer.
- (13A) An officer of the Correctional Services Department may, on polling day, use a sound amplifying system or device for the performance of his or her duties in the no canvassing zone of a dedicated polling station situated in a prison. (*L.N. 74 of 2011*)
- (14) A person may, on polling day, canvass from door to door, without obstructing any person, on the storeys above or below street level, in a building within the no canvassing zone, which —
- (a) the person is allowed to enter for the purpose of canvassing votes; and
  - (b) has no polling station inside it. (*L.N. 125 of 2003*)
- (15) A person may, for the purpose of canvassing votes as described in subsection (14), display or wear any badge, emblem, clothing or head-dress referred to in subsection (13) (cb). (*L.N. 125 of 2003*)

#### **45. Candidates may appoint polling agents**

- (1) A candidate may appoint persons to attend at polling stations on his or her behalf for any purpose connected with the conduct of a poll, in accordance with this section.

- (2) Polling agents may be appointed to attend only at the polling stations used for polling for the constituency for which the candidate is standing for election.
- (3) A candidate may appoint a maximum of 2 polling agents for one polling station.
- (4) Only a person who is a holder of an identity card and has attained the age of 18 years may be appointed as a polling agent.
- (5) A candidate must give notice of appointment of a polling agent to the Returning Officer at least 7 days before polling day. (*L.N. 125 of 2003*)
- (5A) Despite subsections (1), (3) and (5)—
  - (a) subject to paragraphs (b) and (c), only one polling agent may be appointed by a candidate for a dedicated polling station situated in a prison;
  - (b) no polling agent may be appointed by a candidate for a dedicated polling station situated in a prison if the Commissioner of Correctional Services has consented under section 26(15)(d) to the presence of the election agent of that candidate in that polling station;
  - (c) no polling agent may be appointed for a dedicated polling station situated in a maximum security prison; and
  - (d) the appointment of a polling agent for a dedicated polling station situated in a prison is not effective unless— (*12 of 2014 s. 44*)
    - (i) a notice of appointment is given to the Chief Electoral Officer at least 7 days before polling day; and
    - (ii) the Commissioner of Correctional Services consents to the appointment. (*L.N. 131 of 2009; 12 of 2014 s. 44*)
- (5B) Despite subsection (5A)(d), even though a notice of appointment is given during the week before polling day, the Commissioner of Correctional Services may still give consent under that subsection if the Commissioner is satisfied that — (*12 of 2014 s. 44*)
  - (a) an elector in custody who is entitled to vote for the relevant constituency at the polling station concerned is admitted or transferred to the prison concerned during that week; and

- (b) the notice of appointment is given without undue delay after the admission or transfer. (*L.N. 131 of 2009; 12 of 2014 s. 44*)
- (5C) If the Commissioner of Correctional Services refuses to give consent under subsection (5A)(d), the Commissioner must notify the candidate or the election agent of the candidate as soon as practicable. (*L.N. 131 of 2009*)
- (5D) A notice of appointment given under subsection (5) or (5A)(d) must be delivered by hand, by post, by electronic mail or by facsimile transmission. (*12 of 2014 s. 44*)
- (6) A notice appointing a polling agent for a polling station other than a dedicated polling station situated in a prison must, if it is not given under subsection (5), be delivered on the polling day to the Presiding Officer of the polling station— (*L.N. 131 of 2009*)
  - (a) by the candidate in person; or
  - (b) by the election agent of the candidate, in person.
- (7) Subject to subsection (5A)(d), the appointment of a polling agent is not effective until notice of the appointment is received by the Returning Officer or the Presiding Officer, as may be appropriate. (*12 of 2014 s. 44*)
- (8) A notice of appointment must be in writing and in the specified form. It must state the name, identity card number and residential address of the polling agent. It must be signed by the candidate. (*12 of 2014 s. 44*)
- (9) If the appointment of a polling agent is revoked, the candidate must give notice of the revocation to the Returning Officer or the Presiding Officer of the polling station in accordance with subsection (11) or (11A). (*12 of 2014 s. 44*)
- (10) A notice of revocation must be in writing and in the specified form. It must be signed by the candidate. (*12 of 2014 s. 44*)
- (11) If the notice of revocation is given before polling day, it must be delivered to the Returning Officer by hand, by post, by electronic mail or by facsimile transmission. (*L.N. 74 of 2011; 12 of 2014 s. 44*)
- (11A) If the notice of revocation is given on the polling day—
  - (a) (if the polling station for which the polling agent is appointed is not a dedicated polling station situated in a prison) it must be delivered to the Presiding Officer of the polling station—
    - (i) by the candidate in person; or

- (ii) by the election agent of the candidate, in person; or (*12 of 2014 s. 44*)
  - (b) (if the polling station for which the polling agent is appointed is a dedicated polling station situated in a prison) it must be delivered to the Returning Officer by hand, by electronic mail or by facsimile transmission. (*12 of 2014 s. 44*)
- (12) The revocation of the appointment of a polling agent is not effective until notice of revocation is received by the Returning Officer or the Presiding Officer, as the case may be.

**47. Who may enter or be present at a polling station**

- (1) Except where it is provided otherwise in this Regulation, a person must not enter a polling station other than to vote.
- (2) Subject to subsections (4) and (5), in order to ensure that polling takes place smoothly and efficiently, the Presiding Officer may—
  - (a) regulate the number of electors, candidates, election agents and polling agents to be admitted to the polling station at any one time; or
  - (b) exclude any person from the polling station.
- (3) Without limiting subsection (2), the Presiding Officer may exclude from the polling station any person who is present in contravention of this section.
- (4) The Presiding Officer may not exclude from the polling station —
  - (a) a polling officer;
  - (b) the Returning Officer or Assistant Returning Officers for the constituency or constituencies for which the polling station is used;
  - (c) members of the Commission;
  - (d) the Chief Electoral Officer;
  - (e) police officers and members of the Civil Aid Service on duty at the polling station; (*L.N. 125 of 2003*)
  - (f) public officers authorized in writing by the Chief Electoral Officer; (*L.N. 125 of 2003*)
  - (g) persons authorized in writing by a member of the Commission; (*L.N. 125 of 2003; L.N. 79 of 2007*)
  - (h) a person authorized in writing by the Returning Officer to act as a liaison officer; (*L.N. 125 of 2003; L.N. 79 of 2007; 14 of 2021 s. 163*)

- (i) public officers on duty at the polling station; or (*L.N. 79 of 2007; 14 of 2021 s. 163*)
  - (j) an individual who provides the assistance mentioned in section 112(2)(c) pursuant to an authorization under that section. (*14 of 2021 s. 163*)
- (5) A person authorized by the Commission to be present in a polling station may be present in accordance with the terms of the authorization.
  - (6) Subject to subsections (7), (8), (9), (10), (11) and (12), on behalf of each candidate, one polling agent of that candidate may be present in the polling station at any one time.
  - (6A) Subsection (6) does not apply to a dedicated polling station situated in a maximum security prison. (*L.N. 131 of 2009*)
  - (7) If a candidate is present in the polling station, the election agent or polling agent of that candidate may not be present in that polling station at the same time.
  - (8) If the election agent of a candidate is present in the polling station, a polling agent of that candidate may not be present in that polling station at the same time.
  - (9) A candidate, an election agent or polling agent may be present in the polling station subject to the availability of seats in the area designated to accommodate them.
  - (10) A person referred to in subsection (9) who wishes to be admitted to the polling station must, on arriving at the polling station, report in person to the Presiding Officer and produce his or her identity card and a declaration of secrecy completed on the specified form by him or her.
  - (11) If the area referred to in subsection (9) is occupied to its full seating capacity, the Presiding Officer may refuse entry to the polling station to any person referred to in that subsection. That Officer may make arrangements for admitting them to the polling station later.
  - (12) Only an election agent or polling agent regarding whom notice of appointment has been given under this Regulation may be present at a polling station on behalf of a candidate.
  - (13) If a person who is accompanied by a child arrives at a polling station for the purpose of voting, the Presiding Officer may permit the child to enter the polling station if that Officer considers that—
    - (a) the child should not be left unattended while the person is in the polling station; and

- (b) the child will not disturb or cause inconvenience to any person in the polling station. (*L.N. 79 of 2007*)
- (14) The Presiding Officer must not exercise the powers conferred on that Officer under this section so as to prevent a person from voting at the polling station allocated to that person.

**48. What constitutes an offence at a polling station**

- (1) Subject to subsection (6), if on polling day, within a polling station, a person—
  - (a) communicates with an elector; or
  - (b) uses a mobile telephone, paging machine or any other device for electronic communication,contrary to a direction of the Returning Officer, Assistant Returning Officer, Presiding Officer or any polling officer not to do so, that person commits an offence. (*L.N. 125 of 2003; L.N. 79 of 2007; L.N. 74 of 2011*)
- (2) A person who, on polling day, films or takes photographs or makes any audio or video recording within a polling station without the express permission of—
  - (a) the Presiding Officer;
  - (b) the Returning Officer for the constituency or constituencies for which the polling station is used; or
  - (c) any member of the Commission,commits an offence.
- (3) A person who, on polling day, engages in the canvassing of votes or displays an election advertisement within a polling station commits an offence.
- (4) A person who, on polling day, fails to comply with a lawful order given by the Returning Officer or the Presiding Officer or behaves in a disorderly manner in a no canvassing zone or a no staying zone or within or at a polling station or contravenes section 43(13) or 44(4), commits an offence.
- (5) A person who, on polling day, displays or wears in the no canvassing zone, without reasonable excuse (except as provided in section 43(15)), any badge, emblem, clothing or head-dress which—
  - (a) may promote or prejudice the election of a candidate or candidates at the election; or
  - (b) makes direct reference to—
    - (i) a body any member of which is standing as a candidate in the election; or



- (ii) a prescribed body the registered name or registered emblem of which has been printed on any ballot paper for the election, (*L.N. 79 of 2007*)

commits an offence. (*L.N. 125 of 2003*)

- (6) Subsection (1) does not apply to—
  - (a) a Returning Officer and an Assistant Returning Officer for the constituency or constituencies for which the polling station is used; (*L.N. 125 of 2003*)
  - (b) a member of the Commission;
  - (c) the Chief Electoral Officer;
  - (d) a person authorized in writing by a member of the Commission to so communicate;
  - (e) a Presiding Officer;
  - (f) a polling officer;
  - (g) a person authorized in writing by the Returning Officer to act as a liaison officer;
  - (h) a police officer on duty at a polling station; (*L.N. 131 of 2009 and L.N. 197 of 2009*)
  - (i) a member of the Civil Aid Service on duty at a polling station; (*L.N. 131 of 2009 and L.N. 197 of 2009*)
  - (j) an officer of the Correctional Services Department on duty at a dedicated polling station; or (*L.N. 131 of 2009 and L.N. 197 of 2009*)
  - (k) an officer of any law enforcement agency on duty at a dedicated polling station. (*L.N. 131 of 2009 and L.N. 197 of 2009*)
- (7) A person who commits an offence under subsection (1), (3), (4) or (5) is liable to a fine at level 2 and to imprisonment for 3 months. (*L.N. 79 of 2007*)
- (8) (*Repealed L.N. 125 of 2003*)
- (9) A person who commits an offence under subsection (2) is liable to a fine at level 2 and to imprisonment for 6 months. (*L.N. 79 of 2007*)

**63. Steps to be taken at the close of the poll: a polling station which is also a counting station**

(*L.N. 191 of 2003; L.N. 131 of 2009*)

- (1) As soon as practicable after the close of the poll at a polling station which is also designated as a counting station, the Presiding Officer must display a notice in a prominent place outside the polling station stating that the poll has been closed and that it will be opened when it is ready for use for the counting of votes. (*L.N. 125 of 2003 and L.N. 191 of 2003; L.N. 131 of 2009*)
- (1A) A candidate, and an election agent, a counting agent and a polling agent of such candidate may stay in a polling station referred to in subsection (1) while it is closed for the preparation for the counting of votes. (*L.N. 125 of 2003; L.N. 79 of 2007*)
- (2) After complying with subsection (1), the Presiding Officer must, in the presence of the persons, if any, who are present within the polling station, take the following steps—
  - (a) place the ballot box or boxes where that Officer and other persons who are present within the polling station can see them;
  - (b) cover each ballot box with a device provided for that purpose so that a ballot paper or any other material cannot be introduced into or withdrawn from the ballot box after it is covered;
  - (c) use a padlock to keep the device secured in position;
  - (d) seal each ballot box; and
  - (e) make up into separate sealed packets—
    - (i) ballot papers which have not been issued;
    - (ii) the unused ballot papers;
    - (iii) the spoilt ballot papers; and
    - (iv) if the copy or extract of the relevant final register has been marked under section 56(3)(a)—the marked copy or extract. (*14 of 2021 s. 166*)
- (2A) The Presiding Officer must, after complying with subsection (2), keep the sealed ballot box or boxes under that Officer's control until the counting of votes begins. (*L.N. 125 of 2003*)
- (3) At a polling station used for polling for more than one constituency, the Presiding Officer must make separate sealed packets for each constituency.
- (4) For the avoidance of doubt it is stated that the ballot papers in a sealed packet prepared under this section are not to be counted for the purpose of counting of the votes. Accordingly, references to ballot papers in relation to the counting of the votes are to be construed as not including those ballot papers.

**65. Returning Officer and Presiding Officer to give notice of place and time of the counting of votes to candidates**

*(L.N. 191 of 2003)*

- (1) Subject to subsection (6), the Presiding Officer is to determine the time at which the counting of votes is to begin. *(L.N. 125 of 2003)*
- (2) The time determined under subsection (1) must be a time after the poll has closed at all the polling stations at which polling for the constituency concerned was conducted.
- (2A) Despite subsection (2), the time determined under subsection (1) in respect of sorting ballot papers at the ballot paper sorting station—
  - (a) must be a time after the poll has closed at all the dedicated polling stations situated in prisons at which polling for the constituency concerned was conducted; and
  - (b) may be a time before the poll has closed at all the other polling stations at which polling for the constituency concerned is conducted. *(L.N. 131 of 2009)*
- (3) The Returning Officer must give notice in writing to each candidate of the place or places at which counting is to take place for the constituency contested by the candidate. *(L.N. 125 of 2003 and L.N. 191 of 2003)*
- (4) Notice under subsection (3) must be given at least 10 days before polling day. *(L.N. 125 of 2003 and L.N. 191 of 2003; 12 of 2014 s. 102)*
- (5) If a poll for a constituency is adjourned under Schedule 1, the counting of the votes for that constituency is to stand postponed.
- (6) If the counting of the votes stands postponed under subsection (5), the Chief Electoral Officer is to determine a time for the counting to begin and the place or places for it to take place. The time must be after the adjourned poll is resumed and after the close of that poll. The Returning Officer is to give notice to each candidate of the constituency concerned of the time and place.
- (7) A notice required to be given under this section may be given to the election agent or counting agent of a candidate instead of the candidate. *(L.N. 125 of 2003 and L.N. 191 of 2003)*

- (8) The Presiding Officer must, before the counting of votes begins, display a notice in a prominent place outside the counting station stating the time that the counting station will be opened to the public to observe the counting of votes. (*L.N. 125 of 2003*)
- (9) In this section, **Presiding Officer** (投票站主任) does not include— (*L.N. 131 of 2009*)
  - (a) a Presiding Officer of a small polling station;
  - (b) a Presiding Officer of a special polling station; or
  - (c) a Presiding Officer of a dedicated polling station. (*L.N. 125 of 2003 and L.N. 191 of 2003; L.N. 131 of 2009*)

**66. Candidates may appoint counting agents**

- (1) A candidate may appoint persons to attend at a counting station to observe the counting of the votes for the constituency contested by the candidate, in accordance with this section.
- (2) The maximum number of counting agents that a candidate may appoint for one counting station is 2. (*L.N. 125 of 2003*)
- (3) Only a person who is a holder of an identity card and has attained the age of 18 years may be appointed as a counting agent.
- (4) A candidate must give notice of appointment of a counting agent to the Returning Officer at least 7 days before polling day. (*L.N. 125 of 2003*)
- (4A) A notice of appointment given under subsection (4) must be delivered by hand, by post, by electronic mail or by facsimile transmission. (*12 of 2014 s. 45*)
- (5) If notice is not given under subsection (4), it must be delivered on polling day to the Presiding Officer— (*L.N. 125 of 2003*)
  - (a) by the candidate in person; or
  - (b) by the election agent of the candidate, in person.
- (6) A notice of appointment must be in writing and in the specified form. It must state the name, identity card number and residential address of the counting agent. It must be signed by the candidate. (*12 of 2014 s. 45*)
- (7) The appointment of a counting agent is not effective until notice of the appointment is received by the Returning Officer or the Presiding Officer, as may be appropriate. (*L.N. 125 of 2003*)

- (8) If the appointment of a counting agent is revoked, the candidate must give notice of the revocation to the Returning Officer or the Presiding Officer in accordance with subsection (9A) or (10). (*L.N. 79 of 2007; 12 of 2014 s. 45*)
- (9) A notice of revocation must be in writing and in the specified form. It must be signed by the candidate.
- (9A) If the notice of revocation is given before polling day, it must be delivered to the Returning Officer by hand, by post, by electronic mail or by facsimile transmission. (*12 of 2014 s. 45*)
- (10) If the notice of revocation is given on polling day, it must be delivered to the Presiding Officer—
  - (a) by the candidate in person; or
  - (b) by the election agent of the candidate, in person. (*12 of 2014 s. 45*)
- (11) The revocation of the appointment of a counting agent is not effective until notice of revocation is received by the Returning Officer or the Presiding Officer, as may be appropriate. (*L.N. 125 of 2003*)

**75A. Arrangements for sorting in ballot paper sorting stations**

The Presiding Officer of a ballot paper sorting station must— (*L.N. 197 of 2009*)

- (a) sort the envelopes in each ballot box under the Officer's charge according to each constituency; (*L.N. 74 of 2011*)
- (b) count and record the number of envelopes for each constituency; (*L.N. 74 of 2011*)
- (c) verify the number of envelopes recorded for each constituency under paragraph (b) by comparing it with the ballot paper account for that constituency; (*14 of 2021 s. 169*)
- (d) prepare a statement in writing as to the result of the verification; (*L.N. 74 of 2011*)
- (e) prepare a statement in writing as to the number of envelopes recorded under paragraph (b); (*L.N. 74 of 2011*)
- (f) make into separate bundles the sorted envelopes together with the relevant statement prepared under paragraph (e); (*L.N. 74 of 2011*)
- (g) place each bundle in a separate receptacle and seal it in the presence of those present at the counting zone; (*L.N. 74 of 2011*)

- (h) arrange the receptacles to be delivered to the Presiding Officers of the respective main counting stations of the relevant constituencies; and (*L.N. 74 of 2011*)
- (i) send to the Chief Electoral Officer the ballot paper accounts, verifications of number of ballot papers and the sealed packets made up under section 63A. (*L.N. 74 of 2011; 14 of 2021 s. 169*)

*(L.N. 131 of 2009)*

**83. Presiding Officer to seal ballot papers in packets**

- (1) As soon as practicable after the Presiding Officer has ascertained the result of the poll, that Officer must, at the counting station, make up into separate sealed packets— (*L.N. 125 of 2003 and L.N. 191 of 2003*)
  - (a) the counted ballot papers;
  - (b) the un-issued ballot papers;
  - (c) the unused ballot papers;
  - (d) the spoilt ballot papers; and
  - (e) the rejected ballot papers.
- (2) The Presiding Officer must endorse on each sealed packet — (*L.N. 125 of 2003 and L.N. 191 of 2003*)
  - (a) a description of its contents;
  - (b) the date of the relevant election; and
  - (c) the name of the constituency and the name of the relevant District.
- (3) A candidate, an election agent or a counting agent may be present when the Presiding Officer makes up the sealed packets and endorses them. (*L.N. 125 of 2003 and L.N. 191 of 2003*)
- (4) Before the Presiding Officer makes up the packets, that Officer must inform— (*L.N. 125 of 2003 and L.N. 191 of 2003*)
  - (a) the candidates who are present at the counting station; and
  - (b) either the election agent or counting agent (if present) of a candidate who is not present at the counting station, that they may be present when that Officer makes up the packets and seals and endorses them.

- (5) In this section, **Presiding Officer** (投票站主任) does not include a Presiding Officer of a small polling station which is not designated as a main counting station, a special polling station which is not so designated, a dedicated polling station or a ballot paper sorting station. (*L.N. 125 of 2003 and L.N. 191 of 2003; L.N. 131 of 2009*)

**84. Chief Electoral Officer to receive ballot papers, accounts, packets, etc.**

- (1) As soon as practicable after declaring the result of the election, the Presiding Officer must send to the Returning Officer for the constituency—
- (a) the ballot paper account and verification of number of ballot papers;
  - (b) the statement referred to in section 79(6); and
  - (c) the sealed packets made up under section 83.
- (2) As soon as practicable after preparing the notice of the result of the election, the Returning Officer for the constituency must send to the Chief Electoral Officer—
- (a) the documents referred to in subsection (1)(a), (b) and (c);
  - (b) a copy of the notice of the result of the election;
  - (c) all nomination forms;
  - (d) the notices of withdrawal of candidature (if any);
  - (e) the notices of appointment of election agents, polling agents and counting agents and copies of authorizations of election expense agents;
  - (ea) if the copy or extract of the relevant final register has been marked under section 56(3)(a)—the marked copy or extract; and (*14 of 2021 s. 170*)
  - (f) any other documents relating to the election specified by the Commission.
- (3) In this section, **Presiding Officer** (投票站主任) does not include a Presiding Officer of a small polling station which is not designated as a main counting station, a special polling station which is not so designated, a dedicated polling station or a ballot paper sorting station. (*L.N. 191 of 2003; L.N. 131 of 2009*)

*(L.N. 125 of 2003; 14 of 2021 s. 170)*

**102. Letters that may be sent free of postage by candidates**

- (1) A candidate may send one letter, as provided in this section, free of postage, to each elector in the constituency for which the candidate is validly nominated in an election.
- (2) The letter must—
  - (a) be posted in Hong Kong;
  - (b) contain materials relating only to the candidate's candidature at the election concerned;
  - (c) not exceed 50 grams in weight; (*L.N. 29 of 2004; 11 of 2019 s. 21*)
  - (d) be not larger than 165 mm x 245 mm and not smaller than 90 mm x 140 mm in size; and (*11 of 2019 s. 21*)
  - (e) not exceed 5 mm in thickness at any part of the letter. (*11 of 2019 s. 21*)
- (3) If a candidate is sending letters to electors in bulk by post, the candidate, or any person authorized by the candidate, must provide to the Postmaster General a specimen of the materials contained in the bulk. The candidate or the person authorized must make a declaration in the specified form stating that the materials contained in the bulk are identical with the specimen provided to the Postmaster General.
- (4) The declaration must be signed and submitted to the Postmaster General.
- (5) If any letter in the bulk sent by the candidate under subsection (1) is not in compliance with subsection (2), or if the declaration made under subsection (3) is false in any particular, the candidate is liable for payment of postage for all the letters in that bulk.

## 105. Interpretation (Part 7)

- (1) In this Part—

**Court** (法院) means the Court of First Instance;

**election period** (選舉期), in relation to an election, means the period—

- (a) beginning on the first day of the nomination period; and
- (b) ending on—
  - (i) the day on which a declaration is made under section 39 of the District Councils Ordinance (Cap. 547); or
  - (ii) the day on which the polling ends;

**open platform** (公開平台) means a platform operated through the Internet to which the public has access without having to go



through an access control process put in place for that platform;

***printed election advertisement*** (印刷選舉廣告) means an election advertisement printed on any material;

***printer*** (印刷人), in relation to a printed article, includes any person who reproduces the article by any means;

***publish*** (發布) means print, display, exhibit, distribute, post up, publicly announce or make publicly known by any other means, and includes continue to publish.

(2) Any person who authorizes the publication of an election advertisement is taken to have published the advertisement for the purposes of this Part.

(3) If a Returning Officer has not been appointed for a constituency, any reference in this Part to a Returning Officer is to be construed as a reference to the Chief Electoral Officer.

(4) A document published by a candidate during an election period that gives details of the work done by the candidate in the capacity of—

(a) the Chief Executive;

(ab) a member of the Election Committee; (*14 of 2021 s. 174*)

(b) a member of the Legislative Council;

(c) a member of a District Council;

(d) a member of the Heung Yee Kuk;

(e) the Chairman or Vice-Chairman or a member of the Executive Committee of a Rural Committee within the meaning of section 3(3)(a) of the Heung Yee Kuk Ordinance (Cap. 1097); or

(f) a Rural Representative, (*5 of 2014 s. 2*)

is an election advertisement for the purposes of this Part.

(*E.R. 2 of 2012*)

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## Schedule 1

[ss. 2A, 3, 65 & 89]  
(*12 of 2014 s. 12*)

## Postponement and Adjournment of Ordinary Election and By-elections

**1. Postponement of an ordinary election and adjournment of poll at all polling stations or count at all counting stations**

- (1) If, before the holding of an ordinary election, it appears to the Commission that the election is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (3), the Commission may postpone the holding of the election by making a declaration under section 4.
- (2) If, at any time during the polling or the counting of the votes at an ordinary election, it appears to the Commission that the poll or count is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (3), the Commission may adjourn the poll or count by making a declaration under section 4.
- (3) The occurrences for the purposes of subsections (1) and (2) are —
  - (a) a typhoon or other climatic condition of a serious nature;  
or
  - (b) an occurrence which appears to the Commission to be a material irregularity relating to the election, the poll or count.

**2. Postponement of election, adjournment of poll or count in respect of a single constituency**

- (1) If, during or before an ordinary election or by-election, it appears to the Commission that the election for a constituency is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (3), the Commission may postpone the election or by-election for the constituency by making a declaration under section 4.
- (2) If, at any time during a poll or count in respect of an ordinary election or by-election referred to in subsection (1), it appears to the Commission that the poll at all the polling stations for any constituency or the count at all the counting stations for any constituency is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (3), the Commission may adjourn the poll at all the polling stations or the count at all the counting stations for that constituency by making a declaration under section 4.
- (3) The occurrences for the purposes of subsections (1) and (2) are —
  - (a) a typhoon or other climatic condition of a serious nature;

- (b) riot, open violence or any danger to public health or safety; or (*12 of 2014 s. 84*)
- (c) an occurrence which appears to the Commission to be a material irregularity relating to the election, the poll or count.

**3. Adjournment of poll or count at a particular station**

*(L.N. 74 of 2011)*

- (1) If, at any time during polling at an ordinary election or by-election, it appears to the Presiding Officer that the poll at the polling station is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (2), the Presiding Officer may adjourn the poll at that polling station by making a declaration under section 4.
- (1A) If, at any time during counting at an ordinary election or by-election, it appears to the Presiding Officer that the count at the counting station is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (2), the Presiding Officer may adjourn the count at the counting station by making a declaration under section 4. *(L.N. 74 of 2011)*
- (2) The occurrences for the purposes of subsections (1) and (1A) are— *(L.N. 74 of 2011)*
  - (a) a typhoon or other climatic condition of a serious nature;
  - (b) riot, open violence or any danger to public health or safety; or (*12 of 2014 s. 85*)
  - (c) an occurrence which appears to the Presiding Officer to be a material irregularity relating to the election, the poll or count.

**4. How a declaration for the purposes of sections 1, 2 and 3 is to be made and what it is to contain**

- (1) A declaration for the purposes of sections 1, 2 and 3 is to be made by a notice published in the Gazette. If publication in the Gazette is not practicable in the circumstances, the notice may be published by other means determined by the Commission.
- (2) The declaration must contain the following as may be appropriate in each case—
  - (a) a description (by name or otherwise) of the ordinary election or by-election that is being postponed or in respect of which a poll or count is being adjourned or postponed;

- (b) the fact that the ordinary election or by-election is being postponed;
- (c) the fact that the polling or the counting of the votes is being postponed or adjourned;
- (d) a statement as to whether the polling or the counting of the votes is being postponed or adjourned at all the polling stations or counting stations in respect of a constituency;
- (e) a statement as to whether the polling or the counting of the votes is being adjourned at a single polling station or counting station or certain polling stations or counting stations; and
- (f) a description (by name or otherwise) of the polling stations or counting stations at which a poll or count is being postponed or adjourned.

## **5. Procedure after adjournment of poll**

- (1) If a poll is adjourned under this Schedule or section 38 of the District Councils Ordinance (Cap. 547), the procedure specified in this section is to be complied with.
- (2) The Presiding Officer must, in the presence of any persons present at the polling station, secure the ballot boxes and their contents in a manner that Officer thinks fit. Then, without counting the ballot papers or counting the votes, that Officer must deliver the secured ballot boxes together with any unissued ballot papers, unused ballot papers or spoilt ballot papers, and the copy or extract of the relevant final register that has been marked under section 56(3)(a) of this Regulation to the Returning Officer. *(14 of 2021 s. 176)*
- (3) If it is not practicable to make delivery to the Returning Officer, the Presiding Officer must deposit the secured ballot boxes, and the other materials referred to in subsection (2), in a safe place within the polling station. If there is no safe place within the polling station, that Officer must deposit them in a safe place within a police station or a public building close to the polling station. If there is no such police station or public building, that Officer must deposit them in a secure building (which may even be a residential building) close to the polling station. If there is no police station, public building or secure building close to the polling station, that Officer must deposit the ballot boxes and materials in a safe place within any other police station or public building or, in the absence of such a station or building, in a safe place in any other building (which may even be a residential building).

- (4) If the ballot boxes and other materials are delivered to the Returning Officer, that Officer must take such steps as determined by the Commission (generally or in a particular case) for the purpose of ensuring their safety and security. The Returning Officer must remain in charge of them and be responsible for their safety and security until polling in respect of the adjourned poll commences.
- (5) If a poll is adjourned under this Schedule or section 38 of the District Councils Ordinance (Cap. 547), the polling hours appointed for the resumed poll must be such that the total time allowed for polling (that is the aggregate of the polling hours which had been spent at the time the poll was adjourned and the polling hours appointed for the resumed poll) is not less than the total time that would have been allowed for polling had the poll not been adjourned.

## **6. Procedure after adjournment or postponement of a count**

- (1) If a count is adjourned under this Schedule or section 38 of the District Councils Ordinance (Cap. 547), or if the count is adjourned due to the postponement of a poll under this Schedule, the Presiding Officer must comply with this section.
- (2) The Presiding Officer must take steps to cease the count. Then, in the presence of the persons, if any, present at the counting station, deposit the ballot boxes (whether opened or unopened) and receptacles, if any, together with the ballot papers (whether counted or not), any un-issued ballot papers, tendered ballot papers, ballot paper account, verification of number of ballot papers, and any other relevant election materials, in a safe place within the counting station. If there is no safe place within the counting station, that Officer must deposit them in a safe place within a police station or a public building close to the counting station. If there is no such police station or public building, that Officer must deposit them in a secure building (which may even be a residential building) close to the counting station. If there is no police station, public building or secure building close to the counting station, that Officer must deposit the election materials in a safe place within any other police station or public building or, in the absence of such a station or building, in a safe place in any other building (which may even be a residential building).  
*(14 of 2021 s. 176)*
- (3) The election materials must remain in the charge of the Presiding Officer. That Officer is to be responsible for their safety and security until the adjourned or postponed count is resumed under section 65(6) of this Regulation.

(4) *(Repealed L.N. 125 of 2003)*

*(L.N. 125 of 2003)*

**7. Appointment of a date by Commission for election, polling or counting after a postponement or an adjournment**

- (1) If an ordinary election or by-election is postponed under this Schedule, the Commission is to, as soon as practicable after the postponement, appoint a date for holding an ordinary election or by-election, as may be appropriate.
- (2) If a poll or a count is adjourned under this Schedule, the Commission is to, as soon as practicable after the adjournment, appoint a date for holding a poll or a count.
- (3) A date appointed under this section must not be later than 14 days after the date on which the postponed election or the adjourned poll or count would have been held. *(12 of 2014 s. 86)*
- (4) In each case referred to in sections 1, 2 and 3, the Commission is to, in the relevant notice making the declaration, specify the date appointed under this section to hold the relevant ordinary election, by-election, the poll or the count, as the case may require.
- (5) If it is not practicable to specify the date in the notice of declaration, the Commission is to specify it in a notice published in the Gazette soon after the publication of a notice of declaration. If such publication is not practicable in the circumstances, the date must be specified in a notice published by some other means the Commission considers appropriate.
- (6) The appointment of a date under this section for holding a by-election is subject to section 33(2) of the District Councils Ordinance (Cap. 547).

**53. Ballot paper to be given to a person only if Presiding Officer is satisfied of the person's identity**

- (1) The Presiding Officer must not give a ballot paper to a person unless that Officer is satisfied, by inspecting the document or documents set out in subsection (1A) or (1B), that he or she is the person registered in the final register, whom he or she claims to be. (*L.N. 130 of 2017*)
- (1A) For a person applying for a ballot paper at a polling station (other than a dedicated polling station situated in a prison), the document or documents referred to in subsection (1) are any of the following—
- (a) the person's identity card; (*L.N. 149 of 2018*)
  - (ab) a document issued by the Commissioner (within the meaning of section 1A(1) of the Registration of Persons Ordinance (Cap. 177)) (*Commissioner of Registration*) to the person certifying that the person is exempt, under regulation 25 of the Registration of Persons Regulations (Cap. 177 sub. leg. A), from being required to register under that Ordinance; (*L.N. 149 of 2018*)
  - (b) a document issued by the Commissioner of Registration acknowledging that the person has applied—
    - (i) to be registered under the Registration of Persons Ordinance (Cap. 177); or
    - (ii) for a new identity card under regulation 13 or 14 of the Registration of Persons Regulations (Cap. 177 sub. leg. A);
  - (c) a valid Hong Kong Special Administrative Region Passport issued to the person under the Hong Kong Special Administrative Region Passports Ordinance (Cap. 539);
  - (d) a valid identity book for a seaman issued to the person under regulation 3 of the Immigration Regulations (Cap. 115 sub. leg. A);
  - (e) a valid document of identity issued to the person under regulation 3 of the Immigration Regulations (Cap. 115 sub. leg. A);

- (f) both— (*L.N. 149 of 2018*)
  - (i) a document evidencing a report to a police officer of the loss or destruction of the document referred to in paragraph (a), (ab) or (b); and (*L.N. 149 of 2018*)
  - (ii) a valid passport or similar travel document (not being one referred to in another paragraph in this subsection) issued to the person showing the person's name and photograph. (*L.N. 149 of 2018*)
  - (iii) (*Repealed L.N. 149 of 2018*)
- (1B) For a person applying for a ballot paper at a dedicated polling station situated in a prison, the document referred to in subsection (1) is a document issued by the Commissioner of Correctional Services showing—
  - (a) the person's name;
  - (b) the person's photograph; and
  - (c) the prisoner registration number allocated by that Commissioner to the person for identification purposes. (*L.N. 130 of 2017*)
- (2) A person is not to be prevented from voting only due to an omission or inaccuracy of a particular required to be recorded in a final register, other than—
  - (a) in the case of the first ordinary election, the omission of both the person's name and identity document number from the copy of the part of the final register supplied to the Presiding Officer; or
  - (b) in the case of any subsequent ordinary election, the omission of both the person's name and identity document number from the final register.

**63. Steps to be taken at the close of the poll: a polling station which is also a counting station**

*(L.N. 191 of 2003; L.N. 131 of 2009)*

- (1) As soon as practicable after the close of the poll at a polling station which is also designated as a counting station, the Presiding Officer must display a notice in a prominent place outside the polling station stating that the poll has been closed and that it will be opened when it is ready for use for the counting of votes. (*L.N. 125 of 2003 and L.N. 191 of 2003; L.N. 131 of 2009*)



- (1A) A candidate, and an election agent, a counting agent and a polling agent of such candidate may stay in a polling station referred to in subsection (1) while it is closed for the preparation for the counting of votes. (*L.N. 125 of 2003; L.N. 79 of 2007*)
- (2) After complying with subsection (1), the Presiding Officer must, in the presence of the persons, if any, who are present within the polling station, take the following steps—
- (a) place the ballot box or boxes where that Officer and other persons who are present within the polling station can see them;
  - (b) cover each ballot box with a device provided for that purpose so that a ballot paper or any other material cannot be introduced into or withdrawn from the ballot box after it is covered;
  - (c) use a padlock to keep the device secured in position;
  - (d) seal each ballot box; and
  - (e) make up into separate sealed packets—
    - (i) ballot papers which have not been issued;
    - (ii) the unused ballot papers;
    - (iii) the spoilt ballot papers; and
    - (iv) if the copy or extract of the relevant final register has been marked under section 56(3)(a)—the marked copy or extract. (*14 of 2021 s. 166*)
- (2A) The Presiding Officer must, after complying with subsection (2), keep the sealed ballot box or boxes under that Officer's control until the counting of votes begins. (*L.N. 125 of 2003*)
- (3) At a polling station used for polling for more than one constituency, the Presiding Officer must make separate sealed packets for each constituency.
- (4) For the avoidance of doubt it is stated that the ballot papers in a sealed packet prepared under this section are not to be counted for the purpose of counting of the votes. Accordingly, references to ballot papers in relation to the counting of the votes are to be construed as not including those ballot papers.

