

## CHAPTER 2

### COMPOSITION OF THE ELECTION COMMITTEE

#### PART I : THE SECTORS AND SUBSECTORS

2.1 The EC is composed of 4 sectors. The 4 sectors of the EC, their 38 constituent subsectors, and the number of EC members allocated to each of the subsectors [s 2 of the Schedule to the CEEO] are shown in **Appendix B**.

2.2 The 4 sectors comprise:

- (a) industrial, commercial and financial sectors;
- (b) the professions;
- (c) labour, social services, religious and other sectors; and
- (d) members of LegCo, representatives of district-based organisations, Hong Kong deputies to NPC, and representatives of Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference ("CPPCC").

2.3 The 38 subsectors comprise:

- (a) the NPC subsector;
- (b) the LegCo subsector;

- (c) the religious subsector;
- (d) 24 subsectors and the social welfare subsector (the part for individual voters only) having the same constituents as the corresponding functional constituencies (“FCs”) of the same name. These subsectors and their constituents are shown in **Appendix C**; *[Amended in September 2006]*
- (e) 3 pairs of subsectors, each pair corresponding to 1 FC. They are: the education subsector and the higher education subsector corresponding to the education FC, the tourism subsector and the hotel subsector corresponding to the tourism FC, and the Hong Kong and Kowloon District Councils (“DCs”) subsector and the New Territories DCs subsector corresponding to the DCs FC. Their constituents are shown in **Appendix D**; and
- (f) 5 subsectors having no equivalent FCs and are known as “optional subsectors”. They are the Chinese medicine, CPPCC, Employers’ Federation of Hong Kong, Hong Kong Chinese Enterprises Association and social welfare (the part for corporate bodies only) subsectors. Their constituents are shown in **Appendix E**.

2.4 Members are returned to the EC through an election by the voters of each subsector, with the exception of the NPC subsector, the LegCo subsector and the religious subsector. The Hong Kong deputies to the NPC and the members of the LegCo are ex-officio members of the EC, whilst members from the religious subsector are returned by way of nomination by the 6 designated bodies of the subsector.

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

2.5 Before the office of the CE becomes vacant on the expiry of a 5-year term, subsector ordinary elections/nominations of the religious subsector will be conducted to form a new term EC which will then elect the new term CE. An interim register (“IR”) of the members of the new term EC shall be compiled and published within 7 days after the results of the EC subsector ordinary elections are published. The Electoral Registration Officer (“ERO”) shall compile a final register (“FR”) of members of the new term EC on the basis of the IR of EC members, taking into account any amendments made, and publish the FR on the date when the term of office of the new EC commences [s 40 of the Schedule to the CEEO]. The FR of the current term EC members will not cease to have effect upon publication of the IR but will cease to have effect on the publication of the new FR [s 43 of the Schedule to the CEEO].  
*[Added in September 2006]*

2.6 An EC member will be eligible to make nomination at the CE election and to vote at the poll unless he has become disqualified to do so under ss 16(5) and 26 of the CEEO. *[Added in September 2006 and amended in January 2010]*

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

2.7 The ERO may from time to time update the membership of the EC to reflect changes in the ex-officio membership of the EC by publishing a notice listing the names so added or removed [s 41 of the Schedule to the CEEO]. *[Amended in September 2006]*

**Provisional Register of EC Members and Omissions List**

2.8 When a vacancy arises in the office of the CE otherwise than due to expiry of the term of office, the ERO shall compile a provisional register (“PR”) of members of the existing EC within 14 days after the declaration of the vacancy. In compiling the PR, the ERO shall scrutinise the existing FR of the members of the EC, and strike out the names of persons (other than ex-officio members) whom the ERO is satisfied on reasonable grounds that they have passed away, resigned or deemed to have resigned from the EC<sup>2</sup>, or ceased to be eligible to be registered, or have been disqualified from being registered, under the Legislative Council Ordinance (Cap 542) (“LCO”) as an elector for a geographical constituency (“GC”). The name of such members would be entered on an omissions list [ss 4(1), (3), (4)(a) and (b) of the Schedule to the CEEO]. The ERO will make the PR and the omissions list available for public inspection at the Registration and Electoral Office (“REO”)