**63A. Steps to be taken at the close of the poll: a polling station which is not a counting station**

*(L.N. 131 of 2009)*

- (1) As soon as practicable after the close of the poll at a small polling station, a special polling station or a dedicated polling station, the Presiding Officer of that polling station must, in the presence of the persons, if any, who are present within the polling station, take the following steps— (*L.N. 131 of 2009*)
  - (a) place the ballot box or boxes where that Officer and other persons who are present within the polling station can see them;
  - (b) cover each ballot box with a device provided for that purpose so that a ballot paper or any other material cannot be introduced into or withdrawn from the ballot box after it is covered;
  - (c) use a padlock to keep the device secured in position;
  - (d) seal each ballot box; and
  - (e) make up into separate sealed packets—
    - (i) ballot papers which have not been issued;
    - (ii) the unused ballot papers;
    - (iii) the spoilt ballot papers; and
    - (iv) if the copy or extract of the relevant final register has been marked under section 56(3)(a)—the marked copy or extract. (*14 of 2021 s. 167*)
- (2) A candidate and an election agent and a polling agent of such candidate may stay in a polling station referred to in subsection (1) while it is closed for taking the steps referred to in subsection (1)(a), (b), (c), (d) and (e).
- (2A) An election agent or a polling agent may not stay under subsection (2) in a dedicated polling station situated in a maximum security prison. (*L.N. 131 of 2009*)
- (3) The Presiding Officer of the small polling station or special polling station must then deliver the ballot box or boxes, the sealed packets and the ballot paper accounts prepared by that Officer to the Presiding Officer of the main counting station. (*L.N. 79 of 2007*)
- (4) The Presiding Officer of the dedicated polling station must then deliver the ballot box or boxes, the sealed packets and the ballot paper accounts prepared by that Officer to the Presiding Officer of the ballot paper sorting station or the main counting station concerned, as advised by the Chief Electoral Officer. (*L.N. 131 of 2009; L.N. 197 of 2009*)  
*(L.N. 125 of 2003 and L.N. 191 of 2003)*

**84. Chief Electoral Officer to receive ballot papers, accounts, packets, etc.**

- (1) As soon as practicable after declaring the result of the election, the Presiding Officer must send to the Returning Officer for the constituency—
  - (a) the ballot paper account and verification of number of ballot papers;
  - (b) the statement referred to in section 79(6); and
  - (c) the sealed packets made up under section 83.
- (2) As soon as practicable after preparing the notice of the result of the election, the Returning Officer for the constituency must send to the Chief Electoral Officer—
  - (a) the documents referred to in subsection (1)(a), (b) and (c);
  - (b) a copy of the notice of the result of the election;
  - (c) all nomination forms;
  - (d) the notices of withdrawal of candidature (if any);
  - (e) the notices of appointment of election agents, polling agents and counting agents and copies of authorizations of election expense agents;
  - (ea) if the copy or extract of the relevant final register has been marked under section 56(3)(a)—the marked copy or extract; and (*14 of 2021 s. 170*)
  - (f) any other documents relating to the election specified by the Commission.
- (3) In this section, **Presiding Officer** (投票站主任) does not include a Presiding Officer of a small polling station which is not designated as a main counting station, a special polling station which is not so designated, a dedicated polling station or a ballot paper sorting station. (*L.N. 191 of 2003; L.N. 131 of 2009*)

*(L.N. 125 of 2003; 14 of 2021 s. 170)*

**86. Chief Electoral Officer to retain election documents for at least 6 months**

The Chief Electoral Officer must retain in that Officer's custody the documents sent under section 84 and the copies or extracts of the relevant final register in which records have been made under section 56(3)(b) for at least 6 months from the date of the election to which they relate. That Officer must thereafter, unless directed by

an order of court in proceedings relating to an election petition or criminal proceedings, destroy them.

*(14 of 2021 s. 171)*

**94. Enforcement of provisions as to secrecy**

- (1) A person who divulges to any other person, by communicating information as to the name or identity document number in the final register or a copy or extract of the final register, of electors, or otherwise, whether a person has or has not applied for a ballot paper or voted, commits an offence.
- (1A) A person who divulges to any other person the identity of an elector in custody commits an offence. *(L.N. 131 of 2009)*
- (2) Subsections (1) and (1A) do not apply to anything done for a purpose authorized by law or when required to do so by a police officer or an officer of the Independent Commission Against Corruption investigating an offence under the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554), section 13B of the Independent Commission Against Corruption Ordinance (Cap. 204), or the Electoral Affairs Commission Ordinance (Cap. 541) or any regulation made under that Ordinance. *(10 of 2000 s. 47; L.N. 131 of 2009)*
- (3) A person who communicates to any person any information obtained at a counting of the votes as to the candidate for whom a vote has been given on any particular ballot paper, commits an offence.
- (4) A person who interferes with an elector when that elector is recording the vote, commits an offence.
- (5) A person who interferes with or attempts to interfere with any ballot boxes, un-issued ballot papers, unused ballot papers, spoilt ballot papers, tendered ballot papers, marked ballot papers or a copy or extract of the relevant final register in printed form marked under section 56(3)(a), commits an offence. *(14 of 2021 s. 172)*
- (6) A person who interferes with or attempts to interfere with any opened ballot boxes, ballot paper accounts, verifications of number of ballot papers or any other relevant election materials referred to in this Regulation commits an offence. *(14 of 2021 s. 172)*
- (7) A person who obtains or attempts to obtain in any manner—
  - (a) within a polling station or a no staying zone; or
  - (b) within a no canvassing zone, without the express permission of the Presiding Officer or the Commission,

information as to the candidate for whom an elector in that station is about to vote or has voted, commits an offence.

- (8) A person who communicates at any time to any person any information obtained in a polling station as to the candidate for whom an elector is about to vote or has voted, commits an offence.
- (9) A person who directly or indirectly induces an elector to display the elector's ballot paper after the elector has marked it, so as to make known to any person a candidate for or against whom the elector has voted, commits an offence.
- (10) A person who commits an offence under this section is liable to a fine at level 2 and to imprisonment for 6 months. (*L.N. 79 of 2007*)

#### **111. FR electronic copy or extract**

- (1) The Commission may, for the purposes of section 56(3)(b), create and maintain an electronic copy or extract of the final register, or of part of the final register—
  - (a) to be stored on an electronic platform; and
  - (b) access to which can be obtained through the Internet by using an electronic device.
- (2) An FR electronic copy or extract is to contain the identity document numbers of the electors and such additional particulars or information that the Chief Electoral Officer thinks fit to include.

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### **Schedule 1**

[ss. 2A, 3, 65 & 89]  
(12 of 2014 s. 12)

## **Postponement and Adjournment of Ordinary Election and By-elections**

- 1. Postponement of an ordinary election and adjournment of poll at all polling stations or count at all counting stations**

- (1) If, before the holding of an ordinary election, it appears to the Commission that the election is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (3), the Commission may postpone the holding of the election by making a declaration under section 4.
- (2) If, at any time during the polling or the counting of the votes at an ordinary election, it appears to the Commission that the poll or count is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (3), the Commission may adjourn the poll or count by making a declaration under section 4.
- (3) The occurrences for the purposes of subsections (1) and (2) are —
  - (a) a typhoon or other climatic condition of a serious nature; or
  - (b) an occurrence which appears to the Commission to be a material irregularity relating to the election, the poll or count.

**2. Postponement of election, adjournment of poll or count in respect of a single constituency**

- (1) If, during or before an ordinary election or by-election, it appears to the Commission that the election for a constituency is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (3), the Commission may postpone the election or by-election for the constituency by making a declaration under section 4.
- (2) If, at any time during a poll or count in respect of an ordinary election or by-election referred to in subsection (1), it appears to the Commission that the poll at all the polling stations for any constituency or the count at all the counting stations for any constituency is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (3), the Commission may adjourn the poll at all the polling stations or the count at all the counting stations for that constituency by making a declaration under section 4.
- (3) The occurrences for the purposes of subsections (1) and (2) are —
  - (a) a typhoon or other climatic condition of a serious nature;
  - (b) riot, open violence or any danger to public health or safety; or (*12 of 2014 s. 84*)

- (c) an occurrence which appears to the Commission to be a material irregularity relating to the election, the poll or count.

### **3. Adjournment of poll or count at a particular station**

*(L.N. 74 of 2011)*

- (1) If, at any time during polling at an ordinary election or by-election, it appears to the Presiding Officer that the poll at the polling station is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (2), the Presiding Officer may adjourn the poll at that polling station by making a declaration under section 4.
- (1A) If, at any time during counting at an ordinary election or by-election, it appears to the Presiding Officer that the count at the counting station is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (2), the Presiding Officer may adjourn the count at the counting station by making a declaration under section 4. *(L.N. 74 of 2011)*
- (2) The occurrences for the purposes of subsections (1) and (1A) are— *(L.N. 74 of 2011)*
  - (a) a typhoon or other climatic condition of a serious nature;
  - (b) riot, open violence or any danger to public health or safety; or *(12 of 2014 s. 85)*
  - (c) an occurrence which appears to the Presiding Officer to be a material irregularity relating to the election, the poll or count.

### **4. How a declaration for the purposes of sections 1, 2 and 3 is to be made and what it is to contain**

- (1) A declaration for the purposes of sections 1, 2 and 3 is to be made by a notice published in the Gazette. If publication in the Gazette is not practicable in the circumstances, the notice may be published by other means determined by the Commission.
- (2) The declaration must contain the following as may be appropriate in each case—
  - (a) a description (by name or otherwise) of the ordinary election or by-election that is being postponed or in respect of which a poll or count is being adjourned or postponed;
  - (b) the fact that the ordinary election or by-election is being postponed;

- (c) the fact that the polling or the counting of the votes is being postponed or adjourned;
- (d) a statement as to whether the polling or the counting of the votes is being postponed or adjourned at all the polling stations or counting stations in respect of a constituency;
- (e) a statement as to whether the polling or the counting of the votes is being adjourned at a single polling station or counting station or certain polling stations or counting stations; and
- (f) a description (by name or otherwise) of the polling stations or counting stations at which a poll or count is being postponed or adjourned.

## **5. Procedure after adjournment of poll**

- (1) If a poll is adjourned under this Schedule or section 38 of the District Councils Ordinance (Cap. 547), the procedure specified in this section is to be complied with.
- (2) The Presiding Officer must, in the presence of any persons present at the polling station, secure the ballot boxes and their contents in a manner that Officer thinks fit. Then, without counting the ballot papers or counting the votes, that Officer must deliver the secured ballot boxes together with any unissued ballot papers, unused ballot papers or spoilt ballot papers, and the copy or extract of the relevant final register that has been marked under section 56(3)(a) of this Regulation to the Returning Officer. *(14 of 2021 s. 176)*
- (3) If it is not practicable to make delivery to the Returning Officer, the Presiding Officer must deposit the secured ballot boxes, and the other materials referred to in subsection (2), in a safe place within the polling station. If there is no safe place within the polling station, that Officer must deposit them in a safe place within a police station or a public building close to the polling station. If there is no such police station or public building, that Officer must deposit them in a secure building (which may even be a residential building) close to the polling station. If there is no police station, public building or secure building close to the polling station, that Officer must deposit the ballot boxes and materials in a safe place within any other police station or public building or, in the absence of such a station or building, in a safe place in any other building (which may even be a residential building).



- (4) If the ballot boxes and other materials are delivered to the Returning Officer, that Officer must take such steps as determined by the Commission (generally or in a particular case) for the purpose of ensuring their safety and security. The Returning Officer must remain in charge of them and be responsible for their safety and security until polling in respect of the adjourned poll commences.
- (5) If a poll is adjourned under this Schedule or section 38 of the District Councils Ordinance (Cap. 547), the polling hours appointed for the resumed poll must be such that the total time allowed for polling (that is the aggregate of the polling hours which had been spent at the time the poll was adjourned and the polling hours appointed for the resumed poll) is not less than the total time that would have been allowed for polling had the poll not been adjourned.

## **6. Procedure after adjournment or postponement of a count**

- (1) If a count is adjourned under this Schedule or section 38 of the District Councils Ordinance (Cap. 547), or if the count is adjourned due to the postponement of a poll under this Schedule, the Presiding Officer must comply with this section.
- (2) The Presiding Officer must take steps to cease the count. Then, in the presence of the persons, if any, present at the counting station, deposit the ballot boxes (whether opened or unopened) and receptacles, if any, together with the ballot papers (whether counted or not), any un-issued ballot papers, tendered ballot papers, ballot paper account, verification of number of ballot papers, and any other relevant election materials, in a safe place within the counting station. If there is no safe place within the counting station, that Officer must deposit them in a safe place within a police station or a public building close to the counting station. If there is no such police station or public building, that Officer must deposit them in a secure building (which may even be a residential building) close to the counting station. If there is no police station, public building or secure building close to the counting station, that Officer must deposit the election materials in a safe place within any other police station or public building or, in the absence of such a station or building, in a safe place in any other building (which may even be a residential building).  
*(14 of 2021 s. 176)*
- (3) The election materials must remain in the charge of the Presiding Officer. That Officer is to be responsible for their safety and security until the adjourned or postponed count is resumed under section 65(6) of this Regulation.

(4) *(Repealed L.N. 125 of 2003)*

*(L.N. 125 of 2003)*

**7. Appointment of a date by Commission for election, polling or counting after a postponement or an adjournment**

- (1) If an ordinary election or by-election is postponed under this Schedule, the Commission is to, as soon as practicable after the postponement, appoint a date for holding an ordinary election or by-election, as may be appropriate.
- (2) If a poll or a count is adjourned under this Schedule, the Commission is to, as soon as practicable after the adjournment, appoint a date for holding a poll or a count.
- (3) A date appointed under this section must not be later than 14 days after the date on which the postponed election or the adjourned poll or count would have been held. *(12 of 2014 s. 86)*
- (4) In each case referred to in sections 1, 2 and 3, the Commission is to, in the relevant notice making the declaration, specify the date appointed under this section to hold the relevant ordinary election, by-election, the poll or the count, as the case may require.
- (5) If it is not practicable to specify the date in the notice of declaration, the Commission is to specify it in a notice published in the Gazette soon after the publication of a notice of declaration. If such publication is not practicable in the circumstances, the date must be specified in a notice published by some other means the Commission considers appropriate.
- (6) The appointment of a date under this section for holding a by-election is subject to section 33(2) of the District Councils Ordinance (Cap. 547).

## **Part 8**

### **Electronic Copy or Extract of Final Register for Purposes of Section 56(3)(b)**

*(Part 8 added 14 of 2021 s. 175)*

**111. FR electronic copy or extract**

- (1) The Commission may, for the purposes of section 56(3)(b), create and maintain an electronic copy or extract of the final register, or of part of the final register—
  - (a) to be stored on an electronic platform; and
  - (b) access to which can be obtained through the Internet by using an electronic device.
- (2) An FR electronic copy or extract is to contain the identity document numbers of the electors and such additional particulars or information that the Chief Electoral Officer thinks fit to include.

**112. Protection of FR electronic copy or extract**

- (1) A person commits an offence if the person obtains access to an FR electronic copy or extract without legal authority to do so.
- (2) For the purposes of subsection (1), an individual has legal authority to obtain access to an FR electronic copy or extract if—
  - (a) the individual is authorized by the Commission to assist in the creation or maintenance of the FR electronic copy or extract and the individual acts in compliance with the terms of the authorization;
  - (b) the individual is a Presiding Officer or polling officer who is authorized by the Commission to use the FR electronic copy or extract for the purposes of section 56(3)(b) and the individual so uses the FR electronic copy or extract in compliance with the terms of the authorization; or
  - (c) the individual is authorized by the Commission to assist in making the FR electronic copy or extract available for the use mentioned in paragraph (b) and the individual acts in compliance with the terms of the authorization.
- (3) A person commits an offence if the person, without lawful excuse—
  - (a) damages any data or information contained in an FR electronic copy or extract; or

- (b) otherwise tampers with an FR electronic copy or extract to make its operation defective.
- (4) A person who commits an offence under subsection (1) or (3) is liable on conviction on indictment to imprisonment for 2 years.

**113. Commission may authorize access to FR electronic copy or extract**

- (1) A member of the Commission may, for the purposes of section 112(2)—
  - (a) grant an authorization to an individual; and
  - (b) determine the terms of the authorization.
- (2) An authorization granted to an individual under subsection (1) must—
  - (a) be in writing;
  - (b) specify the name and appropriate identification details of the individual; and
  - (c) set out the terms of the authorization.

## 1. Interpretation

(1) In this Regulation, unless the context otherwise requires—  
**authorized representative** (獲授權代表) has the meaning assigned to it by section 11(1) of the Schedule to the Chief Executive Election Ordinance (Cap. 569);

**ballot paper account** (選票結算表) means a statement prepared under section 62;

**candidate** (候選人) means, subject to subsection (2), in relation to a particular subsector, a person who is a validly nominated candidate for that subsector;

**Candidate Eligibility Review Committee** (候選人資格審查委員會) means the Candidate Eligibility Review Committee established under section 9A of the Chief Executive Election Ordinance (Cap. 569); (*14 of 2021 s. 184*)

**central counting station** (中央點票站) means a counting station designated under section 28(9) for the counting of the votes cast at all the polling stations used for polling for more than one subsector election;

**Chief Returning Officer (Subsectors)** (總選舉主任(界別分組)) means the Returning Officer designated as the Chief Returning Officer (Subsectors) under section 96;

**computer** (電腦), in relation to the counting of votes, includes any computer software that is programmed to count the votes cast at a subsector election so as to give an accurate result;

**counting agent** (監察點票代理人) means a person appointed as a counting agent under section 64;

**counting officer** (點票人員) means, in relation to a counting station, a person appointed under section 65 as a counting officer for that counting station;

**counting station** (點票站) means a place designated under section 28(1) for the counting of votes;

**counting zone** (點票區) means an area within a counting station assigned by the Chief Electoral Officer for the counting of the votes for a particular subsector;

**CPPCC member** (全國政協委員) has the meaning given by section 1(1) of the Schedule to the Chief Executive Election

Ordinance (Cap. 569); (14 of 2021 s. 184)

**dedicated polling station** (專用投票站) means a place designated as a dedicated polling station under section 28(1A); (L.N. 132 of 2009)

**designated body** (指定團體) has the meaning given by section 1(1) of the Schedule to the Chief Executive Election Ordinance (Cap. 569); (14 of 2021 s. 184)

**designated nomination form** (指定提名表格) means the specified form submitted under section 7 setting out the nominees to represent a subsector on the Election Committee; (14 of 2021 s. 184)

**EC member** (選委會委員) means a member of the Election Committee;

**election advertisement** (選舉廣告), in relation to an election, means

—

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

published for the purpose of promoting or prejudicing the election of a candidate or candidates at the election; (11 of 2012 s. 12)

**election agent** (選舉代理人) means a person appointed as an election agent under section 23;

**election expense agent** (選舉開支代理人) has the meaning assigned to it by section 2(1) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554);

**election expenses** (選舉開支) has the meaning assigned to it by section 2(1) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554), but the reference to an election in that meaning is to be construed as the election referred to in section 4(1)(d) or (da) of that Ordinance; (11 of 2012 s. 12)

**geographical constituencies final register** (地方選區正式選民登記冊) means the final register of electors for geographical constituencies compiled under the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A) and which is in effect;

**head-dress** (頭飾) means anything which is worn on a person's head; (*L.N. 114 of 2006*)

**identity card** (身分證) has the meaning assigned to it by section 1A of the Registration of Persons Ordinance (Cap. 177);

**identity document** (身分證明文件) means—

- (a) an identity card;
- (b) a document issued by the Commissioner (within the meaning of section 1A(1) of the Registration of Persons Ordinance (Cap. 177)) to a person certifying that the person is exempt, under regulation 25 of the Registration of Persons Regulations (Cap. 177 sub. leg. A), from being required to register under that Ordinance; or (*1 of 2019 s. 79*)
- (c) any other document issued to a person that is acceptable as proof of the person's identity to the Electoral Registration Officer (as defined in section 1(1) of the Schedule to the Chief Executive Election Ordinance (Cap. 569));

**in custody** (受羈押), in relation to a person, means the person is—

- (a) serving a sentence of imprisonment;
- (b) detained by the Correctional Services Department on remand; or
- (c) otherwise detained by any law enforcement agency under any lawful authority; (*L.N. 132 of 2009*)

**law enforcement agency** (執法機關) means—

- (a) the Customs and Excise Department;
- (b) the Hong Kong Police Force;
- (c) the Immigration Department;
- (d) the Independent Commission Against Corruption; or
- (e) any other department of the Government any officer of which is empowered by any Ordinance to exercise a power of arrest; (*L.N. 132 of 2009*)

**maximum security prison** (高度設防監獄) means a prison which is specified as a maximum security prison under rule 47A(1)(b) of the Prison Rules (Cap. 234 sub. leg. A); (*L.N. 132 of 2009*)

**no canvassing zone** (禁止拉票區) means an area determined under section 40 to be an area in which canvassing for votes is prohibited;

**no staying zone** (禁止逗留區) means an area determined under section 40 to be an area in which staying or loitering is



prohibited;

***nomination period*** (提名期) means the period specified under section 4(3)(b);

***Nominations Advisory Committee*** (提名顧問委員會) means a committee appointed under the Electoral Affairs Commission (Nominations Advisory Committees (Election Committee)) Regulation (Cap. 541 sub. leg. H);

***notice appointing the subsector ordinary election day*** (指定界別分組一般選舉日公告) means a notice by which a date is specified by the Chief Executive under section 16 of the Schedule to the Chief Executive Election Ordinance (Cap. 569) to hold a subsector ordinary election;

***NPC deputy*** (全國人大代表) has the meaning given by section 1(1) of the Schedule to the Chief Executive Election Ordinance (Cap. 569); (*14 of 2021 s. 184*)

***ordinary business hours*** (通常辦公時間) means the hours—

- (a) between 9 a.m. and 5 p.m. on any Monday, Tuesday, Wednesday, Thursday or Friday (other than a general holiday);
- (b) in relation to a nomination or supplementary nomination under section 7 of the Schedule to the Chief Executive Election Ordinance (Cap. 569), between 9 a.m. and 12 noon on a Saturday (other than a general holiday) during the period between— (*14 of 2021 s. 184*)
  - (i) the date of publication of a notice under section 3(1) or (2) in respect of the nomination or supplementary nomination; and
  - (ii) the date of the declaration made under section 7(8) of the Schedule to the Chief Executive Election Ordinance (Cap. 569); and
- (c) in relation to a subsector election, between 9 a.m. and 12 noon on a Saturday (other than a general holiday) during the period between—
  - (i) the date of publication of a notice under section 4(1) or (2) in respect of the subsector election; and
  - (ii) the date of publication of the result of the subsector election under section 35 of the Schedule to the Chief Executive Election Ordinance (Cap. 569) or the date of the declaration made under section 25 of that Schedule, as may be appropriate; (*15 of 2016 s. 67*)

**political body** (政治性團體) has the meaning assigned to it by section 2(1) of the Societies Ordinance (Cap. 151);

**polling agent** (監察投票代理人) means a person appointed as a polling agent under section 42;

**polling day** (投票日) means the date on which the poll is to be held in a subsector election;

**polling hours** (投票時間) means the hours for polling appointed under section 27;

**polling officer** (投票站人員) means, in relation to a polling station, a person appointed under section 34(2) as a polling officer for that polling station;

**polling station** (投票站) means a place designated as a polling station under section 28(1) and includes a dedicated polling station; (*L.N. 132 of 2009*)

**Presiding Officer** (投票站主任) means, in relation to a polling station, the person appointed under section 34(1) to preside at that polling station;

**Returning Officer** (選舉主任) means a person holding office as a Returning Officer under section 47 of the Schedule to the Chief Executive Election Ordinance (Cap. 569), and includes any person appointed to act in place of such an Officer when the Officer is absent or when an office of Returning Officer is vacant;

**special polling station** (特別投票站) means a polling station designated as a special polling station under section 29;

**specified address** (指明地點) means, in relation to—

(a) nominations or supplementary nominations under section 7 of the Schedule to the Chief Executive Election Ordinance (Cap. 569), the address specified under section 3(3)(c) as the address at which designated nomination forms are to be submitted; and (*14 of 2021 s. 184*)

(b) nominations for a subsector election, the address specified under section 4(3)(c) as the address at which the subsector nomination forms are to be submitted;

**specified form** (指明表格、指明格式) means, in relation to a particular purpose of this Regulation, the form specified under section 97 for that purpose;

**spoilt ballot paper** (損壞的選票) means a spoilt ballot paper within the meaning of section 60;

**subsector** (界別分組) has the meaning given by section 1(1) of the Schedule to the Chief Executive Election Ordinance (Cap.

569); (14 of 2021 s. 184)

**subsector by-election** (界別分組補選) means an election to elect an EC member assigned to a subsector who, under section 2(7)(c) of the Schedule to the Chief Executive Election Ordinance (Cap. 569), is to be elected by the subsector, otherwise than at a subsector ordinary election; (14 of 2021 s. 184)

**subsector election** (界別分組選舉) means a subsector ordinary election or a subsector by-election;

**subsector election notice** (界別分組選舉公告) means a notice published under section 4(1) or (2);

**subsector final register** (界別分組正式投票人登記冊) means a final register of voters for subsectors compiled under the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541 sub. leg. B) and which is in effect;

**subsector nomination form** (界別分組提名表格) means the specified form submitted under section 8 to nominate a person as a candidate for a subsector election;

**subsector ordinary election** (界別分組一般選舉) means an election to elect those EC members assigned to a subsector who, under section 2(7)(c) of the Schedule to the Chief Executive Election Ordinance (Cap. 569), are to be elected by the subsector, for a new term of office of the Election Committee; (14 of 2021 s. 184)

**tendered ballot paper** (重複的選票) means a tendered ballot paper within the meaning of section 58;

**unused ballot paper** (未用的選票) means an unused ballot paper within the meaning of section 59(2);

**validly nominated candidate** (獲有效提名的候選人) means—

- (a) subject to paragraph (b), a person whom the Candidate Eligibility Review Committee has decided under section 13 to be validly nominated; (14 of 2021 s. 184)
- (b) in case a declaration under section 23(2)(b) or (5)(b) of the Schedule to the Chief Executive Election Ordinance (Cap. 569) is made, a person who is stated to be validly nominated in the declaration;

**verification of number of ballot papers** (選票數目核實書) means a statement prepared under section 73(2)(a)(iv) or (3)(c) or 74(4)(c); (14 of 2021 s. 184)

**voter** (投票人) has the meaning assigned to it by section 11(1) of the Schedule to the Chief Executive Election Ordinance (Cap. 569).

*(14 of 2021 s. 184)*

(2) In this Regulation—

- (a) in Part 2 (except section 25), **candidate** (候選人) includes a person who is being or has been nominated to stand for election at a subsector election; and
- (b) in section 25 and Part 7, **candidate** (候選人)— *(11 of 2012 s. 12)*
  - (i) means a person who stands nominated as a candidate at a subsector election; and
  - (ii) also means a person who, at any time before close of nominations for a subsector election, has publicly declared an intention to stand as a candidate at the subsector election.

(3) In this Regulation—

- (a) references to a “Returning Officer” are to be construed, in relation to a particular subsector, as the Returning Officer appointed for that subsector; and *(14 of 2021 s. 184)*
- (b) *(Repealed 14 of 2021 s. 184)*
- (c) references to the “counting of votes” are to be construed as including, where appropriate, sorting, separation and counting of ballot papers. *(E.R. 1 of 2020)*

(4) In this Regulation, any provision which entitles or permits a candidate, an election agent, a polling agent or a counting agent to do anything in a polling station, counting station, counting zone or in relation to the counting of votes is to be construed as entitling or permitting the candidate or the agent to do it in a polling station, counting station, counting zone or in relation to the counting of the votes for the subsector for which the candidate is standing for election or for which the agent is appointed, as the case may require.

## 2. Interpretation

(1) In this Regulation, unless the context otherwise requires—

**annual registration cycle** (年度登記周期) means the period that begins on 6 February 2004 and ends on 31 December 2004, and thereafter each successive period of 12 months ending on 31 December;

**applicant** (申請人)—

- (a) in relation to an application made under section 8(1), 24(1) or 28(1), means the prescribed body that makes the application; or
- (b) in relation to an application made under section 9(1), 25(1) or 29(1), means the prescribed person that makes the application;

**ballot paper** (選票) means a ballot paper used at an election;

**by-election** (補選)—

- (a) in relation to an LC election, means a by-election as defined in section 3(1) of the Legislative Council Ordinance (Cap. 542); or
- (b) in relation to a DC election, means a by-election as defined in section 2 of the District Councils Ordinance (Cap. 547); (*L.N. 47 of 2007*)

**candidate** (候選人) means a candidate nominated for election as a member; (*L.N. 47 of 2007*)

**DC constituency** (區議會選區) means a constituency as defined in section 2 of the District Councils Ordinance (Cap. 547); (*L.N. 47 of 2007*)

**DC elected member** (區議會民選議員) means an elected member as defined in section 2 of the District Councils Ordinance (Cap. 547); (*L.N. 47 of 2007*)

**DC election** (區議會選舉) means an ordinary election or a by-election held for the purpose of electing DC elected members; (*L.N. 47 of 2007*)

**election** (選舉) means an LC election or a DC election; (*L.N. 47 of 2007*)

**emblem** (標誌) means any sign that is capable of being represented graphically and may, in particular, consist of all or any of the following—

- (a) words;
- (b) indications;
- (c) designs;
- (d) letters;
- (e) characters;
- (f) numerals;
- (g) figurative elements;
- (h) colours;

**identity document** (身分證明文件) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap. 542);

**LC election** (立法會選舉) means a general election or a by-election held for the purpose of electing LC members; (*L.N. 47 of 2007*)

**LC Election Committee constituency** (立法會選舉委員會界別) means the Election Committee constituency as defined by section 3(1) of the Legislative Council Ordinance (Cap. 542); (*14 of 2021 s. 248*)

**LC functional constituency** (立法會功能界別) means a functional constituency as defined in section 3(1) of the Legislative Council Ordinance (Cap. 542); (*L.N. 47 of 2007*)

**LC geographical constituency** (立法會地方選區) means a geographical constituency as defined in section 3(1) of the Legislative Council Ordinance (Cap. 542); (*L.N. 47 of 2007*)

**LC member** (立法會議員) means a Member as defined in section 3(1) of the Legislative Council Ordinance (Cap. 542); (*L.N. 47 of 2007*)

**member** (議員) means an LC member or a DC elected member; (*L.N. 47 of 2007*)

**objector** (反對者), in relation to an objection made under section 15(1) or 22(1), means the person that makes the objection;

**prescribed body** (訂明團體) means a prescribed political body or a prescribed non-political body;

**prescribed non-political body** (訂明非政治性團體) means a body or organization operating in Hong Kong that is not a prescribed political body;

**prescribed person** (訂明人士) means a person that is registered in a final register of electors for geographical constituencies as compiled and published in accordance with the Legislative Council Ordinance (Cap. 542) and that is not disqualified from being so registered or from voting at an election;

**prescribed political body** (訂明政治性團體) means a body or organization operating in Hong Kong—

- (a) that is a political party;
- (b) that purports to be a political party; or
- (c) the principal function or main object of which is to promote or prepare a candidate for election as a member; (*L.N. 47 of 2007*)

**register** (登記冊) means the register established and maintained by the Commission under section 20;

**registered** (登記) means entered in the register under section 20;

**registered trade mark** (註冊商標) means a trade mark registered under the Trade Marks Ordinance (Cap. 559);

**relevant certificate** (有關證明書), in relation to a prescribed body, means a certificate or document issued to the body by an authority or regulatory organization that regulates the body under the laws of Hong Kong and showing the name of the body;

**relevant cut-off date** (有關截止日期)—

- (a) in relation to the annual registration cycle ending on 31 December 2021—means 15 July 2021; or
- (b) in relation to any subsequent annual registration cycle—means 15 June in that annual registration cycle; (*14 of 2021 s. 248*)

**relevant nomination period** (有關提名期)—

- (a) in relation to a candidate in an LC election—
  - (i) in the case of an LC geographical constituency, means the period specified under section 4(2)(b) or 8(7)(a) of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D) for nominations for the constituency; or
  - (ii) in the case of an LC functional constituency, means the period specified under section 5(2)(b) or 8(7)(a) of that Regulation for nominations for the constituency; or

- (b) in relation to a candidate for a DC constituency in a DC election, means the period specified under section 8(2)(b) or 10(5)(a) of the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541 sub. leg. F) for nominations for the constituency; (*L.N. 47 of 2007*)

**requestor** (提請人), in relation to a request made under section 3(2), means the candidate that makes the request; (*14 of 2021 s. 248*)

**specified form** (指明表格), in relation to any particular provision of this Regulation, means the form specified under section 33 for the purposes of that provision;

**subject of application** (申請標的)——

- (a) in relation to an application made under section 8(1), means such of the particulars referred to in any of the provisions of section 8(1)(a), (b), (c), (d) and (e) that are sought to be registered;
- (b) in relation to an application made under section 9(1), means the emblem that is sought to be registered;
- (c) in relation to an application made under section 24(1), means such of the particulars referred to in any of the provisions of section 8(1)(a), (b), (c), (d) and (e) that are sought to be registered; or
- (d) in relation to an application made under section 25(1), means the emblem that is sought to be registered;

**subject of registration** (登記標的)——

- (a) in relation to a prescribed body, means such of the particulars referred to in any of the provisions of section 8(1)(a), (b), (c), (d) and (e) that are registered in relation to the body; or
- (b) in relation to a prescribed person, means the emblem that is registered in relation to the person;

**subject of request** (請求標的), in relation to a request made under section 3(2), means any of the particulars specified in section 3(2)(a) and (b) that are sought to be printed on a ballot paper. (*14 of 2021 s. 248*)

(*L.N. 47 of 2007; 14 of 2021 s. 248*)

- (2) For the purposes of section 8(1)(a) and (c), the reference to the Chinese name or the English name of a prescribed body means the Chinese name or the English name, as the case may be, of the body as shown on a relevant certificate of the body.



## **2A. Application**

This Regulation does not apply—

- (a) in relation to a general election in so far as the election of LC members for the LC Election Committee constituency is concerned; and
- (b) in relation to a by-election held for electing LC members for the LC Election Committee constituency.

*(14 of 2021 s. 249)*

## **3. Request by candidate for LC geographical constituency, LC functional constituency or DC constituency**

*(L.N. 47 of 2007; 14 of 2021 s. 250)*

- (1) This section applies—
  - (a) in relation to an LC election—
    - (i) to a candidate for an LC geographical constituency or *(14 of 2021 s. 250)*
    - (ii) to a candidate for an LC functional constituency; or *(14 of 2021 s. 250)*
  - (b) in relation to a DC election, to a candidate for a DC constituency. *(L.N. 47 of 2007)*
- (2) A candidate to whom this section applies may, during the relevant nomination period, request the Commission to print the following particulars on a ballot paper as particulars relating to the candidate—
  - (a) the particulars described in subsection (3);
  - (b) a personal photograph of the candidate.
- (3) The particulars referred to in subsection (2)(a) are the particulars set out in any one of the following paragraphs, with or without the particulars specified in item 4 of the Schedule—
  - (a) the particulars specified in item 1 or item 2 or both of the Schedule and relating to not more than 3 prescribed bodies;
  - (b) the particulars specified in item 3 of the Schedule and relating to the candidate; or
  - (c) the particulars specified in item 1 or item 2 or both of the Schedule and relating to not more than 2 prescribed bodies, and the particulars specified in item 3 of the Schedule and relating to the candidate. *(L.N. 19 of 2004)*
- (4) A request made under subsection (2)—

- (a) must be in the specified form and signed by the requestor;
  - (b) must contain the name and address of the requestor;
  - (c) must indicate that the requestor requests that the subject of request be printed on a ballot paper as particulars relating to the requestor;
  - (d) must set out the particulars of the subject of request and, where the subject of request includes a photograph, must be accompanied by the photograph; and
  - (e) where the subject of request relates to one or more prescribed bodies, must be accompanied by a consent given, during the relevant nomination period, by the body or each of the bodies, as the case may be, in relation to the request in accordance with section 5(1). (*L.N. 19 of 2004*)
- (5) A requestor may, during the relevant nomination period, by notice in writing given to the Commission, withdraw a request made under subsection (2).
- (6) If a candidate to whom this section applies has, during the relevant nomination period, made a request under subsection (2) and the request is not withdrawn under subsection (5) or is not deemed to have been withdrawn under section 5(3), the candidate must not, during that nomination period, make a further request under subsection (2).

## 2. Interpretation

(1) In this Regulation, unless the context otherwise requires—

**auditor** (核數師) means a certified public accountant (practising) as defined by section 2(1) of the Accounting and Financial Reporting Council Ordinance (Cap. 588); (*23 of 2004 s. 56; L.N. 66 of 2022*)

**claim** (申索) means, in relation to—

- (a) (*Repealed 14 of 2021 s. 260*)
- (b) an LC candidate, a claim made by that candidate for financial assistance payable under Part 6A of the Legislative Council Ordinance (Cap. 542); or
- (c) a DC candidate, a claim made by that candidate for financial assistance payable under Part VA of the District Councils Ordinance (Cap. 547); (*L.N. 80 of 2007*)

**claim form** (申索表格) means the specified form for making a claim;

**DC candidate** (區議會選舉候選人) means a candidate nominated for election for a District Council constituency; (*L.N. 80 of 2007*)

**declared election expenses** (申報選舉開支) means, in relation to—

- (a) (*Repealed 14 of 2021 s. 260*)
- (b) an LC candidate, the amount set out as election expenses incurred by the candidate, in the election return lodged for the relevant election; or (*L.N. 80 of 2007*)
- (c) a DC candidate, the amount set out as election expenses incurred by the candidate, in the election return lodged for the relevant election; (*L.N. 80 of 2007*)

**election expenses** (選舉開支) has the meaning assigned to it by section 2(1) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554); (*L.N. 80 of 2007*)

**election return** (選舉申報書) has the meaning assigned to it by section 2(1) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554);

**eligible DC candidate** (合資格的區議會選舉候選人) means a DC candidate who is eligible for financial assistance under section 60C of the District Councils Ordinance (Cap. 547); (*L.N. 80 of 2007*)

**eligible LC candidate** (合資格的立法會選舉候選人) means an LC candidate who is eligible for financial assistance under section 60C(a) or (b) of the Legislative Council Ordinance (Cap. 542); (*L.N. 80 of 2007; 14 of 2021 s. 260*)

**Hong Kong Standards on Assurance Engagements** (《香港核證準則》) means the standards of auditing and assurance practices of that name issued by the Council of the Hong Kong Institute of Certified Public Accountants, as amended from time to time; (*L.N. 80 of 2007*)

**LC candidate** (立法會選舉候選人) means a candidate nominated for election for a constituency as defined by section 3(1) of the Legislative Council Ordinance (Cap. 542); (*L.N. 80 of 2007; L.N. 79 of 2011; 14 of 2021 s. 260*)

**specified form** (指明表格), in relation to any purpose under this Regulation, means the form specified for that purpose under section 14. (*L.N. 80 of 2007*)

(*L.N. 80 of 2007; 14 of 2021 s. 260*)

(2) (*Repealed 14 of 2021 s. 260*)

(3) (*Repealed L.N. 80 of 2007*)

(*E.R. 2 of 2012*)

**39. When person is disqualified from being nominated as a candidate and from being elected as a Member**

- (1) A person is disqualified from being nominated as a candidate at an election, and from being elected as a Member, if the person—
- (a) is—
    - (i) a judicial officer; or
    - (ii) a prescribed public officer; or
    - (iii) an officer of the Legislative Council or a member of staff of The Legislative Council Commission; or  
*(Amended 48 of 1999 s. 24)*
  - (b) has, in Hong Kong or 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 been substituted for the sentence; or
    - (ii) received a free pardon; or
  - (c) has been convicted of treason; or
  - (d) on the date of nomination, or of the election, is serving a sentence of imprisonment; or
  - (e) without limiting paragraph (b), where the 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) in Hong Kong or any other place, of an offence for which the person has been sentenced to imprisonment, whether suspended or not, for a term exceeding 3 months without the option of a fine; or
    - (ii) of having engaged in corrupt or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554); or
    - (iii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap. 201); or
    - (iv) of any offence prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541); or *(Replaced 10 of 2000 s. 47)*
  - (f) is—

- (i) ineligible to be a candidate, or to be elected as a Member, at the election; or
  - (ii) disqualified from being a candidate, or from being elected as a Member, at the election,  
because of the operation of this or any other law; or
  - (g) is a representative or salaried functionary of a government of a place outside Hong Kong; or
  - (h) is a member of any national, regional or municipal legislature, assembly or council of any place outside Hong Kong, other than a people's congress or people's consultative body of the People's Republic of China, whether established at the national or local level; or
  - (i) is an undischarged bankrupt or, within the previous 5 years, has either obtained a discharge in bankruptcy or has entered into a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap. 6) with the person's creditors, in either case without paying the creditors in full. (*Amended 25 of 2003 s. 22*)
- (1A) A person is also disqualified from being nominated as a candidate at an election, and from being elected as a Member, if the election is held or is to be held within 5 years after—
- (a) the date on which the person vacates an office, or is disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath; or
  - (b) the date on which the person is declared or decided in accordance with any law—
    - (i) to be in breach of a specified oath; or
    - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region of the People's Republic of China. (*Added 13 of 2021 s. 19*)
- (2) A person is also disqualified from being nominated as a candidate at an election if the person has been found under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs, but a person disqualified under this subsection is eligible for nomination as a candidate if, under that Ordinance, it is subsequently found that the person has become capable of managing and administering his or her property and affairs. (*Replaced 25 of 2003 s. 22*)

- (2A) A person is also disqualified from being nominated as a candidate at a by-election if—
- (a) within the 6 months ending on the date of the by-election—
    - (i) the person's resignation under section 14 as a Member took effect; or
    - (ii) the person was taken under section 13(3) to have resigned from office as a Member; and
  - (b) no general election was held after the relevant notice of resignation or notice of non-acceptance took effect.  
*(Added 12 of 2012 s. 3)*
- (3) A person is also disqualified from being elected as a Member if the person has been found under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs, but a person disqualified under this subsection ceases to be disqualified if, under that Ordinance, it is subsequently found that the person has become capable of managing and administering his or her property and affairs.  
*(Replaced 25 of 2003 s. 22)*
- (4) A person is also disqualified from being elected as a Member for a functional constituency if, since the close of nominations, the person has ceased to have a substantial connection with the constituency. *(Amended 2 of 2011 s. 17; 14 of 2021 s. 311)*
- (5) In this section—
- judicial officer** (司法人員) means the holder of a judicial office, as defined in section 2 of the Public Service Commission Ordinance (Cap. 93);
- prescribed public officer** (訂明的公職人員) means any of the following—
- (a) the Chairman of the Public Service Commission;
  - (b) the Commissioner and Deputy Commissioner of the Independent Commission Against Corruption and the holder of any other office under the Independent Commission Against Corruption Ordinance (Cap. 204);
  - (c) The Ombudsman and the holder of any appointment under section 6 of The Ombudsman Ordinance (Cap. 397);
  - (d) a member of the Electoral Affairs Commission;

- (e) the chief executive of the Monetary Authority and any member of the senior management of that Authority, including divisional heads, executive directors, managers and counsel employed by that Authority;
- (ea) the Privacy Commissioner for Personal Data and any person employed or engaged by him or her under the Personal Data (Privacy) Ordinance (Cap. 486); (*Added 48 of 1999 s. 24*)
- (eb) the Chairperson of the Equal Opportunities Commission and any person employed or whose services are engaged by the Commission under the Sex Discrimination Ordinance (Cap. 480); (*Added 48 of 1999 s. 24*)
- (f) any person holding an office, whether permanent or temporary, in a Government department or bureau and employed in the department or bureau; (*Amended 13 of 2021 s. 19*)

***specified oath*** (指明誓言) 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. (*Added 13 of 2021 s. 19*)

**40. What requirements are to be complied with by persons nominated as candidates**

- (1) A person is not validly nominated as a candidate for an election for a constituency unless— (*Amended 25 of 2003 s. 23*)
  - (a) a deposit has, in the manner prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541), been lodged by or on behalf of the person with the Returning Officer concerned; and
  - (b) the nomination form includes or is accompanied by—
    - (i) a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the Hong Kong Special Administrative Region; and
    - (ii) a declaration as to the person's nationality and as to whether or not the person has a right of abode in a country other than the People's Republic of China; and
    - (iii) a promissory oath given by the person to the effect that, if elected, he or she will not do anything during his or her term of office that results in his or her— (*Amended 48 of 1999 s. 25*)



- (A) becoming—
  - (I) a prescribed public officer within the meaning of section 39(5); or
  - (II) an officer of the Legislative Council or a member of staff of The Legislative Council Commission; (*Amended 48 of 1999 s. 25*)
- (B) being sentenced to death in Hong Kong or any other place;
- (C) being convicted of treason;
- (D) being convicted—
  - (I) of having engaged in corrupt or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554); or
  - (II) of an offence against Part II of the Prevention of Bribery Ordinance (Cap. 201); or
  - (III) of any offence prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541); (*Replaced 10 of 2000 s. 47*)
- (E) being disqualified from being elected as a Member at an election because of the operation of this or any other law;
- (F) becoming a representative or salaried functionary of a government of a place outside Hong Kong;
- (G) becoming a member of any national, regional or municipal legislature, assembly or council of any place outside Hong Kong, other than a people's congress or people's consultative body of the People's Republic of China, whether established at the national or local level;
- (H) becoming a member of the armed forces of the Central People's Government or any other country or territory; or
- (I) in the case of a Member elected for a functional constituency, ceasing to have a substantial connection with the constituency. (*Amended 2 of 2011 s. 18; 14 of 2021 s. 312*)

- (2) The person must sign the declarations.
- (3) The deposit is to be of such an amount as is prescribed by the regulations for the purposes of this section.

## 1. Interpretation

In this Regulation, unless the context otherwise requires—

***appeal*** (上訴) means an appeal made under the FC Registration Regulation against the decision of the Electoral Registration Officer not to register as an authorized representative a person appointed by a corporate elector as a replacement or a substitute under section 20 of the FC Registration Regulation; (*L.N. 199 of 2001*)

***appellant*** (上訴人) means—

- (a) a corporate elector who has made an appeal under the FC Registration Regulation by means of a notice of appeal; or
- (b) a person who has made a claim or an objection under the FC Registration Regulation or the GC Registration Regulation by means of a notice of claim or a notice of objection; (*L.N. 199 of 2001*)

***claim*** (申索) means a claim made under the FC Registration Regulation or the GC Registration Regulation as regards an entry, or registration, in a functional constituencies register or a geographical constituencies register; (*L.N. 199 of 2001*)

***corporate elector*** (團體選民) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap. 542);

***FC Registration Regulation*** (《功能界別登記規例》) means the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541 sub. leg. B); (*L.N. 199 of 2001*)

***functional constituencies register*** (功能界別選民登記冊) means — (*L.N. 26 of 2003*)

- (a) a provisional register of functional constituencies required to be compiled under section 32(1)(a)(ii) of the Legislative Council Ordinance (Cap. 542); or
- (b) a final register of functional constituencies required to be compiled under section 32(1)(b)(ii) of the Legislative Council Ordinance (Cap. 542); (*L.N. 199 of 2001; L.N. 26 of 2003; 14 of 2021 s. 351*)

***gale warning*** (烈風警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62); (*1 of 2019 s. 11*)

***GC Registration Regulation*** (《地方選區登記規例》) means the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A); (*L.N. 199 of 2001*)

***geographical constituencies register*** (地方選區選民登記冊) means— (*L.N. 26 of 2003*)

- (a) a provisional register of geographical constituencies required to be compiled under section 32(1)(a)(i) of the Legislative Council Ordinance (Cap. 542); or
- (b) a final register of geographical constituencies required to be compiled under section 32(1)(b)(i) of the Legislative Council Ordinance (Cap. 542); (*L.N. 199 of 2001; L.N. 26 of 2003; 14 of 2021 s. 351*)

***inclement weather warning day*** (惡劣天氣警告日) means a working day on which a gale warning or a rainstorm warning is in force at any time during the ordinary business hours of the office of a Revising Officer; (*1 of 2019 s. 11*)

***notice of appeal*** (上訴通知書) means a notice lodged by a corporate elector under the FC Registration Regulation for the purpose of making an appeal; (*L.N. 199 of 2001*)

***notice of claim*** (申索通知書) means a notice lodged by a person under the FC Registration Regulation or the GC Registration Regulation for the purpose of making a claim; (*L.N. 199 of 2001*)

***notice of objection*** (反對通知書) means a notice lodged by a person under the FC Registration Regulation or the GC Registration Regulation for the purpose of making an objection; (*L.N. 199 of 2001*)

***objection*** (反對) means an objection made under the FC Registration Regulation or the GC Registration Regulation as regards an entry, or registration, in a functional constituencies register or a geographical constituencies register; (*L.N. 199 of 2001; 1 of 2019 s. 11*)

***provisional register*** (臨時選民登記冊) means—

- (a) a provisional register of geographical constituencies compiled under section 32(1)(a)(i) of the Legislative Council Ordinance (Cap. 542); or

- (b) a provisional register of functional constituencies compiled under section 32(1)(a)(ii) of that Ordinance; (*1 of 2019 s. 11; 14 of 2021 s. 351*)

***rainstorm warning*** (暴雨警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62); (*1 of 2019 s. 11*)

***working day*** (工作日) means a day that is not—

- (a) a general holiday; or
- (b) a Saturday. (*1 of 2019 s. 11*)

*(L.N. 199 of 2001; 14 of 2021 s. 351)*

#### **1A. Effect of inclement weather warning on date and period**

(1) (*Repealed 1 of 2019 s. 12*)

(2) If—

- (a) a date is prescribed in this Regulation (whether by reference to a specific day of a specific month or to a day otherwise ascertainable under this Regulation) or is fixed under this Regulation;

- (b) an act is required or permitted by a provision of this Regulation to be done not later than, or on or before, the date or on the date; and

- (c) the date falls on an inclement weather warning day, the next working day, which is not an inclement weather warning day, following the date is taken to be prescribed or fixed in relation to the act instead for the provision.

(3) If—

- (a) a period is prescribed in or fixed under this Regulation;

- (b) an act is required or permitted by a provision of this Regulation to be done in, during or within the period; and

- (c) the last day of the period falls on an inclement weather warning day,

the period is extended, in relation to the act, to end on the next working day, which is not an inclement weather warning day, following the day mentioned in paragraph (c), and the provision has effect accordingly.

(4) If—

- (a) a date is prescribed by reference to a specific day of a specific month in the provisions (***former provisions***) specified in column 1 of Table 1;

- (b) the same date is prescribed in the provision or provisions specified opposite to the former provisions in column 2 of Table 1; and
- (c) the date falls on an inclement weather warning day in a year,

the next working day, which is not an inclement weather warning day, following the date is taken to be prescribed in relation to that year instead for the provision or provisions and the former provisions.

Table 1

<u>Column 1</u>	<u>Column 2</u>
section 13(1A)(b) of Cap. 541A and section 29(1A)(b)(i) of Cap. 541B (14 of 2021 s. 352)	sections 2(3)(b) and 6(2)(a) and (2AA)(b)
section 16(3)(b) of Cap. 541A and section 32(2)(c) of Cap. 541B	section 2(3)(b)(i) and (ii)

In this Table—

**Cap. 541A** stands for the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A);

**Cap. 541B** stands for the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541 sub. leg. B). (14 of 2021 s. 352)

(5)-(7) *(Repealed 14 of 2021 s. 352)*

- (8) If in any year a day specified in column 1 of Table 3 falls on an inclement weather warning day, the provision or provisions specified opposite to the day in column 2 of Table 3 have effect in relation to that year as if the reference to that day in that provision or those provisions is substituted by a reference to the next working day, which is not an inclement weather warning day, following that day.

Table 3

<u>Column 1</u>	<u>Column 2</u>
the eighth day before the polling date	section 2(4)(a) and (b)
8 September	section 2(4)(b)(i) and (ii)
11 September	section 6(2)(a) and (2AA)(b)

- (9) Subsections (2) and (3) are subject to sections 2(4A) and 6(2A).

*(12 of 2014 s. 18)*

## 6. **Review of rulings by Revising Officer**

- (1) The Revising Officer may, subject to subsection (2), and on his own initiative or for good cause shown by the Electoral Registration Officer or the appellant or the person in respect of whom the objection is made— *(1 of 2019 s. 17)*
- (a) review a ruling made under section 2(5)(b) or (5A), and for that purpose, rehear the matter wholly or in part and reverse or confirm the ruling; or
  - (b) review a ruling made under section 2A(5), and for that purpose, hold a hearing and reverse or confirm the ruling. *(1 of 2019 s. 17)*
- (1A) Despite subsection (1)(b), if the ruling being reviewed relates to a geographical constituencies register or functional constituencies register compiled for 2021, the Revising Officer must determine whether to reverse or confirm the ruling without a hearing on the basis of written submissions only. *(14 of 2021 s. 359)*
- (2) A ruling under section 2(5)(b) or (5A) made—
- (a) during the period beginning on 1 August and ending on 11 September in a year may only be reviewed during that period; or
  - (b) during the period specified in section 2(4)(a) or (b)(i) or (ii) may only be reviewed during that period. *(14 of 2021 s. 359)*
- (2AA) A ruling under section 2A(5) may only be reviewed during the following period—
- (a) if the ruling relates to a geographical constituencies register or functional constituencies register compiled for 2021—the period beginning on 26 September 2021 and ending on 23 October 2021; or
  - (b) if the ruling relates to a geographical constituencies register or functional constituencies register compiled for any year subsequent to 2021—the period beginning on 1 August and ending on 11 September in that year. *(14 of 2021 s. 359)*

- (2A) Despite subsection (2), if the conditions under section 2(4A) (a)(i) or (ii) and (b) are met, the period for a review of the ruling in respect of the appeal, claim or objection in question is extended to the next working day, which is not an inclement weather warning day, following the postponed deadline for the making of representations in writing to the Revising Officer specified in section 2(4A) in relation to that appeal, claim or objection. *(12 of 2014 s. 21)*
- (2B) A ruling made or reviewed after 11 September in a year because of an extension under subsection (2A) is deemed, for the following provisions, to be made on 11 September in that year— *(14 of 2021 s. 359)*
- (a) section 19(5)(b) of the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A); and
  - (b) sections 35(5)(b) and 36(5)(b) of the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541 sub. leg. B). *(12 of 2014 s. 21; 14 of 2021 s. 359)*
- (2C) *(Repealed 14 of 2021 s. 359)*
- (3) In the case where the Revising Officer decides to review any ruling made under section 2(5)(b) or (5A) or section 2A(5), he shall determine the procedure for such review. *(1 of 2019 s. 17)*
- (4) *(Repealed 1 of 2019 s. 17)*



## 2. Interpretation

(1) In this Ordinance, unless the context otherwise requires  
— (*Amended 21 of 2001 s. 77*)

**advantage** (利益) means—

- (a) any valuable consideration, gift or loan; or
- (b) any office, employment or contract; or
- (c) the full or partial payment, release, discharge or liquidation of an obligation; or
- (d) the exercise of or forbearance from exercising a right or power; or
- (e) the performance of or forbearance from performing a duty; or
- (f) any favour, including—
  - (i) giving protection from a liability incurred or anticipated; and
  - (ii) giving protection from proceedings or possible proceedings of a disciplinary, civil or criminal nature; or
- (g) any other service (other than voluntary service or the provision of entertainment),

but does not include an election donation if particulars of the donation are given in an election return that has been lodged with the appropriate authority;

**appropriate authority** (有關主管當局) means—

- (a) in the case of an election to elect the Chief Executive, the Chief Electoral Officer; and (*Amended 21 of 2001 s. 77*)
- (b) in the case of an election to elect a member or members of the Legislative Council, the Election Committee or a District Council, the Chief Electoral Officer; and
- (c) in the case of an election to elect members of the Heung Yee Kuk or to elect the Chairman or Vice-Chairman or a member of the Executive Committee of a Rural Committee, the returning officer for the election or, if the returning officer for the election has not been appointed, the Director of Home Affairs; and

- (d) in the case of an election to elect a Rural Representative, the Director of Home Affairs; (*Amended 2 of 2003 s. 68; 5 of 2014 s. 67*)

**candidate** (候選人)—

- (a) means a person who stands nominated as a candidate at an election; and
- (b) also means a person who, at any time before the close of nominations for an election, has publicly declared an intention to stand as a candidate at the election; (*Amended 11 of 2012 s. 79; 14 of 2021 s. 369*)

**Chief Electoral Officer** (總選舉事務主任) means the person holding office as such under section 9 of the Electoral Affairs Commission Ordinance (Cap. 541);

**Chief Executive** (行政長官) means the Chief Executive of the Hong Kong Special Administrative Region;

**conduct** (行為) engaged in by a person may be corrupt or illegal conduct even though the way in which it affects another person is only indirect;

**constituency** (選區或選舉界別) means—

- (a) in relation to a Legislative Council election, a geographical constituency, a functional constituency or the Election Committee constituency, as defined in section 3(1) of the Legislative Council Ordinance (Cap. 542); or (*Amended 25 of 2003 s. 54; 14 of 2021 s. 369*)
- (b) in relation to an Election Committee subsector election, the relevant Election Committee subsector; or
- (c) in relation to a District Council election, an area declared to be a constituency under section 6(1) of the District Councils Ordinance (Cap. 547);

**corporate elector** (團體選民) has the same meaning as in section 3(1) of the Legislative Council Ordinance (Cap. 542);

**Court** means the Court of First Instance;

**duress** (脅迫手段) includes causing financial loss to a person by duress;

**election** (選舉) means an election to which this Ordinance applies;

**election advertisement** (選舉廣告), in relation to an election, means

—

- (a) a publicly exhibited notice; or
- (b) a notice delivered by hand or electronic transmission; or

- (c) a public announcement made by radio or television or by video or cinematographic film; or
- (d) any other form of publication,  
published for the purpose of promoting or prejudicing the election of a candidate or candidates at the election;

***election agent*** (選舉代理人) means a person who is appointed in writing by a candidate at an election to be an election agent for the candidate at the election;

***election appeal*** (選舉上訴) means an appeal to a Revising Officer under section 39 of the Schedule to the Chief Executive Election Ordinance (Cap. 569); (*Amended 21 of 2001 s. 77*)

***Election Committee*** (選舉委員會) means the Election Committee constituted under section 8(1) of the Chief Executive Election Ordinance (Cap. 569); (*Amended 21 of 2001 s. 77*)

***Election Committee subsector*** (選舉委員會界別分組) means a subsector represented on the Election Committee as provided by section 2(4) of the Schedule to the Chief Executive Election Ordinance (Cap. 569); (*Amended 21 of 2001 s. 77*)

***election donation*** (選舉捐贈), in relation to a candidate or candidates at an election, means any of the following donations—

- (a) any money given to or in respect of the candidate or candidates for the purpose of meeting, or contributing towards meeting, the election expenses of the candidate or candidates;
- (b) any goods given to or in respect of the candidate or candidates for the purpose of promoting the election of the candidate or candidates or of prejudicing the election of another candidate or other candidates, and includes any goods given incidental to the provision of voluntary service;
- (c) any service provided to or in respect of the candidate or candidates for the purpose of promoting the election of the candidate or candidates or of prejudicing the election of another candidate or other candidates, but does not include voluntary service;

***election expense agent*** (選舉開支代理人), in relation to a candidate, means a person authorized by the candidate in accordance with section 23; (*Amended 14 of 2021 s. 369*)

***election expenses*** (選舉開支), in relation to a candidate at an election, means expenses incurred or to be incurred, before,

during or after the election period, by or on behalf of the candidate for the purpose of— (*Amended 14 of 2021 s. 369*)

(a) promoting the election of the candidate; or

(b) prejudicing the election of another candidate,

and includes the value of election donations consisting of goods and services used for that purpose; (*Amended 14 of 2021 s. 369*)

***election period*** (選舉期間), in relation to an election, means the period beginning with the nomination day for the election and ending with the polling day for the election (or the last polling day if there is more than one polling day);

***election petition*** (選舉呈請) means an election petition lodged under an electoral law for the purpose of questioning an election held under that law;

***election return*** (選舉申報書) means the return required to be lodged by a candidate in accordance with section 37;

***elector*** (選民)—

(a) in relation to an election to elect the Chief Executive, means a member of the Election Committee; and (*Amended 21 of 2001 s. 77*)

(b) in relation to an election to elect a Member of the Legislative Council, means an elector as defined by section 3(1) of the Legislative Council Ordinance (Cap. 542), and in relation to a corporate elector, includes the authorized representative of the elector; and

(c) in relation to an election to elect a member of the Election Committee, means a voter as defined by section 11(1) of the Schedule to the Chief Executive Election Ordinance (Cap. 569) or the authorized representative of a corporate voter; and (*Amended 21 of 2001 s. 77*)

(d) in relation to an election to elect a member of a District Council, means an elector as defined by section 2 of the District Councils Ordinance (Cap. 547); and

(e) in relation to an election to elect members of the Heung Yee Kuk, means a person who, in accordance with the Heung Yee Kuk Ordinance (Cap. 1097), is entitled to vote at the election; and

(f) in relation to an election to elect the Chairman or Vice-Chairman or a member of the Executive Committee of a Rural Committee, means a member of the general assembly of the Rural Committee; and

- (g) in relation to an election to elect a Rural Representative for a Rural Area, means an elector, as defined by section 2(1) of the Rural Representative Election Ordinance (Cap. 576), for the Rural Area; (*Replaced 5 of 2014 s. 67*)

**electoral law** (選舉法) means—

- (a) the Electoral Affairs Commission Ordinance (Cap. 541); or
- (b) the Legislative Council Ordinance (Cap. 542); or
- (c) the District Councils Ordinance (Cap. 547); or
- (ca) the Chief Executive Election Ordinance (Cap. 569); or (*Added 21 of 2001 s. 77*)
- (d) the Heung Yee Kuk Ordinance (Cap. 1097); or
- (e) the Rural Representative Election Ordinance (Cap. 576); (*Replaced 2 of 2003 s. 68. Amended 5 of 2014 s. 67*)

**electoral officer** (選舉事務主任) means—

- (a) the Chief Electoral Officer; or
- (b) a returning officer; or
- (c) an assistant returning officer; or
- (d) the Electoral Registration Officer; or
- (e) any person who is appointed under an electoral law to exercise functions in connection with an election;

**Electoral Registration Officer** (選舉登記主任) means the person holding office as such under section 75 of the Legislative Council Ordinance (Cap. 542) or section 44 of the Schedule to the Chief Executive Election Ordinance (Cap. 569) or section 51 of the Rural Representative Election Ordinance (Cap. 576), and includes any person appointed to act in the Officer's place when the Officer is absent from duty or the office is vacant; (*Amended 21 of 2001 s. 77; 2 of 2003 s. 68; 5 of 2014 s. 67*)

**force** (武力)—

- (a) includes any form of violence or restraint; and
- (b) in particular, includes—
  - (i) inflicting harm on a person (whether physical or mental); and
  - (ii) causing damage to, or destruction of, a person's property;

**Legislative Council** (立法會) means the Legislative Council of the Hong Kong Special Administrative Region;

**notice** (通知) includes leaflet, circular, bill, booklet, placard and poster; (*Amended 11 of 2012 s. 25*)

**organization** (組織) includes a company, association, society or other body of persons;

**publish** (發布) means print, exhibit, distribute, post up, publicly announce or make publicly known by any other means, and includes continue to publish;

**returning officer** (選舉主任)—

- (a) in relation to an election to elect the Chief Executive, means the person appointed to be the Returning Officer under section 41 of the Chief Executive Election Ordinance (Cap. 569); and (*Amended 21 of 2001 s. 77*)
- (b) in relation to an election for a Legislative Council constituency, means a Returning Officer appointed for the constituency under section 78 of the Legislative Council Ordinance (Cap. 542); and
- (c) in relation to an election for an Election Committee subsector, means a Returning Officer appointed for the subsector under section 47 of the Schedule to the Chief Executive Election Ordinance (Cap. 569); and (*Amended 21 of 2001 s. 77*)
- (d) in relation to an election for a constituency of a District Council, means a Returning Officer appointed for the constituency under section 75 of the District Councils Ordinance (Cap. 547); and
- (e) in relation to an election to elect members of the Heung Yee Kuk, means the person appointed under section 7 of the Heung Yee Kuk Ordinance (Cap. 1097) to be the Returning Officer for the election; and
- (f) in relation to an election to elect the Chairman or Vice-Chairman or a member of the Executive Committee of a Rural Committee, means the District Officer in the Home Affairs Department for the district for which the Rural Committee is established; and
- (g) in relation to an election to elect a Rural Representative for a Rural Area, means a person appointed to be a Returning Officer for the Rural Area under section 54 of the Rural Representative Election Ordinance (Cap. 576), (*Replaced 5 of 2014 s. 67*)

and—

- (i) if the Returning Officer referred to in paragraph (b), (c) or (d) has not been appointed, means, in so far as it relates to the relevant election, the Chief Electoral Officer; and
- (ii) if the Returning Officer referred to in paragraph (e) or (g) has not been appointed, means the Director of Home Affairs; (*Amended 2 of 2003 s. 68*)

**Rural Area** (鄉郊地區) has the same meaning as in section 2(1) of the Rural Representative Election Ordinance (Cap. 576); (*Added 5 of 2014 s. 67*)

**Rural Committee** (鄉事委員會) has the same meaning as in section 3(3) of the Heung Yee Kuk Ordinance (Cap. 1097);

**Rural Representative** (鄉郊代表) has the same meaning as in section 2(1) of the Rural Representative Election Ordinance (Cap. 576); (*Added 5 of 2014 s. 67*)

**valuable consideration** (有值代價) means money or anything worth money;

**value** (價值) means, in relation to goods or a service that is donated, the price that could reasonably be expected to be paid for the goods or service if supplied by a willing supplier to a willing buyer on the open market, with both parties acting at arms length;

**voluntary service** (義務服務) means any service provided free of charge to or in respect of a candidate or candidates at an election by a natural person, voluntarily and personally, in the person's own time for the purpose of—

- (a) promoting the election of the candidate or candidates; or
- (b) prejudicing the election of another candidate or other candidates.

*(Amended 5 of 2014 s. 67; 14 of 2021 s. 369)*

(2) In this Ordinance, a reference to the withdrawal of the nomination of a person as a candidate includes, in the case of a candidate at an election to elect the Chief Executive or to elect the members of the Election Committee, a reference to the withdrawal of his candidature. (*Added 21 of 2001 s. 77*)

(3) For the purposes of this Ordinance, a document published by a candidate during an election period that gives details of the work done by the candidate in the capacity of—

- (a) the Chief Executive;
- (ab) a member of the Election Committee; (*Added 14 of 2021 s. 369*)
- (b) a member of the Legislative Council;

- (c) a member of a District Council;
  - (d) a member of the Heung Yee Kuk;
  - (e) the Chairman or Vice-Chairman or a member of the Executive Committee of a Rural Committee; or
  - (f) a Rural Representative, *(Amended 5 of 2014 s. 67)*
- is an election advertisement. *(Added 11 of 2012 s. 25)*

*(Amended 2 of 2003 s. 68)*

#### **4. What elections do this Ordinance apply to**

*(Amended E.R. 2 of 2019)*

- (1) Subject to subsection (2), this Ordinance applies to the following kinds of elections— *(Amended 11 of 2012 s. 26)*
  - (a) an election to elect the Chief Executive;
  - (b) a general election to elect the Members of the Legislative Council;
  - (c) a by-election to fill a vacancy in the membership of the Legislative Council;
  - (d) a subsector ordinary election to elect members of the Election Committee; *(Amended 21 of 2001 s. 78)*
  - (da) a by-election to fill a vacancy in the membership of the Election Committee; *(Added 21 of 2001 s. 78)*
  - (e) an ordinary election to elect the elected members of a District Council;
  - (f) a by-election to fill a vacancy in the membership of a District Council;
  - (g) an election to elect members of the Heung Yee Kuk;
  - (h) an election to elect a person as the Chairman or Vice-Chairman or a member of the Executive Committee of a Rural Committee;
  - (i) a rural ordinary election to elect a Rural Representative for a Rural Area; *(Replaced 5 of 2014 s. 69)*
  - (j) a rural by-election to elect a Rural Representative for a Rural Area. *(Replaced 5 of 2014 s. 69)*
- (2) Part 5 only applies to the following kinds of elections—
  - (a) an election to elect members of the Heung Yee Kuk; and
  - (b) an election to elect a person as the Chairman or Vice-Chairman or a member of the Executive Committee of a Rural Committee. *(Added 11 of 2012 s. 26)*

#### **37. Candidate to lodge election return with appropriate authority**



- (1) Each candidate at an election must lodge with the appropriate authority an election return setting out—
  - (a) the candidate’s election expenses at the election; and
  - (b) all election donations received by or on behalf of the candidate in connection with the election.
- (1A) For an election to elect the Chief Executive, the candidate must ensure that the return is lodged before the expiry of the period of 60 days after the date on which— (*Amended 11 of 2019 s. 14*)
  - (a) the result of the election is published in the Gazette; or
  - (b) the proceedings for the election are declared to have been terminated. (*Added 15 of 2016 s. 5*)
- (1B) For an election to membership of the Legislative Council, the candidate must ensure that the return is lodged before the expiry of the period of 60 days after—
  - (a) if the election is held for 2 or more constituencies—the date on which the election becomes settled in relation to all of the constituencies; or
  - (b) if the election is held for only 1 constituency—the date on which the election becomes settled in relation to the constituency. (*Added 15 of 2016 s. 5*)
- (1C) For the purposes of subsection (1B), an election is settled in relation to a constituency on the date on which any of the following events occurs in relation to the constituency, or, if more than one of the following events occurs in relation to the constituency, on the date on which the last of those events occurs—
  - (a) the result of the election is notified in the Gazette;
  - (b) (*Repealed 14 of 2021 s. 376*)
  - (c) the election is declared to have failed. (*Added 15 of 2016 s. 5*)
- (1D) For an election to membership of the Election Committee, the candidate must ensure that the return is lodged before the expiry of the period of 30 days after—
  - (a) if, according to a notice published under section 4 of the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541 sub. leg. I), the election is one of the subsector elections that are to be held on the same date—the date on which the subsector elections become settled or, if the subsector elections become settled on different dates, the last of those dates; or

- (b) in any other case—the date on which the election becomes settled. *(Added 15 of 2016 s. 5)*
- (1E) For the purposes of subsection (1D), an election is settled on the date on which any of the following events occurs in relation to the election—
- (a) the result of the election is notified in the Gazette;
  - (b) a declaration that no candidate was validly nominated is made. *(Added 15 of 2016 s. 5)*
- (1F) For an election to membership of any District Council, the candidate must ensure that the return is lodged before the expiry of the period of 30 days after—
- (a) if the election is held for 2 or more constituencies in relation to 1 or more District Councils—the date on which the election becomes settled in relation to all of the constituencies; or
  - (b) if the election is held for only 1 constituency—the date on which the election becomes settled in relation to the constituency. *(Added 15 of 2016 s. 5)*
- (1G) For the purposes of subsection (1F), an election is settled in relation to a constituency on the date on which any of the following events occurs in relation to the constituency—
- (a) the result of the election is notified in the Gazette;
  - (b) the proceedings for the election are declared to have been terminated;
  - (c) the election is declared to have failed. *(Added 15 of 2016 s. 5)*
- (1H) For an election relating to the Heung Yee Kuk, the candidate must ensure that the return is lodged before the expiry of the period of 30 days after—
- (a) if the election is held for 2 or more vacancies—the date on which the election becomes settled in relation to all of the vacancies; or
  - (b) if the election is held for only 1 vacancy—the date on which the election becomes settled in relation to the vacancy. *(Added 15 of 2016 s. 5)*
- (1I) For the purposes of subsection (1H), an election is settled in relation to a vacancy on the date on which any of the following events occurs in relation to the vacancy—
- (a) the result of the election is announced by the returning officer for the election;

- (b) the election is declared to be invalid. (*Added 15 of 2016 s. 5*)
- (1J) For an election relating to a Rural Committee, the candidate must ensure that the return is lodged before the expiry of the period of 30 days after—
  - (a) if the election is held for 2 or more offices—the date on which the election becomes settled in relation to all of the offices; or
  - (b) if the election is held for only 1 office—the date on which the election becomes settled in relation to the office. (*Added 15 of 2016 s. 5*)
- (1K) For the purposes of subsection (1J), an election is settled in relation to an office on the date on which any of the following events occurs in relation to the office—
  - (a) the result of the election is announced by the returning officer for the election;
  - (b) the proceedings for the election are declared to have been terminated;
  - (c) the election is declared to have failed. (*Added 15 of 2016 s. 5*)
- (1L) For a Rural Representative election for a Rural Area, the candidate must ensure that the return is lodged before the expiry of the period of 30 days after—
  - (a) if, according to a notice under section 20(3)(b) of the Rural Representative Election Ordinance (Cap. 576) or section 6 of the Electoral Procedure (Rural Representative Election) Regulation (Cap. 541 sub. leg. L), the election is one of the Rural Representative elections in relation to the same Rural Committee that are to be held on the same date—the date on which the Rural Representative elections become settled or, if the Rural Representative elections become settled on different dates, the last of those dates; or
  - (b) in any other case—the date on which the election becomes settled. (*Added 15 of 2016 s. 5*)
- (1M) For the purposes of subsection (1L), an election is settled on the date on which any of the following events occurs in relation to the election, or, if more than one of the following events occurs in relation to the election, on the date on which the last of those events occurs—
  - (a) the result of the election is notified in the Gazette;

- (b) the proceedings for the election are declared to have been terminated;
  - (c) the election is declared to have failed. (*Added 15 of 2016 s. 5*)
- (1N) Despite subsections (1A), (1B), (1D), (1F), (1H), (1J) and (1L), the return may be lodged within any extended period allowed by the Court under section 40. (*Added 15 of 2016 s. 5*)
- (2) The candidate must ensure that the return—
- (a) (*Repealed 15 of 2016 s. 5*)
  - (b) is accompanied—
    - (i) in the case of each election expense of \$500 or more, by an invoice and a receipt giving particulars of the expenditure; and (*Amended 11 of 2019 s. 14*)
    - (ii) in the case of each election donation of more than \$1,000 or, in the case of an election donation consisting of goods or a service, of more than \$1,000 in value, by a copy of the receipt issued to the donor giving particulars of the donor and the donation; and
    - (iii) where an election donation or part of an election donation that was received by or on behalf of the candidate in connection with the election was not used for that purpose was disposed of in accordance with section 19, by a copy of the receipt given by the recipient of the donation or part; and
    - (iv) where an election donation or part of an election donation that was received by or on behalf of the candidate in connection with the election was not used for that purpose was not disposed of in accordance with section 19(3), by an explanation setting out the reason why it was not disposed of in accordance with that section; and
    - (v) by a declaration in a form provided or specified by the appropriate authority verifying the contents of the return.
- (3) For the purposes of subsection (2), an invoice and a receipt for an election expense may be included in the same document.
- (4) In this section—

***Rural Representative election*** ( 鄉 郊 代 表 選 舉 ) means a rural ordinary election as defined by section 2(1) of the Rural Representative Election Ordinance (Cap. 576) or a rural by-election as defined by that section;

**subsector election** (界別分組選舉) has the meaning given by section 1(1) of the Schedule to the Chief Executive Election Ordinance (Cap. 569). (*Added 15 of 2016 s. 5. Amended 14 of 2021 s. 376*)

**41. Appropriate authority to keep election returns**

- (1) The appropriate authority must keep at the office of the authority— (*Amended 18 of 2011 s. 48*)
  - (a) all election returns lodged with the authority under section 37; and
  - (b) all copies of election returns lodged with the authority under section 37A.
- (2) The appropriate authority must, during the relevant period, ensure that copies of the documents kept under subsection (1) are made available for inspection by any person who, during the authority's business hours, asks to inspect any of the documents.
- (3) If a person asks for a copy of a document or part of a document kept under subsection (1), the appropriate authority must provide the person with such a copy, subject to payment of a copying fee not exceeding an amount calculated in accordance with a rate fixed in accordance with subsection (4).
- (4) The appropriate authority is required, by notice published in the Gazette, to fix a rate for the purposes of subsection (3). The fixing of the rate is subject to the approval of the Financial Secretary. Such a notice is not subsidiary legislation for the purposes of the Interpretation and General Clauses Ordinance (Cap. 1).
- (5) After the end of the relevant period, the appropriate authority may arrange for the documents kept by the authority under subsection (1) to be destroyed, but if, during that period, a candidate who has lodged any of the documents with the authority asks for it to be returned to the candidate, the authority must comply with the request.
- (6) For the purposes of this section, the relevant period, in relation to a document lodged with the appropriate authority, is the period beginning with the time when the document is lodged with the authority and ending with— (*Amended 15 of 2016 s. 6*)

- (a) for an election referred to in section 37(1D), (1F), (1H), (1J) or (1L)—the 30th day before the first anniversary of the date of the deadline for lodging the relevant election return under that section (disregarding any order made by the Court under section 40); or
- (b) for an election referred to in section 37(1A) or (1B)—the 60th day before the first anniversary of the date of the deadline for lodging the relevant election return under that section (disregarding any order made by the Court under section 40). *(Amended 15 of 2016 s. 6; 11 of 2019 s. 15)*

*(Amended 18 of 2011 s. 48)*

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## Schedule

[s. 37A]

### Limit Prescribed for Election Concerned for Purposes of Section 37A

*(Schedule replaced 18 of 2011 s. 49)*

Item	Election	Limit
1.	An election to elect the Chief Executive	\$50,000
2.	<i>(Repealed 14 of 2021 s. 379)</i>	
3.	An election to elect a Member or Members of the Legislative Council for any geographical constituency within the meaning of the Legislative Council Ordinance (Cap. 542)	\$30,000
4.	An election to elect a Member or Members of the Legislative Council for any functional constituency within the meaning of the Legislative Council Ordinance (Cap. 542) <i>(Amended 14 of 2021 s. 379)</i>	\$5,000
4A.	An election to elect a Member or Members of the Legislative Council for the Election Committee constituency within the meaning of the Legislative Council Ordinance (Cap. 542) <i>(Added 14 of 2021 s. 379)</i>	\$5,000
5.	An election to elect a member or members of the Election Committee	\$5,000

Item	Election	Limit
6.	An election to elect a member or members of a District Council	\$3,000
7.	An election to elect a member or members of the Heung Yee Kuk	\$600
8.	An election to elect the Chairman or Vice-Chairman or a member of the Executive Committee of a Rural Committee	\$600
9.	An election to elect a Rural Representative ( <i>Amended 5 of 2014 s. 73</i> )	\$600

*(Amended 11 of 2019 s. 16)*

**2. Application**

This Regulation applies to any candidate at—

- (a) an ordinary election to elect the elected members of a District Council; or
- (b) a by-election to fill a vacancy in the membership of a District Council.