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<sup>2</sup> According to section 3(2) of the Schedule to the CEEO, an EC member (other than an ex-officio member) is deemed to have resigned from the membership of EC if he is also registered as an ex-officio member of the EC (ie a Hong Kong deputy to the NPC or a LegCo member). Besides, if EC members representing the Hong Kong and Kowloon DCs, New Territories DCs, CPPCC or the Heung Yee Kuk (“HYK”) subsector cease to be members of the DC, Hong Kong members of the National Committee of the CPPCC, or the Chairman or Vice-chairmen or Councillors of the Full Council of the HYK respectively, they are deemed to have resigned from the membership of the EC. They will cease to be EC members unless the cessation of membership is due to the expiry of the term of office in their respective representing bodies, and they are members in the immediately following term of office of the bodies concerned. [S 3(1), (1A), (1B) and (1C) of the Schedule to the CEEO.]

for a period of 7 days. The time and place where they can be inspected will be published in the Gazette and in newspapers. In addition the PR and the omissions list will be made available for public inspection at District Offices for the specified period. Upon request by a person imprisoned or held in custody by a law enforcement agency, the ERO may make available, at a penal institution or the premises of a law enforcement agency as the case may be, a copy of the PR and the omissions list for his inspection if the ERO considers it appropriate to do so. The ERO may require persons who want to inspect the PR and/or the omissions list to produce an identity document and complete a form furnished by him. [S 4(5) of the Schedule to the CEEO and ss 25(1), (2), (4), (5) and (6) and 29(1), (3), (4) and (5) of the EAC (ROE) (FCSEC) Reg] *[Added in September 2006 and amended in January 2010]*

### **Objections and Claims**

2.9 On or before the last day of the specified period, any person can lodge in person with the ERO an objection against any entry in the PR, and any person whose name has been included in the omissions list can lodge a claim in person with the ERO in respect of the omission of his name. To facilitate a person imprisoned or held in custody by a law enforcement agency to make such an objection or claim, he is allowed to deliver a notice of objection or claim to the ERO by post [s 48 of the Schedule to the CEEO and ss 30 and 31 of the EAC (ROE) (FCSEC) Reg]. *[Added in September 2006 and amended in January 2010]*

### **Final Register of EC Members**

2.10 Based on the EC PR published, the EAC will ascertain the number of members representing each subsector (other than the NPC and LegCo subsectors) to see if the number of members representing a subsector is less than the number of members allocated to the subsector. For subsectors

where vacancies are identified, supplementary nomination(s) (in the case of the religious subsector) and/or subsector by-election(s) will be arranged to fill such vacancies [s 5 of the Schedule to the CEEO]. *[Added in September 2006]*

2.11 **Within 7 days after the results of the subsector by-election(s) are published, the ERO will compile and publish the FR of the existing EC** [s 40(2) of the Schedule of the CEEO]. For supplementary nomination(s) (in the case of the religious subsector), the ERO shall compile and publish the EC FR within 7 days after a nominee is declared as an EC member, unless the period during which the nomination is to be made and the nomination period for a subsector by-election coincide or partly coincide [s 40(3) of the Schedule of the CEEO]. This EC FR, which will be made available for public inspection at the REO and all of the District Offices, will include:

- (a) changes, if any, in the ex-officio membership of the EC (see para. 2.7); and
- (b) new members returned by the supplementary nomination(s) and/or subsector by-election(s) (see para. 2.10).

The time and place where the FR can be inspected will be published in the Gazette and in newspapers. Publication of the notice is to be taken as the publication of the FR. Upon request by a person imprisoned or held in custody by a law enforcement agency, the ERO may make available, at a penal institution or the premises of a law enforcement agency as the case may be, a copy of the FR for his inspection if the ERO considers it appropriate to do so. The ERO may require persons who want to inspect the FR to produce an identity document and complete a form furnished by him. [S 39(1), (2), (4) and 4(A) of the EAC (ROE) (FCSEC) Reg] *[Added in September 2006 and amended in January 2010]*

2.12 An EC member will be eligible to make nomination and to vote at the CE election unless he has become disqualified to do so under ss 16(5) and 26 of the CEEO. *[Added in September 2006]*