**3. Maximum amount of election expenses**

The maximum amount of election expenses that can be incurred by or on behalf of a candidate at an election is— (*L.N. 50 of 2015*)

- (a) for an election of a member for the term of office of a District Council ending on 31 December 2019—\$63,100; or
- (b) for an election of a member for any subsequent term of office of a District Council—\$68,800.

*(18 of 2011 s. 44; L.N. 50 of 2015; L.N. 65 of 2019)*



**14. Disqualification from being nominated**

- (1) Without prejudice to section 13(1)(c) of the Electoral Affairs Commission Ordinance (Cap. 541), a person is disqualified from being nominated as a candidate if— (*Amended 13 of 2021 s. 27*)
- (a) he is the Chief Executive and holds the office of the Chief Executive for the second consecutive term;
  - (b) he is a judicial officer as defined by section 2 of the Judicial Officers Recommendation Commission Ordinance (Cap. 92);
  - (c) he is a prescribed public officer;
  - (d) he is adjudged bankrupt under the Bankruptcy Ordinance (Cap. 6) and has not been discharged under section 30A or 30B of that Ordinance;
  - (e) he holds a passport or similar travel document other than —
    - (i) a Hong Kong Special Administrative Region Passport issued under the Hong Kong Special Administrative Region Passports Ordinance (Cap. 539);
    - (ii) a certificate of identity within the meaning of the Immigration Ordinance (Cap. 115); or
    - (iii) any entry permit issued by an authority in any part of the People's Republic of China which authorizes its holder to enter any part of the People's Republic of China;
  - (f) he has, in Hong Kong or any other place, been sentenced to death 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;
  - (g) he has been convicted of treason;
  - (h) he has been convicted—

- (i) in Hong Kong or any other place, of an offence for which the person has been sentenced to imprisonment, whether suspended or not, for a term exceeding 3 months without the option of a fine;
  - (ii) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554);
  - (iii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap. 201); or
  - (iv) of any offence prescribed by the EAC Regulations made for the purposes of this paragraph, within the 5 years before the date of nomination; or
  - (i) he 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 property and affairs.
- (2) Without prejudice to section 13(1)(c) of the Electoral Affairs Commission Ordinance (Cap. 541), a person is also disqualified from being nominated as a candidate if, within the 5 years before the date of nomination—
- (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; or
  - (b) the person has been declared or decided in accordance with any law—
    - (i) to be in breach of a specified oath; or
    - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China. (*Added 13 of 2021 s. 27*)
- (3) In this section—

***specified oath*** (指明誓言) 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. (*Added 13 of 2021 s. 27*)

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## Schedule

[ss. 2, 8, 9B, 16, 26, 43 & 47]  
(*Amended 14 of 2021 s. 405*)

# Election Committee

## Part 1

### Preliminary

#### 1. Interpretation

(1) In this Schedule—

**body** (團體) means an incorporated or unincorporated body, and includes a firm or a group of persons (which may include incorporated or unincorporated bodies) who are associated with each other through a shared relevant interest;

**corporate member** (團體成員), in relation to a body included in a subsector, means a body that is a member of the body so included;

**CPPCC member** (全國政協委員) means a Hong Kong Special Administrative Region member of the National Committee of the Chinese People's Political Consultative Conference; (*Added 14 of 2021 s. 406*)

**designated body** (指定團體), in relation to a subsector, means a body designated for the subsector in Division 1 of Part 3 for the purposes of section 2(5)(b); (*Added 14 of 2021 s. 406*)

**designated person** (指定人士), in relation to a specified person, means a person designated by the specified person under section 5J(3); (*Added 14 of 2021 s. 406*)

**elector** (選民), in relation to a functional constituency or geographical constituency, has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap. 542);

**Electoral Registration Officer** (選舉登記主任) means the person holding office as Electoral Registration Officer under section 44, and includes any person appointed to act in place of the Officer when the Officer is absent or when the office is vacant;

**ex-officio member** (當然委員), in relation to the Election Committee, means a person who is registered as an ex-officio member of the Election Committee in, and whose name has not been removed from, the final register of members of the Election Committee; (*Added 14 of 2021 s. 406*)

**functional constituency** (功能界別) means a functional constituency specified in section 20(1) of the Legislative Council Ordinance (Cap. 542);

**geographical constituency** (地方選區) means an area declared to be a geographical constituency in accordance with Part 3 of

the Legislative Council Ordinance (Cap. 542);

**Hong Kong and Kowloon District Committees subsector** (港九地區委員會界別分組) means the representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of Hong Kong and Kowloon subsector; (*Added 14 of 2021 s. 406*)

**interim register of members of the Election Committee** (選舉委員會暫行委員登記冊) means a register published under section 40(1); (*Added 10 of 2006 s. 21*)

**Member** (議員), in relation to the Legislative Council, has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap. 542);

**New Territories District Committees subsector** (新界地區委員會界別分組) means the representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of the New Territories subsector; (*Added 14 of 2021 s. 406*)

**NPC and CPPCC subsector** (人大政協界界別分組) means the 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; (*Added 14 of 2021 s. 406*)

**NPC deputy** (全國人大代表) means a Hong Kong Special Administrative Region deputy to the National People's Congress; (*Added 14 of 2021 s. 406*)

**officer** (高級人員), in relation to a body corporate, includes a director or executive, or any other person concerned in the management, of the body;

**registered** (登記), in relation to a functional constituency or geographical constituency, means registered under the Legislative Council Ordinance (Cap. 542) as an elector for the constituency;

**Returning Officer** (選舉主任), in relation to a subsector, means the Returning Officer appointed for the subsector under section 47, and includes any person appointed to act in place of such an Officer when the Officer is absent or when an office of Returning Officer is vacant;

**Revising Officer** (審裁官) means a Revising Officer appointed under section 46, and includes any person appointed to act in place of the Officer when the Officer is absent or when the office of Revising Officer is vacant;

**specified entity** (指明實體), in relation to a subsector, means a person or body specified for the subsector in Division 5 of Part 4 for the purposes of section 2(5)(c); (*Added 14 of 2021 s. 406*)

**specified office** (指明職位), in relation to a subsector, means an office specified for the subsector in Division 1 of Part 2A for the purposes of section 2(5)(a); (*Added 14 of 2021 s. 406*)

**specified person** (指明人士), in relation to a subsector, means a person holding a specified office of the subsector; (*Added 14 of 2021 s. 406*)

**subsector** (界別分組) means, subject to section 11, a subsector represented on the Election Committee as provided by section 2(4);

**subsector by-election** (界別分組補選) means an election to elect a member of the Election Committee assigned to a subsector who, under section 2(7)(c), is to be elected by the relevant subsector, otherwise than at a subsector ordinary election; (*Amended 14 of 2021 s. 406*)

**subsector election** (界別分組選舉) means a subsector ordinary election or a subsector by-election;

**subsector ordinary election** (界別分組一般選舉) means an election to elect those members of the Election Committee assigned to a subsector who, under section 2(7)(c), are to be elected by the relevant subsector, for a new term of office of the Election Committee; (*Amended 14 of 2021 s. 406*)

**the regulations** (《規例》) means regulations made under section 46 of this Ordinance.

(*Amended 14 of 2021 s. 406*)

(2) (*Repealed 14 of 2021 s. 406*)

(3) For the purposes of this Schedule—

(a) the circumstances in which a person has a substantial connection with a body include, but are not limited to, being a member, partner, officer or employee of the body; and

(b) the circumstances in which a person has a substantial connection with a subsector include, but are not limited to, being a member, partner, officer or employee of—

(i) a body included in the subsector; or

(ii) a corporate member of a body referred to in subparagraph (i).

- (4) In this Schedule, unless otherwise stated, a reference to a Part or section is a reference to a Part or section of this Schedule.  
*(Replaced 14 of 2021 s. 406)*
- (5)-(6) *(Repealed 14 of 2021 s. 406)*

**1A. Effect of inclement weather warning on date and period**

*(Amended 15 of 2016 s. 27)*

(1) In this section—

***gale warning*** (烈風警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62);

***inclement weather warning day*** (惡劣天氣警告日) means a working day on which a gale warning or a rainstorm warning is in force at any time during the ordinary business hours of the office of the Electoral Registration Officer;

***rainstorm warning*** (暴雨警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62);

***working day*** (工作日) means any Monday, Tuesday, Wednesday, Thursday or Friday other than a general holiday.

(2) If—

(a) the Electoral Registration Officer is required by section 14 to do an act not later than a date; and

(b) the date falls on an inclement weather warning day, that section has effect in relation to the act as if it requires the Officer to do the act not later than the next working day, which is not an inclement weather warning day, following the date.

(3) If—

(a) the Electoral Registration Officer is required by section 40(3A)(b) to do an act on a date; and

(b) the date falls on an inclement weather warning day, that section has effect as if it required the Officer to do the act on the next working day which is not an inclement weather warning day, following the date. *(Added 15 of 2016 s. 27)*

(4) If—

(a) the Electoral Registration Officer is required by section 4(1) or 40 to do an act within a period; and

(b) the last day of the period falls on an inclement weather warning day,

the period is extended, in relation to the act, to end on the next working day which is not an inclement weather warning day,

following the day mentioned in paragraph (b), and that section has effect accordingly. (*Added 15 of 2016 s. 27*)

(*Added 12 of 2014 s. 23*)

## **Part 2**

### **Membership of Election Committee**

#### **2. How Election Committee is to be constituted**

- (1) The Election Committee is to consist of 1 500 members, who must be Hong Kong permanent residents. (*Amended 1 of 2011 s. 9*)
- (2) The membership of the Election Committee is to be determined in accordance with the procedures specified in this Schedule.
- (3) The members of the Election Committee are to be representative of 5 sectors, with each sector being represented by 300 members. (*Amended 1 of 2011 s. 9*)
- (4) The sectors are to be composed of the subsectors specified in Tables 1, 2, 3, 4 and 5.
- (5) Each subsector is to be composed of—
  - (a) if the number specified in column 3 of the relevant Table opposite to that subsector is not 0—the specified persons of that subsector;
  - (b) if the number specified in column 4 of the relevant Table opposite to that subsector is not 0—the designated bodies of that subsector; and
  - (c) if the number specified in column 5 of the relevant Table opposite to that subsector is not 0—the specified entities of that subsector. (*Replaced 14 of 2021 s. 407*)
- (6) Subject to subsection (7), for the purpose of constituting the Election Committee, each subsector is allocated the number of members specified in columns 3, 4 and 5 of the relevant Table in respect of the subsector.
- (7) The Election Committee is constituted in the following manner—

- (a) subject to subsection (8), in relation to a subsector specified in column 2 of a Table, the number specified in column 3 of the Table opposite to the subsector is the number of members to be filled by the persons registered in accordance with Part 2A as ex-officio members of the subsector;
  - (b) in relation to a subsector specified in column 2 of a Table, the number specified in column 4 of the Table opposite to the subsector is the number of members to be nominated by the designated bodies of the subsector in accordance with Part 3;
  - (c) subject to subsection (8), in relation to a subsector specified in column 2 of a Table, the number specified in column 5 of the Table opposite to the subsector is the number of members to be elected by the specified entities of the subsector in accordance with Part 4. *(Replaced 14 of 2021 s. 407)*
- (8) Despite subsection (7), for the purpose of constituting a new term of office of the Election Committee, if 1 NPC deputy or CPPCC member chooses, in accordance with section 5I(4), to be registered as a member of a subsector (***relevant subsector***) other than the NPC and CPPCC subsector, and the registration is determined as valid under section 5N—
- (a) the number of members to be filled in relation to the relevant subsector under subsection (7)(a) is to be increased by 1 for that term of office; and
  - (b) the number of members to be elected by the relevant subsector under subsection (7)(c) is to be decreased by 1 for that term of office. *(Replaced 14 of 2021 s. 407)*
- (9) For the purpose of constituting a new term of office of the Election Committee, the Chief Electoral Officer must publish a notice in the Gazette in accordance with the EAC Regulations declaring—
- (a) the number of NPC deputies or CPPCC members whose registrations are determined as valid in each subsector for that term of office; and
  - (b) the number of members to be elected by each subsector in accordance with Part 4 for that term of office. *(Replaced 14 of 2021 s. 407)*
- (10) To avoid doubt, the numbers declared under subsection (9) must remain unchanged for that term of office of the Election Committee. *(Added 14 of 2021 s. 407)*

*(Amended 14 of 2021 s. 407)*



**Table 1****First Sector**

Column 1	Column 2	Column 3	Column 4	Column 5
Item	Subsector	Number of ex-officio members	Number of members to be nominated	Number of members to be elected
1.	Catering	0	0	16
2.	Commercial (first)	0	0	17
3.	Commercial (second)	0	0	17
4.	Commercial (third)	0	0	17
5.	Employers' Federation of Hong Kong	0	0	15
6.	Finance	0	0	17
7.	Financial services	0	0	17
8.	Hotel	0	0	16
9.	Import and export	0	0	17
10.	Industrial (first)	0	0	17
11.	Industrial (second)	0	0	17
12.	Insurance	0	0	17
13.	Real estate and construction	0	0	17
14.	Small and medium enterprises	0	0	15
15.	Textiles and garment	0	0	17
16.	Tourism	0	0	17
17.	Transport	0	0	17
18.	Wholesale and retail	0	0	17

*(Replaced 14 of 2021 s. 407)***Table 2****Second Sector**

Column 1	Column 2	Column 3	Column 4	Column 5
Item	Subsector	Number of ex-officio members	Number of members to be nominated	Number of members to be elected
1.	Accountancy	0	15	15
2.	Architectural, surveying, planning and landscape	15	0	15
3.	Chinese medicine	0	15	15
4.	Education	16	0	14
5.	Engineering	15	0	15
6.	Legal	6	9	15
7.	Medical and health services	15	0	15
8.	Social welfare	15	0	15
9.	Sports, performing arts, culture and publication	0	15	15
10.	Technology and innovation	0	15	15

*(Replaced 14 of 2021 s. 407)*

**Table 3**

**Third Sector**

Column 1	Column 2	Column 3	Column 4	Column 5
Item	Subsector	Number of ex-officio members	Number of members to be nominated	Number of members to be elected
1.	Agriculture and fisheries	0	0	60
2.	Associations of Chinese fellow townsmen	0	0	60
3.	Grassroots associations	0	0	60
4.	Labour	0	0	60
5.	Religious	0	60	0

*(Replaced 14 of 2021 s. 407)*

**Table 4**

### Fourth Sector

Column 1	Column 2	Column 3	Column 4	Column 5
Item	Subsector	Number of ex-officio members	Number of members to be nominated	Number of members to be elected
1.	Members of the Legislative Council	90	0	0
2.	Heung Yee Kuk	0	0	27
3.	Representatives of associations of Hong Kong residents in the Mainland	0	27	0
4.	Representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of Hong Kong and Kowloon	0	0	76
5.	Representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of the New Territories	0	0	80

*(Replaced 14 of 2021 s. 407)*

**Table 5**

### Fifth Sector

Column 1	Column 2	Column 3	Column 4	Column 5
Item	Subsector	Number of ex-officio members	Number of members to be nominated	Number of members to be elected
1.	Hong Kong Special Administrative Region deputies to the National People's Congress and Hong Kong Special Administrative Region members of the National Committee of the Chinese People's Political Consultative Conference	190	0	0
2.	Representatives of Hong Kong members of relevant national organisations	0	0	110

*(Replaced 14 of 2021 s. 407)*

**2A.** *(Omitted as expired—E.R. 1 of 2013)*

**3. Resignation of member of Election Committee**

(1) If a person is registered as an ex-officio member of the Election Committee by virtue of holding a specified office, and the person ceases to hold the specified office, the person is regarded as having resigned from the membership of the Election Committee, unless—

- (a) the cessation is due to the expiry of the person's term of office as the holder of the specified office; and
- (b) the person holds the specified office immediately after the cessation. *(Replaced 14 of 2021 s. 408)*

- (1AA) If a designated person of a specified person is registered as an ex-officio member of the Election Committee, and the specified person ceases to hold a specified office, the designated person is regarded as having resigned from the membership of the Election Committee, unless—
- (a) the cessation is due to the expiry of the specified person's term of office as the holder of the specified office; and
  - (b) the specified person holds the specified office immediately after the cessation. (*Added 14 of 2021 s. 408*)
- (1AAB) If a person (**registered member**) is registered as an ex-officio member of the Election Committee under section 5J(4) because a specified person is not eligible to be so registered, and the specified person ceases to hold the specified office concerned, the registered member is regarded as having resigned from the membership of the Election Committee, unless—
- (a) the cessation is due to the expiry of the specified person's term of office as the holder of the specified office; and
  - (b) the specified person holds the specified office immediately after the cessation. (*Added 14 of 2021 s. 408*)
- (1AAC) If a person is registered as an ex-officio member of the Election Committee under section 5J(3) or (4), and the 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 (as defined by section 5J(6)) concerned, the person is regarded as having resigned from the membership of the Election Committee, unless—
- (a) the cessation is due to the expiry of the person's term of office as the holder of the office concerned; and
  - (b) the person holds the office immediately after the cessation. (*Added 14 of 2021 s. 408*)
- (1AAD) If a person is nominated as a member of the Election Committee representing the accountancy subsector under section 7, and the person ceases to be a Hong Kong Accounting Advisor appointed by the Ministry of Finance of the People's Republic of China, the person is regarded as having resigned from the membership of the Election Committee, unless—
- (a) the cessation is due to the expiry of the person's term of office as a Hong Kong Accounting Advisor; and

- (b) the person is a Hong Kong Accounting Advisor immediately after the cessation. (*Added 14 of 2021 s. 408*)
- (1AAE) If a person is nominated as a member of the Election Committee representing the Chinese medicine subsector under section 7, and the person ceases to be a Hong Kong member of the Council of the World Federation of Chinese Medicine Societies, the person is regarded as having resigned from the membership of the Election Committee, unless—
  - (a) the cessation is due to the expiry of the person’s term of office as the member of the Council of the Federation; and
  - (b) the person is a member of the Council of the Federation immediately after the cessation. (*Added 14 of 2021 s. 408*)
- (1AAF) If a person is nominated as a member of the Election Committee representing the legal subsector under section 7, and the person ceases to be a Hong Kong member of the Council of the China Law Society, the person is regarded as having resigned from the membership of the Election Committee, unless—
  - (a) the cessation is due to the expiry of the person’s term of office as the member of the Council of the Society; and
  - (b) the person is a member of the Council of the Society immediately after the cessation. (*Added 14 of 2021 s. 408*)
- (1AAG) If a person is nominated as a member of the Election Committee representing the technology and innovation subsector under section 7, and the person ceases to be a Hong Kong academician of the Chinese Academy of Sciences or the Chinese Academy of Engineering, the person is regarded as having resigned from the membership of the Election Committee. (*Added 14 of 2021 s. 408*)
- (1A) If a member of the Election Committee representing the Heung Yee Kuk subsector ceases to be the Chairman or a Vice-Chairman of the Heung Yee Kuk or a Councillor of the Full Council of the Heung Yee Kuk, he is deemed to have resigned from the membership of the Election Committee unless— (*Amended 14 of 2021 s. 408*)
  - (a) the cessation is due to the expiry of his term of office as the Chairman or a Vice-Chairman of the Heung Yee Kuk or a Councillor of the Full Council of the Heung Yee Kuk (as the case may be); and

- (b) he is the Chairman or a Vice-Chairman of the Heung Yee Kuk or a Councillor of the Full Council of the Heung Yee Kuk immediately after the cessation. (*Added 10 of 2006 s. 6*)
- (1B) If a member of the Election Committee representing the Hong Kong and Kowloon District Committees subsector ceases to be a member of an Area Committee, District Fight Crime Committee or District Fire Safety Committee in a District mentioned in section 39ZH (*specified Committee*), the member is regarded as having resigned from the membership of the Election Committee, unless—
- (a) the cessation is due to the expiry of the member’s term of office as a member of the specified Committee; and
  - (b) the member is a member of the specified Committee immediately after the cessation. (*Replaced 14 of 2021 s. 408*)
- (1C) If a member of the Election Committee representing the New Territories District Committees subsector ceases to be a member of an Area Committee, District Fight Crime Committee or District Fire Safety Committee in a District mentioned in section 39ZI (*specified Committee*), the member is regarded as having resigned from the membership of the Election Committee, unless—
- (a) the cessation is due to the expiry of the member’s term of office as a member of the specified Committee; and
  - (b) the member is a member of the specified Committee immediately after the cessation. (*Replaced 14 of 2021 s. 408*)
- (2) If—
- (a) a person is a member of the Election Committee (other than an ex-officio member); and
  - (b) the Electoral Registration Officer, by adding the person’s name to the final register of members of the Election Committee, registers the person as an ex-officio member of the Committee under section 41(3),
- the person is deemed to have resigned, on the date on which the person’s name is so added, from the membership referred to in paragraph (a). (*Amended 14 of 2021 s. 408*)
- (2A) If—
- (a) after a designated person is registered as an ex-officio member of the Election Committee, the person becomes a holder of a specified office; and

- (b) the Electoral Registration Officer, by adding the person's name to the final register of members of the Election Committee, registers the person as an ex-officio member of the Committee under section 41(3) by reason of the person being the holder of the specified office,

the person is regarded as having resigned, on the date on which the person's name is so added, from the membership referred to in paragraph (a). (*Added 14 of 2021 s. 408*)

- (3) A member of the Election Committee (other than an ex-officio member) may resign from the membership by giving written notice of resignation to the Electoral Registration Officer.
- (4) A notice of resignation is not effective unless it is signed by the member concerned.
- (5) A notice of resignation takes effect—
  - (a) on the date on which the notice is received by the Electoral Registration Officer; or
  - (b) if a later date is specified in the notice, on that later date.

#### **4. Electoral Registration Officer to compile and publish provisional register**

- (1) The Electoral Registration Officer must compile and publish in accordance with the EAC Regulations a provisional register of members of the Election Committee—
  - (a) during the period beginning on the date of the making of a vacancy declaration and ending on 14 days after that date; or
  - (b) during the period beginning on the date falling 210 days before the specified date and ending on the date falling 165 days before the specified date. (*Replaced 14 of 2021 s. 409*)
- (2) The Electoral Registration Officer is not required to compile and publish a provisional register of members of the Election Committee under subsection (1) if— (*Amended 10 of 2006 s. 31*)
  - (a) a provisional register of members of the Election Committee was published within 12 months before the first day of the period referred to in subsection (1)(a) or (b); (*Replaced 14 of 2021 s. 409*)
  - (ab) the Election Committee was constituted within 12 months before the first day of the period referred to in subsection (1)(a) or (b); (*Added 14 of 2021 s. 409*)



- (ac) the Legislative Council is dissolved during its current term of office by the Chief Executive in accordance with the Basic Law; or (*Added 14 of 2021 s. 409*)
  - (b) the election to fill the vacancy referred to in the vacancy declaration is to be held on a date that falls outside the term of office of the Election Committee.
- (3) A provisional register of members of the Election Committee is to be based on the existing final register of members of the Election Committee.
- (4) In compiling a provisional register of members of the Election Committee, the Electoral Registration Officer shall—
- (a) after scrutinizing the existing final register of members of the Election Committee, strike out the names and other relevant particulars of those persons (other than ex-officio members) whom the Electoral Registration Officer is satisfied on reasonable grounds as, on the date of the making of the relevant vacancy declaration — (*Amended 10 of 2006 s. 31*)
    - (i) being dead;
    - (ii) having resigned, or being deemed to have resigned, from the Election Committee under section 3; or
    - (iii) having ceased to be registered or eligible to be registered, or having been disqualified from being registered, under the Legislative Council Ordinance (Cap. 542) as an elector for a geographical constituency; and
  - (b) enter the names and other relevant particulars of those persons on an omissions list.
- (5) As soon as practicable after complying with subsection (4), the Electoral Registration Officer shall publish—
- (a) in the Gazette; and
  - (b) in such other publications (if any) as are prescribed by the EAC Regulations,
- a notice to the effect that the names and other relevant particulars of persons who are no longer eligible to have their names included in the final register of members of the Election Committee have been entered on an omissions list and specifying the times and the place at which a copy of the omissions list may be inspected. (*Amended 14 of 2021 s. 409*)
- (6) The Electoral Registration Officer shall, for the period prescribed for the purposes of this subsection by the EAC Regulations—

- (a) keep a copy of the omissions list at that Officer's office; and
- (b) during the ordinary business hours of that office, make that copy available for inspection in accordance with the EAC Regulations. *(Amended 14 of 2021 s. 409)*

(7) In this section—

***existing final register of members of the Election Committee*** (現有選舉委員會正式委員登記冊) means the final register of members of the Election Committee that is in effect under section 43 on the first day of the period referred to in subsection (1)(a) or (b) (as the case may be); *(Replaced 10 of 2006 s. 31. Amended 14 of 2021 s. 409)*

***specified date*** (指明日期) means the date on which the current term of office of the Legislative Council is to end; *(Added 14 of 2021 s. 409)*

***vacancy declaration*** (空缺宣布) means a declaration under section 5 of this Ordinance. *(Replaced 25 of 2003 s. 56)*

*(Amended 10 of 2006 s. 31)*

## 5. **Supplementary nomination or subsector by-election to be held to fill vacancy in membership of Election Committee**

(1) As soon as practicable after the Electoral Registration Officer has published a provisional register of members of the Election Committee, the Electoral Affairs Commission—

- (a) must ascertain the number of members nominated in accordance with Part 3 or elected in accordance with Part 4 for each subsector on the Election Committee; and *(Replaced 14 of 2021 s. 410)*

- (b) if the number of members so ascertained as representing a subsector is less than the number of members allocated to the subsector in accordance with section 2(7)(b) or (c), must, in accordance with the EAC Regulations, arrange for a supplementary nomination or a subsector by-election (as the case may be) to be held to fill the vacancy among the members representing the subsector on the Election Committee. *(Replaced 14 of 2021 s. 410)*

(2) When making an ascertainment under subsection (1)(a), the Electoral Affairs Commission shall have regard to—

- (a) the provisional register of members of the Election Committee; and

- (b) the determinations of the Revising Officer on the appeals, if any, made under section 48 in relation to the register. (*Amended 14 of 2021 s. 410*)

## **Part 2A**

### **Ex-Officio Members**

*(Part 2A added 14 of 2021 s. 411)*

#### **Division 1—Specified Offices**

##### **5A. Specified offices of the architectural, surveying, planning and landscape subsector**

The specified offices of the architectural, surveying, planning and landscape subsector are—

- (a) the President of The Hong Kong Institute of Architects;
- (b) the President of The Hong Kong Institute of Surveyors;
- (c) the President of The Hong Kong Institute of Planners;
- (d) the President of The Hong Kong Institute of Landscape Architects;
- (e) the Chairman of the Hong Kong Housing Authority;
- (f) the Chairman of the Town Planning Board;
- (g) the Chairman of the Board of the Urban Renewal Authority;
- (h) the Chairman of the Hong Kong Housing Society;
- (i) the Chairman of the Antiquities Advisory Board;
- (j) the Chairperson of the Property Management Services Authority;
- (k) the Chairman of the Community Involvement Committee on Greening;
- (l) the Chairman of the Advisory Committee for the Fire Safety (Buildings) Ordinance and the Fire Safety (Commercial Premises) Ordinance;
- (m) the Chairman of the Harbourfront Commission;
- (n) the Chairman of the Land and Development Advisory Committee; and
- (o) the Chairman of the Lantau Development Advisory Committee.

## **5B. Specified offices of the education subsector**

The specified offices of the education subsector are—

- (a) the Vice-Chancellor of The University of Hong Kong;
- (b) the Vice-Chancellor of The Chinese University of Hong Kong;
- (c) the President of The Hong Kong University of Science and Technology;
- (d) the President of the City University of Hong Kong;
- (e) the President of The Hong Kong Polytechnic University;
- (f) the President of The Education University of Hong Kong;
- (g) the President and Vice-Chancellor of the Hong Kong Baptist University;
- (h) the President of Lingnan University;
- (i) the President of the Hong Kong Metropolitan University;  
(*Amended 22 of 2021 s. 2*)
- (j) the President of the Hong Kong Shue Yan University;
- (k) the President of The Hang Seng University of Hong Kong;
- (l) the office specified by Roman Catholic Diocese of Hong Kong;
- (m) the office specified by the Po Leung Kuk;
- (n) the office specified by the Hong Kong Sheng Kung Hui;
- (o) the office specified by the Tung Wah Group of Hospitals;  
and
- (p) the office specified by The Hong Kong Council of the Church of Christ in China.

## **5C. Specified offices of the engineering subsector**

The specified offices of the engineering subsector are—

- (a) the President of The Hong Kong Institution of Engineers;
- (b) the Chairman of the Board of the Airport Authority;
- (c) the Chairman of the Consulting Engineers' Committee;
- (d) the Chairperson of the Construction Industry Council;
- (e) the Chairman of the Building Contractors Committee;
- (f) the Chairman of the Advisory Committee on Water Supplies;

- (g) the Chairman of the Transport Advisory Committee;
- (h) the Chairman of the Advisory Council on the Environment;
- (i) the Chairman of the Electrical Safety Advisory Committee;
- (j) the Chairman of the Gas Safety Advisory Committee;
- (k) the Chairman of the Energy Advisory Committee;
- (l) the Chairman of the Advisory Committee on the Appearance of Bridges and Associated Structures;
- (m) the Chairman of the Lift and Escalator Safety Advisory Committee;
- (n) the Chairman of the Board of MTR Corporation Limited; and
- (o) the Chairperson of the Drinking Water Safety Advisory Committee.

**5D. Specified offices of the legal subsector**

The specified offices of the legal subsector are the 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.

**5E. Specified offices of the medical and health services subsector**

The specified offices of the medical and health services subsector are—

- (a) the Chairman of the Hospital Authority;
- (b) the Chairman of the Board of Governors of The Prince Philip Dental Hospital;
- (c) the Chairman of the Medical Council of Hong Kong;
- (d) the Chairman of the Dental Council of Hong Kong;
- (e) the President of the Hong Kong Academy of Medicine;
- (f) the Chairman of the Nursing Council of Hong Kong;
- (g) the Chairman of the Midwives Council of Hong Kong;
- (h) the Chairman of the Supplementary Medical Professions Council;
- (i) the Chairman of the Pharmacy and Poisons Board;
- (j) the Chairman of the Chiropractors Council;
- (k) the Dean of Li Ka Shing Faculty of Medicine of The University of Hong Kong;

- (l) the Dean of Faculty of Medicine of The Chinese University of Hong Kong;
- (m) the Chairman of the Human Organ Transplant Board;
- (n) the Council Chairman of the Hong Kong St. John Ambulance; and
- (o) the Commissioner of the Auxiliary Medical Service.

**5F. Specified offices of the social welfare subsector**

The specified offices of the social welfare subsector are—

- (a) the Chairperson of the Executive Committee of the Hong Kong Council of Social Service;
- (b) the Chairperson of the Social Workers Registration Board;
- (c) the Chairman of the Council of the Institute of Social Service Development;
- (d) the Chairman of the Board of Directors of the Tung Wah Group of Hospitals;
- (e) the Chairman of the Board of Directors of the Po Leung Kuk;
- (f) the Chairman of the Board of Directors of the Yan Chai Hospital;
- (g) the Chairman of the Board of Directors of Pok Oi Hospital;
- (h) the Chairperson of the Board of Directors of Yan Oi Tong Limited;
- (i) the Chairman of the Executive Committee of The Lok Sin Tong Benevolent Society Kowloon;
- (j) the Chairman of the Board of Directors of New Home Association Limited;
- (k) the Chairperson of the Board of Directors of Social Workers Across Borders Limited;
- (l) the Chairperson of the Board of Directors of The Hong Kong Volunteers Federation Company Limited;
- (m) the Chairperson of the Council of The Hong Kong Federation of Trade Unions Hong Ling Society;
- (n) the Chairperson of the Executive Committee of The United Labour Chi Hong Association Limited; and
- (o) the Chairman of the Board of Directors of The Hong Kong Island Social Services Charitable Foundation Limited.

**5G. Specified offices of the Members of the Legislative Council subsector**

The specified offices of the Members of the Legislative Council subsector are Members of the Legislative Council.

**5H. Specified offices of the NPC and CPPCC subsector**

The specified offices of the NPC and CPPCC subsector are—

- (a) NPC deputies; and
- (b) CPPCC members.

**Division 2—Procedural Matters**

**5I. Registration of NPC deputies and CPPCC members as ex-officio members**

- (1) An NPC deputy or a CPPCC member may be registered as an ex-officio member, but only if the deputy or member is registered in accordance with this section and the EAC Regulations.
- (2) If an NPC deputy or a CPPCC member is holding a specified office of a subsector (*specified subsector*) other than the NPC and CPPCC subsector, the deputy or member may only be registered as an ex-officio member of the specified subsector.
- (3) To avoid doubt, if the NPC deputy or CPPCC member holds 2 or more specified offices of one or more specified subsectors —
  - (a) the deputy or member may only choose to be registered as an ex-officio member as the holder of one of the specified offices; and
  - (b) section 5J(3) or (4) (as appropriate) applies in relation to the other specified office or offices for the purpose of making a designation or registration.
- (4) Subject to subsection (2), an NPC deputy or a CPPCC member may choose to be registered as an ex-officio member of a subsector as defined by section 11(1) (*relevant subsector*) if—
  - (a) the total number of NPC deputies and CPPCC members who—
    - (i) are eligible to be registered as ex-officio members under section 5L;
    - (ii) are not disqualified from being registered as ex-officio members under section 5M; and

- (iii) do not fall within subsection (2), exceeds the specified number; and
  - (b) the deputy or member has substantial connection with the relevant subsector.
- (5) For subsection (4)—
- (a) the number of NPC deputy or CPPCC member who chooses to be registered as an ex-officio member of a relevant subsector must not exceed the number specified in column 5 of the Table concerned in section 2 opposite to the relevant subsector; and
  - (b) the total number of NPC deputies and CPPCC members who choose to be registered as ex-officio members of the relevant subsectors must not exceed the difference between the specified number and the total number referred to in subsection (4)(a).
- (6) If, after the publication of the final register of members of the Election Committee for a term of office of the Election Committee under section 40(3A), an NPC deputy or a CPPCC member registered as an ex-officio member of a subsector resigns or is regarded as having resigned under section 3, a subsequently appointed NPC deputy or CPPCC member may only be registered as an ex-officio member of that subsector for that term of office of the Election Committee.
- (7) An NPC deputy or a CPPCC member may only be registered as an ex-officio member of a subsector under subsection (6) if the deputy or member has substantial connection with the subsector.
- (8) In this section—
- specified number* (指明數目) means the number specified in column 3 of Table 5 in section 2 opposite to the NPC and CPPCC subsector.

**5J. Registration of other specified persons and designated persons as ex-officio members**

- (1) Subject to section 5I, a specified person or a designated person of the specified person may be registered as an ex-officio member, but only if the specified person submits a registration form to the Electoral Registration Officer in accordance with this section and the EAC Regulations.
- (2) If a specified person holds more than one specified office, the person may only choose to be registered as an ex-officio member as the holder of one of the specified offices.



- (3) A specified person holding a specified office of an applicable subsector may designate another person who is holding an office in a relevant body in relation to the specified office to be registered as an ex-officio member if—
- (a) the specified person is not eligible to be registered as an ex-officio member under section 5L; or
  - (b) the specified person is a holder of more than one specified office (excluding the office of NPC deputy or CPPCC member).
- (4) If a holder of a specified office set out in section 5B(a), (b), (c), (d), (e), (f), (g), (h), (i), (j) or (k) is not eligible to be registered as an ex-officio member under section 5L—
- (a) in relation to a specified office set out in section 5B(a)—the Council Chairman of the relevant body in relation to the specified office;
  - (b) in relation to a specified office set out in section 5B(b), (c), (d), (e), (f), (g), (h) or (i)—the Council Chairman of a relevant body in relation to the specified office; or
  - (c) in relation to a specified office set out in section 5B(j) or (k)—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.
- (5) To avoid doubt, for the purposes of subsection (3)—
- (a) if the specified person holds more than 2 specified offices of one or more applicable subsectors, the person may designate different persons to be registered as ex-officio members for different specified offices; and
  - (b) a designated person may only be registered as an ex-officio member for 1 specified office.

(6) In this section—

***applicable subsector*** (適用界別分組) means—

- (a) the architectural, surveying, planning and landscape subsector;
- (b) the engineering subsector;
- (c) the medical and health services subsector; or
- (d) the social welfare subsector;

***relevant body*** (相關團體), in relation to a specified office set out in a paragraph of a section in Division 1, means the body described in the paragraph.

## **5K. Validity of registration contingent on declaration**

A registration of a person as an ex-officio member under section 5I or 5J is not valid unless—

- (a) the registration form contains a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the Hong Kong Special Administrative Region of the People's Republic of China; and
- (b) the declaration is signed by the person.

**5L. Who is eligible to be registered as an ex-officio member**

- (1) Subject to subsection (2), a person is eligible to be registered as an ex-officio member of a subsector under section 5I or 5J if the person—
  - (a) is eligible to be registered as an elector under Part 5 of the Legislative Council Ordinance (Cap. 542) for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register (as defined by section 11(1)) and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency; and
  - (b) is holding a specified office of the subsector.
- (2) Subsection (1)(b) does not apply to a person to be registered as an ex-officio member under section 5J(3).
- (3) However, a person is not eligible to be registered as an ex-officio member if the person—
  - (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 an office specified in Division 1 in his or her official capacity.

**5M. When a person is disqualified from being registered as an ex-officio member**

- (1) A person is disqualified from being registered as an ex-officio member if the person—
  - (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 incapacity, of managing and administering his or 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.
- (2) Without prejudice to section 13(1)(c) of the Electoral Affairs Commission Ordinance (Cap. 541), 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—
- (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; or
  - (b) the person has been declared or decided in accordance with any law—
    - (i) to be in breach of a specified oath; or
    - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.

(3) In this section—

*specified oath* (指明誓言) 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.

**5N. Determination of validity of registration**

The Candidate Eligibility Review Committee must, as soon as practicable after a registration form that complies with this Part and the EAC Regulations is submitted in accordance with those Regulations, determine whether or not the proposed registration is valid in accordance with Annex I to the Basic Law and this Ordinance.

**5O. Application of the Elections (Corrupt and Illegal Conduct) Ordinance**

The Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) applies, with any necessary modifications, to and in relation to the registration and designation of persons to be ex-officio members of the Election Committee under section 5I or 5J in the same way as it applies to and in relation to a subsector election and so applies as if the persons to be registered were candidates at a subsector election.

## **Part 3**

### **Nomination**

*(Amended 14 of 2021 s. 412)*

#### **Division 1—Designated Bodies**

*(Division 1 added 14 of 2021 s. 413)*

**5P. Designated body of the accountancy subsector**

The designated body of the accountancy subsector is Association of Hong Kong Accounting Advisors Limited.

**5Q. Designated body of the Chinese medicine subsector**

The designated body of the Chinese medicine subsector is WFCMS (Hong Kong) Council Members Association Limited.

**5R. Designated body of the legal subsector**

The designated body of the legal subsector is China Law Society's HK Council Members Association.

**5S. Designated bodies of the sports, performing arts, culture and publication subsector**

The designated bodies of the sports, performing arts, culture and publication subsector are—

- (a) Sports Federation & Olympic Committee of Hong Kong, China;
- (b) China Federation of Literary and Art Circles Hong Kong Member Association Limited; and
- (c) Hong Kong Publishing Federation Limited.

**5T. Designated body of the technology and innovation subsector**

The designated body of the technology and innovation subsector is The Greater Bay Area Association of Academicians.

**6. Designated bodies of the religious subsector**

The designated bodies of the religious subsector are—

- (a) Catholic Diocese of Hong Kong;
- (b) Chinese Muslim Cultural and Fraternal Association;
- (c) Hong Kong Christian Council;
- (d) The Hong Kong Taoist Association;
- (e) The Confucian Academy; and
- (f) The Hong Kong Buddhist Association.

*(Replaced 14 of 2021 s. 414)*

**6A. Designated bodies of the representatives of associations of Hong Kong residents in the Mainland subsector**

The designated bodies of the representatives of associations of Hong Kong residents in the Mainland subsector are—

- (a) Mainland China (Shenzhen) Consultant Services Centre, The Hong Kong Federation of Trade Unions;
- (b) Mainland China (Guangzhou) Consultant Services Centre, The Hong Kong Federation of Trade Unions;
- (c) Mainland China (Dongguan) Consultant Services Centre, The Hong Kong Federation of Trade Unions;
- (d) Mainland China (Zhongshan) Consultant Services Centre, The Hong Kong Federation of Trade Unions;
- (e) Mainland China (Huizhou) Consultant Services Centre, The Hong Kong Federation of Trade Unions;
- (f) Mainland China (Fujian, Xiamen) Consultant Services Centre, The Hong Kong Federation of Trade Unions;
- (g) Hong Kong Chamber of Commerce in China;

- (h) Hong Kong Chamber of Commerce in China—Tianjin;
- (i) Hong Kong Chamber of Commerce in China—Shanghai;
- (j) Hong Kong Chamber of Commerce in China—Zhejiang;
- (k) Hong Kong Chamber of Commerce in China—Guangdong;
- (l) Hong Kong Chamber of Commerce in China—Fujian;
- (m) Hong Kong Chamber of Commerce in China—Guangxi;
- (n) Hong Kong Chamber of Commerce in China—Sichuan;
- (o) Hong Kong Chamber of Commerce in China—Wuhan;
- (p) Hong Kong Chamber of Commerce in China—Liaoning;
- (q) Hong Kong Chamber of Commerce in China—Shandong;
- (r) Hong Kong Professionals (Beijing) Association;
- (s) Shanghai Hong Kong Association;
- (t) Guangzhou Tianhe Hong Kong and Macau Youth Association;
- (u) Hong Kong Association of China Business;
- (v) Hong Kong Chamber of Commerce, Qianhai, Shenzhen;
- (w) Hong Kong and Macau Entrepreneurs Branch, Chongqing Overseas Association;
- (x) Fujian Federation of Overseas Chinese Entrepreneurs;
- (y) Hong Kong and Macao Youth Innovation and Entrepreneurship Federation in Zhongkai Huizhou;
- (z) The Hong Kong Fellowship in Huadu Guangzhou; and
- (za) The Hong Kong Fellowship in Chancheng Foshan.

*(Added 14 of 2021 s. 415)*

## **Division 2—Procedural Matters**

*(Added 14 of 2021 s. 416)*

### **7. Nomination of members**

*(Amended 14 of 2021 s. 417)*

- (1) Subject to subsection (7), each designated body of a subsector may nominate a number of persons selected by it as members representing the subsector on the Election Committee for a new term of office of the Committee. *(Amended 14 of 2021 s. 417)*
- (2) If—

- (a) the Electoral Affairs Commission is required to arrange for a supplementary nomination to fill a vacancy among the members representing a subsector on the Election Committee; and
  - (b) the vacancy is due to the number of members from a designated body representing the subsector on the Election Committee being less than the assigned number for the body,
- the designated body may nominate a number of persons selected by it to fill the vacancy. *(Amended 14 of 2021 s. 417)*
- (3) The process of nomination under subsection (1) or (2) (other than the selection of nominees) shall be carried out in accordance with the EAC Regulations.
  - (4) If—
    - (a) the number of persons nominated by a designated body under subsection (1) exceeds the assigned number for the body; or
    - (b) the number of persons nominated by a designated body under subsection (2) exceeds the number of vacancies to be filled,
 subject to subsection (6), the body shall—
    - (c) indicate which of the nominees are to be given preference in making up the assigned number or in filling the vacancy; and
    - (d) then rank the excess nominees, if more than one, in order of priority.
  - (4A) Subject to subsections (6) and (6A), the Candidate Eligibility Review Committee must, as soon as practicable after a nomination form that complies with the EAC Regulations is submitted in accordance with those Regulations, determine whether or not the nominees are validly nominated in accordance with Annex I to the Basic Law, this Ordinance and those Regulations. *(Added 14 of 2021 s. 417)*
  - (5) If the Candidate Eligibility Review Committee determines that any of the nominees to be given preference under subsection (4) is not validly nominated, the assigned number is to be made up or the vacancy is to be filled from the excess nominees (subject to their being validly nominated) in their order of priority. *(Amended 14 of 2021 s. 417)*
  - (6) If—

- (a) the number of persons nominated by a designated body under subsection (1) exceeds the assigned number for the body; or
- (b) the number of persons nominated by a designated body under subsection (2) exceeds the number of vacancies to be filled,

but the body does not indicate preference under subsection (4) or the number of nominees to whom preference is given is less than the assigned number for that body or the number of vacancies to be filled, the Returning Officer must determine, by drawing lots, the order of priority in which the nominees of that body are to make up the assigned number or to fill the vacancy. (*Amended 14 of 2021 s. 417*)

(6A) The Candidate Eligibility Review Committee must, as soon as practicable after the order of priority is determined under subsection (6), determine in that order of priority whether or not a nominee to whom that subsection applies is validly nominated in accordance with Annex I to the Basic Law, this Ordinance and the EAC Regulations, until the number of validly nominated nominees is equal to the assigned number for the designated body concerned or the number of vacancies to be filled. (*Added 14 of 2021 s. 417*)

(7) The number of nominees to become members of the Election Committee from each designated body cannot exceed the assigned number for that body.

(8) The Candidate Eligibility Review Committee must declare the nominees who are validly nominated as members of the Election Committee in accordance with the EAC Regulations. (*Replaced 14 of 2021 s. 417*)

(9) In this section—

***assigned number*** (獲配席位數目)—

- (a) in relation to the designated body mentioned in section 5S(a) or (c)—means 3;
- (b) in relation to the designated body mentioned in section 5S(b)—means 9;
- (c) in relation to a designated body of the religious subsector—means 10;
- (d) in relation to a designated body of the representatives of associations of Hong Kong residents in the Mainland subsector—means 1; or



- (e) in relation to the designated body of any other subsector—means the number specified in column 4 of the relevant Table in section 2 opposite to the subsector. *(Replaced 14 of 2021 s. 417)*

#### **7A. Validity of nomination contingent on declaration**

A nomination of a person under section 7(1) or (2) is not valid unless—

- (a) the nomination form contains a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the Hong Kong Special Administrative Region of the People's Republic of China; and
- (b) the declaration is signed by the person.

*(Added 14 of 2021 s. 418)*

#### **8. Who is eligible for selection as a nominee**

*(Amended 14 of 2021 s. 419)*

- (1) A person is eligible to be selected as a nominee for a subsector under section 7 if the person— *(Amended 14 of 2021 s. 419)*

- (a) is both registered and eligible to be registered under the Legislative Council Ordinance (Cap. 542) as an elector for a geographical constituency, and is not disqualified from being so registered; and
- (b) has a substantial connection with the subsector. *(Amended 14 of 2021 s. 419)*

- (2) A person is not eligible to be selected as a nominee under section 7(1) if the person—

- (a) is a specified person (whether or not the person is an ex-officio member of the Election Committee); *(Replaced 14 of 2021 s. 419)*
- (ab) is a designated person (whether or not the person is an ex-officio member of the Election Committee); or *(Added 14 of 2021 s. 419)*

- (b) is a candidate at a subsector ordinary election.

- (3) A person is not eligible to be selected as a nominee under section 7(2) if the person—

- (a) is a member of the Election Committee; or
- (b) is a candidate at a subsector by-election, the nomination period for which coincides or partly coincides with the period during which the nomination under that section is to be made.

- (4) A person who is selected as a nominee by a designated body as a member of the Election Committee is not eligible to be selected by another designated body as such a member if the period during which the nominations are to be made coincides or partly coincides. (*Amended 14 of 2021 s. 419*)

**9. When a person is disqualified from being a nominee**

- (1) A person is disqualified from being a nominee under section 7 if the person— (*Amended 14 of 2021 s. 420*)
- (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— (*Amended 14 of 2021 s. 420*)
    - (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 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.
- (2) Without prejudice to section 13(1)(c) of the Electoral Affairs Commission Ordinance (Cap. 541), a person is also disqualified from being a nominee if, within the 5 years before the date of nomination—
- (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; or

- (b) the person has been declared or decided in accordance with any law—
  - (i) to be in breach of a specified oath; or
  - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China. *(Added 14 of 2021 s. 420)*

(3) In this section—

***specified oath*** (指明誓言) 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. *(Added 14 of 2021 s. 420)*

**9A. When a person is disqualified from being a nominee for certain subsectors**

- (1) This section is without prejudice to section 9.
- (2) A person is disqualified from being a nominee for the accountancy subsector if the person is not a Hong Kong Accounting Advisor appointed by the Ministry of Finance of the People’s Republic of China.
- (3) A person is disqualified from being a nominee for the Chinese medicine subsector if the person is not a Hong Kong member of the Council of the World Federation of Chinese Medicine Societies.
- (4) A person is disqualified from being a nominee for the legal subsector if the person is not a Hong Kong member of the Council of the China Law Society.
- (5) A person is disqualified from being a nominee for the technology and innovation subsector if the person is not a Hong Kong academician of the Chinese Academy of Sciences or the Chinese Academy of Engineering.

*(Added 14 of 2021 s. 421)*

**10. Application of the Elections (Corrupt and Illegal Conduct) Ordinance**

The Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) applies, with any necessary modifications, to and in relation to the selection and nomination of persons to be members of the Election Committee under section 7 in the same way as it applies to and in relation to a subsector election and so applies as if the persons selected or nominated were candidates at a subsector election.

## Part 4

### Subsector Election

#### Division 1—Preliminary

#### 11. Interpretation

(1) In this Part, unless the context otherwise requires—

**authorized representative** (獲授權代表), in relation to a corporate voter, means the person authorized by the corporate voter to cast its vote at a subsector election;

**corporate voter** (團體投票人) means a body that is a voter for a subsector;

**existing functional constituencies final register** (現有功能界別正式選民登記冊) means the final register of electors for functional constituencies compiled under section 32(1) or (1A) of the Legislative Council Ordinance (Cap. 542) that is in effect on the date of registration of voters for the subsectors; (Amended 33 of 2002 s. 11)

**existing geographical constituencies final register** (現有地方選區正式選民登記冊) means the final register of electors for geographical constituencies compiled under section 32(1) or (1A) of the Legislative Council Ordinance (Cap. 542) that is in effect on the date of registration of voters for the subsectors; (Amended 33 of 2002 s. 11)

**existing subsector final register** (現有界別分組正式投票人登記冊), in relation to the compilation of a subsector provisional register, means the subsector final register that is in effect under section 15 at the time the subsector provisional register is compiled; (Added 14 of 2021 s. 423)

**subsector** (界別分組) means a subsector other than—

- (a) the religious subsector;
- (b) the Members of the Legislative Council subsector;
- (c) the representatives of associations of Hong Kong residents in the Mainland subsector; and
- (d) the NPC and CPPCC subsector; (Added 14 of 2021 s. 423)

**subsector final register** (界別分組正式投票人登記冊) means the final register to be compiled and published under section 14(1) (b) or (1A)(b); (Amended 33 of 2002 s. 11)

**subsector provisional register** (界別分組臨時投票人登記冊) means the provisional register to be compiled and published under section 14(1)(a) or (1A)(a); (*Amended 33 of 2002 s. 11*)

**voter** (投票人) means a person whose name is registered in a subsector final register and who is eligible to be so registered and is not disqualified from being so registered or from voting at a subsector election.

(*Amended 14 of 2021 s. 423*)

- (2) The results of subsector ordinary elections that are declared on different dates are, for the purposes of this Schedule, taken to have been declared on the later or latest of those dates.
- (3) In this Part, the number of members allocated to a subsector is the number of members declared in a notice published under section 2(9) to be elected by the subsector in accordance with this Part for the term of office of the Election Committee concerned. (*Added 14 of 2021 s. 423*)

#### **11A. References to entitlement to vote at general meeting of or specified authority within body**

- (1) For the purposes of this Part—
  - (a) a reference to an entitlement to vote at a general meeting of a body is a reference to an entitlement to vote at the general meeting as provided by the body's constitution; and
  - (b) a reference to an entitlement to vote at the specified authority within a body is a reference to an entitlement to vote at that authority as provided by the body's constitution.
- (2) In subsection (1), the reference to the constitution of a body is a reference to the constitution either—
  - (a) as in force at the commencement for any purpose of the provision (including a former provision) in this Ordinance or the Legislative Council Ordinance (Cap. 542) that first specifies the body for the purpose of the composition of any subsector or functional constituency (including a subsector or functional constituency provided under a former provision in this Ordinance or the Legislative Council Ordinance (Cap. 542)); or
  - (b) as subsequently amended or substituted, but only if the amendment or substitution, in so far as it relates to any of the following matters, has been approved in writing by the Secretary for Constitutional and Mainland Affairs—
    - (i) the objects of the body;

- (ii) the criteria and conditions of—
    - (A) membership of the body; or
    - (B) membership of the specified authority within the body;
  - (iii) the eligibility of—
    - (A) members of the body to vote at a general meeting of the body; or
    - (B) members of the specified authority within the body to vote at that authority;
  - (iv) the limit on—
    - (A) the number of members of the body; or
    - (B) the number of members of the specified authority within the body.
- (3) For the purposes of subsection (1)(b)—
- (a) a body (*first-mentioned body*) is also regarded as being entitled to vote at the specified authority within another body if a natural person who is entitled to vote at that authority—
    - (i) specifies in writing to the Electoral Registration Officer that the natural person represents the first-mentioned body at that authority; and
    - (ii) has substantial connection with the first-mentioned body; and
  - (b) if more than one body is specified by the same natural person under paragraph (a)(i) in respect of the specified authority within any other body, only the body last so specified is regarded as being entitled to vote at that authority.
- (4) To avoid doubt, nothing in subsection (2) is to be construed as—
- (a) creating any restriction on a body regarding any amendment to, or substitution of, the constitution of the body; or
  - (b) conferring on the Secretary for Constitutional and Mainland Affairs a power to approve such an amendment or substitution,
- for a purpose other than to define the specified entities of the relevant subsector.
- (5) In this section—

**constitution** (章程), in relation to a body, includes any articles of association or rules of the body;

**former provision** (原有條文) means a provision that is no longer in force;

**specified authority** (指明單位), in relation to a body, means any authority within the body (other than a general meeting) the entitlement to vote at which is mentioned in a provision in Division 5 that provides for the specified entities of a subsector.

*(Added 14 of 2021 s. 424)*

## **Division 2—Registration of voters**

### **12. Who is eligible to be registered as a voter**

(1) Subject to this section—

(a) *(Repealed 14 of 2021 s. 425)*

(b) a person is eligible to be registered as a voter for a subsector if— *(Amended 14 of 2021 s. 425)*

(i) the person—

(A) is a specified entity of that subsector; and  
*(Replaced 14 of 2021 s. 425)*

(B) where the person is a natural person, is eligible to be registered as an elector under Part 5 of the Legislative Council Ordinance (Cap. 542) 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; or

(ii) the person—

(A) is registered for that subsector in the existing subsector final register; and

(B) is eligible to be, and is not disqualified from being, registered as a voter for that subsector.

(2)-(10) *(Repealed 14 of 2021 s. 425)*

(11) Subject to this section—

(a) a person who—

- (i) is eligible to be registered as a voter for the Heung Yee Kuk subsector; and
    - (ii) would, but for this paragraph, be eligible to be registered as a voter for any other subsector,  
may be registered only as a voter for the Heung Yee Kuk subsector;
  - (b) a person who—
    - (i) is eligible to be registered as a voter for the representatives of Hong Kong members of relevant national organisations subsector; and
    - (ii) would, but for this paragraph, be eligible to be registered as a voter for any subsector other than the Heung Yee Kuk subsector,  
may be registered only as a voter for the representatives of Hong Kong members of relevant national organisations subsector; and
  - (c) a person who—
    - (i) is eligible to be registered as a voter for the Hong Kong and Kowloon District Committees subsector or the New Territories District Committees subsector; and
    - (ii) would, but for this paragraph, be eligible to be registered as a voter for any subsector other than the 2 subsectors referred to in paragraph (a)(i) and (b)(i),  
may be registered only as a voter for the Hong Kong and Kowloon District Committees subsector or the New Territories District Committees subsector, as the case may be. *(Replaced 14 of 2021 s. 425)*
- (12) A person who would, but for this subsection, be eligible to be registered as a voter for 2 or more subsectors (other than the Heung Yee Kuk subsector, the representatives of Hong Kong members of relevant national organisations subsector, the Hong Kong and Kowloon District Committees subsector and the New Territories District Committees subsector) may be registered as a voter for only one of those subsectors of the person's choice. *(Amended 1 of 2011 s. 11; 14 of 2021 s. 425)*
- (13)-(19) *(Repealed 14 of 2021 s. 425)*



- (19A) A body specified in section 39A, 39F, 39G, 39L, 39V(b), (h) or (i), 39Y(a) or (b), 39Z(a), 39ZD(b) or 39ZF as 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. *(Added 14 of 2021 s. 425)*
- (19B) A body specified in section 39S as the specified entity of the accountancy subsector 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 Accounting and Financial Reporting Council Ordinance (Cap. 588)) in the 3 years immediately before making the application for registration. *(Added 14 of 2021 s. 425. Amended L.N. 66 of 2022)*
- (19C) However, for the purposes of subsection (19B), if the body is a 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 (14 of 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. *(Added 14 of 2021 s. 425)*
- (20) A corporate member of a body specified in section 39B, 39C, 39D, 39E, 39H, 39I, 39J, 39K, 39M, 39N, 39O, 39P, 39U(b), 39ZA(a) or (c), 39ZC(a) or 39ZE(d) 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. *(Replaced 14 of 2021 s. 425)*
- (21) A consular post to which any privilege or immunity is accorded under the Consular Relations Ordinance (Cap. 557) is not eligible to be registered as a voter for any subsector. *(Added 1 of 2011 s. 11)*

- (22) An organization to which section 2 of the International Organizations and Diplomatic Privileges Ordinance (Cap. 190) applies or an international organization defined in section 2 of the International Organizations (Privileges and Immunities) Ordinance (Cap. 558) is not eligible to be registered as a voter for any subsector. *(Added 1 of 2011 s. 11)*
- (23) In computing the period for which a body to which subsection (19A), (19B) or (20) applies has been operating—
- (a) it does not matter whether the period has begun before the day\* on which the Improving Electoral System (Consolidated Amendments) Ordinance 2021 (14 of 2021) is published in the Gazette;
  - (b) any period for which the body has been operating before it becomes a specified entity of the subsector concerned is not to be taken into account; and
  - (c) if the relevant section mentioned in subsection (19A), (19B) or (20) refers to any entitlement to vote—
    - (i) the body is not required to be so entitled to vote in order to be regarded as having become a specified entity of the subsector concerned; and
    - (ii) it does not matter whether the body is so entitled to vote throughout the period. *(Added 14 of 2021 s. 425)*
- (24) For the purposes of the subsector provisional register and subsector final register to be compiled for 2021, subsection (19A) or (20) (as the case may be) applies to a body registered in the subsector final register published for 2020 as if the reference to “making its application for registration as a voter” in that subsection were a reference to “5 July 2021”. *(Added 14 of 2021 s. 425)*

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Editorial Note:

\* Gazettal date: 31 May 2021.

### **13. Corporate voter to have authorized representative**

- (1) A corporate voter is required to appoint one eligible person to be its authorized representative for the purpose of casting its vote at a subsector election. *(Amended 14 of 2021 s. 426)*
- (2) A person is eligible to be an authorized representative of a corporate voter for a subsector only if the person—
- (a) is—

- (i) registered as an elector for a geographical constituency; or
  - (ii) eligible to be registered as an elector for a geographical constituency and has applied to be so registered;
  - (b) has a substantial connection with the corporate voter; and  
*(Amended 14 of 2021 s. 426)*
  - (c) *(Repealed 14 of 2021 s. 426)*
  - (d) is not disqualified from registration or voting under section 31 or 53 of the Legislative Council Ordinance (Cap. 542).
- (3) A person who is an authorized representative of a corporate voter is not eligible to be appointed as the authorized representative of another corporate voter. *(Amended 14 of 2021 s. 426)*
  - (4) A person cannot act as an authorized representative of a corporate voter unless the person is registered as such a representative by the Electoral Registration Officer.
  - (5) A corporate voter may from time to time replace its authorized representative, but only in the circumstances and manner prescribed by the EAC Regulations. The replacement does not have effect until it is registered by the Electoral Registration Officer.
  - (6) An application may be made to the Electoral Registration Officer for the purposes of subsection (1) or (5) in accordance with the EAC Regulations by the corporate voter concerned. The application shall be in writing and be in a form specified under section 45.
  - (7) The Electoral Registration Officer may refuse an application made under subsection (6) only on the ground that the authorized representative specified in the application is ineligible to be, or is disqualified from being, such a representative.
  - (8) A decision to appoint or replace an authorized representative of a corporate voter under subsection (1) or (5) may only be made by the governing authority, by whatever name called, of the corporate voter. *(Added 14 of 2021 s. 426)*

**14. Electoral Registration Officer to compile and publish a register of voters**

- (1) The Electoral Registration Officer must compile and publish in accordance with the EAC Regulations—

- (a) not later than 1 August in each year, a provisional register of voters for subsectors; and
  - (b) not later than 25 September in each year, a final register of voters for subsectors. *(Replaced 14 of 2021 s. 427)*
- (1A) Despite subsection (1)—
- (a) a provisional register required to be compiled and published under subsection (1)(a) for 2021 must be compiled and published not later than 18 July 2021; and
  - (b) a final register required to be compiled and published under subsection (1)(b) for 2021 must be compiled and published not later than 5 August 2021. *(Replaced 14 of 2021 s. 427)*
- (1B)-(1C) *(Repealed 14 of 2021 s. 427)*
- (2) The Electoral Registration Officer may amend a subsector provisional register or subsector final register so as to rectify any clerical or printing error or any incorrect name or address of a person who is recorded in the register.
  - (3) A subsector provisional register is to be based on the existing subsector final register. *(Amended 10 of 2006 s. 31)*
  - (4) In compiling a subsector provisional register, the Electoral Registration Officer shall—
    - (a) after scrutinizing the register on which the subsector provisional register is to be based, strike out the names and other relevant particulars of those persons whom the Electoral Registration Officer is satisfied on reasonable grounds as being no longer eligible to have their names included in the subsector final register;
    - (b) enter the names and other relevant particulars of those persons on an omissions list; and
    - (c) add to the register the names and other relevant particulars of those persons who have made applications for registration since the date prescribed for the purposes of this paragraph by the EAC Regulations and who are eligible to have their names included in the subsector final register.
  - (5) As soon as practicable after complying with subsection (4), the Electoral Registration Officer shall publish—
    - (a) in the Gazette; and
    - (b) in such other publications (if any) as are prescribed by the EAC Regulations,

a notice to the effect that the names and other relevant particulars of persons who are no longer eligible to have their names included in the subsector final register have been entered on an omissions list and specifying the times and the place at which a copy of the omissions list may be inspected.  
(Amended 14 of 2021 s. 427)

- (5A) Despite subsections (4) and (5), in compiling the subsector provisional register for 2021, the Electoral Registration Officer is not required to comply with those subsections in relation to the names and other relevant particulars of persons registered in the subsector final register published for 2020.  
(Added 14 of 2021 s. 427)
- (6) The Electoral Registration Officer shall, for the period prescribed for the purposes of this subsection by the EAC Regulations—
- (a) keep a copy of the omissions list at that Officer’s office; and
  - (b) during the ordinary business hours of that office, make that copy available for inspection in accordance with those Regulations. (Amended 14 of 2021 s. 427)

**15. When subsector final register is to take effect**

A subsector final register takes effect on the date of its publication and continues to have effect until the publication of the next subsector final register.

**Division 3—Conduct of subsector elections**

**16. When a subsector ordinary election is to be held**

- (1) A subsector ordinary election is to be held on the date specified by the Chief Executive. The Chief Executive shall give notice of that date in the Gazette.
- (2) The Chief Executive may specify different dates to hold different subsector ordinary elections.

**17. Who is eligible to be nominated as a candidate at a subsector election**

- (1) A person is eligible to be nominated as a candidate at a subsector election for a subsector only if the person—
  - (a) has reached 18 years of age;
  - (b) is both registered and eligible to be registered for a geographical constituency; and

- (c) either—
  - (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.
- (2) A person is not eligible to be nominated as a candidate at a subsector ordinary election if the person is—
  - (a) a nominee of a designated body under section 7(1); *(Amended 14 of 2021 s. 428)*
  - (b) a specified person (whether or not the person is an ex-officio member of the Election Committee); or *(Replaced 14 of 2021 s. 428)*
  - (c) a designated person (whether or not the person is an ex-officio member of the Election Committee). *(Added 14 of 2021 s. 428)*
- (3) A person is not eligible to be nominated as a candidate at a subsector by-election if—
  - (a) the person is a nominee of a designated body under section 7(2) and the period during which the nomination under that section is to be made and the nomination period for the by-election coincide or partly coincide; or
  - (b) the person is a member of the Election Committee.

**17A. Validity of nomination contingent on declaration**

A nomination of a person as a candidate at a subsector election under section 17 is not valid unless—

- (a) the nomination form contains a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China; and
- (b) the declaration is signed by the person.

*(Added 14 of 2021 s. 429)*

**18. When a person is disqualified from being a subsector candidate**

- (1) A person is disqualified from being nominated as a candidate at a subsector election and from being elected as a member of the Election Committee if the person— *(Amended 14 of 2021 s. 430)*
  - (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 geographical constituency;
  - (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— (*Amended 14 of 2021 s. 430*)
    - (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 incapacity, of managing and administering his 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.
- (2) Without prejudice to section 13(1)(c) of the Electoral Affairs Commission Ordinance (Cap. 541), a person is also disqualified from being nominated as a candidate at a subsector election and from being elected as a member of the Election Committee if, within the 5 years before the date of nomination—
- (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; or
  - (b) the person has been declared or decided in accordance with any law—
    - (i) to be in breach of a specified oath; or

- (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region of the People's Republic of China. *(Added 14 of 2021 s. 430)*

(3) In this section—

*specified oath* (指明誓言) 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. *(Added 14 of 2021 s. 430)*

**18A. When a person is disqualified from being a candidate for certain subsectors**

*(Amended 14 of 2021 s. 431)*

(1) This section is without prejudice to section 18.

(1A) This section applies to the following subsectors—

- (a) the Heung Yee Kuk subsector;
- (b) the Hong Kong and Kowloon District Committees subsector; and
- (c) the New Territories District Committees subsector. *(Added 14 of 2021 s. 431)*

(2) A person is disqualified from—

- (a) being nominated as a candidate at a subsector election for a subsector; or
- (b) being elected as a member of the Election Committee representing the subsector,

if the person is not a specified entity of the subsector.

*(Replaced 14 of 2021 s. 431)*

(3)-(5) *(Repealed 14 of 2021 s. 431)*

*(Added 10 of 2006 s. 6)*

**18B-** *(Repealed 14 of 2021 s. 432)*

**18C.**

**19. Candidate to lodge deposit**

(1) A person is validly nominated as a candidate for a subsector at a subsector election only if a deposit has, in the manner prescribed by the EAC Regulations, been lodged with the Returning Officer for the subsector concerned by or on behalf of the person.



- (2) The deposit is to be of such an amount as prescribed by the regulations for the purposes of this section and is to be disposed of as provided by the regulations.

**20. Person not to be nominated for more than one subsector**

A person who is nominated as a candidate for a subsector at a subsector election is not eligible to be nominated as a candidate at another subsector election that is to be held on the same day or if the nomination periods for the elections coincide or partly coincide.

**21. Withdrawal of candidature**

- (1) A candidate for a subsector election may withdraw the candidate's candidature at any time before the close of nominations.
- (2) The withdrawal of such a candidate's candidature has effect only if it is in writing signed by the candidate and complies with the EAC Regulations.

**22. Who are validly nominated candidates for subsector election**

- (1) The Candidate Eligibility Review Committee must, as soon as practicable after a nomination form that complies with the EAC Regulations is submitted in accordance with those Regulations, decide in accordance with Annex I to the Basic Law and those Regulations whether or not a person is validly nominated as a candidate at a subsector election. *(Replaced 14 of 2021 s. 433)*
- (2) The Candidate Eligibility Review Committee must, in accordance with the EAC Regulations, publish a notice stating which persons are validly nominated as candidates at the subsector election. *(Amended 14 of 2021 s. 433)*

**23. Death or disqualification of a validly nominated candidate before date of subsector election**

- (1) If, after the Candidate Eligibility Review Committee has made a decision under section 22(1) that a candidate is validly nominated for a subsector election, but before the date of the subsector election, proof is given to the satisfaction of the Returning Officer that the candidate has died, that Officer shall, in accordance with the EAC Regulations, give notice of the death. *(Amended 14 of 2021 s. 434)*
- (2) If a notice under section 22(2) has been published, the Returning Officer shall also, in accordance with the EAC Regulations—

- (a) publicly declare that the candidate under subsection (1) has died; and
  - (b) further declare which candidates are validly nominated for the subsector election.
- (3) Subsections (1) and (2) do not apply if the Returning Officer has publicly declared under section 25(1) that the candidate was duly elected as a member of the Election Committee.
- (4) If, after the Candidate Eligibility Review Committee has made a decision under section 22(1) that a candidate is validly nominated for a subsector election, but before the date of the subsector election, proof is given to the satisfaction of the Committee that the candidate is disqualified from being nominated as a candidate for a subsector election—
- (a) the Committee must, in accordance with Annex I to the Basic Law and the EAC Regulations, vary the decision to the effect that the candidate is not validly nominated; and
  - (b) if the Committee so varies the decision, the Returning Officer must, in accordance with those Regulations, give notice of the variation of the decision. (*Replaced 14 of 2021 s. 434*)
- (5) If a notice under section 22(2) has been published, the Candidate Eligibility Review Committee must also, in accordance with the EAC Regulations— (*Amended 14 of 2021 s. 434*)
- (a) publicly declare that the decision has been varied; and
  - (b) further declare which candidates are validly nominated for the subsector election.
- (6) Subsections (4) and (5) do not apply if the Returning Officer has publicly declared under section 25(1) that the candidate was duly elected as a member of the Election Committee.

**24. When holding of a subsector election can be postponed or adjourned**

- (1) The Electoral Affairs Commission may by order direct the postponement of a subsector election if, before that election is held, the Commission is of the opinion that the election is likely to be obstructed, disrupted, undermined or seriously affected by riot or open violence or any danger to public health or safety.

- (2) The Electoral Affairs Commission may by order direct the adjournment of the polling or counting of votes for a subsector election if, during the polling or counting of votes in respect of that election, the Commission is of the opinion that the polling or counting is likely to be or is being obstructed, disrupted, undermined or seriously affected by riot or open violence or any danger to public health or safety.
- (3) The Returning Officer or Returning Officers concerned shall give effect to a direction under this section as soon as practicable after being notified of it.
- (4) If the subsector election, or polling or counting of votes at the subsector election, is directed to be postponed or adjourned under this section, the Electoral Affairs Commission shall specify a date for the holding of the subsector election, or the polling or counting, in place of the postponed subsector election or the adjourned polling or counting. The Electoral Affairs Commission shall give notice of that date in the Gazette. That date is to be not later than 14 days after the date on which the election, polling or counting of votes would have taken place but for the direction.

*(Amended 15 of 2016 s. 56)*

**25. What is to happen if insufficient number of candidates is nominated for a subsector**

- (1) If—
  - (a) after the close of nominations of candidates for a subsector ordinary election, no more candidates have been validly nominated than the number of members allocated to the subsector; or
  - (b) after the close of nominations of candidates for a subsector by-election, no more candidates have been validly nominated than the number of members to be returned at the by-election,the Returning Officer concerned shall, in accordance with the EAC Regulations, publicly declare the candidates for the subsector to be duly elected as members of the Election Committee representing the subsector.
- (2) Subject to subsection (2A), if, after the close of nominations of candidates for a subsector election, no candidate was validly nominated, the Candidate Eligibility Review Committee must, by notice published in the Gazette, declare that no candidate was validly nominated for the subsector election. *(Amended 14 of 2021 s. 435)*

(2A) If, after the close of nominations of candidates for a subsector election, a notice has been given under section 23(1) or (4) and no candidate remains validly nominated, the Returning Officer concerned must, by notice published in the Gazette, declare that no candidate was validly nominated for the subsector election. *(Added 14 of 2021 s. 435)*

(3) If—

(a) after the close of nominations of candidates for a subsector ordinary election, the number of candidates validly nominated was less than the number of members allocated to the subsector; or

(b) after the close of nominations of candidates for a subsector by-election, the number of candidates validly nominated was less than the number of members to be returned at the by-election,

the Returning Officer concerned shall, by notice published in the Gazette, declare that the number of members of the Election Committee returned at the subsector election for the subsector is less than the number of members to be returned at the election.

**26. Death or disqualification of a validly nominated candidate before declaration of election result**

(1) If, on or after the date of a subsector election but before declaring the result of the subsector election—

(a) proof is given to the satisfaction of the Returning Officer concerned that a validly nominated candidate for the subsector election has died; or

(b) proof is given to the satisfaction of the Candidate Eligibility Review Committee that a validly nominated candidate for the subsector election is disqualified from being elected,

the proceedings for the subsector election are to begin (if they have not begun) or to continue (if they have begun) as if the death or disqualification had not occurred. *(Replaced 14 of 2021 s. 436)*

(2) If—

(a) after the counting of votes is finished, the candidate referred to in subsection (1) is found to be successful at the subsector election; and

(b) there is no other candidate at the subsector election who can be returned under section 29(9) for the subsector in place of that candidate,

the Returning Officer concerned shall, in accordance with the EAC Regulations, declare that—

- (c) no candidate is returned at the subsector election; or
- (d) (where more than one member of the Election Committee are to be returned at the subsector election and there are other candidates returned at the subsector election) the number of members of the Election Committee returned at the subsector election for the subsector is less than the number of members to be returned at the election.

**27. How subsector election is to be conducted**

- (1) At every contested subsector election—
  - (a) a poll is to be taken for the subsector; and
  - (b) voting at the poll is to be by secret ballot.
- (2) The poll is to be conducted in accordance with the EAC Regulations.
- (3) The Returning Officer appointed for a subsector is responsible for supervising a subsector election for the subsector in accordance with this Schedule, the Electoral Affairs Commission Ordinance (Cap. 541) and the EAC Regulations.

**28. Who is entitled to vote at a subsector election**

- (1) A person is entitled to vote at a subsector election only if the person is registered as a voter for the subsector concerned.
- (2) A person registered as a voter for a subsector may not be prevented from voting at a subsector election only because the person's name should not have been included in the subsector final register prepared for the subsector.
- (3) A corporate voter may vote at a subsector election only by its authorized representative.

**29. System of voting and counting of votes**

- (1) Voting and counting of votes at a poll referred to in section 27 is to be conducted in accordance with the simple or relative majority system of election (otherwise known as the “first past the post” system of voting).
- (2) At a subsector ordinary election, a voter may vote for as many candidates as the number of members allocated to the subsector concerned and no more.

- (3) At a subsector by-election, a voter may vote for as many candidates as the number of members to be returned at the by-election and no more.
- (4) If a subsector ordinary election is contested by more candidates than the number of members allocated to the subsector, the candidates to be elected for the subsector are those who obtain the greatest number of votes at the election and then the next greatest and so on until the required number of members is elected.
- (5) If a subsector by-election is contested by more candidates than the number of members to be returned at the by-election—
  - (a) in the case of a single vacancy, the candidate to be elected for the subsector is the one who obtains the greatest number of votes at the by-election; and
  - (b) in the case of more than one vacancy, the candidates to be elected for the subsector are those who obtain the greatest number of votes at the by-election and then the next greatest and so on until the required number of members is elected.
- (6) If, after the counting is finished at a subsector election, a member is still to be returned for the subsector and the most successful candidates remaining have an equal number of votes, the Returning Officer shall determine the result of the election by drawing lots. The candidate on whom the lot falls is to be returned at the subsector election.
- (7) As soon as practicable after determining the result of a subsector election, the Returning Officer concerned shall, in accordance with the EAC Regulations, publicly declare as elected the candidates who were successful at the subsector election.
- (8) Despite subsection (7), if, before declaring the result of a subsector election, proof is given to the satisfaction of the Returning Officer that the candidate or a candidate who was successful at the subsector election has died or is disqualified from being elected, that Officer shall not declare that candidate as elected.
- (9) If there is another candidate or there are other candidates at the subsector election who has not or have not been returned for the subsector, the candidate is to be returned or the candidate who obtains the greatest number of votes is to be returned (subject to that candidate's being not disqualified from being elected) in place of the deceased or disqualified candidate. In that case, the Returning Officer concerned shall publicly declare the candidate so returned to be elected.

**30. When a voter is disqualified from voting at subsector election**

- (1) A person registered as a voter for a subsector is disqualified from voting at a subsector election for that subsector, if the person—
  - (a) has ceased to be eligible to be registered as a voter for that subsector;
  - (b)-(d) *(Repealed 7 of 2009 s. 4)*
  - (e) 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 property and affairs; or
  - (f) is a member of the armed forces of the People’s Republic of China or any other country or territory.
- (2) This section applies to an authorized representative of a corporate voter in the same way as it applies to a voter who is a natural person.

**31. Consequences of non-compliance with requirements of this Schedule**

In any proceedings brought to question the validity of a subsector election, the Revising Officer shall not declare the election to be invalid only because of—

- (a) a failure to comply with the regulations or with the EAC Regulations; or
- (b) a mistake in the use of a form specified under this Schedule or under the Electoral Affairs Commission Ordinance (Cap. 541),

if the Revising Officer is satisfied on reasonable grounds that the conduct of the election was in accordance with the principles laid down in this Schedule and the Electoral Affairs Commission Ordinance (Cap. 541) and that the failure to comply or mistake did not affect the result of the election.

**32. Misnomer or inaccuracy not to affect operation of election document**

- (1) A misnomer or inaccurate description of a person, a person’s identity document or place specified in a document to which this section applies does not limit the full operation of the document with respect to that person, identity document or place if the description of the person, identity document or place is such as to be commonly understood.

(2) This section applies to a subsector provisional register, a subsector final register, a nomination paper, ballot paper, notice or other document prepared for the purposes of a subsector election.

(3) In this section—

**identity document** (身分證明文件) means—

- (a) an identity card issued to a person under the Registration of Persons Ordinance (Cap. 177);
- (b) a document issued by the Commissioner (within the meaning of section 1A(1) of the Registration of Persons Ordinance (Cap. 177)) to a person certifying that the person is exempt, under regulation 25 of the Registration of Persons Regulations (Cap. 177 sub. leg. A), from being required to register under that Ordinance; or (*Replaced 1 of 2019 s. 76*)
- (c) any other document issued to a person that is acceptable to the Electoral Registration Officer as proof of the person's identity.

**33. Subsector election to be presumed valid**

Every subsector election is presumed to be valid, unless it is questioned by means of an appeal lodged with a Revising Officer within the period during which an appeal can be made to a Revising Officer under section 39 and the Officer, on the hearing of an appeal, determines that the election is invalid.

**34. Subsector election not to be questioned only because of defect in appointment of electoral officer**

A subsector election is not to be questioned only because of a defect in the appointment of an electoral officer who is responsible for conducting the subsector election.

**35. Returning Officer to publish result of subsector election**

- (1) The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the Election Committee at a subsector election.
- (2) The publication of a notice shall be in accordance with the EAC Regulations.

**36. Offences by Returning Officers and others with respect to conduct of subsector election**



- (1) Any person holding office as a Returning Officer or an Assistant Returning Officer at a subsector election who neglects or refuses to perform the functions of that office in relation to such an election commits an offence and is liable on conviction to a fine at level 2.
- (2) A prosecution for an offence under this section may be brought only with the consent of the Secretary for Justice.
- (3) A person is not to be liable to conviction under this section unless the complaint or information alleging the offence is laid within 3 months after the date of the alleged commission of the offence.

**37. Voter not to be required to disclose how vote was cast**

- (1) A voter who is asked to disclose the name of, or any particulars relating to, the subsector candidate for whom the voter voted at a subsector election is not required to answer the question.
- (2) A person shall not, without lawful authority, require or purport to require a voter at a subsector election to disclose the name of, or any particulars relating to, a subsector candidate for whom the voter voted at the subsector election.
- (3) A person who contravenes subsection (2) commits an offence and is liable on conviction to a fine at level 2.
- (4) In this section, *voter* (投票人) includes an authorized representative of a corporate voter.

## **Division 4—Miscellaneous**

**38. Subsector candidates entitled to send letters to voters free of postage**

- (1) A validly nominated candidate at a subsector election is entitled to send free of postage one letter addressed to each voter whose name appears in the subsector final register for the subsector for which the candidate is nominated.
- (2) Each such letter is to relate to the election concerned and is to comply with all requirements and limitations (if any) prescribed by the EAC Regulations.
- (2A) A letter sent under subsection (1) by a candidate who is validly nominated at a subsector election—
  - (a) may contain information on any other candidate who is also validly nominated at that election; and

- (b) is, if it contains any information mentioned in paragraph (a), not to be regarded, for the purposes of subsection (1), as being sent by that other candidate. *(Added 18 of 2011 s. 35)*
- (3) The cost to the Postmaster General of enabling subsector candidates to exercise their entitlements under this section is a charge on, and is to be met from, the general revenue.

**39. Subsector election may be questioned only by appeal to Revising Officer**

- (1) A person claiming to be a candidate at a subsector election may appeal against the result (including the decision of the Candidate Eligibility Review Committee) to a Revising Officer in accordance with the regulations. *(Amended 14 of 2021 s. 437)*
- (2) An appeal under subsection (1) may be lodged only during the period of 7 days following the date on which the Returning Officer has published in the Gazette the result being appealed against.
- (3) Any person whose election is questioned by an appeal under this section, the Returning Officer in respect of the subsector election concerned and the Candidate Eligibility Review Committee may be made a respondent to the appeal. *(Amended 14 of 2021 s. 437)*
- (4) At the hearing of the appeal, the appellant is entitled to appear in person and, whether or not the appellant appears in person, to be represented by a legal practitioner or any other person.
- (5) At the end of a hearing, the Revising Officer shall determine whether the person whose election is questioned was or was not duly elected.
- (6) The determination of the Revising Officer on such an appeal is final.

**Division 5—Specified Entities**

*(Division 5 added 14 of 2021 s. 438)*

**Subdivision 1—First Sector**

**39A. Specified entities of the catering subsector**

The specified entities of the catering subsector are any body that is a holder of a food business licence under the Public Health and Municipal Services Ordinance (Cap. 132) and—

- (a) is entitled to vote at the Board of The Association for Hong Kong Catering Services Management Limited;
- (b) is entitled to vote at the Board of The Association of Restaurant Managers Limited; or
- (c) is entitled to vote at the Board of Hong Kong Catering Industry Association Limited.

**39B. Specified entities of the commercial (first) subsector**

The specified entities of the commercial (first) subsector are any body that—

- (a) is a corporate member of The Hong Kong General Chamber of Commerce; and
- (b) is entitled to vote at the General Committee of the Chamber.

**39C. Specified entities of the commercial (second) subsector**

The specified entities of the commercial (second) subsector are any body that—

- (a) is a corporate member of The Chinese General Chamber of Commerce; and
- (b) is entitled to vote at the Committee of the Chamber.

**39D. Specified entities of the commercial (third) subsector**

The specified entities of the commercial (third) subsector are any body that—

- (a) is a corporate member of the Hong Kong Chinese Enterprises Association; and
- (b) is entitled to vote at the Board of the Association.

**39E. Specified entities of the Employers' Federation of Hong Kong subsector**

The specified entities of the Employers' Federation of Hong Kong subsector are any body that—

- (a) is a corporate member of the Employers' Federation of Hong Kong; and
- (b) is entitled to vote at the Council or the General Committee of the Federation.

**39F. Specified entities of the finance subsector**

The specified entities of the finance subsector are—

- (a) banks within the meaning of the Banking Ordinance (Cap. 155);
- (b) restricted licence banks within the meaning of the Banking Ordinance (Cap. 155); and
- (c) deposit-taking companies within the meaning of the Banking Ordinance (Cap. 155).

**39G. Specified entities of the financial services subsector**

- (1) The specified entities of the financial services subsector are—
- (a) any body that is licensed under the Securities and Futures Ordinance (Cap. 571), and—
    - (i) is entitled to vote at the specified authority of The Chinese Securities Association of Hong Kong Company Limited;
    - (ii) is entitled to vote at the Board of Hong Kong Securities Professionals Association Limited;
    - (iii) is entitled to vote at the Committee of The Institute of Securities Dealers Limited;
    - (iv) is entitled to vote at the Board of Hong Kong Securities Association Limited;
    - (v) is entitled to vote at the Executive Committee of The Hong Kong Association of Online Brokers Limited;
    - (vi) is entitled to vote at the Executive Committee of The Hong Kong Institute of Financial Analysts and Professional Commentators Limited;
    - (vii) is entitled to vote at the Council of Hong Kong Securities and Futures Professional Association; or
    - (viii) is entitled to vote at the Board of Chinese Futures Association of Hong Kong Company Limited; and
  - (b) any body that is entitled to vote at the Executive and Supervisory Committee of the Chinese Gold and Silver Exchange.

- (2) In subsection (1)(a)(i)—

*specified authority* (指明單位) means either the Council or Board of Directors as specified by the President of the company mentioned in subsection (1)(a)(i).

**39H. Specified entities of the hotel subsector**

The specified entities of the hotel subsector are any body that—

- (a) is a corporate member of the Federation of Hong Kong Hotel Owners Limited; and
- (b) is entitled to vote at general meetings of the company.

**39I. Specified entities of the import and export subsector**

The specified entities of the import and export subsector are any body that—

- (a) is a corporate member of The Hong Kong Chinese Importers' and Exporters' Association; and
- (b) is entitled to vote at the Council of the Association.

**39J. Specified entities of the industrial (first) subsector**

The specified entities of the industrial (first) subsector are any body that—

- (a) is a corporate member of the Federation of Hong Kong Industries; and
- (b) is entitled to vote at the General Committee of the Federation.

**39K. Specified entities of the industrial (second) subsector**

The specified entities of the industrial (second) subsector are any body that—

- (a) is a corporate member of The Chinese Manufacturers' Association of Hong Kong; and
- (b) is entitled to vote at the General Committee of the Association.

**39L. Specified entities of the insurance subsector**

The specified entities of the insurance subsector are insurers authorized or deemed to be authorized under the Insurance Ordinance (Cap. 41).

**39M. Specified entities of the real estate and construction subsector**

The specified entities of the real estate and construction subsector are—

- (a) any body that—
  - (i) is a corporate member of The Real Estate Developers Association of Hong Kong; and
  - (ii) is entitled to vote at the Board of Directors or executive committee of the Association;
- (b) any body that—

- (i) is a corporate member of The Hong Kong Construction Association, Limited; and
- (ii) is entitled to vote at the Council of the company; and
- (c) any body that—
  - (i) is a corporate member of The Hong Kong E&M Contractors' Association Limited; and
  - (ii) is entitled to vote at the Council of the company.

**39N. Specified entities of the small and medium enterprises subsector**

The specified entities of the small and medium enterprises subsector are—

- (a) any body that—
  - (i) is a corporate member of Hong Kong Commerce and Industry Associations Limited; and
  - (ii) is entitled to vote at the Board of the company;
- (b) any body that—
  - (i) is a corporate member of The Hong Kong General Chamber of Small and Medium Business Limited; and
  - (ii) is entitled to vote at the General Committee of the company; and
- (c) any body that—
  - (i) is a corporate member of Hong Kong Small and Medium Enterprises Association Limited; and
  - (ii) is entitled to vote at the Council of the company.

**39O. Specified entities of the textiles and garment subsector**

The specified entities of the textiles and garment subsector are—

- (a) any body that—
  - (i) is a corporate member of the Textile Council of Hong Kong Limited; and
  - (ii) is entitled to vote at the General Committee of the company; and
- (b) any body that—
  - (i) is a corporate member of The Hong Kong General Chamber of Textiles Limited; and
  - (ii) is entitled to vote at the Board of Directors of the company.

### **39P. Specified entities of the tourism subsector**

The specified entities of the tourism subsector are—

(a) any body that—

(i) is a licensed travel agent as defined by section 2(1) of the Travel Industry Ordinance (Cap. 634); and  
(*Replaced 37 of 2018 s. 171 and 14 of 2021 s. 475*)

(ii) is—

(A) a corporate member of the Travel Industry Council of Hong Kong entitled to vote at the Board of Directors of the Council;

(B) a corporate member of Hong Kong Association of China Travel Organisers Limited entitled to vote at the Executive Committee of the company;

(C) a corporate member of International Chinese Tourist Association Limited entitled to vote at the Executive Committee of the company;

(D) a corporate member of The Federation of Hong Kong Chinese Travel Agents Limited entitled to vote at the Executive Committee of the company;

(E) a corporate member of Hong Kong Outbound Tour Operators' Association Limited entitled to vote at the Executive Committee of the company;

(F) a corporate member of Hong Kong Association of Travel Agents Limited entitled to vote at the Executive Committee of the company;

(G) a corporate member of Hongkong Taiwan Tourist Operators Association entitled to vote at the Executive Committee of the Association;

(H) a corporate member of Hongkong Japanese Tour Operators Association Limited entitled to vote at the Executive Committee of the company; or

(I) a corporate member of Society of IATA Passenger Agents Limited entitled to vote at the Executive Committee of the company; and

- (b) any body that—
  - (i) is a corporate member of The Board of Airline Representatives in Hong Kong; and
  - (ii) is entitled to vote at the Executive Committee of the Board.

**39Q. Specified entities of the transport subsector**

The specified entities of the transport subsector are the bodies set out in Annex 1 to this Schedule.

**39R. Specified entities of the wholesale and retail subsector**

The specified entities of the wholesale and retail subsector are the bodies set out in Annex 2 to this Schedule.

**Subdivision 2—Second Sector**

**39S. Specified entities of the accountancy subsector**

The specified entities of the accountancy subsector are any practice unit (as defined by section 2(1) of the Accounting and Financial Reporting Council Ordinance (Cap. 588)) that is a registered PIE auditor as defined by section 3A(1) of that Ordinance.

*(Amended L.N. 66 of 2022)*

**39T. Specified entities of the architectural, surveying, planning and landscape subsector**

The specified entities of the architectural, surveying, planning and landscape subsector are the bodies set out in Annex 3 to this Schedule.

**39U. Specified entities of the Chinese medicine subsector**

The specified entities of the Chinese medicine subsector are—

- (a) Federation of the Hong Kong Chinese Medicine Practitioners and Chinese Medicines Traders Association Limited;
- (b) the corporate members of the Federation; and
- (c) the bodies set out in Annex 4 to this Schedule.

**39V. Specified entities of the education subsector**

The specified entities of the education subsector are—

- (a) institutions of higher education funded through the University Grants Committee;



- (b) post secondary colleges registered under the Post Secondary Colleges Ordinance (Cap. 320);
- (c) the Hong Kong Metropolitan University; (*Amended 22 of 2021 s. 2*)
- (d) The Hong Kong Academy for Performing Arts;
- (e) the Vocational Training Council;
- (f) The Hong Kong Examinations and Assessment Authority;
- (g) the Hong Kong Council for Accreditation of Academic and Vocational Qualifications;
- (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)); and
- (i) schools entirely maintained and controlled by the Government.

**39W. Specified entities of the engineering subsector**

The specified entities of the engineering subsector are the bodies set out in Annex 5 to this Schedule.

**39X. Specified entities of the legal subsector**

The specified entities of the legal subsector are the bodies set out in Annex 6 to this Schedule.

**39Y. Specified entities of the medical and health services subsector**

The specified entities of the medical and health services subsector are—

- (a) any prescribed hospital (as defined by section 2(1) of the Hospital Authority Ordinance (Cap. 113));
- (b) any hospital licensed under the Private Healthcare Facilities Ordinance (Cap. 633); and
- (c) the bodies set out in Annex 7 to this Schedule.

**39Z. Specified entities of the social welfare subsector**

The specified entities of the social welfare subsector are—

- (a) any social welfare organizations receiving regular subsidies from the Social Welfare Department; and

- (b) the bodies set out in Annex 8 to this Schedule.

**39ZA. Specified entities of the sports, performing arts, culture and publication subsector**

The specified entities of the sports, performing arts, culture and publication subsector are—

- (a) the corporate members of the Sports Federation & Olympic Committee of Hong Kong, China;
- (b) Hong Kong Sports Institute Limited;
- (c) any body that—
  - (i) is a corporate member of the Hong Kong Publishing Federation Limited; and
  - (ii) is entitled to vote at general meetings of the company; and
- (d) the bodies set out in Annex 9 to this Schedule.

**39ZB. Specified entities of the technology and innovation subsector**

The specified entities of the technology and innovation subsector are the bodies set out in Annex 10 to this Schedule.

**Subdivision 3—Third Sector**

**39ZC. Specified entities of the agriculture and fisheries subsector**

The specified entities of the agriculture and fisheries subsector are—

- (a) the corporate members of each of the following bodies—
  - (i) The Federation of Vegetable Marketing Co-operative Societies, Limited;
  - (ii) The Federation of Pig Raising Co-operative Societies of Hong Kong, Kowloon and New Territories, Limited;
  - (iii) The Joint Association of Hong Kong Fishermen;
  - (iv) Federation of Hong Kong Aquaculture Associations;
  - (v) The Federation of Fishermen's Co-operative Societies of Shau Kei Wan District, Limited;
  - (vi) The Federation of Fishermen's Co-operative Societies of Tai Po District, N.T., Limited;
  - (vii) The Federation of Fishermen's Co-operative Societies of Sai Kung District, Limited;

- (viii) The Federation of Fishermen's Co-operative Societies of Southern District, Limited;
- (ix) Hong Kong Fishermen Consortium;
- (x) Federation of Hong Kong Agricultural Associations; and

(b) the bodies set out in Annex 11 to this Schedule.

**39ZD. Specified entities of the associations of Chinese fellow townsmen subsector**

The specified entities of the associations of Chinese fellow townsmen subsector are—

- (a) the bodies set out in Annex 12 to this Schedule; and
- (b) the associations of Chinese fellow townsmen that are recognized by those bodies and at county level or above.

**39ZE. Specified entities of the grassroots associations subsector**

The specified entities of the grassroots associations subsector are—

- (a) Hong Kong Island Federation;
- (b) Kowloon Federation of Associations;
- (c) New Territories Association of Societies; and
- (d) any body that—
  - (i) is a corporate member of any of the federation or association mentioned in paragraph (a), (b) or (c); and
  - (ii) is entitled to vote at general meetings of the federation or association.

**39ZF. Specified entities of the labour subsector**

The specified entities of the labour subsector are the trade unions registered under the Trade Unions Ordinance (Cap. 332) of which all the voting members are employees.

**Subdivision 4—Fourth Sector**

**39ZG. Specified entities of the Heung Yee Kuk subsector**

The specified entities of the Heung Yee Kuk subsector are 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.

**39ZH. Specified entities of the Hong Kong and Kowloon District Committees subsector**

The specified entities of the Hong Kong and Kowloon District Committees subsector are the 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.

**39ZI. Specified entities of the New Territories District Committees subsector**

The specified entities of the New Territories District Committees subsector are the 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.

**Subdivision 5—Fifth Sector**

**39ZJ. Specified entities of the representatives of Hong Kong members of relevant national organisations subsector**

The specified entities of the representatives of Hong Kong members of relevant national organisations subsector are—

- (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; and
- (e) Hong Kong Special Administrative Region directors of the China Overseas Friendship Association.

## **Part 5**

### **Interim Register and Final Register of Members of Election Committee**

*(Amended 10 of 2006 s. 21)*

**40. Electoral Registration Officer to compile and publish interim register and final register**

*(Amended 10 of 2006 s. 21)*

- (1) The Electoral Registration Officer shall compile and publish in accordance with the EAC Regulations— *(Amended 10 of 2006 s. 21; 1 of 2011 s. 15)*
  - (a) if the polling for the subsector ordinary elections for all subsectors is held on the same day, an interim register of members of the Election Committee within 7 days after the results of the elections are published under section 35; or
  - (b) if the polling for the subsector ordinary elections for different subsectors is held on different days, the relevant parts of an interim register of members of the Election Committee within 7 days after the results of the relevant elections are published under section 35. *(Amended 1 of 2011 s. 15)*

- (1A) Subject to section 41, in compiling an interim register of members of the Election Committee under subsection (1) after the publication of results of the subsector ordinary elections, the Electoral Registration Officer must register the persons whose registrations are determined under section 5N as valid on the date of those subsector ordinary elections (or the last of those dates, if different dates are specified for those subsector ordinary elections) as ex-officio members of the Election Committee, in accordance with the EAC Regulations. *(Added 14 of 2021 s. 439)*
- (2) The Electoral Registration Officer shall compile and publish in accordance with the EAC Regulations a final register of members of the Election Committee within 7 days after the result of a subsector by-election is published under section 35. *(Amended 10 of 2006 s. 21)*
- (3) The Electoral Registration Officer shall also compile and publish in accordance with the EAC Regulations a final register of members of the Election Committee within 7 days after a nominee under section 7(2) is declared as a member of the Election Committee under section 7, unless the period during which the nomination under section 7(2) is to be made and the nomination period for a subsector by-election coincide or partly coincide.
- (3A) The Electoral Registration Officer shall—
- (a) compile in accordance with the EAC Regulations a final register of members of the Election Committee on the basis of the interim register of members of the Election Committee, incorporating any amendment made under section 41 or 42; and
  - (b) publish the final register in accordance with the EAC Regulations on the date on which the Election Committee is constituted. *(Added 10 of 2006 s. 21)*
- (4) If—
- (a) the Electoral Registration Officer has compiled and published a provisional register of members of the Election Committee under section 4;
  - (b) the Electoral Affairs Commission has ascertained under section 5(1)(a) the number of members nominated in accordance with Part 3 or elected in accordance with Part 4 for each subsector on the Election Committee; and *(Replaced 14 of 2021 s. 439)*

- (c) the number of members representing each subsector on the Election Committee so ascertained is equal to the number of members allocated to the subsector in accordance with section 2(7)(b) or (c) (as the case may be), *(Amended 14 of 2021 s. 439)*

the Electoral Registration Officer shall, as soon as practicable after the Electoral Affairs Commission's ascertainment, publish in accordance with the EAC Regulations the provisional register as a final register of members of the Election Committee.

**41. Electoral Registration Officer to amend interim register or final register to give effect to change in ex-officio membership**

*(Amended 10 of 2006 s. 21)*

- (1) The Electoral Registration Officer may from time to time amend the interim register of members of the Election Committee or final register of members of the Election Committee in accordance with this section and the EAC Regulations to give effect to any change in the ex-officio membership of the Election Committee.
- (2) If an ex-officio member of the Election Committee resigns from the membership of the Election Committee or is regarded as having resigned from such membership under section 3, the Electoral Registration Officer must remove the member's name from the interim register of members of the Election Committee or final register of members of the Election Committee. *(Replaced 14 of 2021 s. 440)*
- (3) Subject to section 2, the Electoral Registration Officer must register persons whose registrations are determined under section 5N as valid as ex-officio members of the Election Committee from time to time in accordance with the EAC Regulations. *(Replaced 14 of 2021 s. 440)*
- (4) If the Electoral Registration Officer adds names to or removes names from the interim register or final register of members of the Election Committee under this section, that Officer shall, as soon as practicable after the addition or removal, publish, in accordance with the EAC Regulations, a notice to the effect that names have been so added or removed.

*(Amended 10 of 2006 s. 21)*

**42. Electoral Registration Officer may amend register**

- (1) The Electoral Registration Officer may amend a provisional register, interim register or final register of members of the Election Committee so as to rectify any clerical or printing error or any incorrect name or address of a person who is recorded in the register.
- (2) If a Revising Officer directs the Electoral Registration Officer to incorporate into the interim register of members of the Election Committee or final register of members of the Election Committee the Revising Officer's determination on an appeal under section 39 or 48, the Electoral Registration Officer shall also amend the register to effect the direction.
- (3) If the Electoral Registration Officer amends the interim register of members of the Election Committee or final register of members of the Election Committee under subsection (2), that Officer shall, as soon as practicable after the amendment, publish, in accordance with the EAC Regulations, a notice of the amendment.

*(Amended 10 of 2006 s. 21)*

#### **42A. Written oath of members of the Election Committee**

- (1) Despite sections 40, 41 and 42, the Electoral Registration Officer must not include the name of a member-elect of a term of office in the final register of members of the Election Committee for that term of office unless the Officer has received the written Election Committee Oath signed by the member-elect under subsection (2).
- (2) A member-elect of a term of office must sign the written Election Committee Oath in the form prescribed in Annex 13 to this Schedule—
  - (a) if the member-elect falls within paragraph (a) of the definition of *member-elect* in subsection (3)—within the period between—
    - (i) the date of publication of the interim register of members of the Election Committee under section 40(1) for that term of office; and
    - (ii) 7 days before the date of publication of the final register of members of the Election Committee under section 40(3A)(b) for that term of office;
  - (b) if the member-elect falls within paragraph (b) of the definition of *member-elect* in subsection (3)—as soon as practicable after the member-elect's registration is determined as valid for that term of office under section 5N;



- (c) if the member-elect falls within paragraph (c) of the definition of *member-elect* in subsection (3)—within 3 days after the member-elect is declared as a member of the Election Committee for that term of office under section 7(8); or
- (d) if the member-elect falls within paragraph (d) of the definition of *member-elect* in subsection (3)—within 3 days after the day on which the subsector by-election concerned is held for that term of office.

(3) In this section—

*member-elect* (候任委員), in relation to a term of office, means a person—

- (a) whose name appears in the interim register of members of the Election Committee published under section 40(1) for that term of office;
- (b) whose registration is determined as valid under section 5N after the publication of the final register of members of the Election Committee under section 40(3A)(b) for that term of office;
- (c) who is declared as a member of the Election Committee under section 7(8) after the publication of the final register of members of the Election Committee under section 40(3A)(b) for that term of office; or
- (d) whose name appears in a notice published under section 35 in respect of a subsector by-election for that term of office;

*term of office* (任期) means a term of office of the Election Committee.

*(Added 14 of 2021 s. 441)*

#### **43. When final register is to take effect**

- (1) During the term of office of the Election Committee, a final register of members of the Election Committee is to—
  - (a) have effect as amended from time to time in accordance with sections 41 and 42 and the EAC Regulations after its publication; and
  - (b) cease to have effect on the publication of the next final register of members of the Election Committee.

- (2) If names have been removed from or added to the final register of members of the Election Committee under section 41(2) or (3), or the register has been amended under section 42(2), the register as amended is to take effect on the date of the publication of the notice under section 41(4) or 42(3).

## **Part 6**

### **Miscellaneous**

#### **43A. Proceedings against persons on grounds of disqualification**

- (1) The Secretary for Justice may bring proceedings in the Court against any member of the Election Committee or any person who claims to be entitled to be a member of the Election Committee on the ground that the member or person is disqualified from being a member of the Election Committee.
- (2) Immediately after proceedings are brought by the Secretary for Justice under this section against a person on the ground that the person is disqualified from being a member of the Election Committee—
- (a) for breach of an oath taken under section 42A; or
  - (b) for failure to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region of the People's Republic of China,
- the person's functions as a member of the Election Committee are suspended until the decision of the Court in the proceedings becomes final.
- (3) If a person's functions as a member of the Election Committee are suspended under subsection (2)—
- (a) before the publication of the final register of members of the Election Committee for the term of office of the Election Committee concerned—the Electoral Registration Officer must not include the person's name in the final register of members of the Election Committee; or
  - (b) after the publication of the final register of members of the Election Committee for the term of office of the Election Committee concerned—the Electoral Registration Officer must, as soon as practicable after the suspension, remove the person's name from the final register of members of the Election Committee.

- (4) For the purposes of this section, a decision of the Court becomes final—
  - (a) if no motion for the purpose of an application for leave to appeal to the Court of Final Appeal under section 22(1)(f) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is filed by the end of the period specified under subsection (9)—when that period expires; or
  - (b) if, before the end of that period, motion for the purpose of such an application is filed—
    - (i) when the application is abandoned or otherwise ceases to have effect;
    - (ii) when the application is refused; or
    - (iii) if the application is granted—
      - (A) when the appeal is abandoned or otherwise ceases to have effect; or
      - (B) when the appeal is determined.
- (5) If a person's functions as a member of the Election Committee are suspended under subsection (2), the person—
  - (a) must not exercise any function of a member of the Election Committee; and
  - (b) must not act as a member of the Election Committee.
- (6) The Court may, on the application of a person whose functions as a member of the Election Committee are suspended under subsection (2), lift the suspension.
- (7) If, in proceedings brought under this section, it is proved that the defendant acted as a member of the Election Committee while disqualified from so acting, the Court may—
  - (a) make a declaration to that effect;
  - (b) grant an injunction restraining the defendant from so acting; and
  - (c) order the defendant to pay to the Government such sum as the Court thinks appropriate, not exceeding \$5,000 for each occasion on which the person so acted while disqualified.
- (8) If, in proceedings brought under this section, it is proved that the defendant claimed to be entitled to act as a member of the Election Committee while disqualified from so acting, the Court may—
  - (a) make a declaration to that effect; and

- (b) grant an injunction restraining the defendant from so acting.
- (9) Despite section 24 of the Hong Kong Court of Final Appeal Ordinance (Cap. 484), notice of a motion for the purpose of an application for leave to appeal to the Court of Final Appeal under section 22(1)(f) of that Ordinance must be filed within 14 working days after the date on which the written judgment of the Court to be appealed from is handed down, and the applicant must give the opposite party 3 days' notice of his or her intended application at any time during the period of 14 working days.
- (10) Proceedings against a person on the ground that the person has, while disqualified from so acting, acted or claimed to have been entitled to act, as a member of the Election Committee may be brought only in accordance with this section.
- (11) For the purposes of this section, a person is disqualified from acting as a member of the Election Committee if the person is not qualified to be, or is disqualified from being, a member of the Election Committee.
- (12) The Electoral Registration Officer must add a person's name to the final register of members of the Election Committee as soon as practicable after—
- (a) the Court has lifted the suspension of the person's functions as a member of the Election Committee under subsection (6); or
- (b) the Court has decided that the person is not disqualified from acting as a member of the Election Committee and the decision of the Court becomes final.
- (13) If the Electoral Registration Officer adds or removes a name from the final register of members of the Election Committee under this section, that Officer must, as soon as practicable after adding or removing the name, publish, in accordance with the EAC Regulations, a notice to the effect that the name has been so added or removed.
- (14) In subsection (9)—
- working day** (工作日) means any day other than—
- (a) a general holiday;
- (b) a black rainstorm warning day as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1); or
- (b) a gale warning day as defined by that section.

**44. Appointment of Electoral Registration Officer and assistants**

- (1) The Chief Executive shall appoint an Electoral Registration Officer and such number of Assistant Electoral Registration Officers as appears to the Chief Executive to be necessary for the purposes of registering persons as members of the Election Committee and as voters at subsector elections.
- (2) The Electoral Registration Officer has such functions as are conferred or imposed on that Officer by or under this Schedule.
- (3) An Assistant Electoral Registration Officer may, with the authority of the Electoral Registration Officer, perform the functions of Electoral Registration Officer.
- (4) The Secretary for Constitutional and Mainland Affairs shall publish in the Gazette a notice of the appointment of a person as Electoral Registration Officer and the Officer's address. *(Amended L.N. 130 of 2007)*
- (5) The executive authorities of the Government shall ensure that the Electoral Registration Officer is provided with such staff as that Officer requires in order to perform that Officer's functions under this Schedule.
- (6) Expenses properly incurred by the Electoral Registration Officer in the performance of that Officer's functions under this Schedule or the Electoral Affairs Commission Ordinance (Cap. 541) are a charge on, and are payable from, the general revenue.

**45. Electoral Registration Officer may specify forms**

The Electoral Registration Officer may specify the form of any application, notice, return, record or other document required for the purposes of this Schedule.

**46. Appointment of Revising Officer**

- (1) The Chief Justice may appoint an eligible person to be a Revising Officer for the purposes of this Schedule. *(Amended 1 of 2019 s. 72)*
- (2) If no appointment is made under subsection (1), the Registrar of the High Court is taken to be a Revising Officer.
- (3) A Revising Officer has such functions as are conferred or imposed on the Officer by or under this Schedule.

(4) A Revising Officer has, when performing the Officer's functions, the powers and immunities of a magistrate under sections 21, 22, 99, 125 and 126 of the Magistrates Ordinance (Cap. 227).

(5) In subsection (1)—

*eligible person* (合資格人士) means—

- (a) a magistrate;
- (b) a former magistrate;
- (c) a retired magistrate; or
- (d) a legal officer as defined by section 2 of the Legal Officers Ordinance (Cap. 87). (*Added 1 of 2019 s. 72*)

#### **47. Appointment of Returning Officers and assistants**

(1) The Electoral Affairs Commission shall appoint for each subsector a Returning Officer and such number of Assistant Returning Officers as appears to the Commission to be necessary to enable members of the Election Committee (other than ex-officio members) to be returned for the subsector.

(2) A Returning Officer has such functions as are conferred or imposed on that Officer by or under this Schedule.

(3) An Assistant Returning Officer may, with the authority of the Returning Officer concerned, perform the functions of Returning Officer.

(4) The Electoral Affairs Commission shall publish in the Gazette a notice of the appointment of a Returning Officer and that Officer's address.

(5) The executive authorities of the Government shall ensure that each Returning Officer is provided with such staff as that Officer requires in order to perform that Officer's functions under this Schedule.

(6) Expenses properly incurred by—

- (a) a Returning Officer in the performance of that Officer's functions under this Schedule or the Electoral Affairs Commission Ordinance (Cap. 541); or
- (b) the Candidate Eligibility Review Committee in the performance of its functions under this Schedule or that Ordinance,

are a charge on, and are payable from, the general revenue.  
(*Replaced 14 of 2021 s. 443*)

#### **48. Right of appeal to Revising Officer**

*(Amended 14 of 2021 s. 444)*

- (1) A person who is dissatisfied with a decision of the Electoral Registration Officer made for the purposes of this Schedule may appeal against the decision to a Revising Officer.
- (1A) Subject to section 9B of the Ordinance, a person who is dissatisfied with a decision of the Candidate Eligibility Review Committee made for the purposes of this Schedule may appeal against the decision to a Revising Officer. *(Added 14 of 2021 s. 444)*
- (2) The determination of a Revising Officer on such an appeal is final.
- (2A) A Revising Officer may determine an appeal without a hearing on the basis of written submissions only. *(Added 1 of 2019 s. 8)*
- (2B) *(Repealed 14 of 2021 s. 444)*
- (3) The Electoral Registration Officer or the Returning Officer for the relevant subsector may be made a respondent to the appeal. *(Replaced 14 of 2021 s. 444)*
- (3A) The Candidate Eligibility Review Committee may also be made a respondent to the appeal if the appeal is made under subsection (1A). *(Added 14 of 2021 s. 444)*
- (4) If a hearing is held for an appeal, the appellant or any other person concerned in the appeal is entitled to appear in person and, whether or not the appellant appears in person, to be represented by a legal practitioner or any other person. *(Amended 14 of 2021 s. 444)*

49. *(Repealed 10 of 2006 s. 31)*

## **Annex 1**

### **Bodies Specified for the Transport Subsector**

Item	Body
1.	Parking Management and Consultancy Services Limited
2.	Airport Authority
3.	Hong Kong Driver's Training Association
4.	The Association of N.T. Radio Taxicabs Ltd.
5.	Autotoll Limited

Item	Body
6.	The Chartered Institute of Logistics and Transport in Hong Kong
7.	China Merchants Shipping & Enterprises Co. Ltd.
8.	Chu Kong Shipping Enterprises (Holdings) Co. Ltd.
9.	Chuen Kee Ferry Limited
10.	Chuen Lee Radio Taxis Association Ltd.
11.	Citybus Ltd.
12.	Coral Sea Ferry Service Co., Ltd.
13.	COSCO-HIT Terminals (Hong Kong) Limited
14.	CTOD Association Company Ltd.
15.	Turbojet Ferry Services (Guangzhou) Limited
16.	Discovery Bay Transportation Services Ltd.
17.	Driving Instructors Merchants Association, Limited
18.	Eastern Ferry Company Limited
19.	Expert Fortune Ltd.
20.	Far East Hydrofoil Co. Ltd.
21.	Fat Kee Stevedores Ltd.
22.	The Fraternity Association of N.T. Taxi Merchants
23.	Fraternity Taxi Owners Association
24.	G.M.B. Maxicab Operators General Association Ltd.
25.	The Goods Vehicle Fleet Owners Association Ltd.
26.	Happy Taxi Operator's Association Ltd.
27.	Hoi Kong Container Services Co. Ltd.
28.	Hon Wah Public Light Bus Association Ltd.



Item	Body
29.	Hong Kong Air Cargo Terminals Limited
30.	Hong Kong & Kowloon Ferry Ltd.
31.	Hong Kong Kowloon Goods Vehicles, Omnibuses and Minibuses Instructors Association Limited
32.	Hong Kong & Kowloon Motor Boats & Tug Boats Association Limited
33.	Hong Kong & Kowloon Radio Car Owners Association Ltd.
34.	Hong Kong and Kowloon Rich Radio Car Service Centre Association Ltd.
35.	HongKong Association of Freight Forwarding and Logistics Limited
36.	Hong Kong Automobile Association
37.	The Hong Kong Cargo-Vessel Traders' Association Ltd.
38.	Hong Kong Commercial Vehicle Driving Instructors Association
39.	Hong Kong CFS and Logistics Association Limited
40.	Hong Kong Container Tractor Owner Association Ltd.
41.	Hong Kong Driving Instructors' Association
42.	Hong Kong Guangdong Transportation Association Ltd.
43.	The Hong Kong Institute of Marine Technology
44.	Hong Kong, Kowloon & NT Public & Maxicab Light Bus Merchants' United Association
45.	Hong Kong Taxi Owners' Association Limited
46.	The Hong Kong Liner Shipping Association
47.	H.K. Motor Car Driving Instructors' Association Limited
48.	Hong Kong Pilots Association Ltd.
49.	Hong Kong Public & Maxicab Light Bus United Associations

Item	Body
50.	Hong Kong Public Cargo Working Areas Traders Association Ltd.
51.	Hong Kong Scheduled (GMB) Licensee Association
52.	The Hong Kong School of Motoring Ltd.
53.	Hong Kong Sea Transport and Logistics Association Limited
54.	The Hong Kong Shipowners Association Ltd.
55.	Hong Kong Shipping Circles Association Ltd.
56.	Hong Kong Shipping Industry Institute
57.	Hong Kong Logistics Management Staff Association
58.	The Hong Kong Stevedores Employers' Association
59.	Hong Kong Tele-call Taxi Association
60.	Hong Kong Tramways, Limited
61.	Hong Kong Transportation Warehouse Wharf Club
62.	The Hongkong & Yaumati Ferry Co., Ltd.
63.	Hongkong International Terminals Ltd.
64.	Institute of Advanced Motorists (Hong Kong) Limited
65.	Institute of Seatransport
66.	Institute of Transport Administration (Hong Kong, China)
67.	Kowloon Fung Wong Public Light Bus Merchants & Workers' Association Ltd.
68.	The Kowloon Motor Bus Company (1933) Limited
69.	Kowloon Motor Driving Instructors' Association Ltd.
70.	The Kowloon PLB Chiu Chow Traders & Workers Friendly Association
71.	The Kowloon Taxi Owners Association Ltd.

Item	Body
72.	Kowloon Truck Merchants Association Ltd.
73.	Kwik Park Limited
74.	Lam Tin Wai Hoi Public Light Bus Association
75.	Lantau Taxi Association
76.	Lei Yue Mun Ko Chiu Road Public Light Bus Merchants Association Ltd.
77.	Lok Ma Chau China—Hong Kong Freight Association
78.	Long Win Bus Company Limited
79.	Mack & Co. Carpark Management Limited
80.	Marine Excursion Association Limited
81.	Maritime Affairs Research Association Ltd.
82.	MTR Corporation Limited
83.	Merchant Navy Officers' Guild—Hong Kong
84.	Metropark Limited
85.	Mid-stream Holdings (HK) Limited
86.	Mixer Truck Drivers Association
87.	Modern Terminals Ltd.
88.	N.T. San Tin PLB (17) Owners Association
89.	N.T. Taxi Merchants Association Ltd.
90.	N.T. Taxi Owners & Drivers Fraternal Association
91.	N.W. Area Taxi Drivers & Operators Association
92.	New Lantao Bus Co., (1973) Ltd.
93.	New Territories Cargo Transport Association Ltd.
94.	New World First Bus Services Limited

Item	Body
95.	North District Taxi Merchants Association
96.	Organisation of Hong Kong Drivers
97.	Public and Private Light Buses Driving Instructors' Society
98.	The Public Cargo Area Trade Association
99.	Public Light Bus General Association
100.	The Public Omnibus Operators Association Ltd.
101.	Public Vehicle Merchants Fraternity Association
102.	River Trade Terminal Co. Ltd.
103.	Route 3 (CPS) Company Limited
104.	Sai Kung Taxi Operators Association Ltd.
105.	CSX World Terminals Hong Kong Limited
106.	Serco Group (HK) Limited
107.	The "Star" Ferry Co., Ltd.
108.	Sun Hing Taxi Radio Association
109.	Taxi Association Limited
110.	Taxi Dealers & Owners Association Ltd.
111.	The Taxi Operators Association Ltd.
112.	Transport Infrastructure Management Limited
113.	Tuen Mun Public Light Bus Association
114.	Tung Yee Shipbuilding and Repairing Merchants General Association Limited
115.	United Friendship Taxi Owners & Drivers Association Ltd.
116.	Wai Fat Taxi Owners Association Ltd.

Item	Body
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 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

Item	Body
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
150.	The Hong Kong Taxi and Public Light Bus Association Limited
151.	Park Island Transport Company Limited
152.	Discovery Bay Road Tunnel Company Limited
153.	International Association of Transport Officers
154.	Hong Kong Express Airways Limited
155.	Hong Kong (Cross Border) Transportation Drivers' Association
156.	Hong Kong Logistics Association Limited
157.	Hong Kong Container Depot and Repairer Association Limited
158.	New World Parking Management Limited
159.	The Nautical Institute—Hong Kong Branch
160.	Worldwide Flight Services, Inc.

Item	Body
161.	NT Taxi Operations Union
162.	Sun Star Taxi Operators Association
163.	Taxi & P.L.B. Concern Group
164.	Tai Wo Motors Limited
165	Tuen Mun District Tourists and Passengers Omnibus Operators Association Limited
166.	Tsuen Wan District Tourists and Passengers Omnibus Operators Association Limited
167.	Yuen Long District Tourists and Passengers Omnibus Operators Association Limited
168.	Kowloon District Tourists and Passengers Omnibus Operators Association Limited
169.	Hong Kong District Tourists and Passengers Omnibus Operators Association Limited
170.	Sino Parking Services Limited
171.	Urban Parking Limited
172.	Greater Lucky (HK) Company Limited
173.	China Hongkong and Macau Boundary Crossing Bus Association Limited
174.	Ground Support Engineering Limited
175.	Cathay Pacific Services Limited
176.	Cathay Pacific Catering Services (H.K.) Limited
177.	LSG Lufthansa Service Hong Kong Limited
178.	Gate Gourmet Hong Kong, Limited
179.	ECO Aviation Fuel Services Limited
180.	Hong Kong Aircraft Engineering Company Limited

Item	Body
181.	China Aircraft Services Limited
182.	Dah Chong Hong – Dragonair Airport GSE Service Limited
183.	Jardine Air Terminal Services Limited
184.	Service Managers Association
185.	Driving Instructors Association
186.	The Chamber of Hong Kong Logistics Industry Limited
187.	New Horizon School of Motoring Limited
188.	Leinam School of Motoring Limited
189.	TIML MOM Limited
190.	Hong Kong Taxi Association
191.	Chung Shing Taxi Limited
192.	Hong Kong Air Cargo Carrier Limited
193.	Hong Kong Dumper Truck Drivers Association
194.	Shun Fung Motors Investment Management Company Limited
195.	Taxi Drivers and Operators Association
196.	Yiu Lian Dockyards Limited
197.	China Merchants Port Holdings Company Limited
198.	China Merchants Container Services Limited
199.	China Merchants Logistics Holding Hong Kong Company Limited
200.	China Merchants Energy Shipping (Hong Kong) Company Limited
201.	COSCO SHIPPING (Hong Kong) Co., Limited
202.	COSCO (H.K.) SHIPPING CO., LIMITED



Item	Body
203.	COSCO SHIPPING Container Line Agencies Limited
204.	COSCO SHIPPING International (Hong Kong) Co., Ltd.
205.	China Travel Tours Transportation Services Hong Kong Limited
206.	Sky Shuttle Helicopters Limited
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
223.	Dong An Marine Safety Equipment Trading Limited

Item	Body
224.	Fortune Ferry Company Limited
225.	Hong Kong Wing Hing Marine Engineering Company Limited
226.	China National Aviation Leasing Limited
227.	Yuantong Marine Service Co. Limited
228.	Wang Tak Engineering & Shipbuilding Company Limited
229.	The Motor Transport Company of Guangdong and Hong Kong Limited
230.	Weisheng Transportation & Enterprises Company Limited

*(Annex 1 added 14 of 2021 s. 445)*

## **Annex 2**

### **Bodies Specified for the Wholesale and Retail Subsector**

Item	Body
1.	Association of Better Business & Tourism Services
2.	Chinese Medicine Merchants Association Ltd.
3.	Chinese Merchants (H.K.) Association Limited
4.	Chinese Paper Merchants Association Limited
5.	The Cosmetic & Perfumery Association of Hong Kong Ltd.
6.	Eastern District Fresh Fish Merchants' Society
7.	Federation of Hong Kong Kowloon New Territories Hawker Associations
8.	The Federation of Hong Kong Watch Trades and Industries Ltd.
9.	HK Vegetable Wholesaler Community
10.	Hong Kong and Kowloon Bamboo Goods Merchants Association Limited
11.	Hong Kong and Kowloon Electrical Appliances Merchants Association Ltd.

Item	Body
12.	Hong Kong Electro-Plating Merchants Association Limited
13.	Hong Kong & Kowloon Fruit & Vegetable Employees & Employers Guild
14.	Hong Kong & Kowloon General Association of Liquor Dealers and Distillers
15.	Hong Kong and Kowloon Machinery and Instrument Merchants Association Ltd.
16.	Hong Kong & Kowloon Marine Products Merchants Association Ltd.
17.	Hong Kong & Kowloon Plastic Products Merchants United Association Limited
18.	The Hong Kong & Kowloon Provisions, Wine & Spirit Dealers' Association Limited
19.	Hong Kong and Kowloon Rattan Ware Merchants Association (Wing-Hing-Tong)
20.	Hong Kong & Kowloon Sauce & Preserved-Fruit Amalgamated Employers Association
21.	Hong Kong & Kowloon Tea Trade Merchants Association Ltd.
22.	Hong Kong & Kowloon Timber Merchants Association Limited
23.	Hong Kong & Kowloon Vermicelli & Noodle Manufacturing Industry Merchants' General Association Limited
24.	Hong Kong Art Craft Merchants Association, Ltd.
25.	Hong Kong Dried Seafood and Grocery Merchants Association Limited
26.	Hong Kong Egg Merchants Association (Fung-Kwai-Tong)
27.	Hong Kong Embroidery Merchants Association Limited
28.	Hong Kong Flower Retailers Association
29.	The Hong Kong Food Council Limited
30.	Hong Kong Fresh Fish Merchants Association

Item	Body
31.	Hong Kong Fur Federation
32.	Hong Kong Furniture & Decoration Trade Association Limited
33.	Hong Kong General Chamber of Pharmacy Limited
34.	Hong Kong Glass and Mirror Merchants and Manufacturers Association Company Limited
35.	Hong Kong Jewellers' & Goldsmiths' Association Limited
36.	The Federation of Hong Kong Footwear Limited
37.	The Hong Kong Medicine Dealers' Guild
38.	Hong Kong Metal Merchants Association
39.	Hong Kong Petroleum, Chemicals and Pharmaceutical Materials Merchants Association Ltd.
40.	Hong Kong Photo Marketing Association Limited
41.	Hong Kong Piece Goods Merchants' Association
42.	Hong Kong Plastic Material Suppliers Association Ltd.
43.	Hong Kong Plumbing and Sanitary Ware Trade Association Ltd.
44.	Hong Kong Provision & Grocery General Commercial Chamber
45.	Hong Kong Record Merchants Association Ltd.
46.	Hong Kong Rice Suppliers' Association Limited
47.	Hong Kong Retail Management Association Limited
48.	Hong Kong Yee Yee Tong Chinese Medicine Merchants Association Ltd.
49.	The Hong Kong & Kowloon General Merchandise Merchants' Association Limited
50.	Kowloon Cheung Sha Wan Wholesale Vegetable Market (Importers) Recreation Club Limited
51.	Kowloon Fresh Fish Merchants Association Limited

Item	Body
52.	The Kowloon Pearls, Precious Stones, Jade, Gold & Silver Ornament Merchants Association
53.	The Merchants Association of First Wholesalers/Jobbery of Imported Fresh Fruits & Vegetables Limited
54.	Mongkok Vegetable Wholesale Merchants Association Company Limited
55.	The Motor Traders Association of Hong Kong
56.	Nam Pak Hong Association
57.	Po Sau Tong Ginseng & Antler Association Hong Kong Ltd.
58.	The Rice Merchants' Association of Hong Kong Limited
59.	Kowloon Fruit & Vegetable 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.

*(Annex 2 added 14 of 2021 s. 445)*

### **Annex 3**

#### **Bodies Specified for the Architectural, Surveying, Planning and Landscape Subsector**

Item	Body
1.	The Hong Kong Institute of Architects
2.	The Hong Kong Institute of Surveyors
3.	The Hong Kong Institute of Planners

Item	Body
4.	The Hong Kong Institute of Landscape Architects
5.	Hong Kong Housing Authority
6.	Hong Kong Housing Society
7.	Urban Renewal Authority
8.	Authorized Persons Registration Committee
9.	Inspectors Registration Committee
10.	Property Management Services Authority
11.	Hong Kong Green Building Council Limited
12.	BEAM Society Limited
13.	The Lands Department Estate Surveyors Association
14.	Housing Department Quantity Surveyors' Association
15.	Hong Kong Housing Department Architects Association
16.	Housing Department Estate Surveyors Association
17.	Planners Association of Hong Kong Housing Department
18.	Housing Department Landscape Architects Association
19.	Buildings Department Local Building Surveyors' Association
20.	Architectural Services Department Quantity Surveyors' Association
21.	Architectural Services Department Maintenance Surveyors' Association
22.	Architectural Services Department Architects' Association
23.	Association of Government Local Land Surveyors
24.	The Hong Kong Housing Department Maintenance Surveyors Association
25.	Hong Kong Government Local Town Planners Association
26.	Hong Kong Government Landscape Architects Association
27.	Aedas Limited

Item	Body
28.	AGC Design Limited
29.	Andrew Lee King Fun & Associates Architects Limited
30.	DLN Architects Limited
31.	Leigh & Orange Limited
32.	LWK & Partners (HK) Limited
33.	P&T Architects and Engineers Limited
34.	Ronald Lu & Partners (Hong Kong) Limited
35.	Wong & Ouyang (HK) Limited
36.	Wong Tung & Partners Limited
37.	Ho & Partners Architects Engineers & Development Consultants Limited
38.	Rocco Design Architects Limited
39.	Simon Kwan & Associates Limited
40.	TFP Farrells Limited
41.	Freevision Limited
42.	Fruit Design & Build Limited
43.	Prudential Surveyors International Limited
44.	Knight Frank Petty Limited
45.	Vigers Building Consultancy Limited
46.	KC Surveyors Limited
47.	Savills Project Consultancy Limited
48.	CBRE Limited
49.	Rider Levett Bucknall Limited
50.	Arcadis Hong Kong Limited
51.	Currie & Brown (China) Limited
52.	Urbis Limited

Item	Body
53.	Townland Consultants Limited
54.	Llewelyn-Davies Hong Kong Limited
55.	Earthasia Limited
56.	ACLA Limited

*(Annex 3 added 14 of 2021 s. 445)*

## **Annex 4**

### **Bodies Specified for the Chinese Medicine Subsector**

#### **Part 1—Statutory Regulatory and Consultative Bodies**

Item	Body
1.	Chinese Medicine Council of Hong Kong
2.	Chinese Medicine Development Committee

#### **Part 2—Administrative and Training Institutions**

Item	Body
1.	Hong Kong Registered Chinese Medicine Practitioners Association Limited
2.	China Society of Practitioners of Chinese Medicine Limited
3.	The Kowloon Chinese Herbalists Association Limited
4.	Buddhist Vassar Chinese Medical College Limited
5.	Hong Kong Wah Ha Medicine Association
6.	School of Chinese Medicine, The University of Hong Kong
7.	Hong Kong Acupuncture and Moxibustion Association
8.	School of Chinese Medicine, The Chinese University of Hong Kong
9.	Society for Research on Traditional Chinese Medicine Limited
10.	Wahhar College Hong Kong Limited



Item	Body
11.	School of Continuing and Professional Studies, The Chinese University of Hong Kong
12.	School of Chinese Medicine, Hong Kong Baptist University
13.	Hong Kong & Kowloon Chinese Medicine Merchants Association Limited
14.	Hong Kong Academy of Chinese Medicine Company Limited
15.	Hong Kong Association for Integration of Chinese-Western Medicine
16.	HKU School of Professional and Continuing Education
17.	Hospital Authority
18.	Tung Wah Group of Hospitals
19.	Modern Institute of Chinese Medicine
20.	College of Traditional Medicine
21.	The Hong Kong Association of Traditional Chinese Medicine Limited
22.	International General Chinese Herbalists and Medicine Professionals Association Limited
23.	Sin-Hua Herbalists' and Herb Dealers' Promotion Society Limited
24.	Society of Practitioners of Chinese Herbal Medicine Limited
25.	The Hong Kong T.C.M. Orthopaedic & Traumatic Association Limited
26.	Hong Kong Chinese Herbalists Association Limited
27.	Association of Hong Kong & Kowloon Practitioners of Chinese Medicine, Limited
28.	Hong Kong Chinese Medicine Practitioners Association Limited

### **Part 3—Other Relevant Bodies**

Item	Body
1.	The Hong Kong Federation of China of Traditional Chinese Medicine
2.	Hong Kong Acupuncturists Association Limited
3.	Society for the Promotion of Chinese Traditional Medical Science Limited
4.	The Society of Hong Kong Professional Registered Chinese Medicine Practitioners Limited
5.	Hong Kong College of Traditional Chinese Medicine Limited
6.	Hong Kong Listed Chinese Medicine Practitioners Association
7.	International General Chinese Medicated Meal of Self Recovery Association Limited
8.	International Chinese Medicine and Integrative Manual Therapy Association Limited
9.	香港中華經筋醫學研究會%
10.	HK Scalp Acupuncture Association
11.	Hong Kong Chinese Medicine Practitioners' Rights General Union
12.	Hong Kong Chinese Spinal Orthopaedic Medicine Association Limited
13.	國際自然療能研究學會&
14.	Hong Kong Jingluo Medical Association
15.	The Hong Kong Professional Institute of Chinese Medicine Medicated Meal and Food Limited
16.	International Association of Medicinal Food Therapy Limited
17.	Modernized Chinese Medicine International Association Limited
18.	Association of Ancient & Contemporary Chinese Medicine Limited
19.	Hong Kong Shanwei Chinese Medicine Association
20.	中華國際傳統醫藥學會§

Item	Body
21.	Hong Kong Chinese Medicine and Herbs Association Limited
22.	Meridian Activation System Therapy-Chinese Medicine Association Limited
23.	International Chinese Medical Acupuncture & Anatomy Association Limited
24.	Hong Kong Medicinal Herbs Society
25.	Chinese (H.K.) East-West Medicine Integrate Association

*(Annex 4 added 14 of 2021 s. 445)*

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Editorial Note:

% The English translation of “香港中華經筋醫學研究會” is “Hong Kong Chinese Meridian Ligamentous Chinese Medical Research Institute”.

& The English translation of “國際自然療能研究學會” is “International Self-healing Research Institute”.

§ The English translation of “中華國際傳統醫藥學會” is “Zhong Hua International Association of Traditional Medicine”.

## **Annex 5**

### **Bodies Specified for the Engineering Subsector**

Item	Body
1.	The Hong Kong Institution of Engineers
2.	CLP Power Hong Kong Limited
3.	The Hong Kong and China Gas Company Limited
4.	The Hongkong Electric Company, Limited
5.	MTR Corporation Limited
6.	Airport Authority
7.	Kowloon-Canton Railway Corporation
8.	Structural Engineers Registration Committee
9.	Contractors Registration Committee
10.	Geotechnical Engineers Registration Committee
11.	Construction Industry Council

Item	Body
12.	Construction Industry Training Board
13.	Minor Works Contractors Registration Committee
14.	HKSAR Government Civil Engineers Association
15.	Buildings Department Structural Engineers' Association
16.	Hong Kong Housing Department Structural Engineers Association
17.	Association of Building Services Engineers of Housing Department
18.	Civil Engineering and Development Department Geotechnical Engineers' Association
19.	Association of Professional Engineers of Electrical & Mechanical Services Department
20.	Architectural Services Department Structural Engineers' Association
21.	Government Waterworks Professionals Association
22.	Hong Kong Housing Department Civil Engineers Association
23.	Hong Kong Institute of Environmental Protection Officers
24.	AECOM Asia Company Limited
25.	Arcadis Design & Engineering Limited
26.	Ove Arup & Partners Hong Kong Limited
27.	Atkins China Limited
28.	Meinhardt Infrastructure and Environment Limited
29.	Mott MacDonald Hong Kong Limited
30.	Mannings (Asia) Consultants Limited
31.	WSP (Asia) Limited
32.	Binnies Hong Kong Limited
33.	C. M. Wong & Associates Limited
34.	David S. K. Au and Associates Limited

Item	Body
35.	MVA Hong Kong Limited
36.	Aurecon Hong Kong Limited
37.	Fugro (Hong Kong) Limited
38.	Halcrow China Limited
39.	J. Roger Preston Limited
40.	Jacobs China Limited
41.	SMEC Asia Limited
42.	Golder Associates (HK) Limited
43.	Siu Yin Wai & Associates Limited
44.	Gammon Construction Limited
45.	Chun Wo Construction and Engineering Company Limited
46.	China State Construction Engineering (Hong Kong) Limited
47.	China Road and Bridge Corporation
48.	Hip Hing Engineering Company Limited
49.	China Harbour Engineering Company Limited
50.	Dragages Hong Kong Limited
51.	Yau Lee Construction Company Limited
52.	Leighton Contractors (Asia) Limited
53.	The Jardine Engineering Corporation, Limited
54.	Kum Shing (K.F.) Construction Company Limited
55.	Paul Y. Construction Company, Limited
56.	ATAL Engineering Limited
57.	CPC Construction Hong Kong Limited
58.	Sun Fook Kong (Civil) Limited
59.	Build King Construction Limited
60.	Penta-Ocean Construction Co., Ltd.

Item	Body
61.	Shui On Building Contractors Limited
62.	China Geo-Engineering Corporation
63.	China International Water & Electric Corporation
	<i>(Annex 5 added 14 of 2021 s. 445)</i>

## **Annex 6**

### **Bodies Specified for the Legal Subsector**

Item	Body
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 Arbitration Centre
6.	The Small and Medium Law Firms Association of Hong Kong
7.	Hong Kong Federation of Women Lawyers Limited
8.	Hong Kong Young Legal Professionals Association Limited
9.	Hong Kong Legal Exchange Foundation Limited
10.	International Youth Legal Exchange Federation Limited
11.	Global Chinese Speaking Lawyers' Association Limited
12.	China International Economic and Trade Arbitration Commission Hong Kong Arbitration Center
13.	China Maritime Arbitration Commission Hong Kong Arbitration Center
14.	Hong Kong Maritime Arbitration Group
15.	eBRAM International Online Dispute Resolution Centre Limited
16.	Financial Dispute Resolution Centre
17.	Hong Kong Institute of Arbitrators

Item	Body
18.	Hong Kong Mediation Accreditation Association 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

*(Annex 6 added 14 of 2021 s. 445)*

## **Annex 7**

### **Bodies Specified for the Medical and Health Services Subsector**

Item	Body
1.	Hospital Authority
2.	Board of Governors of The Prince Philip Dental Hospital
3.	Medical Council of Hong Kong
4.	Dental Council of Hong Kong
5.	Hong Kong Academy of Medicine
6.	Nursing Council of Hong Kong
7.	Midwives Council of Hong Kong

Item	Body
8.	Supplementary Medical Professions Council
9.	Pharmacy and Poisons Board
10.	Chiropractors Council
11.	Li Ka Shing Faculty of Medicine of The University of Hong Kong
12.	Faculty of Medicine of The Chinese University of Hong Kong
13.	Hong Kong St. John Ambulance
14.	Auxiliary Medical Service
15.	Medical Laboratory Technologists Board
16.	Occupational Therapists Board
17.	Optometrists Board
18.	Physiotherapists Board
19.	Radiographers Board
20.	Hong Kong Association of Speech Therapists
21.	Hong Kong Institute of Audiologists
22.	The Hong Kong Academy of Accredited Dietitians
23.	The Hong Kong Association of Educational 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



## **Annex 8**

### **Bodies Specified for the Social Welfare Subsector**

Item	Body
1.	Hong Kong Council of Social Service
2.	Social Workers Registration Board
3.	Institute of Social Service Development
4.	Tung Wah Group of Hospitals
5.	Po Leung Kuk
6.	Yan Chai Hospital
7.	Pok Oi Hospital
8.	Yan Oi Tong Limited
9.	The Lok Sin Tong Benevolent Society Kowloon
10.	New Home Association Limited
11.	Social Workers Across Borders Limited
12.	The Hong Kong Volunteers Federation Company Limited
13.	The Hong Kong Federation of Trade Unions Hong Ling Society
14.	The United Labour Chi Hong Association Limited
15.	The Hong Kong Island Social Services Charitable Foundation Limited

## **Annex 9**

### **Bodies Specified for the Sports, Performing Arts, Culture and Publication Subsector**

#### **Part 1—Performing Arts Industry Associations and Local Licensed Broadcasting Institutions**

Item	Body
1.	Hong Kong Motion Picture Industry Association Limited
2.	Hong Kong Film Awards Association Ltd.
3.	Association for Betterment of Hong Kong's Entertainment Industry in Mainland China Limited
4.	Federation of Hong Kong Filmmakers Limited
5.	Movie Producers and Distributors Association of Hong Kong Ltd.
6.	Hong Kong Chamber of Films Limited
7.	Hong Kong Theatres Association Ltd.
8.	華南電影工作者聯合會 <sup>##</sup>
9.	International Federation of the Phonographic Industry (Hong Kong Group) Limited
10.	Music Publishers Association of Hong Kong Limited
11.	Hong Kong Recording Industry Alliance Limited
12.	Television Broadcasts Limited
13.	HK Television Entertainment Company Limited
14.	Fantastic Television Limited
15.	Hong Kong Commercial Broadcasting Company Limited
16.	Metro Broadcast Corporation Limited
17.	The Hong Kong Film Development Council
18.	The Hong Kong International Film Festival Society Limited
19.	Hong Kong Film & Television Association Limited

## **Part 2—Cultural Public Institutions, Associations and Bodies**

Item	Body
1.	Hong Kong Arts Development Council
2.	The Hong Kong Academy for Performing Arts
3.	West Kowloon Cultural District Authority
4.	The Hong Kong Philharmonic Society Limited
5.	Hong Kong Chinese Orchestra Limited
6.	Hong Kong Repertory Theatre Limited
7.	Chung Ying Theatre Company (HK) Limited
8.	Hong Kong Dance Company Limited
9.	The Hong Kong Ballet Limited
10.	Hong Kong Sinfonietta Limited
11.	City Contemporary Dance Company Limited
12.	Zuni Icosahedron
13.	Hong Kong Arts Festival Society Limited
14.	China Federation of Literary and Art Circles Hong Kong Member Association Limited
15.	China Theatre Association Hong Kong Member Branch
16.	China Film Hong Kong Association Limited
17.	Chinese Musicians Association—Hong Kong Members Branch
18.	China Artists Association Hong Kong Chapter
19.	China Opera Performing Artists Hong Kong Association
20.	Chinese Dancre Association Hong Kong Member Branch
21.	China Photographers Association Hong Kong Member Branch
22.	China Calligraphers Association Hong Kong Member Branch
23.	China Literature and Art Critics Association Hong Kong Member Branch
24.	The Association of Chinese Culture of Hong Kong
25.	Hong Kong Culture Association Limited

Item	Body
26.	The Chinese Artists Association of Hong Kong
27.	Hong Kong Chinese Opera Promotion Association Limited
28.	Cantonese Opera Musician and Vocalist Association Limited
29.	HK Chinese Opera and Performing Arts Group Association
30.	Hong Kong Cantonese Opera Artists Club Limited
31.	Hong Kong Association of Cantonese Opera Scholars Limited
32.	Hong Kong Federation of Drama Societies
33.	Actors' Family Limited
34.	The Nonsensemakers Limited
35.	Tang Shu-Wing Theatre Studio Limited
36.	Shakespeare4All Company Limited
37.	Spring-Time Experimental Theatre Limited
38.	Perry Chiu Experimental Theatre Limited
39.	Performing Arts Asia Limited
40.	Composers and Authors Society of Hong Kong Limited
41.	Hong Kong Composers' Guild Limited
42.	Hong Kong Chinese Instrumental Music Association
43.	Hong Kong Association of Choral Societies
44.	Hong Kong Music Tutors Union
45.	Opera Hong Kong Limited
46.	Hong Kong String Orchestra Limited
47.	Global Symphony Orchestra Society Limited
48.	The Hong Kong Children's Choir
49.	Yip's Children's Choir Limited
50.	Allegro Singers
51.	Hong Kong City Chinese Orchestra

Item	Body
52.	Hong Kong Dance Federation Limited
53.	Association of Hong Kong Dance Organizations
54.	Hong Kong Dance Alliance Limited
55.	The Hong Kong Ballet Group Limited
56.	Hong Kong Dance Sector Joint Conference
57.	The Association of Hong Kong Youth Dancers
58.	Miranda Chin Dance (Mirandance) Company Limited
59.	Budlet Folk Dance Club
60.	Starwave Production
61.	Xiang Gang Mei Xie
62.	Chinese Ink Painting Institute Hong Kong
63.	Hong Kong Water Colour Research Society
64.	Hong Kong Lan Ting Society
65.	Hong Kong Culture and Art Promotion Association
66.	Hong Kong Art Researching Association
67.	Hong Kong Modern Ink Painting Society Co. Limited
68.	Hong Kong Oil Painting Research Society
69.	Hong Kong Artists Society
70.	The Hong Kong Art Club
71.	Chung Fung Art Club
72.	To-day's Chinese Art Association
73.	Ling Ngai Art Association
74.	Hong Kong Graphics Society
75.	中國書協香港分會 <sup>++</sup>
76.	Hong Kong Chinese Calligraphy and Art Association
77.	China Hong Kong Institute of Calligraphy

Item	Body
78.	Calligraphy and Painting Study Association of Hong Kong Fukienese
79.	Hong Kong Association of Amateur Calligraphers
80.	Hong Kong Calligraphers' Association
81.	Hong Kong International Calligraphy and Seal Cutting Society
82.	Hong Kong Hard Pen Calligraphists' Association
83.	Friends of Shizhai
84.	The Jiazi Society of Calligraphy
85.	The Photographic Society of Hong Kong
86.	The Chinese Photographic Association of Hong Kong
87.	Sea Gull Photographic Association Limited
88.	The Photographic Salon Exhibitors Association
89.	Grace Photographic Club
90.	Hong Kong Camera Club, Limited
91.	United Artist Photographic Association Limited
92.	The Society of Worldwide Ethnic Chinese Photographers Limited
93.	The Hong Kong 35mm Photography Society, Limited
94.	The Hong Kong Miniature Cameras Photography Society
95.	Hong Kong CreArt Photographic Association Limited
96.	Overseas Chinese Photographers Association of Hong Kong
97.	The Art of Photography Association Limited
98.	The Federation of Hong Kong Writers
99.	The House of Hong Kong Literature Limited
100.	Hong Kong Writers Association Company Limited
101.	Hong Kong Society for Study of Poetry, Calligraphy and Couplet

Item	Body
102.	Hong Kong Literature Promoted Association
103.	國際華文詩人協會@@
104.	Magicians' Association of Hong Kong
105.	Hong Kong & Macau Intangible Cultural Heritage Research Centre Limited
106.	Wing Lung Art
107.	Hong Kong Book Reviewers Association
108.	Hong Kong Film Critics Association Limited
109.	Hong Kong Literary Criticism Society Company Limited
110.	Oriental Education Alliance Limited
111.	Hong Kong International Music Festival Limited
112.	The Association of Zhuangzi Culture & Research of Hong Kong
113.	Hong Kong Cantonese Opera Chamber of Commerce Limited
114.	Jingkun Theatre Limited

*(Annex 9 added 14 of 2021 s. 445)*

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Editorial Note:

## The English translation of “華南電影工作者聯合會” is “South China Film Industry Workers Union”.

++ The English translation of “中國書協香港分會” is “China Calligraphers Association – Hong Kong Branch”.

@@ The English translation of “國際華文詩人協會” is “World Club of Chinese Poets”.

## **Annex 10**

### **Bodies Specified for the Technology and Innovation Subsector**

#### **Part 1—National Level Research Platforms**

Item	Body
1.	State Key Laboratory of Emerging Infectious Diseases (The University of Hong Kong)

Item	Body
2.	State Key Laboratory of Brain and Cognitive Science (The University of Hong Kong)
3.	State Key Laboratory of Translational Oncology (The Chinese University of Hong Kong)
4.	State Key Laboratory of Terahertz and Millimeter Waves (City University of Hong Kong)
5.	State Key Laboratory of Agrobiotechnology (The Chinese University of Hong Kong)
6.	State Key Laboratory of Ultraprecision Machining Technology (The Hong Kong Polytechnic University)
7.	State Key Laboratory of Molecular Neuroscience (The Hong Kong University of Science and Technology)
8.	State Key Laboratory of Marine Pollution (City University of Hong Kong)
9.	State Key Laboratory of Research on Bioactivities and Clinical Applications of Medicinal Plants (The Chinese University of Hong Kong)
10.	State Key Laboratory of Liver Research (The University of Hong Kong)
11.	State Key Laboratory of Synthetic Chemistry (The University of Hong Kong)
12.	State Key Laboratory of Chemical Biology and Drug Discovery (The Hong Kong Polytechnic University)
13.	State Key Laboratory of Environmental and Biological Analysis (Hong Kong Baptist University)
14.	State Key Laboratory of Pharmaceutical Biotechnology (The University of Hong Kong)
15.	State Key Laboratory of Digestive Disease (The Chinese University of Hong Kong)
16.	State Key Laboratory of Advanced Displays and Optoelectronics Technologies (The Hong Kong University of Science and Technology)



Item	Body
17.	Hong Kong Branch of National Engineering Research Center for Application Specific Integrated Circuit System
18.	Hong Kong Branch of National Engineering Research Center for Steel Construction
19.	Hong Kong Branch of National Rail Transit Electrification and Automation Engineering Technology Research Center
20.	Hong Kong Branch of National Precious Metals Material Engineering Research Center
21.	Hong Kong Branch of National Engineering Research Center for Tissue Restoration & Reconstruction
22.	Hong Kong Branch of Chinese National Engineering Research Center for Control & Treatment of Heavy Metal Pollution
23.	Hong Kong Institute of Science & Innovation, Chinese Academy of Sciences Limited
24.	Centre for Regenerative Medicine and Health, Hong Kong Institute of Science & Innovation, Chinese Academy of Sciences Limited
25.	Centre for Artificial Intelligence and Robotics, Hong Kong Institute of Science & Innovation, Chinese Academy of Sciences Limited

## **Part 2—Public Organizations Highly Relevant to Development of Innovation and Technology**

Item	Body
1.	Hong Kong Applied Science And Technology Research Institute Company Limited
2.	Logistics and Supply Chain MultiTech R&D Centre Limited
3.	The Hong Kong Research Institute of Textiles and Apparel Limited
4.	Nano and Advanced Materials Institute Limited
5.	Hong Kong Cyberport Management Company Limited
6.	Hong Kong Science and Technology Parks Corporation

Item	Body
7.	The Hong Kong Institute of Biotechnology Limited
8.	Hong Kong Productivity Council
9.	Hong Kong Internet Registration Corporation Limited
10.	Hong Kong-Shenzhen Innovation and Technology Park Limited
11.	Automotive Platforms and Application Systems R&D Centre

### **Part 3—Academic Organizations and Professional Bodies Participating in Government’s Consultation related to Development of Innovation and Technology**

Item	Body
1.	The Hong Kong Academy of Sciences
2.	Hong Kong Academy of Engineering Sciences
3.	The Hong Kong Young Academy of Sciences
4.	The Society of Hong Kong Scholars
5.	Internet Professional Association Limited
6.	Hong Kong Information Technology Joint Council Limited
7.	Hong Kong Computer Society
8.	Hong Kong Software Industry Association Limited
9.	Communications Association of Hong Kong Limited
10.	Hong Kong Society of Artificial Intelligence and Robotics Limited
11.	Hong Kong Biotechnology Organization
12.	HK Bio-Med Innotech Association Limited
13.	Hong Kong Data Centre Association Limited
14.	Hong Kong Federation of Innovative Technologies and Manufacturing Industries Limited
15.	Smart City Consortium Limited
16.	E-Commerce Association of Hong Kong Limited

Item	Body
17.	Esports Association of Hong Kong Limited
18.	The Hong Kong Electronic Industries Association Limited

*(Annex 10 added 14 of 2021 s. 445)*

## **Annex 11**

### **Bodies Specified for the Agriculture and Fisheries Subsector**

Item	Body
1.	Aberdeen Fishermen Friendship Association
2.	The Ap Lei Chau Fishermen's Credit Co-operative Society, Unlimited
3.	The Castle Peak Fishermen's Credit Co-operative Society, Unlimited
4.	The Castle Peak Mechanized Trawler Fishermen's Credit Co-operative Society, Unlimited
5.	Cheung Chau Fisheries Joint Association
6.	Cheung Chau Fishermen's Welfare Promotion Association
7.	The Fanling Kwun Ti Village Farmers' Irrigation Co-operative Society, Ltd.
8.	Fish Farming and Stuff Association
9.	Fisherman's Association of Po Toi Island
10.	Fishery Development Association (Hong Kong) Limited
11.	Fraternal Association of The Floating Population of Hong Kong
12.	The Guild of Graziers
13.	Hang Hau Grazier Association
14.	Hong Kong and Kowloon Fishermen Association Ltd.
15.	Hong Kong & Kowloon Floating Fishermen Welfare Promotion Association
16.	Hong Kong Fisheries Development Association

Item	Body
17.	Hong Kong Fishermen's Association
18.	Hong Kong Fishing Vessel Owners Association, Ltd.
19.	Hong Kong Florists Association
20.	Hong Kong Graziers Union
21.	Hong Kong Liner & Gill Netting Fisherman Association
22.	Hong Kong Livestock Industry Association
23.	Hong Kong N.T. Fish Culture Association
24.	Hong Kong N.T. Poultry (Geese & Ducks) Mutual Association
25.	Hong Kong Netting, Cultivation and Fisherman Association
26.	Hong Kong Off-shore Fishermen's Association
27.	The Lam Ti Agricultural Credit Co-operative Society, Limited
28.	Lamma Island Lo Dik Wan Aquaculture Association
29.	Lau Fau Shan Oyster Industry Association, New Territories
30.	Ma Wan Fisheries Rights Association Ltd.
31.	The Mui Wo Agricultural Products Marketing & Credit Co-operative Society, Ltd.
32.	Mui Wo Fishermen Fraternity Society
33.	N.T. Oyster and Aquatic Products United Association
34.	The New Territories Chicken Breeders Association, Ltd.
35.	The New Territories Fishermen Fraternity Association Ltd.
36.	New Territories Florist Association, Ltd.
37.	North District Florists Association
38.	Outlying Islands Mariculture Association (Cheung Chau)
39.	Peng Chau Fishermen Association Ltd.
40.	Quality Broiler Development Association
41.	Sai Kung (North) Sham Wan Marine Fish Culture Business Association

Item	Body
42.	Sai Kung Po Toi O Fish Culture Business Association
43.	Sai Kung Tai Tau Chau Fish Culture Business Association
44.	Sai Kung Tai Wu Kok Fishermen's Association
45.	The Sha Tau Kok Marine Fish Culture Association
46.	The Sha Tau Kok Small Long Liner and Gill Net Fishermen's Credit Co-operative Society, Unlimited
47.	The Shan Tong Vegetable Marketing Co-operative Society, Ltd.
48.	Shatin Ah Kung Kok Fishermen Welfare Association
49.	Shatin Florists Association
50.	Shau Kei Wan Deep Sea Capture Fishermen's Credit Co-operative Society, Unlimited
51.	Shau Kei Wan Fishermen Friendship Association
52.	Shau Kei Wan Pair Trawler Fishermen's Credit Co-operative Society, Unlimited
53.	The Shau Kei Wan Trawler Fishermen's Credit Co-operative Society, Unlimited
54.	Tai O Fishermen (Coastal Fishery) Association
55.	The Tai O Sha Chai Min Fishermen's Credit Co-operative Society, Unlimited
56.	The Tai Po Fishermen's Credit Co-operative Society, Unlimited
57.	Tai Po Florists and Horticulturists Association
58.	The Tai Po Purse Seiner and Small Long Liner Fishermen's Credit Co-operative Society, Unlimited
59.	The Tsuen Wan Fishermen's Credit Co-operative Society, Unlimited
60.	The Tuen Mun Mechanized Fishing Boat Fishermen's Credit Co-operative Society, Unlimited
61.	Tuen Mun Agricultural Association
62.	Tung Lung Chau Mariculture Association

Item	Body
63.	The Hong Kong Branch of the World's Poultry Science Association
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) <sup>^^</sup>
68.	荃灣葵青漁民會 <sup>\$\$</sup>
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 <sup>%%</sup>
75.	The Hong Kong Veterinary Association Limited

*(Annex 11 added 14 of 2021 s. 445)*

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Editorial Note:

<sup>^^</sup> The English translation of “荃灣葵青居民聯會(漁民組)” is “Tsuen Wan Kwai Tsing Residents Assn (Fishermen Group)”.

<sup>\$\$</sup> The English translation of “荃灣葵青漁民會” is “Tsuen Wan & Kwai Ching Fishermen Association”.

<sup>%%</sup> The English translation of “香港新界本地農協會” is “Hong Kong New Territories Local Farmers Association”.

## Annex 12

### Bodies Specified for the Associations of Chinese Fellow Townsmen Subsector

Item	Body
1.	Federation of Hong Kong Guangdong Community Organisations Limited

Item	Body
2.	Hong Kong Federation of Fujian Associations Limited
3.	Federation of HK Guangxi Community Organisations Limited
4.	Hong Kong Federation of Hainan Community Organisations Limited
5.	The United Zhejiang Residents Associations (Hong Kong) Limited
6.	Federation of HK Jiangsu Community Organisations Limited
7.	Hong Kong Beijing Association Limited
8.	Hong Kong-Shanghai Economic Development Association Limited
9.	Federation of Hong Kong Hubei Associations Limited
10.	Hunan Fraternal Association of Hong Kong Limited
11.	Hong Kong Federation of Jiang Xi Associations Limited
12.	Federation of HK Shandong Community Organisations Limited
13.	Federation of HK Sichuan Community Organisations Limited
14.	The Hong Kong Tianjin Friendship Association Limited
15.	Hong Kong Chongqing Friendship Federation Limited
16.	Hong Kong Federation of Gan Su Limited
17.	Hong Kong Shaanxi Friendship Association Limited
18.	Hong Kong Hebei Friendship Association Limited
19.	The Anhui Fraternity Association (Hong Kong) Limited
20.	Hong Kong Shanxi Chamber of Commerce Limited
21.	Hong Kong Ningxia Federation of Associations Limited
22.	The Association of Hong Kong Yunnan Fellow Provincials Limited
23.	The Hong Kong Friendship Association of Guizhou Province
24.	Qinghai Hong Kong & Macau Association Limited

*(Annex 12 added 14 of 2021 s. 445)*

# Annex 13

## Election Committee Oath

I, \* .....,  
of \* .....

\*\*affirm/swear that—

- (a) I will duly and faithfully fulfill the duties of the Election Committee according to the best of my ability;
- (b) I will uphold the Basic Law;
- (c) my allegiance is to the Hong Kong Special Administrative Region of the People’s Republic of China; and
- (d) to the best of my knowledge and belief I am not disqualified from being a member of the Election Committee by virtue of—

\*\**(i)* for persons to be registered as ex-officio members in accordance with Part 2A of the Schedule to the Chief Executive Election Ordinance (Cap. 569)—section 5M of that Schedule/

\*\**(ii)* for persons nominated in accordance with Part 3 of the Schedule to the Chief Executive Election Ordinance (Cap. 569)—section 9 or 9A of that Schedule/

\*\**(iii)* for persons elected in accordance with Part 4 of the Schedule to the Chief Executive Election Ordinance (Cap. 569)—section 18 or 18A of that Schedule.

\*\*Affirmed/sworn this \*..... day of \*.....

(Signature) .....

This acceptance was \*\*affirmed/sworn and signed before me, a \*\*Magistrate/Commissioner for Oaths.

(Signature) .....

\* Complete as appropriate.

\*\* Delete whichever is inapplicable.

*(Annex 13 added 14 of 2021 s. 445)*

*(Amended E.R. 2 of 2012)*

*(Format changes—E.R. 1 of 2012)*



6. (1) The following letters shall not be subject to any postage—
- (a)-(b) *(Repealed L.N. 27 of 1997)*
  - (c) *(Repealed L.N. 122 of 1991)*
  - (d)
    - (i) one letter posted in Hong Kong from each candidate at any elections under the District Councils Ordinance (Cap. 547) addressed to each elector registered in the final register in respect of the constituency for which the candidate is nominated, which complies with the requirements in regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541); and *(8 of 1999 s. 89; 23 of 2002 s. 126)*
    - (ia) one letter posted in Hong Kong from each candidate at any Election Committee subsector election addressed to each voter registered in the subsector final register in respect of the subsector for which the candidate is nominated, which complies with the requirements in regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541); and *(48 of 1999 s. 47)*
    - (ii) one letter posted in Hong Kong from each candidate (or, in the case of a geographical constituency, from each list of candidates) at any election under the Legislative Council Ordinance (Cap. 542) addressed to each elector registered in the final register in respect of the constituency for which the candidate (or the list of candidates) is nominated, which comply with the requirements in regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541); and *(L.N. 270 of 1991; 8 of 1999 s. 89; 48 of 1999 s. 47; 21 of 2001 s. 49; 25 of 2003 s. 50)*
    - (iii) two letters posted in Hong Kong from each candidate at an election within the meaning of the Chief Executive Election Ordinance (Cap. 569) addressed to each member of the Election Committee which comply with the requirements in regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541). *(21 of 2001 s. 49)*

(2) For the purposes of subregulation (1)(d)—

- (a) a person shall not be deemed to be a candidate unless he is shown as a person validly nominated in the notice of nominations published in the Gazette in accordance with the regulations made under section 7 of the Electoral Affairs Commission Ordinance (Cap. 541); but until the publication of that notice any person who declares himself to be a candidate shall be entitled to exercise the right to free postage conferred by this regulation if he furnishes the Postmaster General with such security as may be required for the payment of postage should he not subsequently be shown in such notice as a person validly nominated; (40 of 1993 s. 27; 8 of 1999 s. 89)
- (b) the expression—

**constituency** (選區、功能界別) means a geographical constituency declared under the Legislative Council Ordinance (Cap. 542) or a functional constituency established under that Ordinance or a constituency declared under the District Councils Ordinance (Cap. 547), as the case may require;

**Election Committee** (選舉委員會) means the Election Committee within the meaning of the Chief Executive Election Ordinance (Cap. 569); (48 of 1999 s. 47; 21 of 2001 s. 49)

**Election Committee subsector election** (選舉委員會界別分組選舉) means a subsector election within the meaning of the Chief Executive Election Ordinance (Cap. 569); (48 of 1999 s. 47; 21 of 2001 s. 49)

**elector** (選民) means an elector within the meaning of the Legislative Council Ordinance (Cap. 542) or an elector within the meaning of the District Councils Ordinance (Cap. 547), as the case may require;

**final register** (正式選民登記冊) means a final register of electors for an election under the Legislative Council Ordinance (Cap. 542) or a register of electors for an election under the District Councils Ordinance (Cap. 547), as the case may require; (8 of 1999 s. 89)

**subsector** (界別分組) means a subsector within the meaning of the Chief Executive Election Ordinance (Cap. 569); (48 of 1999 s. 47; 21 of 2001 s. 49)

**subsector final register** (界別分組正式投票人登記冊) means a subsector final register within the meaning of the Chief Executive Election Ordinance (Cap. 569); (48 of 1999 s. 47; 21 of 2001 s. 49)

**voter** (投票人) means a voter within the meaning of the Chief Executive Election Ordinance (Cap. 569). (48 of 1999 s. 47; 21 of 2001 s. 49)

**22. Civil appeals\***

- (1) An appeal shall lie to the Court— (*Amended 21 of 2001 s. 52*)
- (a) (*Repealed 20 of 2014 s. 8*)
  - (b) at the discretion of the Court of Appeal or the Court, from any judgment of the Court of Appeal in any civil cause or matter, whether final or interlocutory, if, in the opinion of the Court of Appeal or the Court, as the case may be, the question involved in the appeal is one which, by reason of its great general or public importance, or otherwise, ought to be submitted to the Court for decision; (*Amended 21 of 2001 s. 52; 20 of 2014 s. 8; 13 of 2021 s. 15*)
  - (c) at the discretion of the Court, from—
    - (i) a determination of the Court of First Instance under section 37(1) of the Chief Executive Election Ordinance (Cap. 569); (*Amended 18 of 2011 s. 32*)
    - (ii) a judgment or order of the Court of First Instance in —
      - (A) an application for judicial review under section 21K of the High Court Ordinance (Cap. 4); or
      - (B) any other proceedings under that Ordinance, which put in issue whether the candidate is duly determined to be not returned at an election under section 26A(4) of the Chief Executive Election Ordinance (Cap. 569) or whether the candidate declared under section 28 of that Ordinance as elected at an election can lawfully assume the office of the Chief Executive; (*Added 21 of 2001 s. 52. Amended 10 of 2006 s. 19; 18 of 2011 s. 32*)
    - (iii) a determination of the Court of First Instance under section 67 of the Legislative Council Ordinance (Cap. 542); (*Added 18 of 2011 s. 32*)
    - (iv) a judgment or order of the Court of First Instance in —

- (A) an application for judicial review under section 21K of the High Court Ordinance (Cap. 4); or
  - (B) any other proceedings under that Ordinance, which put in issue whether a candidate declared under section 58 of the Legislative Council Ordinance (Cap. 542) as duly elected at an election can lawfully assume the office of a Member of the Legislative Council; (*Added 18 of 2011 s. 32*)
- (v) a determination of the Court of First Instance under section 55 of the District Councils Ordinance (Cap. 547); (*Added 18 of 2011 s. 32*)
- (vi) a judgment or order of the Court of First Instance in —
- (A) an application for judicial review under section 21K of the High Court Ordinance (Cap. 4); or
  - (B) any other proceedings under that Ordinance, which put in issue whether a candidate declared under section 46 of the District Councils Ordinance (Cap. 547) as duly elected at an election can lawfully assume the office of the elected member of the District Council constituency concerned; (*Added 18 of 2011 s. 32*)
- (vii) a determination of the Court of First Instance under section 45 of the Rural Representative Election Ordinance (Cap. 576); or (*Added 18 of 2011 s. 32. Amended 5 of 2014 s. 2*)
- (viii) a judgment or order of the Court of First Instance in —
- (A) an application for judicial review under section 21K of the High Court Ordinance (Cap. 4); or
  - (B) any other proceedings under that Ordinance, which put in issue whether a candidate declared under section 36 of the Rural Representative Election Ordinance (Cap. 576) as duly elected at an election can lawfully assume the office of the Rural Representative for the Rural Area concerned; (*Added 18 of 2011 s. 32. Amended 5 of 2014 s. 2; 13 of 2021 s. 15*)

- (d) at the discretion of the Court, from a decision of the Court of First Instance in proceedings brought under section 73 of the Legislative Council Ordinance (Cap. 542) (including a decision for the purpose of an application under section 73(2D) of that Ordinance); (*Added 13 of 2021 s. 15. Amended 14 of 2021 s. 472*)
  - (e) at the discretion of the Court, from a decision of the Court of First Instance in proceedings brought under section 79 of the District Councils Ordinance (Cap. 547) (including a decision for the purpose of an application under section 79(2E) of that Ordinance); (*Added 13 of 2021 s. 15. Amended 14 of 2021 s. 472; 8 of 2022 s. 16*)
  - (f) at the discretion of the Court, from a decision of the Court of First Instance in proceedings brought under section 43A of the Schedule to the Chief Executive Election Ordinance (Cap. 569) (including a decision for the purpose of an application under section 43A(6) of that Schedule); and (*Added 14 of 2021 s. 472. Amended 8 of 2022 s. 16*)
  - (g) at the discretion of the Court, from a decision of the Court of First Instance in proceedings brought under section 58 of the Rural Representative Election Ordinance (Cap. 576) (including a decision for the purpose of an application under section 58(2D) of that Ordinance). (*Added 8 of 2022 s. 16*)
- (2) (*Repealed 20 of 2014 s. 8*)

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Editorial Note:

- \* For the application provision relating to the amendments made by 20 of 2014, see section 7 of 20 of 2014.

**Schedule 1**

[s. 2]

**Provisions Excluded from Application of Section 5 of Ordinance**

Item	Enactment	Provision
1.	<i>(Repealed 16 of 2004 s. 16)</i>	
2-4.	<i>(Repealed L.N. 36 of 2003)</i>	
5.	Contracts for Employment Outside Hong Kong Ordinance (Cap. 78)	Sections 5(1) and 6 <i>(L.N. 156 of 2013)</i>
6.	<i>(Repealed L.N. 36 of 2003)</i>	
7.	<i>(Repealed L.N. 54 of 2010)</i>	
8.	Immigration Ordinance (Cap. 115)	Sections 2AB(2)(a), 2AC(2)(a), 5(6) and (7) and 6(1) and (2) <i>(L.N. 36 of 2003)</i>
9.	Buildings Ordinance (Cap. 123)	Column B in the table to section 17(1) (to the extent to which the conditions and requirements set out in that Column relate to a document specified under regulation 6A(1)(b) of the Building (Administration) Regulations (Cap. 123 sub. leg. A)), sections 20(2) and 21(2) <i>(L.N. 226 of 2021)</i>
10.	Building (Administration) Regulations (Cap. 123 sub. leg. A)	Regulation 6(1) (to the extent to which it relates to a document specified under regulation 6A(1)(b)) <i>(L.N. 226 of 2021)</i>

Item	Enactment	Provision
11.	Building (Planning) Regulations (Cap. 123 sub. leg. F)	Regulation 51(1) <i>(L.N. 226 of 2021)</i>
12-14.	<i>(Repealed L.N. 90 of 2012)</i>	
15-17.	<i>(Repealed L.N. 152 of 2006)</i>	
18.	<i>(Repealed L.N. 194 of 2015)</i>	
19.	Commercial Bathhouses Regulation (Cap. 132 sub. leg. I)	Section 5(1)
20.	Food Business Regulation (Cap. 132 sub. leg. X)	Section 32(1)
21.	Frozen Confections Regulation (Cap. 132 sub. leg. AC)	Section 18(1)
22.	Milk Regulation (Cap. 132 sub. leg. AQ)	Section 15(1)
23.	Offensive Trades Regulation (Cap. 132 sub. leg. AX)	Section 9(2)
24.	<i>(Repealed L.N. 152 of 2006)</i>	
25.	Public Cemeteries Regulation (Cap. 132 sub. leg. BI)	Section 5(a)
26.	Slaughterhouses Regulation (Cap. 132 sub. leg. BU)	Section 10(1)
27.	Swimming Pools Regulation (Cap. 132 sub. leg. CA)	Section 5(1)
28.	Places of Public Entertainment Regulations (Cap. 172 sub. leg. A)	Regulations 3(1), 5(1) and (2) and 162(1), (3), (4) and (5)
29.	Births and Deaths Registration Ordinance (Cap. 174)	Sections 12(2)(b)(i) and (c)(i) and 12A(b)(i) and (c)(i) <i>(8 of 2006 s. 50)</i>
30.	Registration of Persons Regulations (Cap. 177 sub. leg. A)	Regulation 4(1) and (1B)(a)
31.	Marriage Reform Ordinance (Cap. 178)	Section 9(4)(a)
32.	Marriage Ordinance (Cap. 181)	Section 14(1)
33.	Aerial Ropeways (Safety) Ordinance (Cap. 211)	Section 7
34-36.	<i>(Repealed L.N. 152 of 2006)</i>	
37.	<i>(Repealed L.N. 36 of 2003)</i>	
38.	<i>(Repealed L.N. 214 of 2021)</i>	
39.	<i>(Repealed L.N. 152 of 2006)</i>	
40.	<i>(Repealed L.N. 215 of 2007)</i>	
41-43.	<i>(Repealed L.N. 152 of 2006)</i>	



Item	Enactment	Provision
44.	Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E)	Regulations 12R(1), 17(2) and 20(1) <i>(25 of 2005 s. 41; L.N. 152 of 2006)</i>
45.	<i>(Repealed L.N. 90 of 2012)</i>	
46.	Land Drainage (Consent and Approval) Regulation (Cap. 446 sub. leg. A)	Sections 3(1) and (2) and 4
47-48.	<i>(Repealed L.N. 215 of 2007)</i>	
49-50.	<i>(Repealed L.N. 152 of 2006)</i>	
51.	New Territories Land Exchange Entitlements (Redemption) Ordinance (Cap. 495)	Section 5(1) and (2) <i>(L.N. 152 of 2006)</i>
52.	Environmental Impact Assessment Ordinance (Cap. 499)	Sections 5(1) and (2), 6(2) and 7(1)(a) <i>(L.N. 84 of 2009; L.N. 90 of 2012)</i>
53.	<i>(Repealed L.N. 152 of 2006)</i>	
54-55.	<i>(Repealed 12 of 2014 s. 51)</i>	
56.	Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) Regulation (Cap. 541 sub. leg. C)	Sections 5(13) and 8(2)
57.	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D)	Section 42(11) and (13) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Presiding Officer on polling day) and section 66(7) and (10) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Returning Officer or the Presiding Officer, as may be appropriate, on polling day) <i>(12 of 2014 s. 51)</i>

Item	Enactment	Provision
58.	Electoral Affairs Commission (Nominations Advisory Committees (District Councils)) Regulation (Cap. 541 sub. leg. E)	Sections 5(8) and 8(2)
59.	Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541 sub. leg. F)	Section 45(8) and (10) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Presiding Officer on polling day), section 66(6) and (9) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Presiding Officer on polling day) and section 102(4) ( <i>12 of 2014 s. 51</i> )
59A.	Electoral Affairs Commission (Nominations Advisory Committees (Election Committee)) Regulation (Cap. 541 sub. leg. H)	Sections 6(13) and 9(2) ( <i>L.N. 268 of 2001</i> )

Item	Enactment	Provision
59B.	Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541 sub. leg. I)	Section 42(8) and (10) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Presiding Officer on polling day) and section 64(8) and (10) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Returning Officer on polling day) ( <i>L.N. 268 of 2001; 15 of 2016 s. 48</i> )
59C.	Electoral Procedure (Chief Executive Election) Regulation (Cap. 541 sub. leg. J)	Section 4(1), section 9(2), section 25(5) and (7) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Presiding Officer on the polling date), section 44(4) and (6) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Returning Officer on the polling date) and section 80(2) ( <i>L.N. 282 of 2001; 11 of 2012 s. 23; 15 of 2016 s. 48</i> )

Item	Enactment	Provision
60.	Legislative Council Ordinance (Cap. 542)	Sections 13(1), 14(1), 40(1)(b) and 42(2) ( <i>21 of 2001 s. 75; 12 of 2014 s. 51; 14 of 2021 s. 474</i> )
61.	Registration of Electors (Appeals) Regulation (Cap. 542 sub. leg. B)	Section 2(1) and (2) (c)
62.	<i>(Repealed L.N. 268 of 2001)</i>	
63.	District Councils Ordinance (Cap. 547)	Sections 23(1), 25(1), 34(1)(b), 35(2) and 63(1) and Schedule 5, section 2 ( <i>3 of 2013 s. 17</i> )
64.	Election (Corrupt and Illegal Conduct) Ordinance (Cap. 554)	Sections 37(1) and (2) and 37A(4) and (6) ( <i>L.N. 167 of 2000; 18 of 2011 s. 50</i> )
65.	Chief Executive Election Ordinance (Cap. 569)	Sections 16(2) and (7), 31(1), 33(1) and 34(2) and the Schedule, sections 3(3) and 21(2) ( <i>21 of 2001 s. 75; 12 of 2014 s. 51</i> )
66.	Election Committee (Appeals) Regulation (Cap. 569 sub. leg. A)	Sections 4(1) and 5(1) and (2)(c) ( <i>L.N. 268 of 2001</i> )
67.	Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation (Cap. 569 sub. leg. B)	Section 3(1) and (2) (c) ( <i>L.N. 268 of 2001</i> )
68.	Rural Representative Election Ordinance (Cap. 576)	Sections 8(1), 10(1), 24 and 26(2) ( <i>2 of 2003 s. 68; 5 of 2014 s. 2</i> )
69-70.	<i>(Repealed L.N. 152 of 2006)</i>	
71.	<i>(Repealed L.N. 215 of 2007)</i>	
72.	Arbitration Ordinance (Cap. 609)	Sections 26(1), 31(7), 32(1)(a) and (3), 33(1), 50, 52, 54(1), 66(2), 67(1), 74(2) and 102(a) ( <i>17 of 2010 s. 112</i> )

Item	Enactment	Provision
73.	Private Columbaria Ordinance (Cap. 630)	Sections 21(2)(b)(ii), 23(1)(a) and (3), 39(3)(a), (7) and (8), 40(4), 41(2)(a) and (3), 42(4), 43(2)(a) and (4), 44(1), (3)(b) (i) and (5), 49(3)(b) and (g), 50(1) and (2), 53(1) and (4), 56(2) (b), 57(10), 63(2)(b), 71(b) and (c), 75(1), (4)(a) and (8), 80(4), 84(2), 86(3)(b) and (13), 87(1)(b), 93(1), (3) and (4)(b), 98(1), 107(1)(b)(i), (ii)(A), (iii) and (iv) and 110(4)(b), section 6(1) of Schedule 1, sections 2(2)(b) and (c) and 5 of Schedule 3 and sections 4(3)(a), 13, 15(2) and 18(3) and (4) of Schedule 5 ( <i>8 of 2017 s. 133; E.R. 4 of 2017</i> )

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## Schedule 2

[s. 3]

### Provisions Excluded from Application of Section 6 of Ordinance

Item	Enactment	Provision
1.	Contracts for Employment Outside Hong Kong Ordinance (Cap. 78)	Section 5(1) ( <i>L.N. 156 of 2013</i> )
2.	<i>(Repealed L.N. 36 of 2003)</i>	
3.	Immigration Ordinance (Cap. 115)	Section 5(4)(b) and (5)(a)(ii) and (b)(ii)

Item	Enactment	Provision
4.	<i>(Repealed 15 of 2004 s. 62)</i>	
5.	Building (Administration) Regulations (Cap. 123 sub. leg. A)	Regulation 12(1), (2), (3) and (5) (to the extent to which it relates to a document specified under regulation 6A(1)(c)) <i>(L.N. 226 of 2021)</i>
6.	Registration of Persons Regulations (Cap. 177 sub. leg. A)	Regulation 4(1)
7.	Marriage Ordinance (Cap. 181)	Section 6
8.	Legitimacy Ordinance (Cap. 184)	Schedule, paragraph 1
9.	Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E)	Regulation 17(2) <i>(L.N. 152 of 2006)</i>
10.	<i>(Repealed L.N. 90 of 2012)</i>	
11.	Land Drainage (Consent and Approval) Regulation (Cap. 446 sub. leg. A)	Section 6
12.	<i>(Repealed L.N. 152 of 2006)</i>	
13.	Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A)	Sections 14(2) and 15(6) <i>(L.N. 261 of 2000)</i>
14.	Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541 sub. leg. B)	Sections 30(2), 31(7) and 31A(2) <i>(L.N. 261 of 2000; L.N. 268 of 2001; 12 of 2014 s. 52)</i>
15.	Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) Regulation (Cap. 541 sub. leg. C)	Section 5(4)

Item	Enactment	Provision
16.	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D)	Section 10(7) and (8), section 11(7) and (8), section 20(2), section 42(11) and (13) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Presiding Officer on polling day) and section 66(7) and (10) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Returning Officer or the Presiding Officer, as may be appropriate, on polling day) ( <i>12 of 2014 s. 52</i> )
17.	Electoral Affairs Commission (Nominations Advisory Committees (District Councils)) Regulation (Cap. 541 sub. leg. E)	Section 5(2)

Item	Enactment	Provision
18.	Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541 sub. leg. F)	Section 12(7) and (8), section 20(2), section 45(8) and (10) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Presiding Officer on polling day), section 66(6) and (9) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Presiding Officer on polling day) and section 102(4) ( <i>12 of 2014 s. 52</i> )
18A.	Electoral Affairs Commission (Nominations Advisory Committees (Election Committee)) Regulation (Cap. 541 sub. leg. H)	Section 6(4) ( <i>L.N. 268 of 2001</i> )



Item	Enactment	Provision
18B.	Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541 sub. leg. I)	Section 7(4), section 8(6) and (7), section 17(2), section 42(8) and (10) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Presiding Officer on polling day), section 64(8) and (10) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Returning Officer on polling day) and section 99(2)(b) ( <i>L.N. 268 of 2001; 11 of 2012 s. 24; 15 of 2016 s. 49</i> )

Item	Enactment	Provision
18C.	Electoral Procedure (Chief Executive Election) Regulation (Cap. 541 sub. leg. J)	Section 4(1), section 9(2), section 25(5) and (7) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Presiding Officer on the polling date), section 44(4) and (6) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Returning Officer on the polling date) and section 80(2) ( <i>L.N. 282 of 2001; 11 of 2012 s. 24; 15 of 2016 s. 49</i> )
19.	Legislative Council Ordinance (Cap. 542)	Sections 13(2), 14(2), 40(2) and 42(2) ( <i>21 of 2001 s. 76</i> )
20.	District Councils Ordinance (Cap. 547)	Sections 23(2), 25(2), 35(2) and 63(2)(3 ( <i>of 2013 s. 18</i> )
21.	<i>(Repealed L.N. 156 of 2013)</i>	
22.	Chief Executive Election Ordinance (Cap. 569)	Sections 16(3) and (8) and 33(2) and the Schedule, sections 3(4) and 21(2) ( <i>21 of 2001 s. 76</i> )
23.	Election Committee (Appeals) Regulation (Cap. 569 sub. leg. A)	Section 3(2) ( <i>L.N. 268 of 2001</i> )
24.	Rural Representative Election Ordinance (Cap. 576)	Sections 8(2), 10(2), 24 and 26(2) ( <i>2 of 2003 s. 68; 5 of 2014 s. 2</i> )
25-26.	<i>(Repealed L.N. 152 of 2006)</i>	
27.	<i>(Repealed L.N. 215 of 2007)</i>	

Item	Enactment	Provision
28.	Arbitration Ordinance (Cap. 609)	Section 67(1) ( <i>17 of 2010 s. 112</i> )